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# Broadcasting reform in Ghana: A critical analysis of broadcasting policy and regulatory change 1994-2008

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# BROADCASTING REFORM IN GHANA: A CRITICAL ANALYSIS OF BROADCASTING POLICY AND REGULATORY CHANGE 1994-2008

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A thesis submitted to the Faculty of Humanities University of the Witwatersrand, Johannesburg, in fulfillment of the requirements for the degree of Doctor of Philosophy (PhD)

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## Abstract

This study is a critical policy analysis on broadcasting reform in Ghana between 1992 and 2008 with a particular interest in critically tracking and examining the changes that occurred in broadcasting policy and regulation. Beyond the intrinsic value and relevance of policy and regulation, this study focuses on the factors and forces that are generative of the changes as occurring within the context of a defunct military regime to a more pluralistic, multi-party and open participatory democratic political system. Also, in focus are the ways in which the policy and regulatory changes occurred, the impact of the changes on the Ghanaian broadcasting system and its structures. The study not only examined and corroborated related policy and regulatory documents from primary and secondary sources but also garnered insights of policy-making "actors" interviewed. Finally, the study determines the policy and regulatory gaps in an attempt to provide recommendations for a new broadcasting policy and regulatory direction for the country.

**Declaration**

I declare that this thesis is my own unaided work. It is submitted for the degree of Doctor of Philosophy, at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any other degree or examination at any other university.

---

Abubakari Sidick Ahmed

----------day of .....2012

**Dedication**

To my family, doctors, nurses and true friends
Who took excellent care of me when I fell ill
With sincere thanks
for their love, encouragement and hope during the writing of this thesis.

**Acknowledgement**

I first acknowledge Almighty ALLAH, the most Gracious, the most merciful and to whom I commit my life and soul and believe has empowered me to finally accomplish what seemed like a near impossibility having been suddenly struck with liver failure on my very first research information gathering trip to Ghana and later had to undergo a critical transplant surgery at the Wits Donald Gordon Medical Centre in Johannesburg after one and half years of hospitalization.

I owe a debt of gratitude to many a person. It is difficult to acknowledge the varied assistance I received from each of them: for some it was their precious time, valuable research material, willingness and availability for personal in-depth interviews, discussions, proof reading, comments and suggestions. For others it was words of encouragement, hope and support.

I reserve a special mention to my wife Barikisu, who roundly stood by me despite the odds throughout the entire research process. I also recognize the emotional support from my aunt Khadija Musah, my sister Ramatu Ahmed, my brother Rashid Amadu, and my Pro-Vice Chancellor Professor Kwesi Yankah and my trusted friend and brother Abdallah Ali Nakyea.

On a more academic level, my indefatigable, energetic, and enthusiastic supervisor, the Dean of the Faculty of Humanities Professor Tawana Kupe deserves a unique mention for his incisive and constructive comments and guidance which stimulated my desire and quest for knowledge which sharpened my mind on critical thinking, analysis and problem-solving.

Professor Tawana Kupe was indeed my giant and tower of academic excellence during the research and on whose shoulders the future of the broadcasting policy and regulation landscape in Ghana was clearly and unambiguously captured in this thesis for posterity as a trail blazer.

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# Abbreviations

| | |
|---|---|
| ACHPR | African Union Charter on Human and Peoples Rights |
| AFRC | Armed Forces Revolutionary Council |
| APBC | Association of Private Broadcasters Company |
| APRS | Association of Private Radio Stations |
| BCCSA | Broadcasting Complaints Commission of South Africa |
| CPP | Convention People's Party |
| DOC | Department of Communications |
| FR&CB | Frequency Registration and Control Board |
| FES | Freidrich Ebert Foundation/Stiftung |
| FR&CD | Frequency Registration and Control Decree |
| FR&CR | Frequency Registration and Control Regulation |
| GBA | Ghana Bar Association |
| GBC | Ghana Broadcasting Corporation |
| GCRNET | Ghana Community Radio Network |
| GIBA | Ghana Independent Broadcasters Association |
| GIFTEL | Ghana Investment Fund for Telecommunications |
| GJA | Ghana Journalists Association |
| GTV | Ghana Television |
| GPRS | Ghana Poverty Reduction Strategy |
| IBA | Independent Broadcasting Authority of South Africa |
| ICASA | Independent Communications Authority of South Africa |
| ICT4AD | Ghana ICT for Accelerated Development |
| IEA | Institute of Economic Affairs |
| IMF | International Monetary Fund |

| | |
|---|---|
| ITU | International Telecommunications Union |
| LI | Legislative Instrument |
| MDA'S | Ministries Departments and Agencies |
| NCA | National Communications Authority |
| NDC | National Democratic Party |
| NCD | National Commission on Democracy |
| NDPC | National Development Planning Commission (NDPC) |
| NLC | National Liberation Council |
| NLCD | National Liberation Council Decree |
| NMC | National Media Commission |
| NPP | New Patriotic Party |
| NRC | National Redemption Council |
| NRC (D) | National Redemption Council (Decree) |
| NTP | National Telecoms Policy |
| NUGS | National Union of Ghana Students |
| OAU | Organisation of Africa Unity |
| PANA | Pan-African News Agency |
| PBS | Public service broadcasting |
| PDA | Preventive Detention Act of 1958 |
| PNDC | Provisional National Defense Council |
| PP | Progress Party |
| SAP | Structural Adjustment Programme |
| SATRA | South African Telecommunications Regulatory Authority |
| SMC | Supreme Military Council |
| SMCD | Supreme Military Council Decree |

| | |
|---|---|
| UN | United Nations |
| UNESCO | United Nations Education Social and Cultural Organisation |
| URTNA | Union of National Radio and Television Organisation of Africa |
| UTAG | University Teachers Association of Ghana |
| VAT | Value Added Tax |

# Chapter 1

# Introduction

## 1.1 Background

Ghana, like many African countries, has seen key policy and regulatory reforms or changes in its socio-political and economic life throughout the colonial and post-independence period. Inherently, some of the reforms were "cosmetic" whilst others were genuine but maintained the legacies of the past. Such is the case of the continuities of some colonial media policies and regulatory regimes of centralism and absolute control of the state by the government. Of interest to this study is media policy, in particular the changes in broadcasting policy and regulation between 1992 and 2008. Prior to the promulgation of the 1992 Constitution and democratisation, the broadcasting system and structure was monolithic.

The post-democratisation period on the other hand is pluralistic but minimally diverse with private independent participation. The structure of this new system is defined by the three-tier system of broadcasting namely public, commercial and community. However, after more than a decade of relatively positive systemic and structural changes, the study sought to find out whether the dynamics of the changes, how they occurred, their impact on broadcasting policy-making and regulation are all indicative of positive gains or suggest retrogression. The study is therefore interested in the bigger but often ignored picture of policy and regulation which inevitably intervenes and defines systems, structures and practice.

## 1.2 Aim and Rationale

The aim of this thesis is to critically explore media reform in Ghana with specific emphasis on broadcasting from 1992 to 2008. Of particular interest is to critically examine the changes in broadcasting policy and regulation. The study of the broadcasting policy and regulatory changes in Ghana is interesting for a number of reasons. They include a long history of state ownership and control of the media, piecemeal state-driven reform through the period of military rule, the arrival of multiparty politics and economic liberalization. Further reasons include media reform debates in Africa since the 1990s in the context of broadcasting policy and regulatory reform debates globally, and the emergence of a multiplicity of private and community owned radio and television stations where there used to be state monopoly of broadcasting.

## 1.3 A long history of state ownership and control

Ghana has a long history of state ownership and control of broadcasting dating from the colonial era and extending well into its fifty-four years of political independence. As happened in most Sub-Saharan African countries, independence from colonial rule ushered in one-party systems of government or military rule ostensibly to foster national unity, and Ghana was no exception. Until the authorization of privately owned independent broadcasting systems in some African countries in the 1990s, the government monopolized broadcasting in Ghana through the State-owned Ghana Broadcasting Corporation (GBC). As Eribo and Jong-Ebot (1997: x) conclude about the media of that period: "Having been organized to serve the needs of the various colonial administrations, they became, at independence, ideological tools of the African leaders, and were brought under state control and made to sing the praises of dictators in name of national unity and development."

Broadcasting, especially radio and later television, became ideological and political instruments of "advance administration" placed directly under the Ministry of Information and run by government-remunerated civil servants and a governing board appointed by the Head of State or the President. The broadcasting system was therefore somewhat inaccessible to the people and served as the effective propaganda voice of the ruling elite and party. Thus, the broadcasting system excluded, countered and muted alternative viewpoints, opinions, and dissent generally considered anarchist and anti-establishment (Heath, 2005; Barrett and Burger, 2007)**.**

The broadcasting policy making process was closed and restricted to state "actors" and not subject to any contestations or public negotiations by non-state 'actors." It was simply driven by the political thinking of government. The political thesis of the first president of independent Ghana, Kwame Nkrumah (1957-1966) on "neocolonialism" in part explains his control of the media especially broadcasting and rejection of private ownership of the mass media. In his own words: "It is part of our revolutionary credo that within the competitive system of capitalism, the press cannot function in accordance with a strict regard for the sacredness of facts, the press, therefore, should not remain in private hands" (Nkrumah, 1963: 4). Such policy orientation impacted significantly on the practice of journalism after independence and bore the following factors: political interference in the management and organisation of the media; restrictions on press and media freedoms; governmental restraints on journalistic efforts to report and criticize governmental conduct and policies; arrests, detention and other forms of physical harassment of journalists; forced retirement, redeployment and instant dismissal of editors, Director Generals and other decision-makers in the state-owned media organisations; covert and overt official censorship, extreme self-censorship and blatant and undue sycophancy of political figures and

people in authority (Kwame Boafo, 1988). These features have been more or less pronounced from one administration to the other.

The first significant intervention to address the long history of the state's hold on the media, especially broadcasting, was during the third republican period (1979-1981) of President Hilla Limann with the establishment of a Press Commission as provided for in the third republican Constitution. The functions of the Commission included the appointment of the chief executives and the members of the governing boards of the state-owned media, the formulation of measures to safeguard the freedom and independence of the press, the maintenance of the highest professional and journalistic standards in the media and to investigate and adjudicate on complaints made against and by media practitioners (The Third Republican Constitution of Ghana, 1979).

The establishment of the press commission in the 1970s within the African context was a trail-blazer experiment. With regards to this, Kwame Boafo observes in 'Ghana's Press under the PNDC: Performance under Confinement':

> The press Commission was a unique experiment in Black Africa of divorcing state-ownership of the mass media from governmental control and to ensure high standards of professionalism in the media. It was a mechanism designed to insulate the state owned media organisations from government encroachments.
>
> (Kwame Boafo: *Gazette*, vol. 35. No. 2, 1985: 3-82)

This trail-blazing process was truncated within twenty months of the coming into office of the third republican elected government of President Hilla Limann by a second coup d'état in 1981 led by Flight-Lieutenant Jerry John Rawlings which ushered in the rule of The Provisional National Defense Council (PNDC). The military dictatorship that ensued under the PNDC regime (1981-1992) was a nightmare for journalists. There were two options for journalists – to

either become a sycophant and support the revolution or write and speak against it and be damned. The Essah Committee set up to look into the condition of journalists in the public service summarized the situation thus:

> Journalists hold their heads low in society because they know what they are part of but cannot change. Nor can they resign easily because they see few other avenues open to them to practice their trade [...] journalists in the public service have largely become objects of hatred and contempt in the society that normally expects so much of them. Instead of being regarded as leaders of public opinion, they are almost generally regarded as stooges, ignorant dealers in misinformation or perverters of truth.
>
> (Report on condition of service of public service journalists, 1978)

The above quote is a vivid description of the decadence of the state of journalism and media practice prior to democratization in the 1990s. Policies of autocratic military regimes and pseudo-democratic governments turned the media into "lapdogs" and "guard dogs" of regimes instead of their traditional role as the "fourth estate" and "watchdogs" of society in general and the rulers in particular. This thesis is not oblivious of the fact that this trend has, in varying degrees, been perpetuated into the current democratic dispensation and corporatism.

### 1.4 Piecemeal state driven reform through the period of military rule

Despite this long history of state ownership and control, there has been piecemeal reform of the policy and regulatory framework often linked to reforms in politics and the economy. The National Liberation Council (NLC) military regime that toppled the Nkrumah government in 1966 adopted a free market policy, in direct opposition to Nkrumah's policies of state control. With regard to media policy, the NLC military regime outlawed Nkrumah's censorship regime and the ban on foreign correspondents, and repealed the much feared Preventive Detention Act (PDA) of 1958.

This culminated in a proliferation of newspapers such as the highly critical University of Ghana *Legon Observer* but broadcasting remained a government monopoly. However, the regime banned publications perceived as Nkrumah's ideological tools and the media was free to the extent that they offered "constructive criticism" as perceived by the military authorities. The state-owned Ghana Broadcasting Corporation (GBC) Decree of 1968 (NLCD 226) was enacted by the National Liberation Council (NLC) military regime that overthrew the Nkrumah elected government in 1966 as the new instrument of incorporation with a rather confused mandate to provide public service programming as a state institution.

However, as introduced for the first time in Section 2 (1) of NLCD 226 "the objects of the Corporation shall be...to undertake Sound, Commercial and Television broadcasts." This signified a significant policy shift from Nkrumah's stance against commercial broadcasting and laid the foundation for the hybrid system that has dogged GBC till today. The NLC earlier enacted the repealed Ghana Broadcasting Corporation Instrument, 1965 LI 472 to establish the Ghana Broadcasting Corporation to replace Ghana Broadcasting Company under LI 474.

The corporation was to provide independent and impartial broadcasting services allowing divergent views and opinions on matters of public interest, equal airtime to all political parties and religious bodies. This mandate remained theoretical. The degree of implementation of this public service requirement by the Ghana Broadcasting Corporation (GBC) prior to the liberalisation of the airwaves in 1995 was dependent upon the disposition of the government in power. Subsequent military administrations continued with "cosmetic" piecemeal attempts at legislation by decrees.

The post National Liberation Council (NLC) from 1975 to 1993 saw the enactment of NRCC 334 that increased the Deputy-Directorship from 1 to 2, vested more powers in the Director General which had hitherto belonged to the board. The Director General became empowered to exercise control over the conduct of all employees of the Corporation and responsible for dealing with issues related to pay, privileges and allowance of the corporation's employees as laid down by the board. Other changes included the statutory conversion of the Corporation to Companies Act, 1993 (Act 461), statutory conversion to companies (Schedule Amendment). Instrument 1998 (LI) 1648) amended the Schedule to include other Statutory Corporations but not GBC, which remains a statutory Corporation. This constitutes a strong indication to keep GBC as a state-owned public broadcaster under the control and influence of government. In fact, the New Patriotic Party (NPP) while in opposition between 1992- 2000 sued GBC and prayed the court for equity in the allocation of time and space to rebut the government readings of the budget to parliament. The NPP won the case and GBC was directed and compelled to meet the demands of the NPP.

The decision of the court was the first to test government control of the state-owned media. The 1970s to the early 1990s saw the passing of several restraining media laws, decrees, and regulations as well as the creation of related institutions. In particular is the Telecommunications (Frequency Registration and Control) Decree, 1977 (SMCD 71) passed by the Supreme Military Council (SMC) with the subsequent creation of the Frequency Registration and Control Board (FRCB) to allocate and control the use of radio frequencies by commercial and amateur radio operators among other things. Interestingly, the allocation of radio frequencies for independent private operators was never implemented.

Then in 1984, the Provisional National Defense Council (PNDC) amended the Frequency Registration and Control Regulation, 1977 (LI 1121) with LI 1302 to raise license fees for radio frequencies. The period 1972-1979 of the National Redemption Council (NRC) which was reorganized into Supreme Military Councils (SMCD) I & II, the Armed Forces Revolutionary Council (AFRC) and the Provisional National Defense Council (PNDC), saw a shift in communication policy direction towards tighter government control of the media, including broadcasting. This period was characterized by several laws and regulations restraining freedom of expression and of the press.

The restrictive laws and regulations include the Defamation of Newspaper Decree, 1972 (NRCD 89); Control of Publication Repeal Decree, 1972 (NRCD 109); Newspaper Licensing Decree, 1973 (NRCD 161); Newspaper Licensing Regulations, 1973 (LI 810); Prohibition of Rumour Decree, 1973 (NRCD 182); Prohibition of Rumour (Repeal) Decree, 1974 (NRCD 287); Prohibition of Rumour Decree, 1977 (SMCD 92); Newspaper Licensing Law, 1989 (PNDCL 211), and the Newspaper Licensing Regulation, 1989 (LI 1417). These laws in varied ways led to the harassment and detention of journalists. In particular the Newspaper Licensing Law, 1989 (PNDCL 211) ushered in a time in the annals of press freedom in Ghana referred to as the period of "culture of silence" during which the press but for a few daring ones, were either compelled to shut down or go underground for fear of state retribution

### 1.5 Multiparty politics, economic liberalisation and media reform debates

The 1990s saw a radical transformation of politics and economic policies in Africa from state control to some degrees of pluralistic politics and social organization. In the specific case of Ghana, the 1992 constitution ushered in multiparty politics that saw the establishment of new political structures and institutions and the holding of regular competitive general elections. The

adoption of neo-liberal economic policy through the instrumentality of the IMF and the World Bank saw the opening up of the Ghanaian economy to market forces. It meant among other things, changes in both fiscal and monitory policies, which in turn led to the imposition of structural adjustment programmes.

The conditionalities of structural adjustment were such that government had to divest itself of state-owned enterprises such as the state-owned media thereby ending the long history of government control over the media especially broadcasting, and to allow for private participation in a deregulated economy. The theoretical assumption for the commercial approach in the literature is based on the conception of the market as the appropriate "institution" to foster a democratic public sphere. Scholars of critical political economy approach (McChesney, 2000 and 2003; Bagdikian, 1992) present a contrary argument. The dual force of political and economic pressures both locally and internationally played a critical role in the changes of broadcasting policy orientation. Much as African scholars have produced work on media and development, there seems to be a dearth of trenchant criticism on the role of media in the democratisation process in Africa. Be that as it may, a growing body of literature underscores the important role of the media especially broadcasting, in the democratization process in Ghana and Africa as a whole.

Ronning (1998) argues that in Zimbabwe, which is equally true of Ghana, it was the media together with civil society and academics that provided dissenting voices and opinions on the democratic process. In the case of Ghana, post-liberalisation has seen a situation where broadcasting policy is being driven by broadcasting stations and the public through informal interactive participatory phone-in programmes and professional surveys. The transparent electoral successes chalked in the 2000 and subsequent general elections for the peaceful transfer

of power from one administration to the other, underscore this reality. Similar conclusions are drawn of South Africa.

The emergence of new telecommunications and broadcasting technologies and the envisaged convergence of these technologies, together with the plurality and diversity of voices that would be engendered, heightened the expectations of a deepening role of the media in the democratic process. The elaborate provisions in the new 1992 Constitution and the liberalisation of the airwaves in 1995 echoed this acknowledgement. The entirety of Chapter 12 of the new 1992 Constitution of Ghana deals with the Freedom and Independence of the Media. In particular, the National Media Commission (NMC) was created to regulate and insulate the media especially the state-owned media from governmental control and to adjudicate on media complaints and promote highest journalistic standards.

Linked to the opening up of political space were media reform debates revolving around the notion of press freedom and "liberalisation of the airwaves." The debates were spearheaded by non-state "actors" and advocates, in particular media and communication scholars, experts, activists, organisations and human rights personnel. This deluge of activism in the 1990s coupled with the wind of democratic change blowing across the African continent, culminated in the production of two historic documents: The Windhoek Declaration[1] on Promoting an Independent and Pluralistic Press in 1991 and the African Charter on Broadcasting[2] of 2001 respectively.

The Windhoek Declaration is a non-treaty declaration on the press but with moral authority coming out of UNESCO-organised conferences with international consensus endorsed by the UN General Assembly. The Charter on broadcasting on the other hand was adopted by human rights organisations, the international media and media practitioners. However, the Charter on

broadcasting has not been adopted by any inter-state structures in Africa even though it is a product of a consensus of media and human rights experts internationally (Open Society Institute Network, 2010).

The key issues that informed the debates on the liberalisation of the airwaves were the interplay of the long culture of government monopoly of broadcasting and the dominance of the state in the media and communications policy-making process on one hand, and the advocacy for change towards the democratisation and institutionalization of the three tiers broadcasting system (public, commercial and community) comprising commercial and community broadcasting on the other. There was a push towards a truly independent public broadcasting service to serve the public interest and not just the state or government as had always been the case.

The varied responses to the reform debates and outcomes speak to the challenges of theorizing broadcasting reform debates. Fackson Banda in his epilogue: "Media reforms in Africa – A theoretical commentary" in Moyo and Chuma (2010: 279) provides three reasons for the theorizing of media reform debates in Africa. He argues that the African continent is so chequered with regard to its media policy reform experiences, differences in colonial legacies (British, French and Portuguese) and the fact that African debates are basically an extension of Western debates located either within the colonial paradigm or the current imbalance in global flow of information from the "developed to the developing world."

Banda's argument on the challenges in theorizing media reforms in Africa resonates with other African critical theorists (Ansah 1991a; Ansah 1994a; Karikari 1998; Berger 1999; Ansu-Kyeremeh 1999-2001). Kasoma's (1999) *Neo Multiparty Theory of the Press Donor Aid and other Influences on Broadcasting in Africa* finds expression in the particular case of theorizing

media reforms in Ghana. During the transition to democracy, pressures from western financial institutions, donor agencies and globalization compound the problem. While these debates were raging in earnest in Ghana, some private citizens decided to go on air without authorization from government on November 19, 1994.

Government reacted swiftly to locate and stop the "illegal" broadcast by not only confiscating the broadcasting equipment but arresting and prosecuting operators of a private radio station – Radio Eye and charged them with installing and using telecommunications apparatus without authorization. This singular infamous act of government intensified civil agitation for the "liberalization" of the airwaves. It was in this context that on December 6th 1994, the then Minister of Information Mr. Kofi Totobi Quakyi in his address to parliament announced the intention of government to liberalize the airwaves and reform the broadcasting system and structures to not only allow for private participation in broadcasting but to also end the long history of government monopoly in broadcasting.

### 1.6 Broadcasting and regulatory reform debates globally

African reform debates also occurred within the context of global debates on globalization of broadcasting markets, privatization of state-owned broadcasting monopolies and the transformation of state controlled into independent public service broadcasting organizations. The rest of the reform debates focused on the concentration and diversity of media ownership, impact of commercialization on the public media, the role of public broadcasting in serving the public interest and sustenance of democracy, citizenship and independent broadcasting regulation.

## 1.7 Emergence of a pluralistic broadcasting environment

The end of state monopoly and control of broadcasting through the promulgation of the 1992 Constitution propelled the reform process, culminating in a phenomenal proliferation of broadcasting stations from 1995. It appears that the privately owned stations have contributed significantly to the consolidation of multi-party politics and access to alternative voices. Empirically though, the liberalisation of the airwaves that ushered in private independent participation has introduced another form of threat in the form of ownership and corporate control of the mass media as aptly observed by (Amoakohene in Puplampu and Tettey, 2010) in her study on the relationship between the mass media and various political regimes in Ghana since independence in 1957:

> Increasingly, the lines between politics and the media are becoming blurred by the lack of financial independence which compromises journalistic independence and results in media bias as well as by many situations and interventions. With the increasing number of media outlets owned and/ or managed by politicians and political activists whose raison d'être is to promote and advance the interests of political parties they support or belong to, the watchdog concept gets corrupted and so also does media ownership by business people whose own motivation is the profit margin. Both categories of media owners are on the increase in Ghana today.

The factors discussed above raise a number of research questions:

## 1.8 Research Questions

1. What factors or forces influenced changes in broadcasting policy and regulation in Ghana from 1992-2008?

2. In what ways has broadcasting policy and regulation changed in Ghana from 1992 to 2008?

3. What has been the effect of the changes on the Ghanaian Broadcasting system and its structures?
4. What broadcasting policies and regulations does Ghana need to create a pluralistic and diverse broadcasting system and structures?

## 1.9 Conclusion

This chapter sought to highlight the perspectives of state and non-state actors on the broadcasting policy and regulatory environment in Ghana between 1992 and 2008. A complete understanding of the period however necessitated appreciation of the historical and contemporary factors and forces that served as catalysts for the changes. The factors and forces established include a genuine national imperative to open up the airwaves as part of democratisation, the liberalisation of the airwaves and emergence of the first unauthorized radio station (Radio Eye) preceded by the political changes, pressures from western governments and financial institutions, the winds of democratic change in Africa and developing countries, the promulgation of the 1992 constitution, and the setting up of regulatory framework and institutions.

Equally highlighted are the legal and regulatory ambivalences that characterize the operations of the regulatory institutions as well as their relationship with other governmental and non-governmental institutions and organisations, including how they enable or constraint the operations of one another. Perspectives on the state-owned GBC, the NMC and the NCA are discussed including the controversy regarding the allocation of broadcasting frequency. The independence of the regulatory bodies is outlined.

# Chapter 2

# Conceptual and theoretical framework and literature review

## 2.1 Introduction

The literature and theoretical framework will draw from three sources: theories on the role of media in democracy; critical political economy as it pertains to policy and regulatory frameworks, and literature on media and democracy in Ghana and Africa, specifically the normative theories on the roles of media and democracy.

Broadcasting has certain types of roles. What are the normative theories in the literature? I am triangulating my theory with critical political economy in order to have a good insight into the kinds of factors that often curtail the normative roles. However, I am also interested in policy issues and critical political economy is apt for extricating questions of policy and regulation, which is the best way of analysing what has happened in Ghana. However, I am writing in the context of sparse theorizing, writing and research of the critical analytical type on African broadcasting systems, especially on recent developments and changes.

## 2.2 The normative roles of the media and democracy

The consensus in the literature is that the ideal roles of the media in society are to inform, analyse, educate, and act as a watchdog over all powerful interests and forces in society, public or private. It is generally agreed as well, that media should provide an open forum for debate and discussion as well as a voice for all and act as an agency for cultural representation and entertainment (Rozumilowicz, 2002; Keane, 1991; McQuail, 1994: 2000; Curran, 2000a; 2000b; Briggs and Burke, 2002).

### 2.2.1 Inform

One of the key normative roles of broadcasting is to inform the citizenry through news about political, social, economic and cultural developments. In essence, the argument is that broadcasting in a democracy should nurture citizenship and empower the citizenry by informing them not only of their rights, liberties and responsibilities but also on how to exercise them (Murdock, 1992; Ronning, 1994; Wasburn, 1995; Berger, 1999; Opoku Mensah, 1998; Ansah, 1991a; 1991b; 1994). An informed society is a knowledgeable one – a fundamental element of democracy (Golding and Murdock, 1997). According to Wasburn (1995:647):

> In modern democratic states, citizens largely depend, directly and indirectly on the media to provide most of the material out of which they construct their understanding and subsequently form their evaluations of political structures, policies, actors and events, the press stimulates the public's potential interest and makes available specific information it needs to hold government accountable.

The media informs the populace through a variety of ways paramount of which are factual reporting of events, issues, entertainment, sports and weather. The media thus establishes channels of communication in a society on one hand and between the rulers and ruled on the other. Information is power and it enables the citizenry to make decisions about issues affecting their daily lives Opoku-Mensah (1998). This helps society to clarify its objectives, formulate policy, coordinate activity and manage itself (Curran, 2000). The dissemination of accurate and timely news and background information on aspiring political candidates and party manifestos stimulates further discussions as to the choice of political leadership for a country (Murdock, 1992).

### 2.2.2 Analysis

The analytical role of broadcasting complements significantly, the information role. Analysis should ideally provide an in-depth presentation of background and context together with perspectives from different angles, especially in young democracies. Harold Laswell (1948, 1960) is cited by Severin and Tankard Junior (1979) as having considered the analytical role of the media under its "correlation" function of selecting and interpreting information in order to keep government in check.

### 2.2.3 Educate

Broadcasting is ideally better suited to play a role in providing formal and informal education to the citizenry (Briggs and Burke, 2002). In Africa, radio is the most accessible and affordable means of communication, information dissemination and reception, owing to the very low literacy rates in the continent. Radio is widely popular and dispersed even in inaccessible communities. It has the highest penetration rate in Africa and Ghana in particular, as compared to other forms of media.

### 2.2.4 Watchdog

As a watchdog, the media is supposed to hold all powerful figures and institutions accountable to the public by fearlessly exposing abuses, misconduct and corruption in both public and corporate life through investigative journalism (Curran, 1991; Kean, 1991; McQuail, 1988 and 1992; Bagdikian, 1997; Curran, 2000b). Kasoma (1999) argues for a responsible watchdog role and not the type that goes "barking at, charging and biting everyone in sight, including those who have not provoked it." But a responsible watchdog is equally not a "lapdog" or a "guard dog". A restricted or silenced watchdog role that fears advertisers and corporate forces and only sees corruption in the public sector is an aberration (Kupe, 2003c; Curran, 2000b).

### 2.2.5 Open forum for debate and discussion

The role of broadcasting as an open forum for debate and discussion points to the significant democratic function it should play in fostering free speech and free expression in an open pluralistic and diverse society. The Habermasian notion of the media as a public sphere becomes relevant to this discussion (Habermas, 1989; Croteau and Hoynes, 2001; Boyd-Barrett and Newbold, 1995; McChesney, 2000b). Habermas conceptualizes the media as a public sphere, an open public forum of deliberative discourse of ideally equals, characterized by exchange of views, opinions and information of common or public interest.

The argument is that the ultimate goal of the public sphere is to galvanize and concretize public opinion for the common good (Dahlgren, 2002; Skogerbo, 1996; Garnharm, 1986). The public sphere according to Habermas is “refeudalised” when there is either state or private domination, intervention, control or commodification of cultural representation, thereby displacing the role of the public in the process (Curran, 2000b; Dahlgren, 2002). In debates about policy and regulatory reforms, one of the key issues is the need to create a genuine public sphere out of the media as an institution. The aim of the institution is specifically to transform state broadcasters into genuine public media for all publics in order to approximate the Habermasian notion of the media as an open public sphere (McChesney, 1998; Boyd-Barrett and Newbold, 1995).

### 2.2.6 Entertainment

The role of broadcasting to entertain transcends the basic notion of distraction to the conveyance of direct or indirect messages of political, social, cultural and educational significance. Broadcasting is supposed to appeal to both our rationality in news, current affairs and educational programming and to our fantasies in drama, theatre, political cartoons and films. It is

also envisaged that broadcasting should promote local indigenous entertainment forms, artists and groups nationally and internationally.

The exclusion of entertainment from the democratic roles of the media by classical liberals has been the subject of theoretical arguments across political and theoretical traditions. Curran (1991) and Ronning (1994) have critiqued this omission and advocate for the recognition of this role. According to Curran (1991: 102):

> Entertainment is usually omitted from conventional analysis of the media's democratic functioning because it does not conform to a classic liberal conception of the rational exchange between the rulers and the ruled. But in fact media entertainment is one means by which people engage in intuitive and expressive... public dialogue about the direction of society. Media entertainment is in this sense an integral part of the media's 'informational role'.

Secondly, the conventional assumption that the sole democratic purpose of the public debate staged by the media is to effect changes of government policy and exercise democratic control over the state is too narrow a definition of public dialogue, and too restrictive a definition of its purpose, rooted in a conventional distinction between public and private spheres (Curran 1991:120).

Commenting on this theoretical debate Kupe (1997:20) asserts that the inclusion of entertainment enables "an analysis of media content that does not exclude material that has progressively increased and continues to increase, as the media become more and more commercialised. Further it enables one to analyse that material which appeals to the reader, listener or viewer which is an integral part of the human being." The coinages "infotainment" and "edutainment" underscore the currency of entertainment in today's information and technology age. According to Ronning (1994:7) "infotainment" is the blend of information and entertainment.

"Edutainment" is a mixture of education and entertainment. The ideal role of the media in this direction is to provide entertainment that will help enhance the lot of the people, promote democracy and draw their attention to the issues of societal concern such as crime, violence, corruption, and stereotypes. Highlighting and providing solutions to such menace either through political cartoons, radio or television drama and theatre, soap operas, films are as powerful as written commentaries, debates and discussions on radio and television if not more. Political cartoon is used as a tool to enhance the watchdog role of the media over corrupt officials and exposing them (Allan, 1999). Pictures it is said are more potent than words. Such positive entertainment roles could address the concern that the media "debase taste, pander to preoccupation with trivia, undermine established morality or conversely propagate acceptance of the status quo" (Westergaard, 1989: 98).

### 2.2.7 Cultural representation

Broadcasting is the most appropriate symbolic medium for the cultural expression and formation of identities of a people because of its expressive nature using sound, visuals and moving pictures. Since broadcasting approximates reality, it is desirable that broadcasting promotes the diverse cultures and identities of a given society by emphasizing not only their uniqueness but the diverse artistic beauty that cultures bring to the national and international platform. The ideal roles of broadcasting in society can either be constrained or enabled by the interplay of a variety of factors. These enabling or constraining factors include the political and economic context, ownership, funding and financing as well as the policy and regulatory context, the latter being the central focus of this thesis. The study will discuss these enabling or constraining factors within the framework of critical political economy of the media. There are three main categories of broadcasting: public, commercial and community. Public broadcasting stations are those

operated by a publicly-owned statutory body, which may be wholly or partially state-funded, and which are in all cases accountable to all strata of the people as represented by an independent board, and that serve the overall public interest, avoiding one-sided reporting and programming in regard to religion, political belief, culture, race and gender. Community stations are those that are about, for, by and of a specific marginalized community, whose ownership and management is representative of the community and pursues a participatory social development agenda, and is non-profit, non-sectarian and non-partisan. Commercial Stations are those that are privately owned and operated for profit and controlled privately by independent commercial groups or individuals. The study will dwell in more detail on the concept of public service broadcasting (PSB).

### 2.3 Public service broadcasting: conceptual genesis and evolution

Theorising broadcasting or any phenomena of social communication especially in contemporary times has generally posed a challenge to theorists, academics and policymaking 'actors.' The challenges amongst others, include the rapid transformation of the industry from a government controlled (press, electronic media and telecommunications) system to fast growing converging broadcasting and telecommunications systems. Further challenges are the rapid transformation of a hitherto modest family communication companies into huge monopolistic corporations with so much power and influence in the hands of a privileged few in an industry that is envisaged to create a pluralistic and diverse open sphere (McChesney, 1999; Honeyman, 2003).

Compounding the challenge is the rise of the free market, deregulation or reregulation within which the changes occur and the interplay of other driving factors or forces of capitalism as theorised by Mosco's (1996:143) three entry points of capitalism: "commodification,"

"structuration" and "spatialisation." At this point, it will be instructive to look first at broadcasting as a form of social communication before considering Mosco's three entry points.

Dyson et al (1988: 64) propound three fundamental ideological notions of broadcasting that inform broadcasting policies:

> Social communications as the protection of good taste: social communications as the distribution of information and the sharing of experience according to individual preference and personal choice: and social communications as distribution and sharing of experience, according to need.

The import of broadcasting as a protector of good taste is to preserve and maintain the purity of traditional values and norms from any form of adulteration by the people. The assumption is that there is a difference between what the people need and what they want or desire. Consequently, programmes should be produced and distributed to satisfy people's true need because "broadcasting is seen as remedying some deficiency of knowledge experience" (Dyson et al., 1988: 66). Thus, public service broadcasting is a unique concept with a unique mission and role (Lanara, 2002: 11-25). The idea of trusteeship underlies the establishment of the BBC.

Generally, the genesis of public service broadcasting is traceable to archival documents leading to the creation of the British Broadcasting Corporation (BBC) by a Royal Charter on January 1, 1927, which grew out of a number of recommendations by the Crawford Committee appointed by the British Postmaster General in August 1925. However, the notion of public service predates this period to the era of intellectual and cultural enlightenment of society. The recommendations of the Crawford Committee included the establishment of a British public service broadcaster to serve as a trustee for the national interest. In this regard it was created by

the crown and not parliament, funded through radio and television license fees and insulated from both political and commercial influence.

The Crawford Committee further envisioned that as public trustee, the corporation would emphasize and uphold the identity of the Britons, produce thoughtful educational and cultural programming that would stimulate the intellect and aesthetic tastes of the citizenry. It is for this reason that the first Director General of the BBC John Reith demanded the highest journalistic and ethical standard of the BBC. This public service broadcasting model was adopted in varied forms globally. The state-owned broadcasting model characterised by government monopoly and control over voice was the common model adopted thereby departing from the original BBC model.

Broadcasting, argue Dyson et al. (1988: 81), should create "a platform for open discussion," operate in a humanistic rather than a mercantilist market driven fashion and provide "an outlet for the diversity of social forces and the illumination of the struggles and the contradictions at the heart of society." The emergence of a dissenting opinion of broadcasting as a protector of good taste in the 1950s and 1960s in favour of a more market oriented (as against the trustee model) conception of broadcasting (Collins, 1987) culminated in Sir Robert Fraser's Independent Television Authority (ITA) which supported the notion of people's television. Fraser argued that the structure and content of broadcasting should not be determined by "rigid institutions that offered a restricted diet of morally and intellectually nourishing programmes" (Dyson et al., 1988: 74).

Contemporary accounts of public service broadcasting worldwide often include the U.S. Public Broadcasting Service and National Public Radio as American examples. However, unlike the

British model adopted across Europe and beyond, the U.S. commercially financed and market driven system, has dominated U.S. broadcasting from its inception. Whereas 1927 marked the beginning of public service broadcasting in Britain, the U.S. Radio Act of 1927 created the communication policy framework that enabled advertiser support of radio and television.

The U.S. Radio Act of 1927 explicitly mandated all broadcasting stations to operate "in the public interest," but in reality the public service ideals of raising the educational and cultural standards of the citizenry were marginalized in favour of capitalistic incentives (Bagdikian, 2004: 131-132). The Communication Act of 1934, which replaced the Radio Act of 1927, saw the federal Communications Commission (FCC) recommending to Congress that "no fixed percentages of radio broadcast facilities be allocated by statute to particular types or kinds of non-profit radio programs or to persons identified with particular types or kinds of non-profit activities." It was not until 1945 that the FCC created licensing for "non-commercial educational" radio stations (McChesney, 1999: 226).

However, even though these stations envisioned being America's "ideological" response to the ideals of public service broadcasting, the government's refusal to fund non-commercial educational stations for nearly 20 years resulted in a weak public broadcasting service. It was not until April 14, 1952 that the FCC's Sixth Report authorized educational television. State colleges and universities pioneered public service broadcasting in the U.S as part of the schools' cooperative extension services. Internally generated funds were the main revenue sources for these stations and therefore did not rely on listener contributions to operate.

The U.S model of public service broadcasting even though well intended is complicated, commercially, and narrow interest driven in some cases and therefore open to ideological or

politically motivated attacks, criticisms and suspicion, and in some cases, for bad unsubstantiated reasons (McChesney, 1999; Croteau & Hoynes, 2001). This is not being oblivious of the progressive works by NPR and PBS operators who have stood up against partisan interest and machinations to provide unbiased news and several varieties of independent, education, entertainment and current affairs shows and formats. However, the enactment of the Broadcasting Act of 1967 saw the creation of the Corporation of Public Broadcasting Agency (CPB) as a producer, distributor and financier of nationwide public programming through direct grant by congress.

The President appoints the 15-member board but with no more than eight from his political party thereby compromising the independence of the CPB. The budgetary appropriation of the CPB in congress has always suffered from political and ideological wrangling between the Republicans who have always considered PBS and the NPR as leftist and the Democrats. Almost all American Presidents since Richard Nixon have tried in one way or the other to influence the operations of CPB. In fact, there are situations where members within the top hierarchy of CPB management and program hosts had to resign their posts due to political compromises in congress to the detriment of the corporation (www.answers.com; www.britanica.com).

The German public broadcasting system is a product of World War II and could be a model for countries emerging out of a conflict situation. Radio was a critical component in the executing of Hitler's war effort. He brought all existing regional broadcasters together to form a national network which he directly controlled from the centre of his power base, thereby creating a formidable propaganda machine and a medium for the mobilisation of the German people. Informed by this abuse of radio to commit genocide and other atrocities the Allies insisted on a

de-centralized, independent structure for German public broadcasting. Hitler's monopolistic system was proscribed and regional public broadcasting agencies were created and still exist today. These regional agencies operate alongside the regional radio and TV broadcasting networks in collaboration with the ARD, a second national television service referred to as the Second German Television (ZDF). Additionally, the end of the Cold War witnessed the demise of Cold War propaganda stations in 1994 and the creation of a national radio service with two networks.

In this regard, an enforceable national policy and legislation is crucial in the developing world such as Ghana in order for the nation to progress uniformly to avoid conflicts. It is even more critical now more than ever for countries in transition to democracy to sustain the democratic ethos. Democracy can only strive if citizens have access to unbiased information and education on public and national affairs to enable them to make independent informed decisions and choices on government policies. Democracy can only strive with an informed and knowledgeable citizenry.

The interrogation of the conceptual evolution and implementation of public service broadcasting and its impact so far attest to the need of this category of broadcasting system as a public good. The concept of a politically and commercially neutral source or platform for providing untainted or veiled information, education and entertainment for the citizenry creates informed society for true participatory democracy to flourish.

### 2.3.1 Public service broadcasting

There appears not to be a standard definition of public service broadcasting but the common features that run through the literature are key values relating to geographic universality, public good and catering for all interest, concern for national community and identity, broadcasting services, funding and financing (McQuail and Siune, 2001). The rest are the diversity of programme content and practice, operational and programming independence from all partisan interests such as governmental, political, economic and corporate, race, colour, religion, faith, ethnicity and social status (Price and Verhulst, 2000; Kupe, 2003; Mbaine, 2003; Seaton, 1988). PBS is thus all inclusive in character, shows fairness in the treatment and dealings with society, has a good institutional and administrative arrangement as a beacon of good governance practices, is accountable to the public and guided by a clear mission and philosophical beliefs and standards.

Public Service Broadcasting (PBS) is therefore broadcasting made, financed and controlled by the public and for the people (Mbaine, 2003; Kean, 1991; Tleane and Duncan, 2003; Price and Verhulst, 2000). Public service broadcasting is distinct from both commercial and state-owned, particularly because it is free from political interference and pressure from commercial forces. A truly public service broadcasting system should therefore be ideally unique and the most preferred among the other categories of broadcasting (state-owned and commercial). Public service broadcasting is therefore seen as neutral and a buffer between commercial and state-owned broadcasting. However, “commercial sources of funding and financing have gained dominance as a model in recent times” (Murdock, 1982: 118) Public service broadcasting can serve as a cornerstone of democracy. It does not engage in competition for rating purposes to attract large audiences to sell as consumers for the market but rather competes in good uplifting,

informative and educative programming as well as enlightened entertainment geared towards the national development effort. Thus, “quality” depending on how it is defined, is the prime concern of a true public service broadcaster (Mpofu, Manhando and Keyan-Tomaselli, 1996).

## 2.4 Challenges of public service broadcasting in the age of dominant free market economy

Public service broadcasting came under worldwide criticism and scrutiny in the 1970s and 1980s by calling into question the fundamental principles or values of public service broadcasting (Lanara, 2002) as depicted above, including catering for minorities, the deprived, the disadvantaged and the electorate. The criticisms were occasioned by the following interconnected factors with highly capitalist ideological undertones. Firstly, the emergence of new broadcasting and telecommunications technologies such as cable television, video cassettes, the compact disk and satellite. Secondly, the rapid growth of digitization made the old concept of spectrum scarcity under the analogue system “obsolete.” Thirdly, and most importantly, the ascendancy of the capitalist free market economic system with the collapse of the Soviet Union and its eastern bloc and deregulation (McChesney, 1999; 2000c).

The relevance of deregulation to the capitalist had to do with the breakdown of trade barriers thereby increasing privatisation and participation in a hitherto closed elitist system. The introduction of different modes of broadcasting brought in program duplication in the name of pluralism instead of true diversity. It also revealed the extent to which commercial broadcasters would scheme away from the well-proven broadcasting formulas and formats for narrow selfish interest. However the free market America consumer model had a growing appeal in favour of the public trustee model.

Communication scholars, who had been discreet on the barrage of criticisms mounted against public service broadcasting, in turn began to mount an intellectual counter offensive on the experiences of public broadcasting in the United States and its communications policy. The scholars unearth the shortcomings of commercialization and the influence of the open market place on broadcasting (McChesney, 1999; Bagdikian, 1985; 2004). The shortcomings include the loss of minority voices, a steady decline in programs for segmented populations and disillusionment with unlimited programme choices introduced by the new television delivery system through cable networks and satellite broadcasting in the advanced countries. This has led to the widening of the chasm between the knowledge and information rich north and the south, leading to the heavily skewed New World Information and Communication Order (NWICO).

Furthermore, scholars and civil society began to ask whether the wide scale transformation of telecommunications was not without considerable risk; that turning over the electronic sources of culture, education, and political discourse to the ever-shifting forces of the commercial marketplace might have profound negative consequences. By the mid-1990s telecommunications policy issues started to reflect a broad range of negative issues such as invasion of privacy, depiction of violence on television, the manufacturing of parent-controlled TV sets, revision in technological standards for finding new funding alternatives to sustain public service broadcasting in some form. Meanwhile the rapid change or constantly evolving and expanding industry posed a challenge to policy makers.

## 2.5 Economic justification for public service broadcasting

Public service broadcasting thus exists to provide coverage for variety of opinions and interests either missing or scarce in the market place of ideas, at an affordable rate for all. Therefore, public service broadcasting can supply socially beneficial topics or programs that commercial

operators will not air for corporate reasons or interest even if society is willing to pay for such programming. However, the common justification provided for not investing in certain areas borders on bad or poor returns on investments.

Public service broadcasting can supply those socially beneficial programmes. This situation of under provision does exist when the benefits to viewers are relatively high in comparison to the benefits to advertisers from contacting viewers. This is a common phenomenon in underdeveloped countries such as Ghana which explains the over concentration of FM stations in the Urban centres to the low coverage of the majority who live in rural communities as reflected in the lack of enthusiasm to promote community broadcasting hiding behind the possibility of sparking ethnic and tribal conflicts. In this regard, an enforceable national policy and legislation is crucial in the developing countries such as Ghana in order for the nation to progress uniformly to avoid conflicts. It is even more critical now more than ever for countries in transition to democracy to sustain the democratic ethos. In contrast, the aim of commercial outlets is to provide popular shows that attract audiences - therefore leading to higher prices on advertisements. For this reason, the ideals of public broadcasting are often incompatible with commercial goals. Of course, public broadcasters also strive to entertain their viewers, but they can still come across as being overly paternalistic in nature

## 2.6 Critical political economy of the media

Critical political economy is a historical and holistic approach with a focus not only on what is, but what ought to be, with a core concern on the interplay of power relations pertaining to the relative role of the state, private corporations, the individual and society at large (Mosco, 1996; Golding and Murdock, 1997; Boyd-Barrett and Newbold, 1995). Critical political economy of the media thus interrogates complex questions on how macro questions of media ownership and

control, interlocking directorships, economic and power dynamics impact on the types and range of broadcasting content. The power-play in the context of this study relates to the broadcasting needs and wants of audiences as citizens, equality and social justice, media or broadcasting access, plurality and diversity as well as the appropriateness and extent of policy and regulatory interventions in the public interest (Golding and Murdock, 2000: 70; Boyd-Barrett, 1995; Mosco 1996).

The theoretical analysis of the study is thus located within the propositions of political economy approaches (Golding and Murdock, 1997; Boyd-Barrett and Newbold, 1995) and Mosco's (1996) theory on the free market economy in relation to competition. However, two interrelated and complementary aspects drive the analysis. The two aspects are the theoretical supposition that political economy approach is "historical and holistic" interrogating "what is and what ought to be" and how the complex macro and micro issues of economic and power dynamics relate to and impact on "actors" in policymaking and regulation, which ultimately influence and determine their decisions or indecisions (Golding and Murdoch, 1997:104).

The decision to complement Golding and Murdock's (1997) political economy approach with Mosco's (1996: 202-203) critique of the market in the analysis is informed by the liberalisation context within which the changes occur and the fact that whereas political economy approaches encapsulate social, historical, moral philosophy and praxis in analyzing a phenomenon, media economics is market centred. Mosco (1996: 63) observes that "Media economics does not take into account many of the socio-economic determinants of production including corporate structures and ownership...whereas economics begins with the individual, naturalized across time and space, political economy starts with the socially constituted individual, engaged in socially constituted production." Mosco's (1996) thesis is that the government, private and commercial

entities and civil society derive their power from the state, the market and the public respectively. The sources of power of the policymaking actors determine their potential level of influence and subsequent action or inaction as well as the direction, approach and content of the legislative regulatory framework which is normally made manifest in legislative debate in parliament. Ideology is also a key determining factor in decision making. In his attempt to define political economy as an ideology Mosco (1996) presents three useful principles: social totality, social change and historical transformation.

The principle of social totality portrays a holistic society constituted by various interdependent factors or interlocking power dynamics. Boyd-Barrett (1995) and Golding and Murdock (2000) have advanced similar arguments. The second principle of social change and historical transformation or reform is based on the assumption that society and its institutions are in a constant state of flux at different turns of history, echoing the three distinct periods of changes of broadcasting policymaking and legislation in Ghana. The significance of social totality and historical transformation is seen in the way in which broadcasting reform and liberalisation is broadly approached in policy and regulation to induce the envisioned socio-cultural, political and economic changes.

The third principle – praxis, is about the forms of actions taken by agents or "actors" of change to stimulate reforms which in the context of this study constitute changes in broadcasting policy and regulation (Mosco, 1996). Mosco's (1996) principle in the context of this study is premised on the philosophy that the media and for that matter broadcasting, are not empty creations but have normative roles to play in society namely to inform, educate, entertain, agenda-setting and the mobilization of the people for development. The normative roles are ideologically driven.

Ideology generates competition and conflict amongst groups of different ideological persuasions partly because of the struggle for power, control or influence. It is exclusionary and divisive in nature and therefore generates various forms of resistance and counter-resistance. A basic theoretical and practical concern in policymaking is the interdependences amongst the triad namely ideology, propaganda and media content. Media content is often value laden, ideologically and socially driven – controlled or constructed beyond the normative or ideal roles of broadcasting (educate, inform, entertain and agenda setting) to maintain and sustain the dominant hegemonic elitist opinion, thought and power (Selucky, 1982; Sproule 1994). The interdependence of the triad (ideology, propaganda and media) finds clearer expression in Teer-Tomaselli's (1992) three basic theories of news construction - the market theory, the manipulative theory and the transmission theory.

The *Market Theory* views news as a neutral commodity operating within its utilitarian normative functions. However, the overriding concern of the market theory is commercialism and the profitability of media content as a commodity. Hence questions of objectivity and neutrality are downplayed except in the exceptional case of market competition where news is viewed as a neutral commodity competing in a free market of ideas. Under such competitive market conditions, the finest on the market wins. The finest or the best in this case is relative and misleading because the measuring instruments or standards in the media industry must of necessity differ from the fashion industry and for that matter any other industry. It is even unfair to apply similar rating standards for public broadcasting service (PBS) and commercial media. This is because the two different broadcasting models operate under differing policies, rules, regulations and mandates. Whereas the ultimate goal of PBS is public interest as service, commercial media is strictly business and for profit. Additionally, the media is unique in its

normative roles in society, including fostering democracy. The rise in media "sensationalism" is partly responsible for the "tabloidization" of newsprint and now broadcasting all in an attempt to top the charts and ratings by all possible means. Also of concern is the huge influence of marketing and sales executives in newsrooms and editorial decisions.

The *Mass Manipulative Theory* views the media as the controlling agent of the elite and powerful in society whilst the rest of society or audiences are the passive and receptive, unsuspecting objects of manipulation. According to the manipulative theory, communication is considered as a "social interaction through massages" (Gebner 1967) expressly designed to achieve set objectives. McNair, (1999: 11) argues that in political communication, the communicator "hopes that there will be some positive (from his or her point of view) impact on the political behaviours of the recipient." Under the manipulative theory therefore, the fundamental assumption, principle and intent is to manipulate and influence the audience through the persuasive power of broadcasting and the mass media as a whole. It is this same rationale that drives commercial advertising and marketing strategies. The theory argues that there is a particular orientation/bias behind the choice/selection/omission of news in the interest of those who own and control the media or for commercial viability- since the news can be considered as a commodity.

Those who have financial and political control over the media can use the manipulative power of the media to achieve favourable coverage in furtherance of their interest and objectives. The mass manipulative theory argues "views the distortion of the news as a deliberate attempt by the powerful sectors of the society to directly intervene in the production and censorship of the news" (Teer-Tomaselli, 1992: 14). There is therefore an obvious link between the media, political or economic power. Nacos (1994: 19) refers to this link as the symbiotic relationship

between press and public official. She argues that "while the free market place of ideas remains the ideal… the press remains dependent on economic markets and the political arena." Teer Tomaselli (1992: 14) aptly refers to this link as "evidence of interlocking interest of capital and media industry."

The third theory is the *transmission model* or *information theory* developed by Shannon and Weaver (1949) in which information is perceived as a linear process. The process begins with a source selecting a message which is then transmitted to a receiver in the form of a signal over a communication channel. The receiver transforms the signal back into a message to the sender (McQuail, 2000: 46). In this scenario, the audience is seen as essentially passive and that through the persuasive power of the media termed the "magic bullet" the mass mediated message is "presumed to act on the individual rather like a hypodermic syringe or billiard ball producing a direct effect" (McNair, 1999: 20). This unidirectional mechanistic and deterministic model of communication argues McQuail (2000: 48) is "in line with the conception of mass society in which small elite with power and money could use the powerful instruments of media channels to achieve persuasive and informational ends."

## 2.6 Enabling or constraining factors of ideal normative roles of broadcasting

Critical political economy argues for democratic policy and regulatory intervention to create an enabling environment for the media to play its ideal roles successfully. Critical political economy is against the dominance of market forces or an undemocratic state in determining broadcasting policy and regulation (Golding and Murdock, 1997; Boyd-Barrett and Newbold, 1995). The enabling and constraining factors include the political and economic context, broadcasting policy and regulatory context, ownership as well as funding and financing.

### 2.6.1 Political and economic context

Historically, some of the most important enabling or constraining factors as far as the media's ideal roles are concerned, are the political and economic contexts within which the media operate (Curran, Gurevitch and Woollacott, 1982; McQuail, 1997). The consensus in the literature is that authoritarian political and economic structures and systems inhibit broadcasting roles (Maja-Pearce, Lauriciano and Lush, 1995; Kupe, 2003; Nyamnjoh, 2005) and engender a policy and regulatory environment that restricts the media as an open public sphere. Conversely, broadcasting is enabled to play its ideal roles largely in an open political and economic environment within a democratic legislative and regulatory regime (Siune, 1992; Croteau and Hoynes, 2001; Hills, 2003; Kupe, 2003).

### 2.6.2 Broadcasting policy and regulatory context

The broadcasting policy and regulatory context is a fundamental determinant of either an enabling or restraining environment for broadcasting roles. In particular, the policy and regulatory regime shape and influence the systems and structures that determine the forms of ownership that are allowed to exist, the funding and financing choices that are made and the institutional roles that become possible (Fairchild, 1999; Doyle, 2002a; Sylvia, 1998; Hoskings, Mcfadyen and Finn, 2004; Enli and Sandest, 2007). Broadcasting policy and regulatory frameworks are also shaped and influenced by political ideologies, social, economic and dominant cultural factors (Bell and McNeil, 1999; Fairchild, 1999; Curran and Park, 2000; Doyle, 2002b; McQuail, 1997). A critical factor in the broadcasting policy and regulatory context is the nature of the policy-making process, including the making and enforcement of regulations. There are ideal and real policy "actors." In an African context, policy-making tends to be driven by the Executive to the nearly total exclusion of other "actors," in particular non-

state actors, including parliament, which becomes a rubber stamp (Kupe, 2003; Nyamnjoh, 2005; Alumuku, 2006; Moyo, 2006).

## 2.7 Understanding policy and policymaking: the ideal

Policymaking is an evolving organic process in response to changing socio-cultural, political and economic phenomena. Policy could be viewed severally as an instrument, a normative guide or cumulative wisdom arising out of shared experience or determination of officialdom (Meenaghan and Kilty, 1994). Policy as an instrument is designed to promote or achieve some "ought to be" (Meenaghan and Kilty, 1994:19). The two scholars just mentioned, argue further that policy as a normative guide tends to instruct people on the acceptable conduct in society and therefore "could be viewed as systematically defined procedures and guidelines" (Meenaghan and Kilty, 1994: 20).

The collective experience or wisdom in the form of a set of principles and norms gathered over a period of time could guide operations and practices in broadcasting for the collective good of society (Mutere, 1988; Meenaghan and Kilty, 1994). Further characteristics of policy are its allocative nature in respect to the equitable distribution of allocatable resources and the fact that it is a pervasive social phenomenon. Policy does not automatically occur as a rational solution to a problem because it is also dramatically political in several ways throughout the period of policy initiation, the evolving process and development (Meenaghan and Kilty, 1994; Nelson, 1982; Ross and Staines, 1972). Policy consequently emanates from political ideologies, the prevailing economic and social conditions**.**

### 2.7.1 "Actors" in policymaking

The process of policymaking comprises key stakeholders as succinctly portrayed by Hutchinson:

> Media policy is formulated as an ongoing process involving several principal actors. First, there are the politicians who are ultimately responsible for legislative decisions. Secondly, there are civil servants whose job it is to turn broad policy into detailed proposals, and to oversee its implementation. Thirdly, there are the regulators who, even when appointed by politicians enjoy a significant degree of autonomy. Fourthly, there are media organisations themselves which are seeking opportunities to protect and advance their interests. Fifthly, and lastly, there are citizens of the country in question, whose opportunities for involvement in policy making vary considerably. In any development or revision of policy, all of these actors seek to secure particular ends, and the results usually reflect the balance of forces at differing points of time. (1999: 125)

All the "actors" mentioned above represent specific-interest segments of the society and as such play varied roles in the policy-making process. Actors in the policy making process must ideally serve the public interest rather than their selfish sectarian or group interest. The formulation of broadcasting policy naturally leads to a legislative process of creating an independent democratic regulatory institution backed by legislation. The concept of an independent regulator will be discussed shortly. A discussion on the ideal model of independent broadcasting regulation as well as different international approaches to broadcasting regulation will be instructive.

### 2.7.2 The ideal model of independent broadcasting regulation

An independent regulatory body should be independent of government, corporations, broadcasting operators, owners and politicians alike. Members are required not to maintain any financial or political interest which could influence their decisions in the discharge of their duties. They must also be independent of bearers of political office and Members of Parliament (Kupe, 2003). Appointment of members should preferably be by public nomination through an open process of public hearings guided by transparent public criteria. The criteria should include diverse representation of political, ethnic, social and professional personalities. The selection

process should have inbuilt safeguards that include the appointment of an independent panel of respected citizens. The ultimate goal of the selection process should be geared towards ensuring that no government, political party, business or tribe dominates or undermines the independent body (Hills, 2003).

The resourcing of regulators must not come directly from government but indirectly through a proportion of the revenue gained from licensing of broadcasting or telephone operators. Indirect financing can shield regulators from government machinations and influence. However, should the proportion of revenue accruing from licensing devoted to regulation fall short, then direct funding from parliament is the best alternative (Kupe, 2003). The independent body must be directly accountable to the people through parliament especially when it is not an elective body. Transparency is lost when the regulator is located within a Ministry. It must formally regulate through consensus building with all interested parties and submit an annual report to Parliament detailing its actions during the year.

Optimal, all-encompassing transparency in decision-making and availability of information to the public is the most effective way of achieving accountability for decisions (Kupe, 2003; Moyo and Chuma, 2010). The regulator can sue and be sued to either check regulators from abusing their powers or the behind-the-scenes activities of lobbyists. Implementation of programmes and issues on policy or regulation should go through rigorous public scrutiny and consultations with all stakeholders. In order to promote plurality, diversity, quality and access a number of regulatory mechanisms are used. These regulatory mechanisms could evolve around the broad themes of ownership, programming and the support of the community especially as far as community and public service broadcasting are concerned through the instrumentality of a licensing regime (Kupe, 2003).

### 2.7.3 Different international approaches to broadcasting regulation

It must however be stressed that there are different approaches to regulation in different countries depending on national experience or history but most importantly, the political system. The approach in Britain for instance seems to be public service oriented whereas that of the USA is commercially inclined – in fact, an offshoot of capitalism or "neo-capitalism." The Scandinavian or Nordic countries also have a different approach with public service as the core principle (Moyo, 2006). In Great Britain, the power to lay out the structure, character, financing and number of broadcasting services resides with the Government and Parliament. The relationship between the Minister responsible for broadcasting and the two broadcasting authorities (the BBC and the Independent Broadcasting Authority (IBA) are spelt out in several Parliamentary Acts and the BBC's Royal Charter, license and agreement.

The British government determines in broad terms budgetary vote for broadcasting, the fees for broadcasting services, which is the main source of revenue for the BBC and the levy paid to the IBA by programme producers. In return, the BBC and the IBA are expected to provide public service broadcasting in both radio and television disseminating information, education, entertainment, and providing a platform for public discourse. The BBC is expected to uphold fairness and equity to all manner of people irrespective of their socio-political and cultural status. The broadcaster should be impartial in the production and presentation of news, the treatment of controversial stories and matters as well as violent programmes and pornographic material which affect the sensitivity or feelings of others and children. It should also comply with the various codes of practice. A close study of the British system clearly indicates the extensive formal powers over broadcasting as well as informal and voluntary arrangements between the media and the Government.

The Government can for instance prohibit the broadcast of a programme. Broadcast authorities are obliged to provide time for ministerial broadcast but not for explaining government policy. The opposition has the right of reply to political broadcast. The Government scarcely uses its formal powers against the media due to the conventions and traditions developed over time because of shared common social values and cultural experience irrespective of the government in power. The use of the term “D-notice” in British media circles refers to a government notice obliging the media not to publish stories that may threaten the security of the state (Karikari, 1994).

The United States of America (USA) has a relatively different approach to broadcasting regulation. The power to regulate is provided for in the First Amendment or Article 1 of the US Constitution whilst the operative Act is the Communications Act, 1927. The activity of broadcasting regulation comes under the “commerce clause,” which empowers Congress to “regulate” both international and interstate commerce. Congress in turn delegates the supervisory responsibility to the Federal Communications Commission (FCC) (Krasnow Longley and Terry, 1982). The discretional powers of the FCC emanate from the broad guidelines of the “public interest, Convenience or Necessity” rule (USA: Federal Communications Act of 1934).

FCC regulation is through formal adopted rules, processing standards, guidelines and adjudicatory decisions. License requirements include applicant’s character, financial resources and technical ability. The license is granted for only a “limited period of time” ranging between five and seven years for both television and radio respectively. Unlike other jurisdictions, it is permissible to resell licenses and franchises. It is within the powers of the FCC to either revoke or suspend licenses. The FCC rarely applies the power of revocation of licenses, which is the strongest enforcement weapon during renewal of licenses.

The FCC Act forbids the granting of broadcasting license to aliens. The industry is the sole domain of citizens. Factors that necessitate the monitoring of broadcasting are public interest and conscience. However, the share numbers of broadcasting stations across all categories makes monitoring virtually impossible and impracticable. Formal and to some extent informal complaints made by competitors and would be competitors, the public amongst others, serve as a very important monitoring tool of the FCC.

A close study of the US system reveals seemingly less oversight regarding issues of quality and variety of programmes but much concern with engineering and employment practices (Karikari, 1994). Great Britain and the USA considered as “advanced democracies” that enforce the rule of law, fundamental human rights and freedoms including freedom of expression and of the press and the media, with a civil society under “neo-liberal” capitalist systems, have different broadcasting regulatory and licensing systems. In assessing the two approaches, a school of thought believes that because of greater control over programming, the BBC and therefore British broadcasting as a whole produces better and qualitative programming content than the American approach which places more emphasis on the market approach and less on broadcasting content.

### 2.7.4 Why broadcasting regulation?

Generally, the need for a regulated broadcasting regime could be looked at from two complementary thematic areas, namely the theoretical and technical imperatives in relation to transmission (communication) and content (information). The transmission of electromagnetic waves is conducted via radio frequencies. Like any other limited natural resource, the use of radio frequencies as channels of communication is regulated for a number of reasons. They include limited frequency and channel availability; respect for fundamental human rights;

freedom of expression and of the media, and development of a viable broadcasting industry. Other considerations include public interest, commercial, content and international conventions, protocols and laws.

However, the key theoretical principles underpinning broadcasting regulation within the context of democracy are the creation of a well-structured independent regulatory body with the requisite knowledge and expertise in the sector, free speech and freedom of expression and of the media, free flow of information and the commitment to promote a pluralistic and diverse broadcasting system (Kupe, 2003). A broadcasting regulatory system that operates on the above principles facilitates the nurturing of multi-party democracy by ensuring a fair and equitable allocation of broadcasting frequencies as well as stimulating the development of local content and controlling what audiences watch (Kupe, 2003). Under such a regulatory system, broadcasting is then able to play its normative roles of informing, educating and entertaining the citizenry as well as providing the public platform for the discussion, dialogue, conversations and debate on public affairs. This empowers the citizenry to make informed electoral and public affairs choices. A well-regulated broadcasting system promotes pluralism and diversity of content whilst protecting local programming from the surge of foreign programmes or “foreignisation” of local programming. Other issues of content include advertising and copyright. Regulation through licensing is applied at the point of access as legally binding terms for licensees.

Regulation must restore and ensure that the voices of the majority voiceless and deprived citizenry who have always been at the receiving end of elite opinions are equally amplified. Information flow then ceases to be unidirectional and becomes multidirectional with feedbacks to the ruling elite. It was in circumstances such as illustrated above that the Federal Communications Commission (FCC) had to make a case for public interest standards in

broadcasting in its report, “Editorializing by Broadcast Licensees” as captured by Hazlet and Sosa that:

> It is axiomatic that one of the most vital questions of mass communication in a democracy is the development of an informed public opinion through the public dissemination of news and ideas or licensees to devote a reasonable percentage of their broadcasting time to the presentation of news and programmes devoted to the consideration and discussion of public issues of interest in the community served by particular station. And we have recognized, with respect to such programmes, the paramount right of the public in a free society to be informed and to have presented to it for acceptance or rejection the different attitudes and viewpoints concerning these vital and often controversial issues which are held by the various groups which make up the community. (1997: 2)

Technically, broadcasting and other forms of electronic communications such as satellite and cable operate on frequencies, channels and cables. Honeyman (2003:61) points this out and then underscores the need to regulate frequencies in tune with national and international “technical standards to ensure standardisation and compatibility within systems.” He explained further explained that:

> Broadcasting standards PAL and NSTC became regional industry standards in the era of analogue television. Now, in the digital era, there are three digital standards competing for global acceptance: DVB-T (Europe), (North America), BST-OFDM (Japan). The South African Department of Communications is examining the adoption of technical standards for the national broadcasting system through a Digital Broadcasting Advisory Board (DAB).

Currently, the debate has shifted from analogue to digital terrestrial television standard. The focus of the new debate centers on domestic or regional interest. One such example is the issue of digitalization in South Africa and Ghana. This comparison is discussed in detail in Chapter 7.

### 2.7.5 Regulation and internet content

Digital communication via the internet has introduced a new dimension to the debate on content regulation. The debate centres on the regulation of internet content. A school of thought argues that the unidirectional flow of internet content does not constitute broadcast like the traditional form of broadcasting to the public. Proponents of the regulation of internet content premise their position on the technical reality that internet content is broadcast through a national communication system if it is so connected. This they argue, allows for the regulation of internet service providers (IPSs) even though it is a herculean task to achieve with the numerous websites and addresses (Kupe, 2003). To ensure fairness and equity it is in tune with best practice to establish a well-resourced independent regulator with equally independent people with the requisite knowledge and expertise in media, broadcasting and technology. The essence of regulation in this case will be to avoid interferences, distortion and duplication of signals and frequencies, ensuring order and harmony in frequency use.

But the Arab spring in 2011 that started like a virus from Tunisia and spread to Egypt, then to Yemen, Libya, Bahrain and almost every Arab country and the "occupy wall street movement" in New York against corporate greed, are events that have roused hitherto muted voices of the elite on the need to regulate social media. Also related to this concern is the shameful digital phone-hacking scandal that rocked News Corporation leading to the closure of a 168-year-old tabloid newspaper, a subsidiary title of News Corporation owned and controlled by the media mogul Rupert Murdoch**.**

### 2.7.6 Mechanisms of broadcasting regulation

There are several instruments for the regulation of the broadcasting industry. But the primary mechanism for a regulator is licensing. The license "contains the conditions and obligations

under which the licensee must operate and [serves] to specify the category of broadcasting, specify the mode of financing, (subsidy/ license fee), advertising, sponsorship, subscription or pay per view" (Kupe, 2003). Other regulatory mechanisms are codes of practice and guidelines from general rules to rules applicable to specific categories, taste and decency, advertising as well as content regulation. There are two or more approaches to address content regulation, either by the issue of regulation or guidelines or by demanding a business plan from companies taking part in a "beauty contest." The business plan contains the programming mix the licensee undertakes to provide. The regulation can also determine how and when foreign material is permissible in relation to local content and broadcasting time available according to the quota system in place (Kupe, 2003). The thesis will now look at licensing as the primary instrument for broadcasting regulation.

### 2.7.7 Licensing as a primary instrument of broadcasting regulation

Licensing ensures the harmonious and effective use of frequency and reduces or removes the dangers associated with unregulated frequency spectrum such as interference of frequencies, which may have national security implications, aeronautical tragedies and disasters and a chaotic industry. Licensing of radio frequency allows for the harmonious development of the communication and information sectors of the economy thereby creating an enabling environment for a planned national development strategy especially when information and telecommunications technologies are converging at a faster rate than policies and regulations in the sector. It is above all an international requirement for all member countries and organisations of International Communications Union (ITU) to manage.

### 2.7.8 Ownership

State or private ownership in any political context which is either monopolistic or oligopolistic or both, hinders the role of the media and restricts its role as a public sphere. Ideally, there should be three forms of broadcasting ownership models – private, public and community as well as two discernible levels of control− the allocative and the operational (Gurevitch et al., 1982; Murdock, 1997; Tomaselli, 2000). Scholarly debates continue to rage over public and commercial broadcasting as to which ownership type best enables or constrains broadcasting roles (Barnett, 1999). What is apparent in this debate is that broadcasting pluralism and diversity, which calls for the need to have a three-tier system of public, private and community broadcasting ownership, must be recognized and promoted. The recognition and promotion of the three-tier system should be done legally through broadcasting policy and regulatory reforms to enable differing and diverse information, viewpoints and voices to be made available to the public (Karikari, 1994; Langa, 2000; Nyamnjoh, 2003; Kupe, 2003).

### 2.7.9 Funding and finance

As the maxim goes, “he who pays the piper calls the tune” and in the African situation, a proverb that says, “You do not bite the hand that feeds you,” points to the potential impact of funding and financing on the ideal roles of broadcasting (Teer-Tomaselli, 1996; Bagdikian, 1997: Halimi, 1997; McChesney, 2000a; Barker, 2002). Public broadcasting institutions should ideally be funded through the public purse to provide a public service. Government funding with strings attached or the lack of it, inhibits editorial and programming independence, as is the case in Africa with regard to state broadcasting (Kupe, 2003). Owners of commercial broadcasting can equally use blackmail and outright threats to not only influence politicians on policy and

regulation thereby ‘high jacking’ the policymaking process, but also control the staffing and editorial policy of media and broadcasting houses.

The recent phone-hacking scandal of the *News of the World* tabloid, a subsidiary of News International owned by the News Corporation of Rupert Murdoch is instructive in this regard. This scandal led to popular public outcry against Murdoch and prompted the British Prime Minister David Cameron to set up a commission of enquiry to investigate the corrupt practices of *News of the World* and to broadly reconsider the culture and ethics of the wider British media. In the particular case of regulation, the Prime Minister was categorical that the Press Commission would be replaced entirely and the current regulatory regime reviewed.

The biggest fall out concerning this scandal and of relevance to this study, is the growing opinion articulated by the Labour MP Tom Watson canvassing for a parliamentary vote to call for Rupert Murdoch to withdraw his bid for BSkyB following the *News of the World* phone-hacking scandal because according to Watson, there is some unanimity that owning several media outlets has made Rupert Murdoch more powerful than Britain, an unacceptable situation (*The Telegraph-Online,* 7 November 2011: 1). Broadcasting editorial and programming control has always been the major problem of state ownership and monopolistic broadcasting systems in Africa and Ghana is no exception. The global recognition of dangers associated with the curtailment of public discourse in a pluralistic, diverse and multi-party democracy accounts for the varied international, continental and regional protocols on media legislation and regulation. The adoption and implementation of these protocols is however, dependent on the constitutions of implementing countries.

Some of the key protocols include the Universal Declaration of Human Rights adopted in 1948, the International Covenant on Civil and Political Rights enacted by the UN in 1976, and The Windhoek Declaration on Promoting an Independent and Pluralistic African Press adopted by the General Assembly of the UN in 1991. The African Union on its part, adopted the following: on 27th June 1981 the African Charter on Human and People's Rights which saw the creation of the African Commission on Human and People's Rights to monitor and promote compliance of its terms; the African Charter on Broadcasting in 2001; the Declaration of Principles on Freedom of expression in Africa in 2002, and the African Charter on Democracy, Elections and Governance adopted in 2007. However, regional protocols within Africa vary.

## 2.8 Conclusion

The main theoretical framework that drives this study on broadcasting reform in Ghana with emphasis on changes in broadcasting policy and regulation from 1992-2008 as mapped out in this chapter is the critical political economy approach and to which was triangulated the normative theory of the role of broadcasting in society. An in-depth policy study and analysis such as stated above can only be fully understood beyond just the consideration of the obvious contemporaneous issues to include the critical behind-the-scenes inter-related and inter-connected power relations and dynamics amongst the various forces and factors of change across time and space.

The thesis draws from Wasko, Murdock and Sousa's (2011) argument on the theoretical and analytical rigour of critical political economy approach in policy studies. The theoretical assumptions are that critical political economy is holistic, historical, and preoccupied with questions of social justice and equity and finally calls for actionable changes of the status quo

based upon the logical conclusions of investigations. The chapter finally states that key factors that either enable or restrain broadcasting roles are the political and economic context, broadcasting and regulatory context, ownership and control patterns as well as funding and financing.

# Chapter 3

# Research Methodology and Analysis

## 3. 1 Introduction

This study takes a qualitative research approach. The primary reason for choosing the qualitative method is that the study and in particular the research questions posed, requires qualitative answers because they both focus on processes and dynamics that cannot be measured statistically for a number of reasons. Amongst the reasons is that the questions require deep understanding of how people think about human behavior or phenomena in a social context. So the key interest of qualitative research, with reference to this study, is to investigate the why and how of decision-making (Merriam 2001: 5; Jensen 2002; Yin, 2003).

The theoretical approaches I have chosen require critical analytical inquiry, which seeks to investigate structures, processes, and policy making in a changing social context. The study investigated complex and sensitive dynamics of a phenomena in a complex and changing world and in a natural setting (Merriam 2001; Jensen, 2002) towards a better, deeper and holistic understanding of the why and how behind decision-making processes and outcomes with regard to broadcasting policy and regulatory change in Ghana 1994-2008.

Lull (1990) argues that qualitative research is a rigorous approach to "explain well the phenomena, subjects and contexts at hand" and not to engage in generalization of transfixing one group's experience or setting to the other as is the case with statistical representativeness in quantitative research. Merriam's (2001: 6) rendition is that 'reality is constructed by individuals interacting in their social worlds. To Jenson (2002: 236) qualitative study has the ability to weigh theoretical aims with practical constraints thereby continually operationalising and refining

theoretical concepts with reference to empirical evidence generated through several analytical stages of the study.

Similarly, Trochim (2003) in his overview of "Qualitative Measures" comments that if one really wants to achieve a deep understanding of how people think about topics such as "God and religion, human sexuality, the death penalty" amongst other similar topics, in-depth interviewing becomes necessary. Trochim's argument resonates with Merriam's (1998:6) observation that qualitative researchers are preoccupied with the "richly descriptive" meanings people construct of the world around them as well as how they make sense of their experiences. In Merriam's (1998:8) appraisal, in qualitative research, "words and pictures rather than numbers are used to convey what the researcher has learnt about a phenomenon." It is for this reason that the in-depth oral discursive instrument was employed in this research to solicit qualitative information.

Generally, the design of the study and the research questions delineate and map the nature and trajectory of the study. With reference to this study, this is informed by the theoretical and conceptual framework of the ideal or normative roles of the media, democracy and the critical political economy of the media perspective. The latter examines how the political and economic context influence and shape media policy and regulatory reforms. The essence of this study is not just the evaluation of the system(s), its structures and processes but to establish the policy and regulatory gaps as argued by Bertrand and Hughes (2005: 126) that "policy research deals with the future" and is for the most part, accompanied by recommended proposals for the redirection of the reform process.

## 3.2 Research Methods

The study triangulated document analysis and in-depth discursive interviews within the context of qualitative research. Triangulation is the use of two or more methods in the study of human behavior (Cohen and Manion, 1989; Hansen, Cottle, Negrine and Newbold, 1998; Merriam, 2001). The rationale for the choice of the two methods is that interviews yield more and deeper insights into how the documents came into being, who was involved in broadcasting changes, policy and regulation in Ghana, what influences these players had and what issues were debated. In other words, the stories behind the documents should tell who were involved.

Document analysis according to Atheide (1996: 2) is "an integrated and conceptually informed method, procedure, and technique for locating, identifying, retrieving, and analyzing documents for their relevance, significance and meaning." Document analysis will be used to help unpack the complex nature of the dynamics of policy reform:

> Policy is very often not made up of a coherent set of statements, nor a comprehensive, well thought out set of statements. Sometimes policies are not visible or set down. Inaction is a policy; an absence of a policy is therefore a positive decision in favor of non-intervention in media industries. Policies can often have unintended consequences, and these may be critical for certain media. Policies are often incremental and may be contradictory in as much as they will deal with some sectors but not with others. Policies may be contradictory because the technology or medium, which they are intended to legislate, may span two or more, government departmental concerns.
>
> (Hansen, Negrine and Newbold, 2003: 68)

In essence, the chapter explores the relevant research methods available for developing a policy recommendation pertaining to broadcasting policy and regulatory gaps. The thesis is therefore located within the remit of policy and regulatory studies. This area of study is relatively new

with less theorizing and generally difficult to pursue in the African context owing to lack of homogeneity.

### 3.3 Records and documentation sourced

The primary records and documents sourced are on broadcasting policy and regulation and fall under two broad categories, primary and secondary sources. As used in this study, "primary sources" refers to original policy, regulatory related records and documents produced by state agencies and the parliament of the Republic of Ghana, published in print or web based. Secondary documents on the other hand are other sources apart from the original documents, which include media reports and advocacy documents from organizations and individuals involved in media reform.

Bertrand and Hughes (2005: 132-139) identify forms of documentation as documents generated within private or non-government institutions on policy, reports, papers sourced from libraries or the institutions in question, documents generated by government bodies such as parliament debates and records or ministerial and cabinet reports retrievable at the national archives after declassification, newspapers, journals and books even though their authenticity cannot be vouched for. They also include continental and other international protocols and agreements.

Bertrand and Hughes (2005) elucidate the benefits of using documentation produced from an institution being studied. First, they point out that documentation captures a "particular moment, thus allowing a researcher to follow changes in policy and practice;" and second, that documentation is "relatively permanent, so can be consulted repeatedly" (133). As disadvantages they cite the possibilities that documentation may be difficult to track down, especially if the record keeping processes within the institution has been flawed, "or if documentation has been

culled over time" (133). If documentation is incomplete (which is more likely as one moves back in time), skews may be occurring which the researcher may not even be aware of.

Documents sourced through a variety of means (personal copies, libraries, and websites) fall under: reports, policy papers, regulations discussion documents, brochures, policy propositions, and memoranda. Much as the public institutions are mandated to keep records, accessing them is a herculean task in some cases due to poor documentation and archiving. In fact, in some cases one needs to pay for personal copies and photocopying. Unfortunately, the more documents one has to copy, the higher the cost. In some cases, any information however harmless is considered a secret and may not be made available.

Nevertheless, the use of documents is particularly advantageous for this study as stated above. The major weaknesses of documentary analysis stem from the difficulty in sourcing and tracking down documents especially in the African context where record keeping processes are flawed or even non-existent. A flawed record keeping process can lead to documentary gaps that are likely to skew analysis and findings. The triangulation of methods can however, serve as a check and a redress to this basic flaw.

Much as I earlier decided to leave out documents from private sources because of the problem of authenticity, I was compelled to rescind my decision because of the wealth of information, data and leads to other relevant documents and policymaking "actors" or personalities both within and without the public sector, especially when civil servants shied away from interviews. The private sources in some instances provided free information on where to locate the relevant personalities since some were retirees or had changed jobs.

I adopted a rigorous approach of crosschecking on details such as dates, names mentioned, place of event, organizers, and the relation of the document to the private sources. Armed with such rich information, I would go back to the Ministry to ascertain from the registry log whether a particular meeting or gathering did take place and in most cases, the confirmation was positive. It was easier to access information from non-governmental organisations. The print media including journals, articles, editorial magazines and newsletters were sourced.

### 3.4 In-depth oral discursive and interview sources

Interviewing is one of the most widely used methods in media and communication research to collect information and data. In-depth interviewing, with its affinities to purposive conversation (Rubin & Rubin, 1995 quoted in Jensen, 2002; Yin, 2003; Bertrand and Hughes, 2005) was the preferred interviewing format for this study. The instrument used was an open-ended discussion guide. Qualitative interview information allows for comprehensive descriptions and integration of varied or multiple perspectives, thereby bridging inter-subjectivity (Merriam, 2001; Jensen, 2002; Yin, 2003).

An information-rich "purposeful" sample of key policymaking "actors", institutions and organisations interviewed included politicians (the executive-President and Cabinet); political parties; civil and public servants (public employees comprising partisan civil servants and professionals); experts and consultants; parliament (minority and ruling party); regulators National Media Commission (NMC) and the National Communications Authority (NCA); media industry (media owners and workers); media and broadcasting associations and organisations (Ghana Journalist Association (GJA) and selected members, Ghana Independent Broadcasters Association (GIBA), FES Ghana (Resident Director 2009), Ghana Community Radio Network

(GCRNET) and elected members, Civil Society (organized interest and lobby groups representing sections of the public).

According to Merriam (2001: 61) a purposive sample comprises respondents "called in precisely because of their special experience and competence." I engaged these stakeholders or respondents purposely because in a policy study, not only are they relevant in understanding the system but their range allows for broad consultations in a democratic setting to gather a sense of consensus on the way forward. Soliciting information through personal testimonies in an institutional research has certain advantages as elucidated by Bertrand and Hughes (2005:141):

- adds a human dimension to the written records – what appears on the written record may in fact have been fiercely debated;
- allows people at all levels within an institution to have a voice, not just those decision makers whose names appear on the written record, and
- allows people to speak for themselves, and to reflect at leisure and with hindsight on their actions and decisions.

There are however disadvantages, in particular the reliability of eyewitness testimonies which are dependent on a variety of factors such as reliability of memory which is further dependent on age, mental alertness, selectivity of events and information, as well as reconstruction of events. The line between subjectivity and objectivity is often blurred. Equally problematic is the subjectivity in the selection of interviewees especially when there are several willing participants to be interviewed. The narrative of such interviewees could be as Bertrand and Hughes (2005:45) argue, "serendipitous." Another weakness is the inclination to uphold interview scripts at face value as the expression of "the truth" rather than a script to be interpreted. According to Patton:

> We interview people to find out from them those things we cannot directly observe. We cannot observe feelings, thoughts, and intentions. We cannot observe behaviors that took place at some previous point in time. We cannot observe situations that preclude the presence of an observer. We cannot observe how people have organized the world. We have to ask people questions about those things. The purpose of interviewing, then, is to allow us to enter into the other person's perspective.
>
> (Patton, 1990: 196; quoted in Yin, 2003: 72)

But to "enter" other people's perspectives is not a simple and straightforward undertaking. Nonetheless, qualitative interviews as argued by Weiss (1994: 10) are excellent tools with which to "learn as much as we can about an event or development that we weren't here to see" as well as for readers to "grasp a situation from the inside, as a participant might." Qualitative interview information allows for comprehensive descriptions and integration of varied or multiple perspectives thereby bridging inter-subjectivity (Weiss, 1994).

The key achievement of interviewing is that not only do discussants provide feedback on policy and practice but volunteer suggestions or proposals on the future direction of policy and regulation and the changes required. Copies of the discussion guide and schedule have been included as Appendix 1.

### 3.5 Analysis of information

Thematic analysis in was employed as the data analysis strategy for this study. The particular reason for choosing the thematic approach is that the qualitative information garnered from the qualitative questions required the construction of categories or themes as the thesis continually compared or related one set of data or information to others. This approach is compatible with the inductive, concept-building and the ultimate generation of theory in qualitative research (Merriam, 2001; Jensen, 2002).

The macro theme that drove the study is broadcasting reform and change; a change which includes changes in broadcasting policy and regulation in the Ghanaian broadcasting system. Sub-themes are captured through the following questions: who was driving the change at a given time? What did the change result in? What further changes needed to occur? These levels of thematic analysis across and intra documents and interview information include a narrative description of the phenomenon, construction of categories or themes that cut across the information gathered to making inferences, developing models or generating theory (Merriam, 2001).

## 3.6 Conclusion

This chapter maps out the qualitative research methodology and analysis of the study arising out of the theoretical and conceptual framework of the ideal or normative roles of the media, democracy and the critical political economy of the media perspective as posited in the previous chapter. The chapter also indicates that the design of the study and the research questions provide the trajectory of the study. In terms of methods, the chapter outlines a triangulated document analysis and in-depth oral discursive interviews. The documents sourced as outlined in this chapter are of two categories, namely primary and secondary sources. More emphasis is placed on the primary documents sourced and oral in-depth discursive or conversational interviews.

The analysis of the qualitative information resulting from the qualitative questions, occasioned as argued in this chapter, a thematic analysis approach in order to arrive at inductive concept building and ultimate production of theory. This fits into the ultimate object of the study – to generalize the findings to both theory and the broadcasting reform. Subsequently, Chapters 4 and 5 will focus on the findings from documents and in-depth discursive interviews respectively whilst chapters 6 and 7 will dwell on critical analysis of the findings of chapters 4 and 5.

# Chapter 4

# Factors Influencing Ghana's Broadcast Policy and Regulation

## 4.1 Introduction

Much as the period of study in this research is 1992-2008, the nature of the topic is such that for any nuanced discussion to take place, it must be grounded in the history of Ghanaian broadcasting, specifically those factors that indelibly influenced and continue to influence broadcasting policy and regulation in the country. As such, this chapter starts by presenting the history of broadcasting in Ghana, identifying the salient historical, socio-cultural, economic and political factors that have driven and shaped broadcast policy and regulation in Ghana. The chapter then discusses the socio-economic and political conditions that led to agitation for and finally promulgation of the 1992 Democratic Constitution from which emanates key policy and regulatory documents.

## 4.2 The evolution of broadcasting policy, legislation and practice

A critical analysis of changes in broadcasting policy and regulation in Ghana after the promulgation of the 1992 Constitution that ushered in the liberalisation of the airwaves in 1994 will be incomplete without stepping back to closely look at how the preceding colonial and post independent period impacted on the contemporary processes of change. The critical analysis in this chapter will draw from the body of literature available and perspectives of policy making "actors" specific to this study.

The post-independent Ghanaian experience of broadcasting up till the promulgation of the 1992 Constitution has predominantly been state-owned monopoly as was the case during the colonial administration. There are however fundamental variations in terms of policy and regulatory

directions due partly to changes in ideological perspectives and historical context and antecedents. Post-independent governments and military dictatorships treated the state-owned media as a one-way megaphone for propaganda purposes. But it must be noted that most nations during formative years of broadcasting perceived this medium as a limited resource that needed to be managed and controlled by the state with the exception of a few who insulated public broadcasting from all forms of control. The colonial administration on the other hand considered these instruments of mass communication as tools for the subjugation of the colony and British Empire as a whole.

### 4.2.1 The colonial state and broadcasting policy-making and regulatory practice

The original objective of broadcasting policy by the colonial administration was that of education which saw the creation of Station ZOY in 1935 as the only mandated radio station controlled by the colonial governor (Interviews: Alex Quarmyne, 2009; Alhassan, 2005). In fulfillment of this cherished goal, in 1939 the Colonial Governor in a series of correspondence requested the installation of a transmitter in Accra to provide broadcasting service to "members of the community in addition to teachers and school children whom it is intended to reach" (Hudson, 1939).

Beyond the laudable idea of using radio as a tool for extra curriculum education was the hidden agenda to control the minds of the colonized population in order to deepen political subjugation as revealed in Governor Hudson's correspondence to the Colonial Office in London in 1937 just two years after the launch of the station in 1935:

> The Gold Coast as you are aware has made considerable progress in the sphere of education [….] The illiterate African suffers not at all from ennui; he is blessed, like Napoleon, with the power of going to sleep at any moment that his mind is not occupied with some specific task. He has no

> hobbies wherewith to occupy his mind and, when conversation fails, he sleeps. This is not so with the educated community …. Reading is denied a majority [...] they tend to engage in discussions which, for want of better subjects, turn all too frequently to agitation and anti-governmental, not to say communistic activities. Broadcasting, however, provides a valuable and cheap antidote... music, talks, lectures, plays [....] It is for this reason that I cause as many schools as possible to be connected to the wire-broadcasting system [...] one-third of the assisted schools, will be connected. I am convinced, not only because it gives the educated community food for thought but also because through the medium of the broadcast programmes Government is able to control to a large extent the type of mental stimulus which the community receives.
>
> (Alhassan, 2005: 48)

In January 1939 Governor Hudson again in a letter to the Colonial Office indicated that, "When the broadcast has become an established feature of the school week it will on occasion prove of great value as a means of conveying information or urgent propaganda to an intelligent and level-headed section of the community which is capable of exercising a strong influence for good on public opinion" (Alhassan, 2005).

There was again a significant policy shift regarding the propaganda aspect of the policy to include the new goal of mobilization of soldiers from the British colonies as well as food suppliers as part of the war effort in support of the allied forces. As Ansah (1985: 3) points out, "Programme content was not educational in the narrow technical sense. It included news about the significance of the British Empire and government policies as well as 'urgent propaganda'." This triggered the installation of 1.3KW transmitters and later 5KW to increase both output and coverage beyond the colony, for signals to reach out to neighboring German-controlled Togoland as well as French West African territories and even beyond (Head, 1979).

The commercialization of the state-owned broadcasting has also been a thorny policy issue since the introduction of broadcasting in 1935 between the colonial authority and the Colonial Office in London. A strong case for public service broadcasting against the introduction of private participation was made in a confidential correspondence in 1948 from the Governor to the Colonial Office in London:

> I regret that many Colonial Governments have found themselves compelled to deviate from it (state funding) owing to the difficulties, which they have experienced in finding the necessary finance to develop broadcasting as a public service, and owing to the willingness of commercial companies to develop broadcasting or re-diffusion services on seemingly attractive terms. I refer below to the problem of finance, but I would here reiterate the view that even though commercial broadcasting may be subject to strict government control and may be operated with restraint and understanding by its sponsors, its operations are necessarily governed by the desire to earn a profit from the community, and it must largely be educational and administrative opportunities which broadcasting offers.
>
> (Colonial Office Confidential Circular, 1948: 1, cited in Alhassan, 2005:54)

In order to have an independent perspective of the true state of broadcasting in the colonies, the Secretary of State for the Colonies in London set up a two-member committee made up of L.W. Turner of the BBC and F.A.W Byron of the Crown Agents for the Colonies. The two's mandate was to determine the state of broadcasting in the colonies. The committee's report according to archival records was submitted in August 1949. In the report, the committee recommended against the involvement of the private sector:

> We consider that wired broadcasting should remain a Government service in West Africa. The governments are not desirous, in the interests of the community, of such services being operated by private companies, nor would we recommend it. Extension of wired broadcasting services beyond the profitable densely populated pockets of the towns into the thinly populated, and consequently less

> profitable suburban areas or into the smaller towns is less likely with private ownership than with a government service. We consider that any balance of revenue over expenditure should be ploughed back into broadcasting, which would not be the case under private ownership.
>
> (Turner and Byron, 1949: 18)

Other recommendations with direct bearing to this study called on the state to go beyond the provision of broadcasting facilities to the provision of reception opportunities such as community listening facilities due to the poor economic conditions of the majority of the people who could not afford even cheap domestic receivers. According to the report, incomes were generally very low, in fact, not more than a shilling a day even for the advanced members of the society. The poor economic conditions were even compounded by many of the people living in areas outside the currency zone where there was no money economy (Alhassan, 2005).

According to the Turner and Byron report (1949), it was this large population of poor deprived people and communities who would hugely benefit from broadcasting and whom Governments were anxious to help (19). After deliberations, the committee's recommendations were accepted and circulars dispatched to the colonial governors in the Gold Coast (Ghana), Nigeria and the Gambia to proceed with the implementation of the recommendations. This was a crucial timely broadcasting policy by choice for the benefit of the entire population of the Gold Coast.

From the discussion and analysis so far, it does appear that between 1935 and 1945, there was no specific legal framework for broadcasting in the then Gold Coast. What existed were colonial fiats. The first broadcasting law was enacted at the end of the war as the Wireless Telecommunications Ordinance (Ordinance No. 30 of 1945) which made it illegal to operate or work a wireless telecommunication station within the Gold Coast "except under and in accordance with a license granted by the Governor."

This was the beginning of official mandatory Government controlled licensing regime in broadcasting in the Gold Coast (Ghana), the base for the entrenchment of government monopoly over the airwaves. The records indicate that Station ZOY operated under the Public Relations Department of the Colonial Government between 1946 and 1953. Upon the recommendation of a commission set up in 1953, Station ZOY was renamed Gold Coast Broadcasting Service (GCBS) and operated for the first time as a separate entity of government but under the Ministry of Information (Interview: Quarmyne, 2009).

### 4.2.2 Broadcasting policy and legislation in post-colonial Ghana

The idea of nation building and national unity guided broadcasting policy in the early years of Ghana's political independence. This idea, coupled with the urgent quest for development could be drawn from two sources. First, the emphasis put on the functions of television in President Kwame Nkrumah's inaugural speech on Ghana Television (GTV) in July 1965 and second, the strongly articulated defense in parliament on the occasion of the acquisition of new transmitters for the GBC by the then Minister of Education and Information, Mr. Kofi Baako:

> I wish to stress that these new transmitters will relay the national programmes and there is no intention whatever of initiating regional programmes…. The radio is a great unifying agency in our country. Through it, people all over Ghana can appreciate that we are all the same nation with the same ideas and aspirations […] Ghana is a unity and in this small country there is no room for regional and tribal groups, each emphasizing their own differences from the rest of the country at the expense of national unity.
>
> (Cited in Ansah, 1985: 33)

At independence in 1957, the first post-independence government appointed for the first time, a commission in 1958 to look into the development and growth of broadcasting in independent Ghana. Upon the recommendation of the commission, the GCBS was again renamed the Ghana

Broadcasting Corporation (GBC). The newly created GBC from its inception in 1967 just as in the colonial days became state-owned, fully funded and controlled by the government.

In his inaugural speech on Ghana Television (GTV) President Nkrumah said among other things:

> Ghana's television will be used to supplement our educational programme and foster a lively interest in the world around us. It will not cater for cheap entertainment or commercialism; its paramount object will be education in the broadest and purest sense. Television must assist in the socialist transformation of Ghana.
>
> (Ansah 1985: 9)

With time GBC gradually introduced commercial activity from 1982, with the introduction of Economic Recovery Programme (ERP) preceding the adoption of the World Bank and IMF Structural Adjustment Programme (SAP), to supplement the increasing government budgetary cuts. But the Ghana Broadcasting Corporation (GBC) continued to operate under government control. In his overview of broadcasting legislation in Ghana Ampaw states:

> Whether as the Ghana Radio and Television Corporation, which the broadcasting service became known as after independence, or, later still, the Ghana Broadcasting Corporation (GBC) under the Ghana Broadcasting Corporation Instrument, 1965, (LI 472) or the subsequent legislative transformations it went through to the current Ghana Broadcasting Corporation Decree 1968 (NLCD, 226), the GBC in policy and practice retained its essential colonial and anti-democratic character. It served as propaganda media, owned and controlled by the government of the day, to advance its parochial political objectives. In this sense, however much we may justifiably condemn them, the post-colonial regime, it should be noted, did no more nor less than pick a useful leaf from the colonial broadcasting legacy of authoritarianism.
>
> (Ampaw, 2004: 24-26)

With these clear policies complemented by the infrastructure in place, the first President of independent Ghana Dr. Kwame Nkrumah, made the restructuring of GBC a national priority to

be used as a critical tool in nation building and the mobilization of the people for development and emancipation of the young independent state and Africa (Interview: Alex Quarmyne, 2009; Asare, 1964). In line with the Pan African vision and mission of the President, the operations of Ghana Broadcasting Corporation (GBC) were expanded to include an External Service department targeting other countries under British, Portuguese and French rule. Languages used were English, French, Hausa (originally spoken in northern Nigeria but common within the West African sub-region), Swahili, Arabic and Portuguese (Ansah, 1985).

This role of the GBC was crucial at the time since Ghana was the first independent county in South Saharan Africa and therefore had to show leadership in promoting the total liberation of the African continent from foreign domination. The dream of a liberated Africa was rendered unequivocally by Nkrumah during his Independence Day declaration that "the Independence of Ghana is meaningless unless it is linked up with the total liberation of the African continent" (Karikari, 2007: 49). Instructively, the coordinator of policy at the Ministry of Information and Broadcasting during Nkrumah's CPP government stated the basis of government's policy on broadcasting thus:

> Broadcasting has a very real and important role to play in the reconstruction of nations that have in recent times gained their independence. These countries have to bridge the gap between them and the so-called developed countries in a matter of years rather than centuries or even decades. There is no time to be lost. The standard of living of the people has got to be raised through the adoption of better farming methods as well as the establishment of suitable industries. The advantages of adopting better farming and fishing methods should be planted firmly in the minds of the people and they should be persuaded to adopt the more scientific methods where these are found to be superior to traditional ones.
>
> (Asare, 1964: 1)

Ghana Broadcasting Corporation (GBC) thus became both a national and international symbol that the people identified with because of its integrative role. The discussion and analysis above confirms the fact that both the colonial and the post-colonial policy on radio broadcasting appear similar even though the goals and purposes vary. The policy makers maintained the colonial structures because they were benefiting from the existing power structure and therefore showed no interest in changing it. Another critical character of both colonial and post-colonial broadcasting is the conception and significance of certain terms and concepts which became ideologies and tended to drive the formulation of policies and regulation. A classical and abused term is the concept of "national integration." African governments before liberalization saw and interpreted "national integration in the strictest but narrow and limited sense of 'synchronization and homogenization of thought'" (Alhassan, 2005).

Any view contrary to that of the ruling elite was viewed as reactionary and anti-establishment, hence subversive and harshly punishable by law. So-called opposition voices were not tolerated. Armed with this orientation of creating a homogenized society or country, the early post-colonial regime legitimized its monopoly over broadcasting. Subsequent critical analysis of the legislative and policy evolution of the broadcasting legislation and written policy framework will reveal this trend. The acceptability of this autocratic conception of "national interest" in broadcasting has been subjected to critical analysis by a growing body of literature on "national interest" versus "public interest." Much as some scholars consider this as acceptable and tolerable in the context of a nascent state, they recognize the fundamental flaw of the "nation building" concept.

The reasoning for the acceptability is informed by the "misread" "misinterpreted", "mistaken" and "misapplied" conception of the nation building project as "promoting a synchronization and homogenization of thought" (Alhassan, 2005). A reflection of this line of thinking could be

drawn from President Nkrumah's directive in 1965 for all three GBC radio networks in the country to be "converted into a single network, and all our national transmitters carry the same programmes" (Nkrumah, 1965: 5). The key dissimilarities are that whereas the goal of the colonial state was the betterment of the Empire, the post-colonial Ghanaian radio policy was geared toward the development and betterment of the young nation and the broader concern of liberating Africa. The use of nation building and national integration to justify state control of broadcasting, as indicated earlier, has attracted some level of critique from scholars (Nyamnjoh, 2005; Raftopoulos and Savage, 2004).

According to Ansah (1985: 22) between 1957 and 1985 broadcasting in Ghana was more a medium or instrument of "inter-elite communication" devoid of feedback from the majority of citizenry to the political elite. To Ansah (1985: 22) radio was "the exclusive preserve of the political elite who use[d] it to communicate with one another and to issue instructions to the lesser mortals in the community." The continuity of the colonial autocratic tradition regarding broadcasting is one of the greatest ironies in the annals of broadcasting in Ghana and Africa.

The instrument of incorporation of the Ghana Broadcasting Corporation (GBC), Legislative Instrument, 1965 (LI 472) empowers the President not only to appoint and dismiss the governing board of GBC but also accords the President the singular power to fix the tenure of office of the board and the chairperson:

> Notwithstanding anything to the contrary in this Instrument, the President may at anytime, if he is satisfied that it is in the national interest so to do, take over the control and management of the affairs or any part of the functions of the Corporation and may for that purpose, reconstitute the Board, appoint, transfer, suspend or dismiss any of the employees of the Corporation; and to do in furtherance of the interests of the Corporation, any other act which is authorized or required to be done by any person under this

Instrument; Provided that the President may in addition to or in lieu of the general or particular nature to the Board not inconsistent with the provisions of this Instrument, and that when issued, such direction shall be binding on the Board.

(Part XI of the LI 472)

Part III, Section 3 also states that "each member of the Board other than the members referred to in sub-paragraph b, c, and d, of paragraph 2 shall hold office for such period and upon such conditions as the President may determine." The Minister of Information has also been empowered by the legislation with the authority to give general directions: "The Minister may, subject to the provision of this instrument, give directions generally to the Corporation, and the Corporation shall be bound to comply with such directions."

### 4.2.3 Reorientation of broadcasting policy and legislation pre-1992 Constitution

The National Liberation Council that overthrew the Nkrumah government enacted the television licensing decree, 1966 (NLCD 89) which introduced a licensing regime for all those owning a television set, failure of which attracted "a fine of two hundred and forty Cedis or to imprisonment for a term not exceeding one year or to both" (TV Decree, 1966), (NLCD 89). The Decree in paragraph 12 (1) made the regulation of television license is the exclusive preserve of the sector Minister. The Decree was amended to effect the substitution for the words "Ghana Radio and Television Corporation" appearing in the definition of "licensing authority" in paragraph 13 of the said Decree, with the words "Ghana Broadcasting Corporation." Ghana Broadcasting Corporation (GBC) Decree, 1968 (NLCD 226) established the corporation with the object to:

(a) undertake Sound, Commercial and Television broadcasts;

(b) prepare in the field of cultures, education, information and entertainment programmes reflecting National progress and aspirations;

(c) broadcast the programmes prepared under sub-paragraph (b) in the main Ghanaian Languages and in English and such other foreign languages as the Corporation may determine;

(d) carry on an external service of sound broadcasting;

(e) enter into agreement for the utilization of programmes prepared in other countries; and

(f) Carry on such other activities as are incidental or conducive to the attainment of all or any of the fore going.

In article 8 (1) It shall be the duty of the Corporation to provide as public service, independent and impartial broadcasting services (sound and television) for general reception in Ghana. Article 9 (1) requires that GBC in its public service broadcasting to provide for:

a. Government pronouncements, that is, speeches by members of the National Liberation Council and Commissioners responsible for departments of State consisting of statements of fact or explaining the policies and actions of the Government;

b. Party political speeches dealing with the views and policies of the various political parties (Where they come into being);

c. Speech expressing different points of view on matters of controversy, and

d. Matters of any kind (including religious services or ceremonies) representing the main stream of religious thought or belief in the country.

In its broadcasting of the items mentioned in sub-paragraph (1) of this paragraph, the Corporation shall allocate and apportion airtime equitably between the parties, points of view and religious bodies according to their respective claim upon the interest of members of the public of Ghana. Article 16 exempts GBC from provisions of Act 112; the provisions of the Telecommunications Act, 1962 (Act 112) shall not apply so as to require the Corporation to obtain any license under that Act.

Article 18 provides that the Corporation in its commercial and ancillary business operations shall be exempted from the provisions of the Income Tax Decree, 1966 (NLCD 78). Under a new

military regime, the National Redemption Council (NRC) the GBC Decree, 1968 (NLCD 226) as amended is further amended as GBC Amendment Decree, 1975 (NRCD 334) by inserting immediately after paragraph 6 a new paragraph 6A (1) stipulating that there shall be in charge of each division and regional office of the Corporation a Director and Regional Director or Manager respectively. (2) The Director or Regional Director/Manager shall be appointed by the National Redemption Council on the advice of the Director-General.

Despite the impressive attempt of the NLCD to undo the controlled system of the Nkrumah CPP government by leveraging the broadcasting landscape to ensure equitable access, the GBC continued to operate essentially as the propaganda mouthpiece of the Government against the overthrown Convention Peoples Party (CPP) Government and the personality of Dr. Kwame Nkrumah. There was virtually no change in broadcasting policy regulatory orientation until the liberalisation of the airwaves in 1994 due to constitutional, political and economic imperatives. This period ushered in the most progressive and momentous changes in the broadcasting landscape, referred to here, as the second but most transformative wave of change, post-independence.

### 4.3 Reform imperatives: Economic, political and constitutional

The debilitating widespread economic malaise of the 1970s through to the 1980s coupled with recurrent maladministration by military adventurists were the key factors that propelled the need for economic, political and constitutional reforms during the same stipulated time in Ghana**.** The thesis will first and foremost situate the economic imperative.

### 4.3.1 Contextualizing the economic down-turn as impetus for reforms

The 1970s could be described as the lost decade in Ghana's economic and political history for a number of reasons. The reasons are that it was the period that Ghana lost its middle income status in the 1960s and started the decline to a low income country by the close of the 1970s. The 1970s were therefore characterized by high unemployment rate, staggering inflation, high cost of living and debilitating socio-economic conditions due to political instability caused by military adventurism and maladministration. A World Bank report (1984: 17) indicated statistically that between 1970 and 1992 real wage as well as income per capita dipped by 30 percent, GDP had a dramatic fall from 21 percent to 4 percent and equally more troubling was government deficit, which escalated in relation to total government expenditure of GDP from 0.4 to 14. 6 percent. So it was against this backdrop that Fl. Lt. J.J. Rawlings and a handful of junior officers and men staged their first coup d'état dubbed "1979 June 4 Uprising."

The architects of the violent coup d'état claimed that the uprising was a house cleaning operation to purge the military high command of those who dabbled in politics through treasonable coups and who had become so corrupt as to corrupt the whole system. After three months of national chaos, the Armed Forces Revolutionary Country (AFRC) organized one of the most transparent general elections and handed over power to the a civilian administration but not without warning of being on probation. True to his word, Fl. Lt Rawlings staged his second violent coup in December 1981 and ousted the 1979 constitutionally elected government of the PNP under President Hilla Liman.

The two eras of the reign of Fl. Lt Rawlings as a former military dictator have been described as the longest and the most debilitating ever in post-independence Ghana (Oquaye, 2004). This is because both coup d'états were characterized by unprecedented assassinations or extra judicial

killings of a former head of state and a number of high ranking military commanders, the gruesome murder and burning of the bodies of three supreme court judges including a woman and an army officer, summary executions of alleged coup plotters, arrest and detention and assassination of journalists, politicians, professionals, chiefs and even fetishes. The sensitivity to dissenting views and opinions in relation to the security of tenure of the revolutionaries made the regime media-phobic with dire consequences to freedom of speech and of the media.

Generally, the affluent in the society and the political elite as well as academics and members of the bar and judges and the clergy bore the full brunt of this violent military adventurism. This military intervention was framed by the new government as part of restoring justice and true democracy to the people, something that the constitutionally elected civilian government that had been in power for twenty three months, was said to have failed to provide (Shillington, 1992). The elected government was also accused of "flirting" with the Bretton Woods Institutions. But as Boafu-Arthur (1999: 72) argues, it was contemplated but not implemented because "it was thought to be a recipe for military intervention." The merit for contemplation was coup d'état. Indeed the Government of the second republic under President Busia was overthrown earlier by military adventurists in 1972, a year after it opted for an IMF stabilization programme in 1971 (Lybby, 1972).

Ironically, after failing to secure financial assistance from the east in the face of growing discontent and agitations and the possibility of losing power, the military junta under challenge from the gloomy domestic economic realities, turned to the west for financial assistance. This change of mind was regarded hypocritical and did divide the military establishment and the rulers into two camps of hardliners of the left and those who were ready to sacrifice their ideological principles for the western financial support through the neoliberal IMF/World Bank

led Economic Recovery Programme (ERP). The ERP was one of many "one-size-fits all" economic prescriptions from the west. Ghana, under Chairman Rawlings as he was then referred to as the leader of the 31st December Revolution (Interview: Jonah, 2009) embraced the programme as early as 1983 and never looked back.

The programme was in two phases. Phase I spanned between 1983 and 1986 with the objective of stabilizing the economy in the export and manufacturing or industrial sectors. Phase II on the other hand spanned 1987-1989 and dealt with structural adjustment in relation to development which called for trade liberalisation, devaluation, withdrawal of subsidies, deregulation, monetization of social services in sectors such as utilities and education which resulted in the user fee or cost sharing by students and retrenchment of workers amongst others (Interview: Jonah, 2009). The two phases were meant to correct the financial and economic imbalances with a mix of short and long-term strategies. In sum, the reforms were at the macroeconomic level with less or no specific interventions at the micro level until later. It was the delinking or lack of appreciation of the micro issues with the botched assumption of trickledown effect that created the widening differential between the haves and the have-nots thus the social, economic and political upheavals.

As Boafu-Arthur (1999:84) puts it, "Macroeconomic reforms therefore tend to have very serious political implications in Africa in general and Ghana in particular." Even more expressive is Leftwich's (994: 362) observation, cited in Boafu-Arthur (1999) on the implications of change in society that "no significant change occurs in society without destabilizing some status quo, without decoupling some coalition and building another, [and] without challenging some interests and promoting others."

### 4.3.2 Understanding structural adjustments

But what is Structural Adjustment and what does it entail? Structural Adjustment is defined severally as "a process by which key institutions and policies are reconstructed to improve the allocation of resources and the effectiveness of the economy with the aim of attaining higher economic growth with a corresponding increasing resilience of the economy to changing situations in the domestic or global market" (Dordonu: interview, 2009). Contextually though, structural adjustment is a World Bank and IMF prescription to the economic and financial woes of developing countries (Dordonu: interview, 2009). This economic prescription according to Dordonu and Jonah (Interviews, 2009) is administered to all debtor countries as a prerequisite for debt relief, or the acquirement of new loans and the attraction of direct foreign investment (DFI). Indeed a World Bank report on adjustment in Africa in 1994 claims that the implementation of SAP almost invariably leads to poverty reduction and bridges the gaps between the rich and the poor, the rural and urban areas, and that those countries that adjust tend to be better off than the non-adjusting ones.

This thesis of the World Bank has however been refuted by critics. In fact it was the acknowledgement of this reality that led the President of the World Bank James Wolfensohn to embark on his historic visit to Ghana and other adjusting countries to talk to the people and experience firsthand the concerns raised by critiques of SAP. The outcome of these visits culminated in the launch in Washington of what has become known as the Washington Consensus. According to Jonah and Quarmyne (interviews, 2009) there are social gaps and problematics associated with the World Bank-IMF sponsored adjustment economic prescription arising out of the austerity policies, the unbridled deregulation, anti-land reforms and the privatisation of utilities and all social services including the state-owned media.

### 4.3.3 Inherent contradictions and ramifications of structural adjustment

So how did SAP play out in the media landscape? Directly related to this study is the position of SAP on media ownership and access especially in broadcasting. The media is contentiously regarded more as commercial venture than a public good. So as commerce it is driven by the open market. The role of government was to be a facilitator by creating the enabling environment with less regulation or better still "deregulating" the broadcasting industry. Much as a less regulated broadcasting system is good for democracy, the dangers associated with such a system could defeat the purpose of having multiple and varied voices of the voiceless in a pluralistic and diverse society such as in Ghana and most African countries. According to Dordonu (Interview, 2009) it will be closing the door to government monopoly only to open the flood gates for private monopoly, another equally bad scenario if not worse for the media and broadcasting in particular. SAP by design could encourage the "high jacking" of the media by the rich and politically well-connected individuals especially when cross ownership is not regulated properly. Access is constrained by lack of resources to pay for diversity of sources of information, education and enlightening entertainment. In some neoliberal democracies, the more funds you have for advertisements the more exposure and access you get to put your messages across to the electorate hence the higher your chances of victory at the polls.

In other words, the more money and power you wield, the better and bigger your voice in the media; money is then equated to speech. Indeed the USA is a classic example where political party funding of electioneering campaigns has been upheld in court under a first amendment right. This approach does not seem to promote democracy and democratic values and principles. It does restrict or limit the public sphere for all to participate. Unfortunately, this practice where access to the media is dependent on the ability to pay is gradually gaining ground in the body

politic of budding democracies. Most contemporary electoral conflicts or disputes in Africa are attributable to this phenomenon due partly to the wholesale adoption of the neoliberal policies of adjustment by the Bretton Woods institutions, donor agencies and western governments. But I must add that in some countries such as Ghana the electorate have wised-up.

This could be one of the reasons why emerging or transitioning democratic states in Africa are increasingly becoming reluctant or even disinterested in disengaging their influence and control over the state-owned media in favor of establishing and promoting a truly public service broadcasting system as is the case in Ghana. This is because of the structural changes and the immense power of the media to make or unmake the fortunes of political parties and even unmask and expose their corrupt practices. The fear of exposure and losing elections this thesis argues, could be a strong reason why even the thought of a truly public service broadcaster such as the BBC model serving as a buffer between the state-owned media and commercial media does not seem to dissuade the fears of politicians and government ( Kupe, 2003).

The South African broadcasting model said to be a good example of how to establish public service broadcasting is being challenged because of the high dependency on commercialization across the three-tiers of broadcasting. Duncan and Glenn (2010: 88) argue:

> Contrary to perceptions among media scholars and activists that South Africa provides a model for the region in terms of having put in place a three-tier system with public service broadcasting at the core – based on models advanced by John Keane (1991) and James Curran (1991) – South Africa rather is a typical example of how not to establish a three tiers system of broadcasting.

The conclusion drawn by Duncan and Glenn (2010: 94) is that South Africa has “a single tier of broadcasting one that is commercial through and through”. Chuma (2010: 6) refutes this

observation and argues that “despite the imperfections the three-tier is still a good model for the Southern African Region.” It is worthy of note that the three-tier system is indeed considered in contemporary times as best practice supported by several reputable African and international organisations. The African Union and its umbrella organizations for instance have recognized the three-tier system as depicted in the African Charter for Broadcasting adopted by member countries of the Union.

### 4.3.4 Pressures from western governments and financial institutions

In assessing the role of the Bretton Woods institutions in the opening up of the airwaves for private participation, Jonah said the IMF/World Bank directed African countries that were facing economic crises in the 1980s to reform their economies (Interview, 2010). The reforms, Jonah said, had two stages: stabilization of the economy and Structural Adjustment. Both stages, he argued, involved considerable amount of market “liberalization.” Some of the policies were: removal of import restrictions, foreign exchange controls, currency devaluation, market driven monitory policy, removal of all forms of monitory control mechanisms and allowing the market to determine the true value of the currency.

According to Kwesi Jonah, these World Bank, IMF measures termed “Structural Adjustment” did not produce jobs but created the enabling environment to attract foreign investors and investment in order to produce the jobs. Most African governments, he observed, were autocratic in the 1980s and therefore the activities of civil society were either nonexistent or suppressed. The economic policies of Structural Adjustment were therefore an imposition on the people without any consultations whatsoever. He said the investors came, enjoyed tax holidays, repatriated their profits, competed against and killed local industries with less capital and old technologies. Embarking on these economic reforms called “Structural Adjustment” brought

untold hardship to the people, high levels of unemployment and retrenchment of workers, devalued currency and indirectly but very significantly, led to the suppression of basic fundamental freedoms including freedom of expression and of the media. The options left to the citizenry were demonstrations and the use of all unorthodox means of regime change (Interview: Kwesi Jonah, 2010)

Western governments, organizations and institutions attributed the failure of "Structural Adjustment" to the form of governments in Africa, including Ghana. Western governments then turned around to support civil society to push for the second wave of reforms – political reforms. According to Kwesi Jonah (Interview, 2010), political reform became necessary to meet local demands for democratic change and the belief that economic liberalization was unsustainable without political reform. He said the massive unemployment, economic hardship because of the implementation of the Structural Adjustment Programme, authoritarianism and political dictatorship fuelled the demonstrations and agitations and the call for political change from dictatorship to multi-party constitutional government, alongside the restoration of all freedoms including freedom of expression and of free independent pluralistic media.

### 4.3.5 Winds of democratic change in Africa and developing countries

According to civil society activists and academics, the 1990s saw significant political and social transformation globally, including Ghana. Kwesi Jonah, an academic, said in Ghana the change was from one-party authoritarian, military system of government to multi-party, pluralistic system of government. The changes included the adoption of new political systems, new constitution, and representation of a small but vocal opposition in parliament. Explaining the African situation, the then academic and civil society activist said there were about fourteen multi-party elections in 1993 on the African continent. Thirty-eight out of forty-seven sub-

Saharan countries held elections between 1990 and 1995. Most of these elections ended with some positive political changes. By 1994 almost all one-party states adopted multi-party politics.

The climax he argued, was the demise of Apartheid and the independence of South Africa. Nevertheless, Kwesi Jonah pointed out, most of the autocratic civilian or military dictatorships conducted and managed elections as both players and umpires, which guaranteed them victory. Africa he said, had a generation of autocrats and military leaders turned elected civilian Presidents overnight in the 1990s. Ghana is a classic case where Rawlings of the Provisional National Defense Council (PNDC) won elections and became President Rawlings of the National Democratic Congress party.

According to Jonah as well, prior to the 1990s, generations of African leaders had attempted unsuccessfully to defend and explain the merits and demerits of the two party political systems. The reason adduced for the preference of one-party political system was that it fosters national unity and state security. A multi-party pluralistic system called democracy on the other hand was said to be divisive as it tended to rekindle ethnic and tribal differences, promoted nepotism and tribalism and was an affront to the African culture and tradition. In short, African leaders presented democracy as an alien system and therefore bad for Africa.

Either military dictatorship or one-party autocratic government ruled most African countries at the end of the eighties, including Ghana. It took the interplay of several international and local forces to get African leaders running single party or military regimes such as was the case in Ghana to grudgingly accept the call for political and social transformation. African leaders have so violently opposed multi-party pluralistic systems of government. The first half of the 1990s witnessed an upsurge of political protests in Ghana, which led to a transition from military and

one-party regime to multiparty elections under democracy which ushered in changes in government policy, including constitutional reform.

### 4.4 The promulgation of the 1992 Constitution

Jonah (Interview, 2010) was also of the opinion that the 1992 Republican Constitution was the outcome of a series of national programmes organized by the National Commission on Democracy (NCD). The Commission, according to the interviewee, was mandated to "draw up and submit to the PNDC Regime proposals for a draft Constitution of Ghana to form the basis for deliberations at a national forum – the Consultative Assembly." Established by PNDC Proclamation 1981, it submitted a report on 25 March 1991 entitled *Evolving a True Democracy.*

The NCD Report and other documents including earlier Constitutions of Ghana then became the bases of the S.K.B. *Asante Committee of Experts Report* on a Draft Constitution appointed under PNDCL 252. In essence, the report sought to correct or reverse the erosion of fundamental human rights. The Consultative Assembly gave birth to the 1992 Constitution as the mother law of Ghana. The Constitution provides the Fundamental Human Rights, Freedoms, and Democratic rights. The democratic rights are: the right to life, the right to personal liberty, respect for human dignity, equality and freedom from discrimination and fair trial. He identified the general fundamental freedoms in the Constitution as: freedom of speech and expression, freedom of thought, conscience and beliefs, freedom to practice any religion, freedom of assembly, freedom of association, freedom of movement and the right to form or join and to participate in political activities. The promulgation of the 1992 Constitution brought about the political change from autocracy to democracy in Ghana (Interview: Jonah, 2010).

The following section discusses key documents emanating from the 1992 Constitution which talk to both the wider aspects of freedom and democracy as well as the freedom of the media in particular.

## 4.5 Policy and regulatory documents sourced

- The 1992 Republican Constitution of Ghana
- National Media Commission Law, 1992 (PNDCL 229)
- National Media Commission Act, 1993 (Act 449)
- Ghana Private Broadcasting Policy – 1995 Draft
- National Media Commission (Amendment) Act, 1998 (Act 561)
- National Media Commission Law (Complaints Settlement Procedure Regulation) 1994, (L.I. 1587).
- The National Communications Authority Act, 1996 (Act 524). (Repealed in 2008)
- National Media Policy 2000
- Broadcasting Standards 2000
- Guidelines for Publication of Rejoinders – 2000
- National Media Commission (Rejoinders) Regulation, (L.I. 1714) 2002
- National Media Commission (Broadcasting Standards) Regulation, (L.I.1715) 2002
- The National Communications Authority Regulations, 2003 (L.I.1719)
- National Telecommunications Policy 2005
- National Telecommunications Bill, 2006
- Guidelines for Operation of Community Radio Station in Ghana – 2007
- NMC Guidelines For Political Journalism – October, 2008
- NMC Guidelines For Fair and Equitable Coverage of Political Parties By the State – Owned Media – October, 2008
- National Communications Authority (Amendment) Act, 2008 (Act 769) Repealed Act 524
- Guidelines for the Operation of Campus Radio – 2010
- Guidelines for the Deployment of Communication Towers – 2010

### 4.5.1 The 1992 Republican Constitution of Ghana.

The 1992 Republican Constitution is the mother law of Ghana or the fountain from which all laws emanate. Pertinent to this thesis is Chapter 5 on the "Fundamental Human Rights and Freedoms" as spelt out in Articles 21 (1) (a), 21 (1) (b) and 21 (1) (f). Article 21 (1) (a, b, and f) states that "All persons shall have the right to; Freedom of speech and of expression, which shall include freedom of the press and other media including freedom of thought, conscience and belief. These freedoms are however subject to such qualifications and laws as are necessary in a democratic society". Chapter 12, Articles 162, 163 and 164 provides for the freedoms in detail.

Article 162 provides inter alia that, "Freedom and independence of the media are guaranteed." To avoid any ambivalence in law, the provision impliedly repealed existing statutes that may conflict with the Constitution. It states that "Subject to this Constitution and any other laws not-inconsistent with this Constitution, there shall be no censorship in Ghana." The provision goes further to give clarify the banning of censorship in Ghana. It states, "There shall be no impediments to the establishment of private press or media; and in particular, there shall be no law requiring any person to obtain a license as a prerequisite to the establishment or operation of a newspaper, journal or other media for mass communication or information".

There seems to be no specific express mention of broadcasting in Article 162, which may suggest the lack of recognition of broadcasting. However, the phrase "other media for mass communication or information" in Article 162 (3) indeed refers to the electronic media and in particular broadcasting and other futuristic modes of communication. Second, the fact that the framers of the Constitution in the S.K.B. Asante Report on the Constitution always use the phrase the "press and the mass media" is another clear manifestation of the inclusion of broadcasting. Indeed on the formation of the NMC the report states:

> An independent body like the Press Commission provided for in the Third Republican Constitution (Chapter 22) must be set up. Since this body would handle matters related to both the press and electronic media, it should be called Media Commission [...] to perform the functions currently discharged by the Minister of Information as far as the public sector media are concerned.
>
> (Ghana Private Broadcasting Policy Draft, 1995)

S.K.B. Asante later reiterated this position at a Ghana Academy of Science lectures in Accra that they chose the name National Media Commission (NMC) because the Commission was to have authority for the first time over the press, broadcasting and any other media of mass communications and information. Third, the fact that the 1992 Constitution had to be amended to provide for the inclusion of the Association of Private Broadcasters (APBC) on the NMC even though the Publishers and Owners of the Private Press and the Ghana Journalist Association (GJA) were represented as enshrined in Article 165 a (ii) and (b) is yet another defense of the argument that the concept of the mass media as used in the Constitution is inclusive of the electronic media and for that matter, broadcasting.

The APBC changed its name later to Ghana Independent Broadcasters Association (GIBA) but continues to have a representation on the NMC through an unconstitutional internal administrative arrangement. This administrative arrangement needs to be corrected through legislation or better still, a constitutional amendment for legal reasons. It is worth mentioning that at the time of the promulgation of the 1992 Constitution, the private electronic media (broadcasting) was nonexistent. The state-owned Ghana Broadcasting Corporation (GBC) enjoyed a monopoly of broadcasting. The Government, in the background of the unpublished Ghana Private Broadcasting Policy document equally recognized Article 162 (3) as covering the broadcasting medium, "Since Article 162 (3) covers the broadcasting medium and therefore

provides for the operation of private broadcasting station, Government recognized the need for the definition of regulations and guidelines which would provide direction for the operation of such stations in Ghana" (Ghana Private Broadcasting Policy Draft, 1995).

The above narrative clearly debunks any assertion to the effect that Article 162 (3) of the 1992 Constitution does not include the broadcasting medium. The culture of protecting human rights and freedoms, including the media, is deeply enshrined in all three constitutions of Ghana prior to the fourth Republican 1992 Constitution but with varied degrees of emphasis. The 1960, 1969 and 1979 constitutions have all sought to guarantee the right to freedom of expression and of the media and the fundamental human rights of the citizenry. The 1960 constitution had only one sub-clause, Article 13 (1), which touched on fundamental human rights and freedoms.

The 1969 constitution improved on the articles and provisions on human rights and freedoms and devoted the whole of Chapter 4 to the elaboration of fundamental human rights. The 1979 constitution expressly entrenched a bill of rights, elaborating in detail the fundamental human rights of the citizenry and went further to make it prosecutable, the enforcement of the bill of rights and conferred on the Supreme Court the express power of judicial review unlike the 1960 constitution that did not make the abuse of human rights a judiciable offence but gave the President only a moral right on human rights issues. Chapter 6 of the 1979 constitution further strengthened issues on fundamental human rights. Chapter 22 is devoted to the Press Commission as illustrated earlier. The functions of the Press Commission were essentially the same as the National Media Commission. Ironically, draconian laws curtailing the fundamental human rights including freedom of expression and of the media still exist in Ghana's statute books and continue to be repealed depending on the political will of the government in power. Most if not all of the repressive media laws survived the 1957, 1969 and 1979 constitutional

guarantees of freedom of expression, the press and of the media. The repressive laws that have survived despite their inconsistencies with the 1992 Constitution follow below.

The President, under section 182 (1) of the amended Criminal Code, 1964 (Act 228) has the power to prohibit any organization if satisfied that its objects or activities are contrary to the public good. Subsection 2 of section 182, makes it an offence for a prohibited organization to summon a meeting of members or to publish any notice or advertisement relating to such meeting. Section 183 (A) introduced by section 10 of the Criminal Code (Amendment) Decree, 1966 (NLCD 398), criminalizes defamatory or insulting matter of, and concerning the President. Section 185 of the Criminal Code further criminalizes "false reports likely to injure the reputation of the Government of Ghana" (Ampaw, 2004).

The licensing regime is another striking link between the pre- and post-independence media system. The licensing regime cemented the colonial state's monopoly and control over broadcasting. The Governor in Council during the colonial era had absolute discretion to ban the importation of any newspaper, book or document into the then Gold Coast. The colonial laws, which facilitated this power, are sections 245-252 of the Criminal Code 1892 named the Criminal Libel Law; the Defamation of Her Majesty law (section 324 of the Criminal Code, as amended by Ordinance No. 1 of 1950) (Ampaw, 2004). The Criminal Libel Law survived the two term period of the Rawlings administration (1992- 2000) but was repealed in 2001 with the coming in to office of President John Agyekum Kufuor's administration.

Post independent regimes and governments prior to the Kufuor administration continued the implementation of the draconian laws in varying degrees, including the licensing regime and practice under the Newspaper Licensing Law (PNDCL 211). Ironically, the actors who reinstated

this law were the same people who in 1979 by AFRCD 41 repealed the Newspaper Licensing Decree 1973 (NRCD 1261) and the licensing provisions of the Book and Newspaper Registration Act, 1961 (Act 73) (Ampaw, 2004). Much as most of these laws deal with the press, the general laws on freedom of expression and of the media, they do cut across all categories of the media including broadcasting as already demonstrated. A study by Kuenyehia (1997) between January 1993, and May 1997, when the 1992 Constitution came into force, showed that some 107 defamation suits had been brought to the courts against the press.

### 4.5.2 The National Media Commission (NMC) (Act 449) of 1993

The National Media Commission (NMC) 1993 (Act 449) is the founding Act of the NMC. The Act repealed the NMC Law, 1992 (PNDCL 299). Act 449 thus effectively created the National Media Commission (NMC) as required by the 1992 Constitution. The Act sets up the responsibilities of the National Media Commission as follows:

- To promote and ensure free, independent and responsible media for the ventilation of divergent views and dissenting opinion
- To appoint, in consultation with the President, the Chairman and other members of the governing bodies of public corporations managing the state-owned media
- To make regulations by constitutional instrument for the registration of newspapers and other publications, except that the regulations shall not provide for the exercise of any direction or control over communication; and
- To perform such other functions as may be prescribed by law not inconsistent with the Constitution
- To uphold high journalistic standard
- To insulate the state owned media from governmental control.

(NMC Act 449 of 1993)

The essence of these key responsibilities is basically to provide transparent legal backing and direction to the core function of the NMC of monitoring, investigating, settling disputes, and to protect the media especially the state-owned media from direct control and influence of government.

### 4.5.3 NMC (Complaints and Settlement Procedure and Regulation, 1994)

The enactment of the Complaints and Settlement Procedure Regulation 1994, Legislative Instrument (L.I. 1587) was meant to provide transparent legal backing and direction to the core function of the NMC of monitoring, investigating and settling disputes as required by Section 24, (1) of the NMC Act, 1993 (Act 449) and the Constitution. The legislation dealt with the processes and procedures by which the NMC would deal with and settle complaints against or by the press and the media. Such processes and procedures covered the whole process of laying a complaint to its settlement. The need for a transparent standard measure or a yard stick with which to settle disputes fairly, objectively and with equity thus becomes very relevant, hence the publication of documents on media policy, guidelines and standards as follows:

- The NMC National Media Policy – 2000
- Broadcasting Standards – 2000
- Guidelines for Political Reporting- 2000
- Guidelines for Publication of Rejoinders – 2000
- Guidelines For Political Journalism – October, 2008
- Guidelines For Fair and Equitable Coverage of Political Parties By the State – Owned Media October, 2008

### 4.5.4 The NMC National Media Policy - 2000

The NMC Media Policy provides general policy guidelines to all media as well as specific guidelines targeting the press and the three categories of broadcasting (public, commercial and community). This is in recognition of the different characteristics, nature and character of the press and the media in a democratic, pluralistic and diverse environment. These policies are to serve as consistent benchmarks with which to measure media performance and standards. The NMC media policy significantly recognizes the three-tier broadcasting system namely Public, commercial and community and later on the National Telecommunications policy of 2005.

### 4.5.5 NMC Broadcasting Standards - 2000

The NMC Broadcasting Standards document serves as a guide to the operations of the electronic media to "ensure that liberalization of the airwaves impacts qualitatively and positively on the society and that frequency as national resources are applied for the good of the people." Private independent broadcasting did not exist prior to the promulgation of the 1992 Constitution even though any statute had not outlawed it. The NMC Broadcasting Standards, the first document of its kind in Ghana, underscores in the preamble the need for operational standards as a guide due to the importance and sensibility of broadcasting in a country of pluralistic and diverse political, ethnic and cultural differences in order to promote freedom of expression, democracy, national culture and social development. The standards are spelt out in the following vein:

> The following standards shall apply in the preparation, presentation and transmission not only of programmes but also of advertising material on any broadcasting station transmitting in Ghana; National Identity, Authenticity, Programming, Legality of Broadcast output, Entertainment, Information, Advertisement and Sponsorship, Programme Relays.
>
> (NMC Broadcasting Standards, 2000)

### 4.5.6 Guidelines for Political Journalism – October 2008

The NMC Guidelines for Political Journalism replaced an earlier document entitled Guidelines for Political Reporting. The essence of the change according to the document is that, "Political Journalism encompasses the broader spectrum of journalistic enterprise beyond reporting and the emerging concerns of media coverage of opinion polls, conflict of interest and the adoption of 'peace-angle journalism.'" It is further argued in the document that mature discussions of the triggers to conflict need mature hosting with care and caution, with emphasis on opportunities for peace building.

Basically the Guidelines fall under two categories – election reporting and ethics. Guidelines for election reportage include: orientation of political journalism, provision of context and deep background to stories, covering of political programmes; manifestos of political parties, candidates, opinion polling, electioneering process and incumbency, treatment of party releases and access to information. Ethics topics covered in the document include guidelines for ethical considerations and promoting peace. Guidelines on political broadcast comprise campaign broadcast, political advertising, political involvement of media personnel, endorsement of candidates, responsibility of political parties, conflict of interest, bribes and other inducements, respecting the rights of others, guidelines for the handling of complaints and the procedure for complaints and settlement.

### 4.5.7 Fair and Equitable Coverage of Political Parties

The key principles underlying the guidelines for Fair and Equitable Coverage of Political Parties are fairness and equity. The guidelines provide transparent procedures for settling disputes

arising from complaints of unfairness. They therefore serve as a standard of measurement of the operations of the state-owned media and the media as a whole. Interestingly, the guidelines were adopted from a Supreme Court judgment on a case – *New Patriotic Party (NPP) v Ghana Broadcasting Cooperation (GBC).* The NPP sought the Court to compel the GBC to provide it equal time of rebuttal of the Minister of Finance's budget in accordance with Article 55 and 163.

The document addresses guiding principles on the definition of conflict of interest and language usage. Covered also are issues on incumbency, spokespersons of political parties, interviews, confidentiality of sources, election day coverage, protection of journalists, political broadcast, debates and discussion programmes, free airtime to political parties, order of appearance of political parties or candidates, conflict of interest, procedure and enforcement of settlement of politically related complaints against or by the state-owned broadcaster.

### 4.6 National Communications Authority (NCA) Act, 1996 (Act 524)

The enactment of the National Communications Authority Act, 1996 (Act 524), led to the dissolution of the military created Ghana Frequency Registration and Control Board (FR&CB) and paved way for the liberalization of the airwaves for private participation in accordance with the requirements of the 1992 Constitution. The NCA in essence absorbed the FR&CB and assumed the duty of a government regulatory institution. Through the Act, the NCA is empowered to deal with all the technical components of the issuance of licenses for the operation of communication services including broadcasting, contrary to popular public onion and recommendation of various committees including the Committee of Experts on the Constitution and the Constituent Assembly.

Much as the criteria for the issuance of broadcasting frequencies are not clearly spelt out in law, the justification for denial is expressly mentioned in the NCA Act (524) of 1996 premised on technical, national security, public safety or any other reasonable justification communicated to the applicant who then can appeal to the Minister. In the amended Act of 2008 an independent committee constituted by the board hears such appeal cases. The option to go to court is however available. The Act empowered the NCA not only to deal with all the technical components of the issuance of licenses for the operation of communication services including broadcasting, but also to monitor, regulate, sanction, classify services and settle technical disputes.

There is no provision in the NCA Act, 1996 (Act 524) to ensure fairness, equity and transparency in the assigning of frequencies not even for mass communication (broadcasting) and information, contrary to the provisions of the Constitution guaranteeing media freedom, particularly Articles 162 and 163. The NCA Act (Act 524) empowers the President in "consultation" with the Council of State to appoint the governing board of the NCA. The Board reports to the President through the sector Minister, who is the Chairperson of the Board. Even though the Minister's role has been watered down through subsequent amendments, the NCA as a government institution is still under the Ministry of Communication whilst the Executive is the appointing authority of Board members and the Chairperson. The NCA Act, (Act 524) gave no recognition to any function of the NMC. Among the functions of the NMC as enshrined in Article, 167 (d) is,

> To make regulations by constitutional instrument, for the registration of newspapers and other publications except that the regulations shall not provide for the exercise of any direction or control over the professional functions of a person engaged in the production of newspapers or other means of mass communication.
>
> (1992 Constitution: Article, 167 (d))

In this regard, the role of the NMC and the provisions of the 1992 Constitution to ensure the independence and freedom of the media appear disregarded. Government's continued control of the broadcast medium through regulation is apparent. As to whether the use of the phrase "registration of newspapers and other publication" and Article 162 (3), that "There shall be no law requiring any person to obtain a license as a prerequisite to the establishment or operation of a newspaper, journal or other media for mass communication or information" refer to only print media, is debatable. Legal and Constitutional luminaries are of the view that the phrase does not refer to the print media alone but the electronic media and broadcasting in particular. Ampaw (2004:11) argues, that Article 167 (d) as a whole does not deal only with newspapers and such publications but with "other media of mass communications." Indeed, when you read sub-clause (d) in relation to the whole of Article 167 and Chapter 12, it becomes evident that the framers of the Constitution sought to provide for a framework in which the NMC exercises supervision over the mass media as a whole. A case in point is the refusal to allow the NMC to exercise its full mandate as enshrined in the Constitution.

### 4.7 National Communications Policy December 21, 1998 (DRAFT)

The National Communications Policy draft document motivates the need for policy in the sector owing to the emergence of broadcast pluralism in ownership and services in the country and West Africa in general, as well as the history of state monopoly and its effects on free expression and democracy. The rest of the reasons include the rapid changes in technology, which in turn give rise to a variety of real and potential systems and services, and the fact that ultimately broadcasting is a public good, given its implications for cultural development, and its use as an instrument for education and entertainment. Topics treated are:

- Categorization of Broadcasting Stations;

- Regulation;
- Ownership;
- Spectrum Management, and the
- Social responsibilities of Broadcasters.

Broadcasting stations fall under the three-tier broadcasting system – public service, private commercial, and community. The NMC and the National Communications Authority (NCA) are the two broadcasting regulatory institutions. The policy discourages both government and private sector control or influence, together with multiple and cross ownership of mass media institutions. Spectrum management of frequencies is expected to be transparent and records regarded as public documents.

### 4.8 National Telecommunications Policy – 2005

The National Telecommunications Policy according to its vision "seeks to bring Ghana towards the realization of a true Information Society" and that "consistent with its ICT policy integrate Ghana with new emerging economic order wherein information and knowledge are fundamental to achieving competitiveness, investment, development of human capacity and improved governance, leading to wealth creation and national prosperity." The document addresses the structure of the telecommunication market, liberalisation and licensing regime, regulation of the telecommunications market, licensing, competition, spectrum management, consumer protection, tariffs, universal access to communications and the Ghana Investment Fund for Telecommunications (GIFTEL).

On broadcasting, the document states government's intention to "undertake a comprehensive review of current broadcasting policy and legislation." The key objectives according to the document are to:

- Promote universal access to the electronic media;
- Engender the greatest diversity of voices and languages, and
- Promote the preservation and ongoing creation of indigenous content.

Six months after the adoption of the policy, the NCA was to hasten the review and authorization of all outstanding applications for the allocation of frequencies to operate community radio stations. The Government further promised a comprehensive review of broadcasting policy and legislative environment.

## 4.9 Conclusion

This chapter set out to present the findings on documents that pertain to changes in broadcasting policy and regulation in Ghana. As presented in this chapter, these legal instruments established not only the framework for the scaffolding of the structures and systems of the broadcasting system in Ghana but the policy and regulatory contours of the direction of the changes that occurred.

Two key legislations stood out in the findings – the National Media Commission Act 449 of 1993 and the National Communications Authority Act 525 of 1996. The two Acts of parliament established the National Media Commission (NMC) and the National Communications Authority (NCA) as the two broadcasting regulatory bodies respectively. The chapter provided an analytical overview of guidelines and standards produced by the two institutions relative to their respective mandates.

The NMC developed content related standards while the NCA focused on the technical aspect of frequency spectrum management and the allocation of broadcasting frequency which makes it

both a regulatory and licensing authority unlike the NMC that has no jurisdiction or say regarding frequency allocation.

# Chapter 5

# Changes in Broadcasting Regulation: Perspectives of state and non-state "actors"

## 5.1 Introduction

This chapter presents the interviews conducted with policy actors, specialists, experts and civil society on the broadcasting system in Ghana. Interviewees included politicians, donor agencies, broadcasting operators, the Ghana Journalist Association (GJA), the Ghana Independent Broadcasters Association, the National Media Commission (NMC), the National Communications Authority (NCA), academics, civil society and specialists who offered professional and personal views and insight on broadcasting policy and regulatory change in Ghana. In-depth discussions on subsidiary themes relevant to the research questions centred on factors and forces that influenced changes in broadcasting policy and regulation. Emerging out of these discussions are diverse issues covering a number of themes such as the national imperative to open up the airwaves, emergence of Radio Eye and pluralism, regulatory legislation, regulatory bodies (NMC & NCA), frequency allocation, amended legislation, political interference (Independence), public service broadcasting, outline of and regulatory institutions.

## 5.2 Genuine national imperative to open up the airwaves

The Ghana Journalist Association (GJA), some editors and veteran journalists, policy actors, specialists, experts and civil society organizations and academics interviewed on broadcasting policy and regulation in Ghana offered very interesting responses. The responses took the form of historical and contemporary assessment of the media, set against nominal and real roles of broadcasting in changing operative political and economic systems. There was unanimity that broadcasting in particular has always been suppressed, influenced, centralized and controlled by

government pre- and post- the 1992 Fourth Republican Constitutional dispensation. The post-constitutional period was cited as having witnessed some remarkable changes nonetheless.

The pre-1992 constitutional era of the Provisional National Defence Council (PNDC) of Rawlings was singled out as the most gruesome period of human rights abuses in the history of independent Ghana and became known as the era of "Culture of silence" and fear. Freedom of expression and of the media was curtailed by applying draconian media laws such as the criminal libel law which fundamentally criminalized free expression. Generally, there was the use of all kinds of unorthodox modus operandi to silence dissenting opinion. Journalists, lawyers, judges, students and academics were harassed, arrested, detained without trial and in some cases, assassinated.

Ghanaians who feared for their lives for expressing dissent on national affairs had to go into exile. There were however, some daring individuals who stayed and fought and suffered all forms of indignities. They were labelled "enemies of the revolution" and treated as such by the security apparatus under the watch of the Head of State. From the interviews conducted by this study, the journalists were unanimous in their observation that it was this culture of impunity and authoritarianism that galvanized all concerned progressive Ghanaians, civil society, professional organizations, students and the trade unions to call for change from autocratic military dictatorship to participatory multi-party democracy.

The GJA identifies some specific reasons for the popular call and agitation for change. The specific reasons are: the restoration of constitutionalism proscribed by Rawlings in 1981; the restoration of democratic and political rights; the promotion of freedom of expression and of the

media in a pluralistic political system, as well as the restoration of academic and intellectual freedoms, especially in the universities.

The exodus of Ghanaian professionals during the Rawlings regime crippled Universities, research institutions, academic freedom and the vibrancy of Ghanaian Universities. Overall, the country was poorer with regard to human resources. The universities as centres of academic freedom, advanced studies and vibrant public discourse and debate were silenced but for the dissenting voices of a few academics who dared the regime. A prominent Professor of Communications and Media Studies of international repute and Director of the School of Communication Studies of the University of Ghana, Legon, and the late P.A.V. Ansah remained resolute and outstanding among these few voices of dissent. The intellectual community with the leadership of the University Teachers Association of Ghana (UTAG), the National Union of Ghana Students (NUGS), the Ghana Bar Association (GBA), Civil Society organisations and a significant number of the public joined the clarion call for change from autocracy to multiparty pluralistic political system.

A participatory political system that will protect human rights includes freedom of expression and of the media and in particular the opening up of the airwaves for independent private participation, with a strong public service broadcasting system as the core of a three tier broadcasting environment. The agitations against the centralization and control of the media especially government's monopoly over broadcasting together with other interlocking factors and forces both within and without the country, compelled Rawlings to put in motion a process of democratic change. The change towards the democratization of the political and economic systems was however controlled and guided by the regime, as umpire and player at the same time (Interviews: Chodi; Owusu-Addo; A-Badu; Agyekum, 2009).

According to the GJA, without any "formal or informal meeting," journalists had resolved in their minds to fight and uproot authoritarianism and dictatorship from the Ghanaian body politic and to promote the respect for human dignity, independent, diverse and pluralistic media. It was therefore not surprising that for the first time the GJA made the repeal of the criminal libel law a political issue and promised to support any party that had the political courage to make a pronouncement or include it in its manifestos that it would repeal the obnoxious criminal libel law.

The Attorney General of the Rawlings National Democratic Congress (NDC) government is reported widely by the press and radio stations to have said that the repeal of the criminal libel law would only happen over his dead body. The opposition New Patriotic Party (NPP) under John Agyekum Kufuor promised to repeal the criminal libel law and other related legislation that impinged on freedom of expression and of the Media, hoping that a new, open, transparent and accountable democratic society would be created where citizens could speak freely without fear. Indeed after winning the 2000 elections, the Kufuor led NPP government repealed the criminal libel law and other related laws as promised (Interview: Blewu, 2009)

The campaign against lack of transparency, corruption, the lack of accountability by the dictators, and the creation of the Public Tribunal System to operate alongside the traditional court system, served as catalysts for the popular call for change (Wereko-Brobbey 2008; A. Badu; PNC; NPP; CPP). Activists of the revolution were running the tribunal system in the main. Members of the GBA shunned the "innovation" and boycotted its proceedings altogether. Lawyers who participated in the tribunal system were branded "rebels" (Ghana National Reconciliation Report, 2005).

## 5.3 Propaganda radio: An African tragedy

Kwesi Yankah, an academic and media activist popularly known for his newspaper column "the Kwatriot" and one of the leading founders of Radio Univers noted that "in a country where literacy is very low, with a large rural population, broadcasting becomes a very important tool for national discourse and development and not a propaganda instrument of government" (Interview, 2011). Yankah, Jonah, Blewu and Badu (Interviews, 2008) also described the use of radio for government propaganda as a "tragedy" given that the struggle for independence included the fight against the suppression of alternative voices in ostensibly for the achievement of national security, unity and cohesion (Interview, 2011). The same reasons used by the colonialist to protect the British Crown, the Empire, and the violent suppression of agitations and demonstrations in the colonies and the indigenes' call for independence, Yankah argued, were currently being used to suppress people in "independent" Ghana. Post-independence governments, he elaborated, had failed to do away with the vestiges of colonialism that people had fought against. The governments had instead, vehemently accentuated control over free speech to hold on to power under the pretext of preserving national cohesion and security. His overall argument was that under the watch of post- independence governments in Africa, including Ghana, broadcasting had ceased to provide the people the political space to engage in national discourse; to be an instrument for empowering the people; to be a tool for enhancing the life of the people, and to be the voice of the voiceless but become the voice of the elite (Interview, 2011). Generally, broadcasting had been an instrument for the suppression of alternative voices and the people as a whole. According to Yankah, it was this history and the need to demystify academia in the public sphere that informed the extensive use of local languages on the Campus Radio Station, Radio Univers, the first independent radio station in 1995.

## 5.3 Emergence of Radio Eye and pluralism

Against the backdrop of the above history of state controlled media and the demonstrable lack of enthusiasm to open up the airwaves emerged Radio Eye, an unauthorised private radio station. A Director of Radio Eye, Charles Wereko-Brobbey (Interview, 2010) explained in a discussion how and why pluralistic media was crucial in a democracy. He argued that Radio Eye, and any other station needed no government approval to go on air and that his radio station's action of going on air on November 19, 1994 was a "conscious political aspect of the agitation for freedom of expression and of the media and the opening of the airwaves". Hi justification was that several attempts to get the Frequency Registration and Control Board (FRCB) to approve Radio Eye's application of May 11, 1994 had yielded no response.

This act of civil disobedience, of defying the anachronistic law that requires authorization from government to use frequencies, according to civil society groups and academics, fuelled the advocacy for the "liberalisation" of the airwaves. Interviewees argued that the show of force by a contingent of heavily armed police officers who besieged Radio Eye and seized radio equipment was regarded not only as an affront to the 1992 Constitution but a clear manifestation of government bias in the allocation of radio frequency. The suspicion of government bias arose because another station, Joy FM, operated as a commercial entity authorized by the government. The station also came on air using the infrastructure of the Ghana Broadcasting Corporation (GBC).

According to Wereko-Brobbey, his station was "charged on two counts of installing and using telecommunications apparatus without a license contrary to paragraph 9 of the Telecommunications (FRCB) Decree 1977 (SMCD 71) and using a radio frequency without the written consent of the Frequency, Registration and Control Board (FRCB) contrary to paragraph

15b of SMCD 71." The technician, he said, "was charged with abetment of crime contrary to section 20 (1) of the Criminal Code 1960 (Act 29)" (Interview: Wereko-Brobbey, 2010).

As defendants, Radio Eye queried the constitutional legitimacy of the FRCB. The FRCB is not independent but controlled by the President in close association with the security apparatus, contrary to the provisions of the 1992 Constitution. The prosecution was compelled to drop the first charge and the court is yet to determine the case. The Director of Radio Eye explained that the fight for pluralism was not a cultural fight:

> We saw the broadcasting milieu at the time as being a major impediment to freedom and democracy in Ghana and the fact that all any frustrated power-hungry soldier needed to do was to stage a coup d'état or seize power by taking over the monopolistic government controlled Ghana Broadcasting Corporation radio station.
>
> (Interview: Wereko-Brobbey, 2010).

Wereko-Brobbey was pointing out a link between the power of monopoly radio and political power in Ghana. Thus, unless the monopoly is broken and access equalized, the political playing field will be uneven because the government will use this powerful medium to disseminate propaganda to the electorate. He emphasised that radio access was even more pressing in a country with a very low literacy rate and where the cost of daily newsprint was beyond the reach of the poor and students alike. The fight for pluralism in this case, "was a major instrument for the fight for democracy" (Interview: Wereko-Brobbey, 2010). He further reasoned that if access and pluralism were attained, the majority poor could hear alternative messages and their input or feedback on national affairs attained. Realizing this fact, government quickly facilitated the establishment of some pro-government private stations in Accra and Kumasi.

Wereko-Brobbey was of the opinion that the newly established pro-government private radio stations steered away from politics and dealt rather with social issues and entertainment with the exception of the then influential University of Ghana campus radio station, the Voice of Legon, and now Radio Univers. This opinion was strongly shared by Sarpong, the Executive Secretary of the NMC in 2008. On the liberalisation of the airwaves Wereko-Brobbey commented that "liberalisation" as portrayed by Western governments and financial institutions was a fundamental shift from public to private ownership. Also, the public sector should not be the place to do business. In essence, the public sector should steer away from business and create instead, an enabling environment for the private sector to do business. In line with this argument, Wereko-Brobbey summarised Radio Eye's establishment:

> We were not making those kinds of dogmatic economic treaties. We were simply saying, no state monopoly and that democracy and state monopoly do not go together. We went ahead, established a radio station, and informed the requisite authority that we have established a radio station so register the frequency 96.3 FM in our name, and once we did that we created a situation.
>
> (Interview: Wereko-Brobbey, 2010)

Once the monotonous monopolistic voice of the state-owned media, particularly the Ghana Broadcasting Corporation (GBC) was broken and the myth surrounding government invincibility, the people would not let this newfound freedom slip away and so defended it (Interview: Wereko-Brobbey, 2010).The interviewee argued that the agitation in Ghana culminated in "the 'liberation' of the airwaves and not 'liberalization.' "Liberalization" he said, suggested a deliberate structured approach by government to improve or open up national discourse, which had not been the case. The Government, he added (and reiterated by Blewu of GJA, interview, 2009) had many misgivings as articulated by the Minister of Information in his

speech to parliament. Wereko-Brobbey ended with a pertinent question: “how can we talk about ‘liberalization’ when the law still puts discretionary powers with the Minister of Communications? The Minister could decide if you can operate, or not. The option left for us is to hijack the airwaves and force a certain situation” (Interview, 2010). Wereko-Brobbey’s concerns about broadcasting as expressed above echoed the sentiments of the other interviewees.

### 5.4 Regulatory legislation

The National Media Commission (NMC) Act and the National Communications (NCA) Act established the two regulatory bodies NMC and the NCA. The need for broadcasting regulatory reform was informed by the broad debate on “liberalization,” media reform and opening of the airwaves in the late 1980s and 1990s. These demands for media and regulatory reform reflected in the Windhoek Declaration on Promoting an Independent and Pluralistic Press and the Charter on African Broadcasting, resulted from UNESCO-organized conferences in 1991 and May 2001 respectively. The interviewees were unanimous that the change in the regulatory framework and the creation of new regulatory institutions became inevitable with the economic and political transformation of the late 1980s and 1990s in Ghana and most African countries. In Ghana, the reform of the regulatory system and the creation of new regulatory institutions became a constitutional imperative resulting, as pointed out in the previous chapter, in the promulgation of the 1992 Republican Constitution. Much as that was a gain, a lot of dissatisfaction was expresses by interviewees with regard to the mandate and operations of the two institutions, especially the NCA. The dissatisfaction arose from the policy and regulatory ambivalence as made explicit by key interviewees in the field of regulation.

## 5.5 Policy and regulatory ambivalence

In a discussion with the Executive Secretary of the National Media Commission (NMC) regarding the policy and legislative confusion between the NMC and the NCA, his summation was that the arrangement was awkward (Interview: Sarpong, 2010). In Ghana, the same agency that was in charge of national security was also managing broadcasting frequency as part of its security management. The Frequency Registration and Control Board (FR&CB) made up of military and security agents was responsible for the management and allocation of frequencies. Sarpong (Interview, 2010) observed that as Ghana moved into democratic rule, the system was had been transformed and the National Frequency and Control Board had become the National Communications Authority (NCA). However, the reality, he argued, was that the NCA as it was then was an agency of government working under the Ministry of Communication, operating under ministerial direction, making it fully controlled by government. The NMC on the other hand was a constitutional body established by the constitution to essentially promote the development of free and responsible media in Ghana. The policy ambivalence, according to Sarpong (Interview, 2010) stemmed from two things – the constitution, which granted the overall management of the media to the NMC, and the NCA Act, which gave exclusive power for the issuance and renewal of licenses to the NCA without any reference to the NMC. The NMC was aware that parliament was working to amend the NCA Act and had presented its submissions and position.

However, the NMC that dealt with all content and matters of standard had no role in the allocation and renewal of broadcasting licenses for frequencies. According to the interviewee, broadcasters could therefore choose to respect or ignore the NMC when they (broadcasters) erred. That was cited as the major challenge for the NMC. He proposed as a solution, new policy

and legislative frameworks or changes that would address these policy and legislative ambivalences and ensure that the authority to manage broadcasting frequency in Ghana was firmly placed in the hands of the NMC.

Sarpong (Interview, 2010) expatiated that the Commission's position had always been that broadcasting was the realm of the Commission and so would not partake in any process that sought to undermine the Constitution considering that the Constitution gave the overseeing of the media to the NMC. He said working with the NCA raised a couple of problems even though ordinarily it did not look too daunting. The problems he cited were:

- First, it undermined the Constitution and that is why there was a need to be very careful even if there was some practical benefit from it.
- Second, the NCA Board by law and the current amendment were subject to the directive of the Minister.
- Third, the 1992 Constitution of Ghana guarantees freedom and independence of the Media, as a result declares that in the performance of its function the NMC shall not be under anybody's direction. Therefore, if the Commission allows itself to be pushed under the Minister then the Commission by its own acquiescence will be undermining the Constitution.
- Fourth, the Commission's decisions on matters of the media are subject only to the decision of the court so one cannot expect NMC to take a decision on broadcasting and another body decide otherwise.
- Fifth, a representative of the Commission on the NCA Board must submit decisions of the NCA Board to the NMC for ratification by the entire Commission, which has the legal mandate to either endorse or reject a decision, which raises complex administrative and legal problems

The formulation and implementation of media policy is therefore the work of the NMC but it appeared to the interviewee that successive governments had been apprehensive about supporting an institution independent of government control to control a resource they had always viewed as security related. This explained in part the systematic neglect of the NMC by

subsequent governments, characterized by insufficient and direct cut of its budget, hence limiting the implementation of its core function as stipulated in the 1992 Constitution (Interview: Sarpong, 2010).

Following the constitutional provisions that make the NMC the constitutional body responsible for the development of the media, the NMC believes that broadcasting as part of the media falls directly under the Commission but somehow policy ambivalence gave the power to manage and allocate frequencies to the NCA. It was in this regard that the NMC as a facilitating agency produced *The National Media Policy,* perhaps one of the well thought-out documents that guide the broadcasting industry (Sarpong Interview, 2010). However, due to internal capacity constraints, it becomes very difficult for the Commission to move to the next critical step of ensuring compliance with policy.

At the operational level, Sarpong's (Interview, 2010) conclusion was that the relationship between the NMC and the NCA was a "developing one'. It had started as a policy fight right from the creation of the NCA. The point of contention was who had the proper constitutional mandate to regulate broadcasting. According to the interviewee, none of the successive administrations had supported the position of the NMC. In fulfilment of its constitutional responsibility, the NMC had continued to deal with the problems of the industry by developing guidelines and broadcasting standards as a guide to ensure responsible broadcasting. At the time of interview, Sarpong (Interview, 2010) noted that the commission had just completed guidelines for local language broadcasting which they hoped to launch. The NMC had also been involved in conducting a number of training programmes to improve quality of broadcasting, especially in public broadcasting.

The authorities had used practical arguments that the NMC was institutionally weak and did not have the technical capacity to manage frequencies (Sarpong Interview, 2010). To that effect, authorities had used practical arguments to do what was wrong. The NMC's first response was: "Capacity does not descend from heaven we build it, so if the state is interested in doing what is right then all it has to do is to help support the processes towards building the capacity of the NMC to deliver on its mandate."

On the structure of the broadcasting, one of the critical things to be done was to clarify the three-tier system of broadcasting (Sarpong Interview, 2010). The NMC believed in the promotion of community and public service broadcasting. Commercial broadcasting would, in all instances, mobilize buyers for advertisers through the development of exciting programming with the sole aim of making profits. As such, content in the commercial sector would always suffer even with the best of policies (Sarpong Interview, 2010).

### 5.5.1 National Media Commission (NMC)

The NMC believed that it should not have a regulatory framework that positioned it as a dictator but rather, as a facilitating agency playing the role of nurturing and developing the media industry (Sarpong Interview, 2010). Legislation had not produced a better journalism even as free independent media had not generated good journalism. What the NMC aspired for was a responsible balance. Broadcasting law could have clarified concerns such as broadcasting structure in Ghana; requirements for the allocation of broadcast licenses for any of the three-tier broadcast categories; status of GBC; funding and financing of GBC; role of NMC and NCA on broadcast frequency allocation, and defining national and public interest and what constitutes national security(Sarpong Interview, 2010).

Through a Broadcasting Law, the NMC would legally deal with threats from economic and political giants or groups. Commenting on the relationship between NMC Commissioners and their constituents, Sarpong (Interview, 2010) cited conflicts of interest between the nominating body and its representative, a problem that should not have arisen. He thought it was undemocratic for any individual member to think that there was any national interest beyond what his/her represented organization. However, where the position of the nominating organization differs from the individual member, the member should be ready to vote in accordance with his conscience but also be ready as a democrat to withstand the pressures from his group.

According to the NMC Executive Secretary, there were examples of individuals who had conducted themselves competently and professionally, who nonetheless had not been retained on the Commission. Out of a sense of pride, such members had not challenged the right of the nominating body's decision to overlook them. On the question of broadening the representation on the NMC, he said if there was any pertinent issue at that particular time, it concerned what mechanisms some institutions should adopt in selecting their nominees. He commented:

> If you take journalism-training institutions, the Constitution gave one slot to institutions responsible for the training of journalism and media professionals. At the time this provision was done we had three institutions. Today we have about ten or so [...] the others be involved in the nomination process and how?
>
> (Interview: Sarpong, 2010)

These were real questions according to the interviewee, but his personal attitude was that the NMC should not get involved in the internal politics of the various institutions but should instead, wait and accept the nominations that the institutions brought. The only challenge for the

Executive Secretary of the NMC would arise where there were different groups submitting nominations but he was not overly worried about that and would deal with it as it arose.

In terms of governance, Sarpong pointed out that the NMC insisted on the setting up of a board that would act independently even from the supervisory authority of the NMC. In his opinion, the Commission should not be remote-controlling the Board; members of the Board should act according to the law, rules and principles of fairness and equity. He said if the Commission that had constitutional responsibility over GBC were not going to control the Board, then the Commission would not expect the Board to sell its independence to any corporate entity or government. Generally, Sarpong's view (Interview, 2008) was the same as that of other interviewees – that the allocation of frequency, a key component of the function of the NMC, is under the jurisdiction of the government controlled National Communications Authority (NCA).

### 5.5.2 National Communications Authority (NCA)

Speaking on the National Communications Authority (NCA) the Director of Regulation, Joshua Peprah (Interview, 2010) observed that the Ministry of Communications generated its bills and worked closely with the parliamentary sub-committee on communication. The sub-committee on communications sourced information from the public through public hearings. He pointed out that preceding the submission of the legislative instrument to Parliament, the NCA organized fora for sections of the public, especially practitioners, owners and publishers of media houses and their associations. A forum on coverage limitation and types of regulations which people were not adhering to was a case in point. The NCA had done some lobbying to get some things done and was invited at parliamentary hearings to clarify certain issues.

In addition to the legislative instrument that guided them in their policies, the National Telecoms Policy (NTP) 2005 also guided the NCA (Peprah Interview, 2010). When reminded that broadcasting was mentioned briefly in passing in the NTP document, his rejoinder was: "Broadcasting has always been that way. We are hoping that if we get a broadcasting law it will be comprehensive enough and all these nagging questions of ownership and concentration of power will be sorted out, but until a National Broadcasting Law is passed to give the NCA a proper direction it will continue to do the best it can." Most of the issues, he added, had however been matters of public consultations by various NGOs, workshops and fora that involved public office holders and civil society. He believed the consultations would form the basis of a National Broadcasting Law. That indeed was the result but government adopted a piecemeal approach towards legislative changes.

### 5.5.3 Piecemeal legislative change

Asked for his comments on a piecemeal attempt by government to amend the NCA Act to include a representative of the NMC on the NCA board, Sarpong (Interview, 2008) the NMC Executive Secretary, said he was not aware of such but that if the government failed to heed the concerns of the NMC, then the tension would continue. He firmly believed that the ambivalence created by the Rawlings NDC government was unconstitutional. Expectations had been that the Kufuor administration would act differently. He said indeed, Totobi Quakyi, the then NDC Minister for Information's statement to parliament in presenting the NCA Bill suggested that government wanted to amend the provision that gave frequency authorization to the NCA and give authorization to issue licenses to the NMC instead.

The Minister had explained to parliament that "they did not have the time to effect the change. The reason being that they were afraid that their political opponents will say they were playing

delaying tactics with the law and that they had brought the legislation to parliament hoping that parliament will do what is right by taking out the broadcasting frequency and giving it to the NMC" (Sarpong Interview, 2008). The Rawlings administration that piloted the process admitted before the house that the proper thing to do was to give broadcasting frequencies to the NMC. The NMC expected that as Ghana's democracy grew, the new administration would take a cue from that and do what was correct.

Peprah (Interview, 2010), NCA's Director of Regulation commented that the act was amended around mid-December 2008 and got a Presidential Assent before the then President (John Kufuor) left office in January 2009. He expressed his satisfaction with the amended law because NCA's position had been retained:

> Basically, what has happened is that we still have control over the whole spectrum of frequencies from voice to microwave link frequencies. Broadcasting fills a small chunk; you cannot isolate that and parcel it off to somebody else because that chunk of frequency can interfere with other frequencies in other bands. So it is important that we keep the whole band under our control for monitoring and orderly administration of the frequency band (Peprah interview, 2010)

The NMC still had the jurisdiction over content (Peprah Interview, 2010). If the NMC had complaints about certain broadcasting companies and wanted action taken, they could present them to the board for discussion and on the advice of the Minister or National Security, a decision could be taken on the issue. He said the NCA could withdraw a frequency because the frequency did not belong to the operators but was available to the latter on lease. Harmful interference with an aircraft signal could also lead to the withdrawal of frequency. Withdrawing a frequency was one of the traditional roles or functions of the NCA as custodians and managers of frequencies.

Peprah (Interview, 2010) indicated that there would be an NMC representative on the NCA board in line with the new Electronic Communication Act, something NMC had recommended in an effort to resolve some of their problems. He said one NMC representation on the NCA Board was enough and agreed that it would not resolve the problems of technical deficiency in the NMC. Being on the NCA Board would provide the NMC the opportunity to make their input regarding the management of broadcast frequencies and plans of the NCA. He cautioned however, that the NMC must not lose sight of the fact that it would have only one seat on a seven-member board.

The NMC could therefore get its input considered to the point that it served the national interest and not a parochial one (Peprah Interview, 2009). The interest of the consumer must be protected through the advertisers who pay or buy the airtime which generates revenue for the manufacturers to advertise on these radio stations. He observed that the NCA took cognizance of the needs and requirements of all stakeholders in the industry. The question of a merger was not a possibility at that moment and he pointed out that representation was better. Asked for the NCA's position on the structure of the broadcasting system in Ghana, the Director of Regulation said, "I do not foresee any changes other than the few that I've told you about – trying to control the coverage, orderliness in allocation of frequencies, equity and fairness." The effect of these changes would become clearer in five or so years, he postulated. What has since transpired is that legislative amendments have not effectively resolved the wrangle between the NCA and NMC regarding the allocation of broadcasting frequency.

### 5.5.4 Frequency allocation

The Director of Regulation at the NCA (Peprah Interview, 2009) acknowledged the imbalances in the allocation of frequencies in favour of the most commercially viable southern part of the

country and urban centers. To correct this anomaly, the NCA had developed a policy plan that was being implemented at the time of the interview in December 2009. He explained that the plan consisted of three phases:

- Phase one – Issuance of broadcasting licensing for Northern, Upper East, West and Brong Ahafo;
- Phase two - Eastern and Volta;
- Phase three - Non-metro part of Ashanti i.e. rural Ashanti and then central and Western, and
- Phase four - Non-metro part of Accra i.e. rural communities other than just the commercial centers.

(Peprah, Interview, 2009).

Once the NCA had accomplished the plan just mentioned above, they would be satisfied that they had done something to correct the distribution of broadcasting elements within the country. Allocation of licenses to community radio stations was however ongoing. The essence he said was to make sure that the communities that felt left out and wanted a small community radio could always apply and be granted a license. According to the Director, the Ghana Community Radio Network (GCRNET) assisted the NCA in separating genuine community radio applicants from those who wanted to use this dispensation as a back door to the commercial market.

On the lack of transparency in the allocation of frequency, the respondent said it was for that reason that they had embarked on the regional allocations to ensure some transparency and where necessary, hold public hearings in those areas where applications were more than the number of frequencies available. He said luckily those regions that they had attended to– Upper West, Northern, and Brong Ahafo had ten frequencies issued. The regional distribution of the ten frequencies at the close of December 2008 was as follows: Upper East and Upper West, one each and four each for Northern and Brong Ahafo regions.

The NCA was moving away from the old practice where with just a generic application, applicants could get a broadcasting license and frequency to operate. This was a way of bringing more transparency into the system (Peprah Interview, 2009). With this new policy, the guidelines in submitting a proposal for a license to run a community radio station had not changed. What had changed was that the NCA now had coverage-related licensing. The principle behind the coverage license according to the respondent was that if one wanted to broadcast everywhere, he/she was going to pay dearly for encumbering that space since the frequency could not be reused. The rat

The NCA was aware that there were still people who were broadcasting beyond their reach and it was going to curtail that through implementing the new policy at the point of renewal of licenses. Every broadcaster had five years before renewal and it was at that renewal process that NCA would implement the coverage-related licensing by providing every licensee an authorized broadcasting coverage map delineating the boundaries of each station (Peprah Interview, 2010). He further clarified that applicants would get new rules and sanctions governing frequency allocation and reach of coverage area. Radio station signals that went beyond certain db.limit of their legally mandated limit would be in violation of the rules and would be dealt with accordingly.

By making sure that broadcasters paid for what they really wanted, Peprah (Interview, 2010) said NCA would not only put order to the system but also help broadcasters invest in appropriate transmitters and related equipment to reduce overhead costs. As a result, broadcasting would become a viable commercial business for investors. Investors would then pay for what they needed to meet their costs and forge affiliations with stations in those other areas they could not. When his attention was brought to the possibility that the technical interpretation of “affiliation”

could exclude alternative voices, especially in rural communities, resulting in less variety or programming choice, Peprah's response was that there were several stations on the spectrum to choose from. In his opinion, what was required of owners and programmers was to be more creative in programme design.

### 5.5.5 Independence of regulatory bodies

Concerning independence of the NCA, Peprah (Interview, 2009) said they had a lot more independence at that time than they used to in the past, although there was still room for improvement in this aspect. What the NCA needed was absolute independence from any form of control – political, private and cooperate or commercial, which he was convinced, would really transform the Authority. The NCA could then allocate frequencies evenly throughout the country to help deepen the democratic process. Amongst his suggested solutions towards deepening the independence of the NCA he cited financial soundness, independence from government and retention of a reasonable percentage of internally generated funds. Other solutions included: having state of the art monitoring equipment to police the system, improved partnership with donor agencies like the IMF, World Bank and the ITU, job security of staff, reconsidering the status of staff as public servants, the avoidance of public service bureaucracy, and regulating within the context of national policy drawn by the government. The then board, early (2009) was lucky to have a banker as the chairperson, a private sector person who believed in independence and was keen to follow the rules (Peprah Interview, 2009).

On political influence, Peprah (Interview, 2009) commented, "it may have existed in the past but everything that we sought to do at least over the past six years that I have been here is to move things away from these perceptions by the public." In the settlement of disputes for instance, an ad-hoc board of enquiry or committee comprising independent experts would be set up to deal

with such. Findings of the committee to the board were for implementation without recourse to the Minister. The removal of the powers of the Minister as the final arbiter of disputes was a positive change from the old legislation.

### 5.6 Public service broadcasting

Sarpong (Interview, 2010) said the NMC envisaged public service broadcasting as defining taste and standard in broadcasting. The NMC's expectation was that community broadcasting would provide voice and empowerment to deprived communities, offer them an avenue to articulate their concerns and to make specific and redeemable demands on the leadership of the nation. He elaborated, "if we can have this mix of three-tier broadcasting system, then the broadcasting system will be on course" (Interview: Sarpong, 2010). He said the current approach to licensing did not appear to encourage this because too many of the licensed stations were commercial.

NMC's view was that Ghana needed a public service broadcaster and therefore GBC must be resourced, funded and mandated to provide the public service broadcasting that Ghanaians require and that it should not "privatize" or "commercialize" under any circumstance. Another reason for the preference of public service broadcasting was that the country had emerged from an authoritarian background and needed a liberal approach to media. The Commission was therefore extremely cautious in taking steps that may appear to constrain or stifle media freedoms and the broadcasting industry.

Commenting on the broadcasting landscape, Sarpong (Interview, 2010) said despite the uncoordinated policy and haphazard growth, the broadcasting industry had survived and grown. Overall, he was of the opinion that the growth had been phenomenal and had brought with it some positives. A certain amount of government tolerance in terms of media freedom had also

helped substantially. What was needed, he postulated, was to go beyond survival and to open up new horizons

Alex Quarmyne, a veteran broadcaster and one of the founders of the Association of Private Broadcasters of Ghana (APBC), now Ghana Independent Broadcasters Association (GIBA) and the Ghana Community Radio Network (GCRNET), said public service broadcasting must be independent of any control, including government and corporate (Interview, 2009).Quarmyne also a Director of Radio Adda – the first community radio station in Ghana and a former chairman of the *Ghanaian Times,* a state-owned newspaper, also said the budget of a public service broadcaster should not be tempered with and must come from a consolidated fund. The service must provide equitable and fair coverage to all groups including political parties, minorities and the disadvantaged.

Quarmyne (Interview, 2009) suggested that the Ghana Broadcasting Corporation (GBC), a state-owned public broadcaster, needed restructuring to become a true public service broadcaster. Public service broadcasting as he explained earlier, was important because people had always thought that the Government or the State was the only threat in a democracy but private corporations were bigger threats to liberties than the State. He elaborated by giving the example that anti-trust laws in western democracies had been enacted to ensure that no one corporation became more powerful than the State. He argued that public service broadcasting was expected to divest itself of such powers be they political, corporate or public.

According to Quarmyne, the problem with GBC at that moment (2009) was lack of policy and a national broadcasting law. Many people saw it as a government station funded by the government. The reality however, according to GBC, was that government paid staff salaries and

nothing towards programmes. The national broadcaster's representative remarked, the "only product that broadcasting stations take to the market are programmes" and that it was in fact, programmes that made stations (Interview, 2009). In his view, for the owner of a station to pay salaries and nothing for programming suggested lack of appreciation of broadcasting, especially given that historically, GBC was completely non-commercial. Such inadequate funding explained why GBC as a state-owned public broadcaster had decided to carry commercials in order to survive.

In the formative years of GBC, observed Quarmyne (Interview, 2009), the national broadcaster was highly respected throughout Africa. It had a clear vision, knew its identity and direction – something that could not be said of the current GBC. He exhorted government to declare GBC a truly public service broadcasting organization with its mandate, mission and vision clearly spelt out in a broadcasting law in accordance with the 1992 Constitution of Ghana. With reference to funding, the discussant said he did not think anybody expected GBC to get any revenue from collecting TV licenses because "people do not pay and it is difficult to collect, so a form of tax for a public service broadcasting fund will be the best" (Interview, 2009).He stressed however, that such a tax should be well-structured and simple to collect.

### 5.6.1 Ghana Broadcasting Corporation (GBC)

On the status of GBC, the Executive Secretary of the NMC George Sarpong (Interview, 2010) thought that it was "a very confused mix, doing some bit of commercial broadcasting and surviving a bit on government subvention." A reflection of this awkward mix was the current form of advertisements on GBC. In fact, GBC was doing what may be called "advertorial," that is, "subtle editorial of advertisements" on prime time in the name of news, with every product line having a slot on prime time news. It was amazing that sometimes when one watched

television, the respondent opined, they would notice that television news was all about product launches, marketing and sales. There seemed to be inconsistencies in times allocated for each block of advertising. As such, on a 30 minute news bulletin, there were too many advertisements, forcing the newscaster to rush through the news bulletin to meet the allotted times for genuine advertisements and subtle "advertorial." This, according to the interviewee, was a recent and noticeable phenomenon. He added, "GBC claims it has not changed its policy but I believe that is the policy – so long as there are advertisers who are ready to pay premium rate for prime time news, GBC will carry the advertisements." Still on the status of GBC, Sarpong (2010) said the "privatization" or "commercialization" of GBC had generated intense debate but as far as the NMC was concerned, that debate was dead.

The NMC had directed the GBC Board and Management not to deal with any Minister concerning commercialization and privatization of GBC. The matter could come up only if GBC submitted its own proposal and raised the issue of privatization or commercialization of GBC as a subject worthy of attention. The 1992 Constitution had made the state-owned media free of government and the NMC's job was to protect that freedom, but "they [GBC] went looking for "masters" when it served their interest […] and they want[ed] to play one master against the other." "Masters" here refers to Ministers of state and heads of institutions that GBC by law and convention reports to, other than the National Media Commission (NMC). GBC was not supposed to have any relationship with any Minister.

According to Sarpong (Interview, 2009) impliedly repealed by the 1992 Constitution was the old legislation that required GBC to report to the Minister of Information. He cited the Constitutional provision: "Any law which is inconsistent to the Constitution is to the extent of that inconsistency null and void." Sarpong considered GBC's position as "a self-serving claim" and

added, “I would not be surprised that one day the Commission will dismiss a CEO and the entire Board for improper relationship with the Minister of Information.”

On the coverage of the political opposition by GBC, the respondent said some opposition parties had complained, but in quantitative terms, it appeared that if one counted the number of slots the opposition got versus those of the government, there was a slight difference that in sum was negligible. The NMC had developed guidelines for state media coverage of political parties. The content was based on the 1994 Supreme Court decision in the case of *NPP vs. GBC* in which the then opposition party, now in government, challenged the GBC on matters of fairness and equity and the Supreme Court ruled in favour of the minority NPP and laid down the rules on fairness and parity. The NMC had operationalised the rules into the guidelines mentioned earlier. Since then no political party had complained to the NMC about unfair coverage.

On his part, the Director of Regulation of the NCA Joshua Peprah (Interview, 2009) was convinced that GBC occupied a very important space within the broadcasting realm. He pointed out that the national broadcaster had the largest array of broadcasting engineering equipment in the country, though some of it was dilapidated. GBC, he indicated, had a lot of trained technical staff who were farmed out to set up and help a lot of private broadcasting companies. Peprah challenged government to transform GBC into a proper public service facility through policy. His concern was that due to budgetary constraints, GBC would continue to have a mixture of public and commercial operations in order to survive. He saw this mix continue for a while unless government decided to determine GBC’s status and fund the broadcaster properly. According to him, it was worth noting that it was the private operators who set the standards in the commercial arena and GBC would therefore have to always play catch up. His opinion was that private broadcasters performed much better commercially than GBC. To Peprah’s

understanding, “when GBC learned the commercial tricks and was able to raise enough revenue to finance its public service duties and recoup its investments in programming, then perhaps it would be weaned off its commercial activities to concentrate on public broadcasting.” According to the interviewee, that would not happen soon.

On the attempt to privatize or commercialize GBC, Peprah remarked, “No country has hundred percent privatized broadcasting” and suggested that GBC be split into two – a fully public service unit playing public service functions and a purely commercial section in competition with commercial broadcasting entities. Broadcasting of government programmes, advertisements and information on a public service channel could then benefit the citizenry. The respondent attributed the changes in the broadcasting system to the “liberalization” process. The absence of a clear-cut policy or a law however, created regulatory problems.

### 5.6.2 GBC in search of true identity

The Director of Administration and Secretary to the GBC Management Board Alhaji Chodi (Interview, 2009) in his assessment of the corporation revealed how the role of GBC had changed over two governments. He referred to the Chairman/President Jerry John Rawlings military regime of Provisional National Defence Council (PNDC) and the democratic period of the National Democratic Congress (NDC) on the one hand and the President Kufuor New Patriotic Party (NPP) on the other. The PNDC period and the early part of the NDC democratic era, he said, experienced gruesome human rights abuses including the suppression of freedom of expression, especially of the media. The GBC during military dictatorships and pseudo-democratic governments became propaganda megaphone in disseminating the ideas of the regime in power. During this period, the Administrator pointed out, political interference and control of the GBC, was at its peak. The “wife of the Head of State at some point wielded the

power to direct a live programme to stop or even instruct the arrest, transfer or outright ban of a talk show host or guest" thereby usurping and influencing the work of the Minister of Information (Chodi Interview, 2009).

Chodi (Interview, 2009) gave further examples of abuse of the state broadcaster. For example, it was common knowledge that the Minister of Information could be in the newsroom and determine the slant of stories and editorials. Some editorials that purported to come from the President's Office went on air unedited. This was no longer possible at the time of conducting this interview (2009) owing to the promulgation of the 1992 Constitution. Chodi was convinced that in spite of the changes or improvements, more still needed to be done. The most important change he cited was the creation of the National Media Commission (NMC) to protect the state-owned media, including GBC, from government control. The NMC, an independent body became for the first time the appointing authority of the Chief Executive Officers of the state-owned media, including GBC.

According to Chodi (Interview, 2008) two laws incorporated GBC. Firstly, L.I 4761, 1965 that incorporated GBC and the Ghana Radio and Television Corporation and secondly, NLCD 226, which altered GBC as corporation. He said the two instruments of incorporation were at the time of the interview outdated. He stressed that the media industry was dynamic and gave the example that in 1968, GBC was running a wired relay service with re-diffusion boxes. In 2008, GBC was operating in the era of information superhighway with improved technology, ICT and new media in a democratic, multi-party context. The legal framework under which GBC operated had to be overhauled to reflect a true public service broadcasting organization. The laws also, he opined, had to reflect the current realities and the new 1992 Constitution. Additionally, the objectives of the new GBC legislation should be to undertake some commercial broadcasting, promote the

socio-cultural and linguistic value of the people, disseminate information and provide entertainment reflecting the national identity, development and aspiration of the people and carry government programmes. Commenting on the status of GBC, the Administrator said GBC was a state broadcaster and not a public service broadcaster unlike the BBC, which he gave as a classic example of a public service broadcaster. The people through television license fees funded the BBC.

Chodi expatiated on the BBC, pointing out that it undertook other activities to support its operation so it could generate some revenue to reduce the license fees. He said in the case of GBC, "we generate revenue but it is not sufficient to allow us to do whatever we want to do and are still paid from the consolidated fund" (Interview, 2009). GBC had been listed in the sub-vented Institutions Act of 2008 as one of state institutions to be weaned of state subvention. GBC could not say that it was a public service broadcaster so long as its funding came from government. A public service broadcaster, in Chodi's words, "should actually be funded by the public and accountable to the public" (Interview, 2009). GBC he said, had a supervising ministry, the Ministry of Information and National Orientation, and supervising government agency, the State Enterprises Commission with whom management entered into an annual performance contract to deliver.

Overall GBC was answerable to the Executive through the office of the Vice President and the Ministry of Information. As such, the GBC owed allegiance to the Ministry of Public Sector Reform. Development partners who provided support to GBC brought in funds through the Ministry of Finance and Economic Planning who then decided how the funds would be used and disbursed. The appointing authority of GBC was, at the time of the interview (2009), the National Media Commission (NMC) mandated by the Constitution to protect GBC from

government control. Parliament decided on what GBC could charge for Television license fees. In fact, GBC at any particular time served about nine masters. He added that the GBC had regionalized its stations to reflect the peculiarities of each region in the country.

The policy was to have 40 per cent of the programmes coming from Accra and sixty per cent generated in other regions (Chodi Interview, 2009). GBC had enjoyed some editorial independence over the last eight years i.e., the last four years of the Rawlings era and the two terms of the Kufuor government. Based on the 1992 Constitution, GBC was expected to provide fair and equal coverage to all political parties; hence the station provided national coverage of general elections and parliament. Chodi pointed out that GBC had challenges of low remuneration, low motivation, high staff turnover, mobility, aging staff, public service bureaucracy and lack of ICT-minded staff. The rest were: funding and financing of programmes and capital expenditure, lack of appropriate work culture, motivational awards and sanctions.

On policy, Chodi said GBC had a business development plan or a corporate plan, which spelt out its vision and mission (Interview, 2009). According to the Director of Administration, the national broadcaster's vision was to be the most authentic voice of Ghana. He preferred the adoption of the BBC model for GBC to become a truly public service broadcaster with its own charter, board of governors and supported with public funds. His second choice was the South African model. His worry was that "no government will allow it [GBC] to go free in Ghana's young democracy" (Interview, 2008).

The history of privatizing or commercializing GBC was a chequered one, according to Chodi (Interview, 2008). Initially, under the National Democratic Congress (NDC) government of Rawlings, GBC went through the National Institutional Renewal Programme (NIRP). Under the

NIRP, focus was on the full commercialization of GBC, which meant selling it out entirely. The argument then was that GBC had many assets in the country but did not know the value of those assets. Contracted consultants assessed the assets of GBC and their values and suggested the way forward for GBC.

The consultants mapped the institutional transformation of GBC from its mandate, mission, vision, funding and financing to administrative and journalistic areas of it operations. The creation of the Ministry of Public Sector Reform by the Kufuor government also raised certain issues. Under the ministry's Public Sector Reform Programme of Ministries, Departments and Agencies, GBC was put in category three, as able to stand on its own and generate revenue and therefore fit to be weaned of government subvention. It was then put on the list of the Sub-vented Institutions Law. This met with resistance from civil society, staff, the public and the National Media Commission (NMC).

According to Chodi, the privatization policy could be a solution to the GBC problem (Interview, 2009). However, his understanding of the concept was not a sell-out but an engagement of consultants to fix the problem. The consultants should be given clear terms of reference and mandate, objectives, annual targets and period. The specific areas of the terms of reference would include: management, funding, capitalization, joint venture, asset management, remuneration and the quality of staff needed.

On liberalization, Chodi was convinced that the monopoly of GBC had been broken. His view was that GBC had been "complacent when it was the only broadcasting medium" (Interview, 2009).Chodi thought that "liberalization" as explained to GBC should bring about efficiency and effectiveness and that some of the private sector ideas had to be adapted to suit specific

organizations. Inability to adapt to the challenges of “liberalization “would make a broadcasting station irrelevant in the broadcast industry, he added.

According to the Director of Administration (Interview, 2009) in 2006, GBC was able to generate 35 billion Cedis as its internally generated revenue from advertising. The government provided forty billion Cedis subvention and so GBC had seventy-five billion Cedis as working capital. The discussant said if GBC became fully independent, it could generate revenue but because of the crucial nature of broadcasting to the development of the country, no government of whatever persuasion would give total independence to GBC. Any government would use whatever strategies or influence over GBC. He gave as an example, the recruitment of staff, which needed government approval through the office of the Head of Civil Service. Similarly, GBC could recruit, redeploy, retrench staff, and decide on remuneration of staff but in accordance with government procedures and policies.

On challenges of GBC, Chodi observed that government did not pay for services rendered to it, which constituted forfeited revenue because the expectation was that GBC would do public service programming without advertisements. Hence “striking a balance between commercial and public service is the reality of life which GBC is facing and the powers that be must stand to it and say look we will not allow GBC to continue to operate on those lines” (Chodi interview, 2009). He cited the harmonization of broadcasting laws and regulations, operations of the NMC and the NCA to conform to the 1992 Constitution as major challenges in any attempt to restructure GBC. Chodi reiterated that GBC was a state-owned broadcast medium set up and funded by the state, with dwindling government subvention. To make up for the revenue shortfall GBC had intensified its commercial drive but failed to meet its annual revenue targets over the years. Over those years however, various governments, he said, had subverted the core mandate

of GBC, which was to inform, educate and shape the opinion of the people into productive uses for development into a propaganda tool for government.

### 5.6.3 The public and GBC: An overview

In a separate interview, (2009)a former Acting Director General of GBC, Yaw Owusu-Addo identified the problem of the image of GBC in the eyes of the public and alluded to the creation of the Press Commission in the third Republican Constitution of 1979 as the first attempt to insulate the state-owned media from government control. The overthrow of that constitutional dispensation and the suspension of all earlier constitutions truncated the process and ushered in a military dictatorship under Rawlings. In the 1992 Constitution promulgated under Chairman Rawlings, the press commission was transformed and expanded to include the electronic media, appropriately renamed the National Media Commission (Owusu-Addo interview, 2009).

The NMC for the first time insulated the state-owned media from government control. This it did after contesting and winning in the Supreme Court, the appointment of Chief Executive Officers of state-owned media, including GBC. Owusu-Addo's only regret was that the attempt to insulate the state-owned media from governmental control did not include editors and journalists. As the situation stood then, any government in power could influence the Board of the state media to transfer an editor whose views they saw as inimical to their cause either to another region or through in-house changes to another section, effectively reducing his/her influence. If, on the other hand, the NMC's mandate included the appointment of editors of the state-owned media, their independence would be assured under any changes of government and governing boards. At the moment of conducting this interview (2009), the Board appointed editors. This led Owusu-Addo to comment: "GBC has been sufficiently insulated from government control but the sad thing is that psychologically the people themselves do not think

that they have been insulated. They always unfortunately look over their shoulders to see whether they are serving the government or stepping on the toes of others." He thought that this attitude undermined the independence that the NMC was fighting to institutionalize at the state-owned media houses, especially GBC.

A representative of the Muslim group on the NMC and a veteran journalist, Mohammed Affum (Interview, 2009) commented people saw GBC as government's "mouth piece" – a perception rightly or wrongly, that it served the ruling government. The attitude of GBC staff and journalists to assert their independence did not help the situation, despite the enormous effort of the NMC to insulate them from government control. The mandate of a public service broadcaster, he remarked, is to serve the public and not the government. Similarly, a public broadcasting service is not a profit-making venture but accepts sponsorships and advertisements that conform to the rules and ethics of public service broadcasting. An independent body with a representation of the people like the NMC would better oversee the operations of public service broadcasters or programming. According to Affum (Interview, 2009), to evoke confidence of the people in GBC as a public service broadcaster the following considerations were relevant:

- Harmonization of GBC Laws;
- Elimination of political and corporate influences;
- Equity and fairness in coverage irrespective of status or stature in society, and
- Avoidance of politicization, corporatization, and personalization of programmes.

The discussant's problem with the mandate of the NMC in appointing the CEOs of the state-owned media was the different interpretation of the words "in consultation with the President." He was worried about the ambivalence of "consultation." To some people it meant informing after approval, to others it meant sharing ideas to arrive at an amicable decision without which

the appointing authority cannot give approval. According to Affum, those who drafted the constitution felt that the President was a very important stakeholder in the affairs of the country and therefore needed to be given the opportunity of consultation because he was also a representative of the people and the appointing authority should at least consider his views.

Affum (Interview, 2009) insisted that the Constitution must be clear on this matter. To him, it was to ensure fair coverage that GBC set up the regional FM stations so that it could cater for ethnic groups in all the regions. His misgiving was that much as the policy was good, the coverage was too localized. He suggested that regional stations should also have some national coverage such that people in different parts of the country could get to know the culture and values of other ethnic groups. He said such opportunities would foster ethnic and tribal tolerance, understanding, appreciation and unity. Affum was of the opinion that under the current dispensation, GBC had been very fair in its coverage even though some people still complained. Some of the complaints he said, stemmed from the fact that the government in power received a larger chunk of coverage and publicity for the simple reason of being in power. The concern was real because indeed government had a bigger role of governing from the local to the national level, so it was just a matter of course that the media would focus on highlighting government programmes, comments, stories and holding them accountable to their political promises. Also real was the abuse of incumbency advantage especially during general elections. According the discussant also, the government's commercialization agenda must not be at the expense of the core mandate of GBC, to provide public service broadcasting – to entertain, inform, educate, engender public opinion, receive feedback and build consensus on national affairs. The challenge was to fund GBC properly.

A former Acting Director General of GBC Yaw Owusu-Addo (Interview, 2009) discussed changing emphasis on the traditional role of GBC. The theory he said, was the same; the differences depended on the emphasis of different governments which could eventually affect, for example, the delivery and slant of information. So literally GBC continued to inform, educate, entertain, advocate and set the agenda for public discourse. The type of information, education, entertainment and agenda could vary but the key functions remained the same irrespective of the type of government in power. He commented: "We have had experience in Ghana during the second regime of Rawlings' Provisional National Defence Council (PNDC) stories and editorials from the seat of government were brought and GBC carried them unedited." He said particular people had brought items unsigned, contrary to the house-keeping policy of the newsroom. Those who had insisted on the rules being followed had been sacked or transferred during this period for "asking too many questions." Since Government paid the salaries of GBC staff and could hire or fire staff at will, there was nothing like due process. Wrongful dismissal was therefore a common phenomenon.

With time, the "culture of silence" permeated every section of GBC operations (Owusu-Addo interview, 2009). The current Kufuor NPP Constitutional government that had been ruling for the past eight years had deepened the constitutional protection of GBC. The former Acting Director General said the Kufuor government did not interfere with GBC operations, which was also the case during the last four years of the second democratic term of the Rawlings government. He said the latter Government was particularly critical about political information. So even during the Rawlings era, GBC had the freedom to set its agenda but at a very high cost if found out. As a result, people were afraid to talk during those days.

Owusu-Addo (Interview, 2009) pointed out that Government paid the salaries of GBC employees but in public service broadcasting, it was supposed to be the public that bore the full cost of its operations, including salaries. GBC according to the discussant depended on the Minister of Information to approve or disapprove its annual budget as opposed to a pure public service broadcaster where GBC would have submitted its budget before a select committee of Parliament through an independent body. He said there were attempts at that moment to make GBC a public service broadcaster.

The development role, programming and infrastructure outlay of GBC lent itself more to public service broadcasting than any of the other three-tier categories of broadcasting. The reason was that GBC was the only station with national coverage. A private individual would not immediately invest nationwide because it did not make economic sense. For instance, the northern part of Ghana is the largest Region in the country but is sparsely populated. GBC had the highest concentration of transmitters by region, each of them transmitting on five kilowatts with the highest running on ten kilowatts. To Owusu-Addo's understanding, GBC was running the transmitters because the people in these areas were peasants living in villages of about five hundred or less people and hamlets in fulfilment of its constitutional responsibility of providing national coverage.

Yaw Owusu-Addo (Interview, 2009), the former Acting Director General of GBC was of the firm opinion that the national broadcaster was not a profit making venture. It was about selflessness, peace building and giving voice to the voiceless and ultimately, national development. His assessment of the corporation was that news coverage had been very extensive with reporters covering all districts, regions, institutions such as the Presidency, parliament, the

judiciary and the courts to mention a few. He also pointed out that through a constitutional provision GBC was to provide equal access, fair opportunity and coverage to all political parties.

In 1994, the NPP sought a Supreme Court ruling on that matter and won and GBC was compelled to apply this constitutional provision. Accordingly, GBC set up a political broadcast monitoring committee made up of all the parties and agreed on a road map for GBC to cover elections to which all appended their signatures. A review of the document and the Committee takes place at least six months before general elections. Issues that needed some attention in order to make GBC a truly public service broadcaster were:

- The harmonization of all GBC legal instruments to conform to the Constitution;
- Governing Structure;
- Creation of new systems;
- Clear designation of GBC as a public service broadcaster by law;
- Identification of main sources of funding and financing;
- Definition of the three tier category of broadcasting by law;
- Removal of public service bureaucracy;
- Expansion of protection to include editors and journalists from government control;
- Relationship between government and GBC on coverage issues;
- Editorial policy;
- Advertisement and sponsorship;
- Subvention, and the
- Determination of TV license fee. (Owusu-Addo Interview, 2009)

The interviewee pointed out that GBC seemed to be in financial difficulties because the TV license fee was just about thirty cents and the cost of collection more expensive than the collected revenue. Government only provided salaries as subvention. He said GBC was gradually

but certainly becoming more commercially inclined to make up for the shortfall in operating costs. As an example, he cited GBC's prime news bulletins which should have portrayed its public character but had instead, been completely commercialized with only one international news item to create more advertising space.

According to Owusu-Addo (Interview, 2009), "the policy of GBC was in the law establishing it." The newsroom had its style and GBC did not deviate from it. Departmental policies such as financial reports were also in place. GBC had a corporate plan on its mission and vision. NLCD 226 states categorically that GBC shall be a public service broadcaster but in reality, its practice as a state broadcaster had not changed. Due to either ignorance or just sheer political expediency by the time NLCD 226 had been fully implemented, the end result was a national broadcaster and not a public service broadcaster. The law that established GBC (NLCD 226) was no longer adequate and did not address the exigencies of broadcasting in a current multi-part party democratic environment (Owusu-Addo interview, 2009).

According to Owusu-Addo, the Acting Director General of GBC, at the moment of the interview, GBC was not a public service broadcaster in the real sense of that designation. He observed that GBC was a national or state-owned broadcaster and had a monopoly for over seventy years (Interview, 2009). Government paid the salaries of GBC employees but in public service broadcasting, the public is the one that bears the full cost of operations, including salaries. GBC according to the discussant depended on the Minister of Information to approve or disapprove its annual budget as opposed to a purely public service broadcaster in which case GBC would have submitted its budget before a select committee of Parliament through an independent body. Owusu-Addo said there were attempts at the time of interview to make GBC a public service broadcaster. The development role, programming and infrastructure outlay of

GBC lent itself more to public service broadcasting. The reasons include that GBC is the only station with national coverage. A private person will not immediately invest nationwide because it does not make economic sense. For instance, the northern part of Ghana is the largest Region in Ghana but sparsely populated. GBC has the highest concentration of transmitters in each Region. Additionally, the discussant pointed out, GBC was running transmitters in sparsely populated rural areas in fulfilment of its constitutional responsibility of providing national coverage. He emphasised that GBC was not a profit making venture, it was about selflessness, peace building and giving voice to the voiceless, and priming the society for national development.

GBC news coverage had been very extensive with reporters covering all districts, regions, institutions such as the Presidency, parliament, the judiciary and the courts to mention a few (Owusu-Addo interview, 2009). The discussant said by a constitutional provision GBC was to provide equal access, fair opportunity and coverage to all political parties. In 1994, the NPP sought a Supreme Court ruling on that matter and won and GBC was compelled to apply this constitutional provision. So GBC set up a political broadcast monitoring committee made up of all the parties and agreed on a road map for coverage of elections to which all appended their signature to the document. A review of the document and the Committee takes place at least six months before general elections. Issues that need some attention in order to make GBC a truly public service broadcaster are:

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- Removal of public service bureaucracy
- Expansion of protection to include editors and journalists from government control;
- Relationship between government and GBC on coverage issues;
- Editorial policy;
- Advertisement and sponsorship;
- Subvention, and
- Determination of TV license fee. (Owusu-Addo interview, 2009)

GBC, to Owusu-Addo's understanding, seemed to be in financial difficulties because the TV license fee was just about thirty cents and the cost of collection more expensive than the revenue. Government only provided salaries as subvention. The Acting Director General observed that GBC was gradually but certainly becoming more commercially inclined to make up for the shortfall in operating cost. An example he gave was that GBC prime news bulletins had been virtually commercialized. According to the discussant, the "policy of GBC is in the law establishing it since 1967 (NLCD 226) by the then military regime and a recent corporate plan. GBC newsroom has its style with departmental policies such as financial reporting. The law that established GBC (NLCD 226) has a problem of identity crisis." The reference to GBC as providing a public service, argued the Former Acting Director General, was "technically wrong because what we do in practice makes GBC a state broadcaster".

The Resident Director of Friedrich Ebert Stiftung (FES) a German NGO in Ghana, Katherin Meissner (Interview, 2009) was convinced the country needed to discuss the form of public service broadcasting and programming it wanted. There was also need to ascertain which broadcasting categories must do public service programming and how. For the FES, information,

education and quality of entertainment were key in this national debate and dialogue. Meissner advised that Ghana should not pick a model just because it was the most preferred theoretically or practically. Instead, she stressed the importance of using systems and approaches that were relevant to the country's circumstances.

Meissner expressed no problem with the hybrid character of GBC in terms of carrying commercials so long as it was clearly legislated, regulated and monitored by an institution that was properly mandated and equipped to do so. She pointed out that the German public service model was different from the British model just as the American model was also different from both the British and German models. Ghana, "supposedly had a public broadcaster so why not work with that one by looking at its legislation, administrative structure, funding and financing, governance and independence instead of reinventing the wheel?" (Interview: Meissner, 2009). She expressed an awareness that the cost of a new system might be too much for the country to bear. On coverage of government programmes the discussant said there seemed to be some misunderstanding on carrying government information. Reporting about what government did was not airing government programmes, she pointed out. She drew a distinction between reporting to inform the public and carrying programmes on government policies. GBC could cover government activities as it was free to make stories out of such activities but not use a video tape that government handed over to GBC to broadcast. She said if video tapes from government were put on air unedited, then it was a clear indication of lack of independence of the public service broadcaster and the mandate may need some reassessment. She thought it was important to keep the two separate because what the law said was different from reality.

A media analyst with over twenty years' experience working with local and international organizations and very closely with academia and the GJA on media issues Affriye Badu, was

of the opinion that GBC was in a certain transition of identity crisis(Interview, 2009). GBC traditionally had performed as an extension of government and of establishment. Chapter 12 of the 1992 Constitution guarantees Freedom and Independence of the Media and spells out the role of the state-owned media. According to the discussant, going by the 1992 Constitution, GBC ceased to operate as an extension of government and should be operating instead, as a public broadcaster to satisfy national interests. He said the legal framework that tied GBC to government's apron strings however, had not changed. He remarked: "any attempt by management to assert their independence is often met by a rude reminder that they depend on the government for this and that. Let it go on record that some of us raised such direct interference in appointments as well as who heads the newsroom."

According to the media analyst the introduction of commercials however, created some problems. Much as GBC made more than six million Cedis profit in 2007 from commercials, people were beginning to complain. He added that the Director General (Ampem Darko) had indicated that he had not introduced a new strategy – all he had done was increase the revenue base and improve fiscal discipline. He said on a visit to GTV News room with Mr Bright Blewu of the Ghana Journalist Association (GJA), the journalist complained bitterly on the over dependence on advertising which had influenced and affected the character of the news bulletin.

The analyst wanted GBC to make a distinction between commercial and public service practice when it came to news. The number of advertisements that ran currently was in bad taste and the Director General had promised to look into the matter. In the opinion of the media analyst, GBC had practically and illegally increased TV license fees. He said the charge had gone up to thirty new Ghana Cedis (30 cents) annually from an original legal fee of five old Cedis (5 cents). The current charge of thirty Ghana Cedis was illegal because it was not approved by parliament. As

much as the current charge was practical, it was illegal whereas the legal charge was impractical said the discussant.

Concerning the coverage of political parties, the analyst's comment was that there was no objective criterion to determine this. He said in a letter to the *Daily Graphic* of December 2007, the National Democratic Party (NDC) officially commended GBC for being fair in their coverage but at the same time, former President Rawlings who was the founder of the party accused GBC of marginalizing the NDC and called the Director General a thief. Another problematic area was a legislative provision that obliges the state-owned media to cover the President. GTV had therefore dedicated a camera to the presidency. The discussant thought that GBC had been making strenuous attempts to satisfy both the opposition and government but that there needed to be empirical evidence on coverage of campaigns during general elections.

The discussant cited a forum in Takoradi in the Western Region of Ghana on funding and financing of public service broadcasting where there had been a suggestion that placing a small tax on mobile phone units could yield a substantial amount of money. A paper was prepared on this under the auspices of the GJA but surprisingly, the Minister of Finance announced for the first time the introduction of a talk tax on mobile phones without any reference to the funding of public service broadcasting. According to the interviewee, another option could be to put a small tax without necessarily increasing the VAT rate into a public service broadcasting fund. In the opinion of the analyst, the NMC was an independent constitutional body, an appointing authority of the governing boards of the state-owned media. It was mandated to insulate and protect the state-owned media from governmental control. That being the case, it made sense that the NMC should be also be responsible for the budgets of state-owned media through parliament. He said Chapter 6 of the S.K.B. Committee of Experts Report that talks about the freedom and

independence of the media also talks about the budget transfer issue. The NMC, he claimed, could talk and pontificate but a Director General would be realistic enough to know that his getting money for capital investment depended on the Minister of Information and not the NMC. He used the expression "He who pays the piper calls the tune," to describe this situation.

According to the media analyst, for GBC to become a true public service broadcaster, two things needed to be in place: a) a mechanism that would insulate GBC in the true sense of the word in terms of its masters and report systems to only the NMC, and b) submission of GBC budget directly to the Parliament through the NMC.

A former Director of Radio Eye, Charles Wereko- Brobbey (Interview, 2009) said a restructured GBC should offer public service programming devoid of profit making motives. He suggested a broadcasting law to define what public broadcasting service entailed in a multi-party, multi-dimensional, multi pluralistic democratic environment. There was therefore the need for a national discussion as to how to modify the public broadcaster to a public service broadcaster. He remarked that a public service broadcaster needed to set broadcasting standards, build trust amongst the people through good practice and be a bearer of the people's value system, culture and language. In short, it needed to be an impartial trustworthy disseminator of information, education and entertainment (Interview, 2009).

Another important area that needed to change at GBC was the institutional culture if it was to become a public service broadcaster (Interview: Wereko-Brobbey, 2009). The culture was that the national broadcaster was part of the state apparatus. This culture induced self-censorship and politicization of information. Other needed changes were: avoidance of GBC on the front page's political stories; to provide unbiased informative and educative stories and programmes like

documentaries; provide rich creative content; avoid competition with commercial programming; do solid and insightful analysis, and become a trustworthy institution giving credit worthy information and education to the public. All this could become possible if GBC adapted the public service model. At the moment of conducting this interview (2009), GBC was trying to compete with the commercial broadcasters.

Bright Blewu of the Ghana Journalist Association (GJA) likened the role of GBC with regard to the professional development of journalists and the industry to that of the BBC (Interview, 2009). The Britons, he observed, were very sensitive when it came to the BBC; they were the taxpayers and therefore protected and financed the BBC because the station reflected the will of the people. He suggested an independent Commission for public service broadcasting. GBC as a public service broadcaster should be the soul of the nation and the bearer of the Ghanaian and African identity. On the editorial independence of GBC, the GJA believed that there had been some achievements but that there was a lot of room for improvement. According to GJA, the issue of full independence must be seen as a process in the light of the recent history of Ghana. The GJA on the privatization of the public broadcaster asked why Ghana should commercialize the public broadcaster in a pluralistic media environment. In Blewu's words, "GBC belongs to the citizenry and whatever could be done to make it operate as such must be done" (Interview, 2009). His last remark was that GBC may not attain the status of the BBC but even the United States of America that has a history of commercial broadcasting later saw the need for public service broadcasting but inclined more to a commercial model.

Ankrah(Interview, 2008),the Executive Secretary of the Ghana Independent Broadcasters Association (GIBA) concurred that Ghana definitely needed a state broadcaster because the government machinery would need a mouth piece to communicate issues that a commercial

broadcaster would not cover in the absence of advertisers. He insisted, however, that the role of GBC needed to be defined in the three-tier system of broadcasting because any broadcaster cutting across all three strata would definitely not have a clear vision and direction. He asked what the vision and mission of GBC was. If it was a state broadcaster then it should remain as such with a board of governors to ensure that it operated within its editorial policy and the law.

Ankrah (Interview, 2009) saw the commercialization of GBC as diluting its vision as a public service broadcaster. The basic problem of GBC therefore, was to define its role and funding. GBC needed to make use of the enormous human and physical resources that it had. He observed that not a single commercial broadcasting station was set up without some personnel from GBC. The majority of commercial broadcasting operators had depended on GBC to set up. As such, he argued, there was some good in GBC that needed recognition and harnessing. Ankrah's opinion was that in a reform process, the various competencies of GBC should be identified as possible sources of funding that could make GBC much stronger and a vibrant self-supporting public service broadcaster with less dependence on government subvention. In this regard, it would have the funding it needed. Other areas of the reform process could be cutting down on staff, reforming the laws governing GBC, Management and Administrative structures and practices and above all, to stop illegal attachment to the Executive through a ministry and a Minister of State.

A senior lecturer of the University of Ghana, Legon and a former Executive Secretary of the Constitutional Review Committee, Atuguba Raymond, said GBC was envisioned as a state enterprise. He stressed that the state should not be confused with the government or private enterprise. He gave an example that as widely practiced in Africa, a state-owned broadcaster tends to service the government of the day in the name of the state. He further argued that the

GBC arguably was state-owned by legislation (NLCD 226) but mandated in the same legislation to provide "public broadcasting service programming" as though it was publicly owned. Conceptually and technically, it was the state (administered by the government of the day) and the public, including civil society that funded GBC. Impliedly therefore, "a publicly-owned broadcaster must be used in the service of the public while the state broadcaster may be used in the service of a government or the public and in some cases a semblance of both" (Atuguba interview, 2009). The practice in Africa was that governments perpetuated the policy and legal ambivalence of the terms state and public and used them interchangeably thereby deepening the confusion. This, as Atuguba pointed out, was partly because a proper public service broadcaster must be accountable to an independent regulator in a democratic setting.

Atuguba (Interview, 2009) was therefore not surprised that serious attempts by civil society and the National Media Commission to transform GBC into a truly public service broadcaster had so far proved futile. Similarly, all attempts by subsequent governments since 1994 to either privatise or commercialise GBC had failed due to widespread resentment against such a move. Opponents of the privatisation policy argued that GBC was the embodiment of the identity of the people of Ghana and their culture. Another argument was that Ghana had accepted a three-tier system of broadcasting (public, commercial and community) and therefore it made no sense to privatise GBC since commercial stations far outnumbered the other two categories post-liberalisation of the airwaves in 1995. Other reasons against privatisation of GBC included the lack of effective national geographic television coverage, high levels and incidence of poverty and illiteracy.

On the mandates of the National Media Commission (NMC) and the National Communications Authority (NCA) Atuguba was of the opinion that the constitutional mandate to regulate

broadcasting lay with the NMC. However, financially and technically, the NCA had unconstitutionally become the de facto regulator. The government chose to create and use the NCA, an arm of itself, by an act of parliament rather than affirming and allowing the NMC to regulate the allocation and assignment of broadcasting frequency (Atuguba, interview, 2009).

### 5.6.4 Political parties

The People's National Convention party (PNC) expressed the view that GBC had problems of management as a result of which it had not been able to play its role properly as a public broadcaster – seeking first, the interest of the public and not necessarily the government in power. The party however, thought that government should provide direction on social, cultural, and educational issues as well as the general development of Ghana. The PNC considered worrisome, the perception of the people that government was influencing GBC. According to the party representative, not until GBC consistently demonstrated its independence from all powers would the negative perception of the station as the mouthpiece of government change. This perception, according to the PNC, had a lot of credence to it. Analyses done by civil society continued to show government influence of, and interference with GBC. The national broadcaster needed to do a lot more in order to clearly demonstrate its independence. On the coverage of minority political parties by GBC, the CPP said sometimes when the parties complained of poor coverage it would be that they had not organized enough activities sometimes. However, at times in clear competition especially during elections, there was the abuse of incumbency which made it difficult to say whether GBC was fair or not to the other political parties. Thus, he said, there were some grey areas of incumbency advantage that needed to be resolved.

The PNC representative also urged the GBC to be a public service. He charged that the state had liberalized the airwaves for private participation. As such, GBC had to continue to seek and publicise government information to educate people in the public interest because Ghana needed a public service broadcasting system. To deliver its mandate, the representative suggested that GBC needed some changes.

According to the PNC, a public service broadcaster must show leadership and high standard of broadcasting and journalism for other operators in the industry to emulate. In addition, the station should give all sectors of the society the possibility to use the media without having to pay for it and be an example of democracy in action. A public service broadcaster must go for high quality entertainment that uplifts the socio-cultural and linguistic values of a people and help cement relationships through tolerance and understanding of humanity. On funding, the PNC said GBC was already operating on a commercial basis with some government subvention. There was need for a simpler and effective way to collect TV license fees. Management was encouraged to be more innovative and creative in getting other sources of funding and financing.

The NPP Constitutional government that has been ruling for the past eight years has deepened the constitutional protection of GBC. They do not interfere in what we do which was also the case during the last four years second democratic term of President Rawlings government in a democracy. According to the discussant even the period that he said they were controlled they had some leeway to set the agenda at the peril of their livelihood and life. He said Government was particularly critical about political information. So even during the Rawlings era, GBC had the freedom to set its agenda but at a very high cost if found. Those days' people were afraid to talk. The focus of government he said was to ensure that their stories go on air unedited but you are not told how to organize or who to invite for your programs even though that did not stop

them from intervening. So even where they thought they were controlling they were not controlling because 'few of us resisted but a lot more practiced self-censorship. We had about sixteen hours of programming time in different languages so we still had some leverage to set the agenda

### 5.7 Towards an outline of regulatory institutions

On the relationship between the NMC and the NCA, an academic, researcher, policy analyst, civil society and media activist, Kwesi Jonah (Interview, 2009) said the two existed as separate autonomous regulatory institutions even though some of their functions were interrelated. He was convinced that the contention between the NMC and the NCA had to do with which body was appropriate for the allocation of broadcasting frequency. The NMC was contesting the authority of the NCA to allocate broadcasting frequencies; a function that the NMC believed fell directly under its constitutional mandate but was usurped by government. To Jonah's understanding, the NMC need not be the licensing authority. The most pressing issue with the NMC was that its constitutional mandate of overseeing the media especially broadcasting content had been undermined and defied with impunity by the citizenry, especially the media and that needed to change. The imperative, in Jonah's view, was a need to stem the tide of impunity.

Jonah's solution to the NCA-NCM tug-of-war was not to take powers from one and give them to the other. He recommended effective collaboration so that the NCA, a non-constitutional body, would comply with NMC rulings and incorporate such decisions as a major requirement for the renewal of frequencies and licensing. Thus, it was unnecessary for the state to change the functions, roles, and responsibilities of the NMC and the NCA but to find a way for the two to work together. The academic expressed worry that the NMC had not been able to enforce some of its decisions in the past.

The NMC's weakness in the enforcement of its decisions and regulation was due to policy and legal confusion on the issue of constitutional mandate plus lack of enforcement powers. To the extent that both the NCA and the NMC were not able to implement their decisions, it could be argued that they were both week (Jonah interview, 2009).Whereas the weakness of the NMC was lack of clear, legal mandate to sanction the NCA, on the other hand it had the legal mandate but for some reason failed to apply the rod where it had to. The respondent wondered if this impotence of the NCA had anything to do with its being accountable to the President as the appointing authority.

A founding member of the Association of Private Radio Stations (APRS), now called Ghana Independent Broadcasters Association (GIBA) and the Ghana Community Radio Network, Professor Alex Quarmyne shared his views on the role, appointment, representation and independence of the NMC and the NCA. Quarmyne (Interview, 2009) commented, "Any Government anywhere if it had its way would directly or indirectly influence the media, that is a given anywhere in the world" and this attitude applied to Ghana as well. To the respondent, the structure of the NMC, mode of appointment of Commissioners, its function and constitutional protection of its independence and transparency lent itself more towards democratic principles than the NCA.

There were however, serious challenges. The NCA was not as representative as it could be and there was need for some changes (Quarmyne interview, 2009). The representation on the NMC, he believed, had to evolve to remain relevant. Thus, he saw a change in the Commission's mode of representation as necessary for the improvement in the quality or competence of representation. The key in this respect, he was convinced, lay in how representative groupings selected or nominated their representatives. The NMC should be in a position to formulate a

policy document agreed upon by Commissioners regarding the selection of nominees to the Commission. Representative organizations needed to understand that the NMC required Commissioners who understood what the NMC's role is as well as that of Commissioners themselves. Quarmyne's (Interview, 2009) concern as far as the NMC related to him was that the latter had an avenue through which he could seek redress. The NMC, he pointed out, arbitrated disputes by viewers, listeners, journalists, owners of media houses and the public in such matters as slander and libel. He could not say the same about the NCA.

The major flaw of the NCA in Quarmyne's assessment, was that it was under a government ministry, which limited its independence. He singled out challenges in the arrangement of the NCA Board as: the appointment and monitoring process, changes of board members with every change of government and lack of transparency in the allocation or assignment of broadcast frequency. Another weakness he cited was that the NCA was accountable only to the Executive. On the relationship between the NMC and the NCA, the interviewee defined the problem as "turf war" characterized by chicanery, calculated towards satisfying individual whims and caprices. The solution posed by Quarmyne was that the two organizations' mandates could be revisited and there was a possible merger between the NCA and the NMC or setting up another independent body to do the allocation of frequencies. The formation of subcommittees of the NMC and the NCA after clearance by a legally designated authority was another possibility.

A community radio activist and member of the Ghana Community Radio Network (GCRNET) Benson (Interview, 2009), observed that he and his community had had no knowledge of the NCA and the processes involved in applying for a license until the community attempted to get a frequency. The process of acquiring a frequency, according to him was "arbitrary and very restrictive and cumbersome especially for community broadcasting." He lamented that it took

them over 4 years to get their license after they had applied. According to the respondent, the National Communications Authority (NCA) gave contradictory reasons to explain away the reason for the delay in frequency allocation. His community had been informed that the FM spectrum from 87-108 MHz was almost full and about 90 percent of that had been given to commercial operators and the NCA was looking at the possibility of frequency sharing. Their own informal research revealed that because community operators did not pay for the frequency, the NCA preferred dealing with commercial operators since they paid and brought in some revenue.

The NCA could charge community operators based on a transparent criteria since the latter could have different objectives and missions (Benson interview, 2009). He said he had approached parliament in the past and it appeared parliament lacked the requisite expertise on the subject and so depended on the position of the NCA. There had been, at the time of the interview in 2009, a remarkable change between the NCA and community broadcasters. The changes could have been due to the change of government from the Rawlings regime (1992-2000) to the Kufuor government (2001-2008) which brought with it some positive changes at the top hierarchy of the NCA. Benson praised the Ghana Community Radio Network (GCRNET) for its efforts and advised that if anyone wanted a community radio, it was advisable to first join the GCRNET and that individual or group of individuals would be well informed, educated, and assisted in meeting the NCA application requirements for NCA broadcasting frequency allocation.

Through the instrumentality of the GCRNET, the NCA had mapped the whole country into zones with each zone allocated one community radio frequency. The NCA adopted the zoning concept and agreed to reserve about 100 frequencies for community broadcasting. According to Benson (Interview, 2009), the GCRNET used geographical, economic and cultural similarities to

do the zoning. For example, if a group of people spoke similar languages and had cultural similarities, it would be assumed that their needs and developmental plight might be similar, hence the allocation of one frequency to such a "zone." One frequency and an extended coverage area or range would then be assumed to best serve such a community.

Benson said the NCA could have done better on public education regarding the Commission's work as well as what was expected of community radio stations, operators, and allocation. He felt the NCA could also make public information concerning renewal of frequencies, license requirements, ownership, and funding available to the public. Thus, the role of the NMC should go beyond just ensuring and monitoring content to promoting the responsible use of broadcasting. He pointed out that the NMC however, had budgetary constraints that tended to hamper its operations. The fact that the NMC had no role whatsoever in the allocation of broadcast frequencies, was a key constraint in the performance of its mandate.

Frank Agyekum, a Deputy Minister of Information and former journalist (Interview, 2008) said the NCA had produced little and needed to improve its operations, especially in engendering programme diversity at the point of issuance of licenses through careful vetting of applications. To the Deputy Minister, broadcasting houses did not show creativity, imagination and diversity in programming. He added that almost all the broadcasting stations ran similar newspaper reviews and political discussions in the mornings from 6-8am. The same applied to the 8-10pm political talk shows, 10-12- brunch time rhythms, then 12-2pm lunchtime rhythms. He cited the 2-3pm slot as the one with healthy programme variety. From 4-6pm, it was drive time on almost all stations.

About 66 per cent of stations presented their news bulletins at the same time (Agyekum interview, 2008). The NCA could have corrected this problem of lack of diversity in programming. However, the NCA had always insisted that the mandate to oversee content matters remained in the domain of the NMC. In his reaction to this arrangement, Agyekum said the NCA had some basic terms or conditions that the Commission demanded from applicants which could include requirements on programming. After all, he added, one of the requirements was that the applicant's output should be national in character. The essence of the basic requirements was to engender programme choice and variety. Expatiating on his suggestion, Agyekum commented:

> We are not taking away the work of the NMC, its work is in content development in that they listened to the radio and if you step out of line like radio Gold they are able to tell you that what you are doing is wrong. They do not determine the kind of programming. The requirement of programming should be part of the requirements for the issuance of license.
>
> (Interview: Agyekum, 2009)

Agyekum also observed that as the body that regulated the quality of programming, NMC was handicapped and as a solution, suggested some kind of merger of NMC and NCA for both sides to be more effective. The NCA he said did not have the expertise that the NMC had in media programming and content. Similarly, the NMC did not have the technical expertise of the NCA yet their mandates seemed to overlap into the other's area of concern. This was flaw created regulatory gaps. Broadcasting operators were aware of this legal confusion and took undue advantage of the situation.

Agyekum (Interview, 2009) correctly pointed out that the problem of two or more regulatory institutions overseeing one industry such as media was much deeper than what could be seen on

the surface. The problem was common in Ghana and Africa as in most developing countries. He gave South Africa as a very good example. The South Africans had been able to merge the regulatory authority and the licensing authority. Whilst the licensing authority had a lot of money, the regulatory body had little funds and so to cede one to the other was a problem.

The problem also went beyond just NMC and NCA to the Ministry that oversaw these bodies where all were struggling to both protect and expand their area of jurisdiction even if it meant usurping others (Agyekum interview, 2009). This phenomenon was often common where there was legal confusion on mandates and functions of institutions. Another problem identified by Agyekum was that whilst the NMC was a constitutionally independent statutory body, the NCA on the other hand was not independent as it was an arm of the Ministry of Communications. However, the NCA emerged as the stronger body because of the political backing it had and the revenue it generated for government. The option was to get the NMC and the NCA working together.

According to a member of the Convention People's Party (CPP), with the proliferation of private stations, the NMC needed the power to sanction errant stations and media practitioners. A former Resident Director of the FES (Interview, 2009), acknowledged the significance of the NCA in the media theatre in the allocation of frequencies. However, she aptly observed, the NMC took the view that as an independent constitutional body, it would be subverting the constitution if it allowed itself to operate under or was subsumed by the NCA that was answerable, accountable to and under the control of the Executive. Apart from the strained relationship between the NMC and the NCA, having one representative of the NMC on the NCA Board would not solve the problem.

A media analyst, Affriye-Badu (Interview, 2009) dismissed the idea that the NMC was completely ineffective. He cited as its glaring weakness that its focus at any given time depended on its leadership. He opined that the NMC was transparent in its affairs and dealings with the public. Some of the weaknesses of the NMC that he identified were: very poor government funding, very limited power to enforce rules, the possibility of it becoming a city-based NMC due to lack of funds to meet the travel expenses of Commissioners coming from other regions, and an ambivalent regulatory mandate. According to Affriye-Badu (interview, 2009) right from its launch, people should not have expected much from NCA due to the legal framework that made it accountable to the Executive and the fact that it was chaired by the Executive's representative. The Executive's representative who was invariably the Chairperson of the Board, would always protect the interests of the President. However, things were beginning to change. For example, there was a substantive CEO and a new legal framework that reduced the powers of the Minister. On the relationship between the NMC and the NCA, the respondent said as a country that believed in democracy, the responsibility of frequency allocation should not be shared – the NCA should be the sole body to manage frequencies. The NCA could determine the number of broadcast frequencies available but the actual allocation of the frequencies should be the responsibility of the NMC. The NMC should then develop an objective and transparent policy guide and requirements for the allocation of broadcast frequency.

The Director of Radio Eye, Charles Wereku-Brobbey observed that the NCA was a technical body that decided who could run or start a radio station because it had the powers to allocate frequency (Interview, 2009). The NMC, though a constitutional body, could only register newspapers and deal with media content which made it the appropriate body to provide all the requisite media rules and guidelines that should guide how a radio station should be set up.

Unfortunately, according to the respondent, no such guideline existed; only NCA technical guidelines were available. Thus, he saw a need for a broadcasting law mandating NMC to allocate broadcasting frequencies since it was the appropriate body as stipulated in the 1992 Constitution. Commenting on the NMC, the Ghana Journalist Association (GJA) said the freedom and independence of the media as enshrined in Chapter 12 of the Constitution had not been fully implemented through the setting up of the NMC (Interview, 2009).

Wereko-Brobbey (Interview, 2009) was convinced that the NMC was not performing its duties well. Structurally, he said, representatives of nineteen associations or organizations, including parliament and the Office of the President as stipulated in the 1992 Constitution become commissioners on the NMC. As long as Commissioners represented a cross section of the society and elected their own Chairperson, then the institution's independence would be assured to some extent. The NCA had different members and the Chair of the Board was appointed by the Executive. The GJA preferred the NMC system to that of the NCA. The Executive Secretary of the Ghana Independent Broadcasters Association (GIBA) said the problem they had with the NCA was that it was accountable to the Executive and that "they take decisions that bind us whether you like it or not and you have to go by it which is not a good thing in a growing sector like ours" (Interview, 2009).

An assistant to the chairperson of the National Development Planning Commission (NDPC), Kenneth Owusu (Interview, 2009) saw the policy framework on the roles of the NMC and the NCA as in need of review. The policy framework gives a broad indication of what was expected of them – the NCA providing the necessary regulatory environment for the media to operate in terms of operational issues, with the NMC providing the overseer role regarding media practice. Owusu observed, "Some of the state institutions have conflicting mandates in terms of the way

they function and the implementation of the law." The policy framework he explained, just focused on what NCA should do with reference to regulating the frequency environment and issuing licenses. The NMC was responsible for standards, and that was the problem between the NMC and the NCA. The legal framework that established those institutions also gave them complete autonomy in terms of what each did. As a policy expert, Owusu suggested a policy in place before the legal framework, which would provide mechanisms to achieve policy target.

Therefore, the law and the policy were very important as they complemented each other. Owusu (Interview, 2009) regretted that there was neither a policy in place nor was there one to start with. According to the respondent, the NDPC was a policy formulation institution that also monitored its own work. He opined that in the policy formulation process, stakeholders needed to be engaged and they included government institutions, the private sector, individuals and civil society organizations. He pointed out that the 2007 *Implementation of the Growth and Poverty Reduction Strategy 2006-2009* of the *Ghana Poverty Reduction Strategy II (GPRSII*) prepared by the NDPC had something on enhancing development communication. On the NCA there seemed to be nothing because of the quality of the institution's data system at the time.

On the independence or autonomy of the NMC and the NCA, Owusu advocated the contextual definition of independence. He asked, "Does independence or autonomy mean that your work has no recourse to other institutions or what?" He said in a way the NCA was a government institution, an agency, since it worked with the Ministry of Communication. He added that although the NCA'S framework said it was independent, the appointment of the Head of that institution was done by the President and as such government's influence could not be ignored. He concluded by observing that there was a need to define what was meant by independent or autonomous (Interview, 2009).

# Chapter 6

# Analysis: Impact of Changes on Ghana's Broadcasting System

## 6.1 Introduction

This chapter analyses the documentary findings of Chapter Four on changes in broadcasting policy and regulation in Ghana. Key among the findings is the empirical documentary evidence of the factors and forces that influenced the changes in the broadcasting policy and regulatory regime over the period of the study. As pointed out in Chapter Four, the most influential factors could be grouped under the broad themes: socio-cultural, economic and political, as well as globalisation.

The most dominant influential factors are domestic and international economic and political factors. The forces behind the factors mentioned are ideologies of different political persuasions, civil society movements, academics, public servants, prospective broadcasting owners, the Executive, Ministers of State and parliament. Flowing from this background, the analysis of the findings in this study is located within two complementary theoretical propositions namely political economy approaches (Golding and Murdock, 1997; Boyd-Barrett and Newbold 1995), and Mosco's (1996) thesis on the market.

Mosco (1996) approaches political economy from three complementary angles namely commodification, spatialisation and structuration. Mosco's (1996) approach thus analyses the significance of power relations and initiatives as well as demonstrates how the competing forces be they private, commercial, government, public institutions, civil society and others, derive their source of power and subsequent action. Mosco's (1996) contention that government, private and commercial entities and civil society derive their sources of power from the state, the market and

the public respectively, is true to this study. The key justification for the application of media economics is informed by the context within which the changes in broadcasting policy and regulation occur, namely liberalisation and privatisation. The thesis will later address the role of liberalisation as an ideology in the changes of broadcasting policy and regulation. The media economics theoretical proposition offered for this analysis draws on theories of exponents such as Gomery (1989), Picard (1989 a, b) and Alberram (1996).

The political economy approach (Golding and Murdock, 1997; Boyd-Barrett and Newbold, 1995) is historical and holistic, focusing not only on "what is but what ought to be" as the various power centers of policy "actors" compete to influence the policy and regulatory processes to their advantage. The overriding concern of this approach in relation to this study and analysis is how the complex macro interlocking issues of economic and power dynamics relate and impact broadly on the (micro) broadcasting system. Following from the above theoretical outlook, two powerful opposing threats are discernible as attested by the documentary findings in the broadcasting policy and regulation arena.

The threats are the private sector and government. Opposing these two powerful threats are civil society, academics, media organisations, professional bodies and the National Media Commission (NMC). Drawing from Golding and Murdock's (1997:40) thesis on "interlocking directorships and power dynamics," it does appear that there is a very obscure line between political power and the market. In reality, the two forces as well as the others interlock at different stages and levels with varied degrees of influence on the changes in policy and regulation. My strong view is fed by the fact that the political elite are themselves either owners or directors of big and small influential businesses and by extension, the broadcasting industry in Ghana.

There are strong indications of politicians or well-connected individuals to governing political parties and government, owning directly or indirectly radio and television stations. This observation rightly or wrongly, has led to the criticism of political or financial bias leveled against the National Communications Authority (NCA) on the authorization of broadcasting frequencies. Equally, the creation of some private radio and television stations and their relationship or status with the Ghana Broadcasting Corporation (GBC) has been subject of investigation by the National Media Commission (NMC).

Another questionable deal that has defied scrutiny is the disposal of the Ghana Films Industry to a foreign company with questionable local shareholders. A rigorous attempt to investigate this phenomenon across the industry could be the subject of another study. The scenarios illustrated above partly explain the lack of political will and trust to create or embolden independent regulatory institutions. What has been the effect/ impact of the policy and regulatory changes and gaps is the subject of this chapter. The study will develop this aspect later. The study also draws from the findings on the question of ideology and how ideological differences amongst the various policy making "actors" and forces play out in broadcasting policy and regulatory changes, which leads us to another dimension of Mosco's (1996) definition of political economy from an ideological perspective.

## 6.2 Political economy approaches and ideology

Ideology is one of the key strands of political economy approaches based on principles which Mosco (1996) structuralized as social totality, social change and historical transformation. Mosco's ideological worldview relates to this study with regard to the inclusive historical transformation of the broadcasting landscape through constitutional and legislative changes in policy and regulation. The principle of social totality portrays a holistic society constituted by

various interdependent factors or interlocking power dynamics just as postulated by Golding and Murdock (2000) and Boyd-Barrett (1995). The second principle of social change and historical transformation or reform with regard to changes in policy and regulation is based on the assumption that society and its institutions are not static, but do undergo changes and transformation continually at different turns of history. In the context of this study, two broad historical periods provide the basis of this analysis. The designated periods are pre- and post-1992 Constitutional dispensation. It must however, be noted that the formal announcement by the Rawlings National Democratic government (NDC) in 1995 of the liberalisation of the airwaves was indeed the defining moment for broadcasting in Ghana.

The third principle is praxis. Praxis captures the broad forms of actions taken by agents or "actors" of policy-making to bring about transformational changes and reforms (Mosco, 1996). It is premised on the philosophy that the media and broadcasting are not empty creations but have a purpose or ideal roles to play in society namely to inform, educate, entertain, agenda-setting and the mobilization of the people for development. The significance of social totality and historical transformation is seen in the way in which broadcasting reform and liberalisation is broadly approached in policy and regulation to induce the envisioned political and economic changes.

This study draws from the theory just explained above in relation to the role of the liberalisation project of the late 1980s and 1990s as an ideologically driven process after the collapse of the Soviet Union and the Eastern European bloc. Structural Adjustment for instance is a liberal ideological programme promoted by liberal western institutions and governments such as the IMF and the World Bank, multilateral and bilateral organisations and corporations. The programme became synonymous with the liberalisation process. This economic ideology has attracted intense scholarly and political debate and conflict amongst its ideological proponents

and adversaries. The dimension in relation to this study is the approach to policy and regulation especially in analysing how far policy and regulation can go to address market discrepancies and distortions in order to ensure order within the context of structural adjustment and its underlying conditionalities underpinning the deregulation or "reregulation" of the economy. Thus, the thesis also sees the theoretical connection of the importance of ideology to the regulatory process from Foucault's conception of power as "multiple and ubiquitous" and the argument that power and resistance are inseparable and that resistance is formed where power relations are exercised or contested (Foucault, translated by Gordon, 1988: 98).

Resistance, as used in this study is the response by civil society and other policy actors to the domineering power of the state exercised by the government to 'hijack' the policy and regulatory process and conversely, government resistance to accept other approaches for political expediency. But resistance in the context of broadcasting policymaking and regulation appears to have taken either of two forms namely radical or liberal, or both with differing intensities based on the direction of events. Radical strategies by civil society could mean the deliberate creation of regulatory barriers to restrict or even eliminate government monopoly of the broadcasting sector such as the insistence on independent regulatory bodies and a Supreme Court ruling in favour of the National Media Commission as the appropriate body to appoint the chief executive officers of state-owned media.

Other legal barriers to government control are the constitutional prohibition of censorship, the independence of the National Media Commission and the guarantees of freedom of expression and of the media. In the broadcasting industry, radical resistance should be understood within the context of the socio-political sphere, which tends to dictate the nature of strategies used. In a dictatorial environment, radicalism could mean outright chaos in the form of uprisings and

revolutions akin to the Arab spring of 2011 and the occupation of Wall Street by Global Movement Against Capitalist Greed. Comparatively, liberal resistance is more complex than the radical approach as demonstrated in the implementation of the Bretton Woods institutions' imposed economic and political policies on African governments. Specifically, the underlying conditions demonstrate how liberal resistance is exercised as a strategy to either impose or circumvent pressures.

### 6.2.1 Interplay of media economics and political economy approaches

The thesis therefore offered to apply both media economics and political economy approaches because of the valuable complementary contributions they both bring at appropriate stages or turns of the analysis. This is so because whereas the political economy approach encapsulates social, historical, moral philosophy and praxis in analyzing a phenomenon, media economics is market-centered (Mosco, 1996: 63; Golding and Murdock, 1997; Boyd-Barrett and Newbold, 1995). According to Mosco (1996:44) "media economics does not take into account many of the socio-economic determinants of production including corporate structures and ownership."

The tendency for broadcasting policy and regulation to be influenced significantly by concerns of the market to the detriment of public interest especially in a liberal market environment is huge, hence the relevance of the political economy approach. This study draws significantly from the political economy approach because as Mosco (1996: 65) contends, "where economics begins with the individual, naturalized across time and space, political economy starts with the socially constituted individual, engaged in socially constituted production." Mosco's thesis implies that though policy and regulation in this study are significantly influenced by economic and political reforms, equally important is the need to evaluate historical and contextual factors underlying the whole process of policy and regulatory formulation and implementation aimed at

fostering orderliness in the broadcasting industry. The dimensions of the theoretical thesis so far provide a broad framework to analyze the factors or forces that influenced the changes in broadcasting policy and regulation as well as the impact on Ghana's broadcasting system:

> Government regulation intervenes in the media market to promote social goals and influence the market conduct of the media firms... it intervenes in the market to put into place public policies that override or supplement the allocative decisions of market mechanisms, promote competition and protect emerging industries.
>
> (Picard, 1989: 104)

Broadcasting policy and regulation as envisioned in this study should serve to legally facilitate universal access, discourage and disallow all forms of monopolistic situations by government or the private sector, promote understanding, tolerance, peace and harmonious coexistence of society in a multi lingual, multi-tribal and multi- ethnic pluralistic democratic society where the rule of law, and fundamental human rights of the citizenry are guaranteed and protected. The ultimate goal is to promote socially and economically responsible broadcasting institutions.

### 6.3 Broadcasting regulation and the rise of market economy: Foes or friends?

From an economic point of view, a vibrant competitive private or commercial sector has its positives and negatives. But it does appear that in the current almost uni-polar world of neo-liberal dominance, the negatives are continually under emphasized or not emphasized enough. Competition in a small advertising market such as is the case in Ghana and most African countries can either lead to creative and innovative life-enriching programming or "tabloidization" of programming content. The ultimate goal in such an environment is the creation of a large consumer market by stations to sell their audience as products to the highest bidder in the advertising industry. The stations achieve this profit motive programming by

appealing to emotions of listeners rather than stimulating the intellect. Economic imperative in an era of globalisation could also lead to "foreignisation" – dubious deals between domestic investors and their foreign financiers.

In fact, globalisation is one of the most challenging concepts for developing countries and Ghana is no exception (Thompson, 1966). Haman and McChesney (1997:9) observe on the surge of and resistance to globalisation:

> Although the global media continue their growth and consolidation, and tide of commercialization and centralization remains strong, this process has met local and national resistance, which has sometimes slowed it down and helped to preserve indigenous cultural, political media space.

Drawing from this concern about the consequences of globalization, the relevant question to interrogate in this analysis is whether the policy and regulatory regime in place, if any, locates the various forms through which globalisation occurs and how it is addressed. Globalisation can occur through information flow, trans-nationalization, and the deployment of technologies, which are generated from the developed western nations and institutions to developing countries as acknowledged in significant body of literature (Schramm, 1964; Shiller, 1969; *Many Voices, One World*, 1984).

The establishment of the Union of National Radio and Television Organizations of Africa (URTNA) and the Pan-African News Agency (PANA) by the OAU in the early sixties arguably was in response to the imbalances of global information flow and mass communications. URTNA was to promote information sharing amongst African countries and their peoples and to create a platform or public sphere where Africans were to present their own narrative about Africa to the world. African leaders were to harness or mobilise resources for the establishment

and sustainability of URTNA as it confronted the media conglomerates from the west, especially the U.S.A. Later on in 2006, URTNA was restructured, revamped and renamed the African Union of Broadcasting (AUB) after the establishment of the African Union (AU) in 2003.

Interestingly, the attempt to leverage global mass communication flow saw the USA reject the McBride Report sanctioned by UNESCO and the concerns over the cultural consequences of a unidirectional flow of information from the developed to the less developed world. The Americans attributed their decision to an attempt to regulate freedom of expression and the free market economy. Critics however argued that the decision of the USA was actually aimed at protecting the American media and the industrial complex of the multibillion audiovisual industries (film and television entertainment productions).

Though the official reason for withdrawal may be a façade, it does raise the key issue of where to draw the line between regulation and censorship, which indeed was not the object of the McBride report. Ultimately, the USA withdrew its membership and financial obligations to UNESCO in 1984. The United Kingdom followed the footsteps of the USA and left UNESCO the following year in December 1985, alleging "inefficient management, meaningless studies and excessive expenditure." In context, the reference to "meaningless studies" is a direct scorn of the McBride report, thereby directly linking the UK and the USA in their pursuit of continued global dominance as argued by protagonists of neocolonialism.

The sequence of events leading up to the withdrawals, to the aggressive policies of globalisation being pursued by the U.S. and the U.K. to promote the opening up of the world markets in favour of their big media and communications corporations occurred with the changes or reforms of the 1980s and 1990s, resulting in imbalances in the global flow of information so clear even to an

untrained eye. The withdrawal of the U.K. and the USA created a financing gap for UNESCO but for the financial intervention of OPEC members and some socialist countries of the Non-Aligned movement. After the long boycott, the USA reentered UNESCO in 2003 following a similar move by the U.K. in 1997.

Unfortunately, the USA has withdrawn once again from UNESCO due to the acceptance of Palestine. The USA is opposed to the acceptance of Palestine over an issue unrelated to the mission and vision of UNESCO. Ironically, similar information and communication divides exist between urban and rural communities within African countries, including Ghana. The scenario above inhibits the role of broadcasting to effectively inform, educate, entertain, and create a fairly equitable public sphere for the debate and discussion of public affairs across the country in order to bridge the urban-rural dichotomy.

Another critical contextual factor is that privatization of the airwaves happened simultaneously with other government policies including liberalisation, commercialization and internationalization through imposed foreign economic conditionalities by liberal western financial institutions such as the IMF and the World Bank. But it is equally true that domestic economic and political power seemed to override other factors. This situation provides the bedrock for the analysis of this watershed period for the broadcasting industry, policy-making and regulatory process in Ghana.

The period 1992 is chosen because it represents the beginning of the democratic transition in Ghana, paving the way for media and especially broadcasting reforms. The reforms being investigated are expected to bring to the fore critical backgrounds of the autocratic approach to policy formulation in order to illuminate the changes post- the 1992 Constitution. The priority

placed on the changes in broadcasting policy and regulation is to among others, indicate the extent of the political will of the people on one hand and the government on the other, to live up to the dictates and values of democratic constitutionalism beyond mere general elections.

Additionally, the changes should reflect the ideal roles of broadcasters as agents of change, vehicles of empowerment, and tools for democratic experience and not just as instruments at the disposal of the government or corporate bodies for propaganda, advertising, and profit making purposes. The analysis may reveal possible gaps in policy and regulation and practice with a view to recommending new policy and regulatory directions. But first the context then the factors and forces that influenced broadcasting policy and regulatory changes in Ghana.

## 6.4 The context

Broadcasting policy and regulation in Ghana could be characterized under three broad distinct periods namely the colonial, post-colonial prior to the promulgation of the 1992 Constitution and the post- 1992 liberalisation of the airwaves. These are presented in detail in Chapter Four. Even though the analysis for this study focuses on the period between 1992 and 2008, an overview of the pre- 1992 period and a possible outlook for the future are relevant.

The broadcasting structure in Ghana prior to the promulgation of the 1992 Constitution was monolithic. As a monopoly, the state-owned Ghana Broadcasting Corporation (GBC) enjoyed nationwide coverage as the voice of the government disseminating government policies and directives. Independent private broadcasting was disallowed for no legal or legislative reasons. There was no law or legislation that disallowed independent broadcasting although government authorization was required for the use of radio frequency. This requirement in the form of

licensing was therefore used effectively as a control mechanism. Karikari provides some perspectives on the broadcasting landscape prior to the liberalization of the airwaves:

> Under colonialism, radio was a monopoly of the state, and so it remained after independence. Radio was not accessible to the people, and even the opposition forces could not contest openly opposing or contrary viewpoints. Dissent, therefore, was inconceivable on radio, which became a useful and an effective instrument in the hands of the post-colonial governments of all forms, and easily lent itself to shutting out viewpoints other than those of officialdom. In many instances, broadcasting became easily usable as the exclusive organ of the invariably sole ruling party, and ultimately in the service of the leader of the party and nation.
>
> (Karikari, 2007: 15).

One of the most potent instruments of control through regulation was the licensing regime, hence the "fear" of licensing of the media especially broadcasting in Ghana, Africa and most developing countries. The element of "fear" is understandable given the socio-cultural and historical context that was characterized by long periods of military and one-party dictatorial regimes. One of the common characteristics of these regimes was their violent suppression of freedom of expression and of the media, especially broadcasting.

The licensing regime was therefore an effective legal instrument misused by both the colonial regime and tragically by post-independent governments to maintain a centralized controlled monopolistic broadcasting regime. Ansah contends:

> Centralization of radio has limited access by linguistic, cultural, and religious minorities and led to calls for decentralization to encourage more local programming and therefore greater access by minorities and other interest groups. Nevertheless [...] certain amount of decentralization will bring about only a limited amount of pluralism, because ultimate control will be vested still in the state.
>
> (Ansah, 1993:39)

Contextual analysis of the policy and regulatory regime between the formal announcements of the liberalisation of the airwaves to the present (2012) vindicates Ansah's observation. Censorship and the creation of administrative, economic, and political impediments as well as the lack of accountability have also been the bane of media politics in Africa, including Ghana. The citizenry were reduced to consumers of government propaganda with little or no avenue to participate or respond to government policies. There was no public sphere and no civil society. As Tomaselli (2009:15) has argued, "In Africa, typically, yesterday's resistance fighters become tomorrow's repressive elites. These groupings then tend to betray the democratic principles for which they claim to have fought, by curtailing or controlling the nature of the public sphere, as did their autocratic predecessors whom they deposed."

## 6.5 The pressure to democratize and liberalize the airwaves

The winds of democratization and liberalization of the airwaves in the late 1980s and early 1990s in Ghana and Africa emerged on one hand from domestic imperatives for change from autocratic military and one-party government to a multi-party pluralistic political system as attested by the documentary findings in Chapter Four. On the other hand were the foreign or international pressures on states across the African continent including Ghana, to relinquish their control over the press and later broadcasting, after several decades of increasing government centralization of ownership and control patterns and the media designated as an integral part of the civil service (Ronning and Kupe, 2000; Nyamnjoh, 2005).

The campaign for pluralistic press in the 1980s preceded the global and national call for the opening up of the airwaves in the 1990s. This mixed bag of interlocking factors and forces was preceded by civil agitations, political unrests, rolling demonstrations and several attempted but foiled military coup d'états to oust Rawlings' military dictatorship of the Provisional National

Defense Council (PNDC). The government's onslaught on dissent was characterized by political expediency and use of jurisprudence such as the invocation of the criminal libel and defamation laws as well as extra judicial approaches. This onslaught had a debilitating effect on every facet of the Ghanaian economy and the nation as a whole. It resulted in a "culture of silence" that permeated almost every facet of the Ghanaian society, institutions and the body politic.

Anthonissen (2008: 40) aptly identifies two inter-related levels of "culture of silence"; first "an authority imposes censorship in order to obscure information it believes to be harmful either to itself or others" and second, "an individual or a group exercising self-censorship by withholding information believed to be harmful to themselves or to others." Self-censorship became so entrenched and institutionalized in the state-owned media (press, television and radio) such that the constitutional guarantees of media freedom and the creation of the National Media Commission appeared not to have eradicated the culture of self-censorship entirely. The military dictatorship of Rawlings capitulated to the domestic and international pressures for change which culminated in the drafting and later adoption of the 1992 Constitution. The PNDC metamorphosed later into the National Democratic Congress (NDC) and contested two general elections (1992 and 1996) and won under its founding father, Rawlings. Ghana thus witnessed the re-birth of a constitutional democracy. The Constitution then paved the way for multi-party participatory democracy and the phenomenal liberalisation of the airwaves in 1995 with the appropriate constitutional guarantees on human rights and media freedoms and the prohibition of censorship and interference in journalistic content. The whole of Chapter 12 of the 1992 Constitution is devoted to the freedom and independence of the media in Ghana.

## 6.6 The 1992 Constitution, freedom of expression and of the media

The 1992 Fourth Republican Constitution became the cornerstone of Ghanaian law. The Constitution declares the intent and commitment to: "Freedom, Justice, Probity and Accountability and the principle of Universal Adult Suffrage, the Rule of Law, the protection and preservation of Fundamental Human Rights and Freedoms, Unity and Stability of Ghana." The 1992 Constitution ushered in a constitutional democracy, which legally refers to a government with limited powers.

The Constitution thus provides elaborate provisions on Human Rights (civil, political, economic, cultural and social) in four chapters – 5,6,7, and 12 respectively, and paved the way for a historic broader reforms process including the restoration of a guaranteed freedom of expression and of the media as well as changes in broadcasting policy and regulation. In order to legally safeguard these values and principles of the constitutional democracy, Kumado and Dankwa (1997:3) argue in "The Rights of Journalists: The case of Ghana's Constitution and the African Charter on Human Rights" that the 1992 Constitution "established an independent judiciary, a Commission on Human Rights and Administrative Justice, a National Media Commission and a National Commission for Civic Education to "reconcile the various societal interests and to bring relief to victims of human rights abuses." It must be said though that throughout the 19$^{th}$ and 20$^{th}$ centuries up till 1992, human rights and for that matter all rights, including media freedoms, were not guaranteed or protected but were rather subject to any parliamentary legislation.

To some legal pundits, the 1960 Constitution of Ghana is different for its progressive approach to human rights. Weighing into this debate Kumado and Dankwa (1997) provide an illuminating response key to the background of the uniqueness of the 1992 Constitution as analyzed in this section. The two constitutional scholars and luminaries argue that, "Any thought that the 1960

Constitution set out to change this constitutional position was put to rest by the Supreme Court in Re Akoto in its ruling that the 1960 Constitution did not contain a set of enforceable constitutional rights" (3).

The case referred to is a determination of the High Court in *The Republic v. Liberty Press* that an article in the *Legon Observer*, a journal published by the Legon Society on National Affairs was in contempt of court. So in upholding the decision of contempt the presiding judge at the Supreme Court, Chief Justice Akufo-Addo consented that "the law in Ghana recognized no separate right known as freedom of the press and that freedom of the press is but a species of the freedom of expression which every Ghanaian enjoys" (Kumado and Dankwa, 1997).

The elucidation so far reveals the uniqueness of the 1992 Constitution that truncated more than a century old practice of unprotected rights in terms of its new approach and provisions to guarantee fundamental human rights of the citizenry including freedom of expression and of the media. The constitutional changes saw the liberalization of the airwaves in 1995, marking the beginning of the transformation of the broadcasting system from state-owned monopoly to a pluralistic and diverse competitive system.

### 6.6.1 Key Constitutional provisions on free speech and media freedoms

The key constitutional provisions critical to the reforms of the media and broadcasting systems in Ghana are Chapters 5 and 12. Chapter 5 deals with the "Fundamental Human Rights and Freedoms" as spelt out in Articles 21 (1) (a) and 21 (1) (b) and 21 (1) (f) which provide all persons rights to: freedom of speech and of expression, including freedom of thought, conscience, belief as well as freedom of the press, and other media. Chapter 12 on the other hand is entirely devoted to the freedom and independence of the media. Articles 162, 163 and 164 of

Chapter 12 of the Constitution provide for the media freedoms in detail with limited restrictions, which has always been the subject of public debate.

Pertaining to the freedoms, Article 162 (1) provides inter alia that "Freedom and independence of the media are hereby guaranteed." To avoid any legal ambivalence and bring clarity of thought and interpretation, Article 162 (2) impliedly repealed existing status that may conflict with the Constitution. The Article states that, "Subject to this Constitution and any other laws not-inconsistent with this Constitution, there shall be no censorship in Ghana." Then Article 162 (3) provides for the prohibition of licensing of the media. This thesis will be tackling the licensing issue separately in the subsequent section since it was one of the most controversial subjects of the reforms.

Article 162 (4) covers the important areas regarding the protection of journalists against their editorial opinion and free expression: "Editors and publishers of newspapers and other institutions of mass media shall not be subject to control or penalized or harassed for their editorial opinions and views or the content of their publications." Article 162 (6) addresses the issue of media accountability, redress, fairness, equity, and the preservation of people's rights by providing that, "Any medium for the dissemination of information to the public which publishes a statement about or against any person shall be obliged to publish a rejoinder if any, from the person in respect of whom the publication was made."

Article 163 mandates "all state-owned media to afford fair opportunities and facilities for the presentation of divergent views and dissenting opinions." Acknowledging the unique role of public broadcasting, the Constitution specifically mandates the state in Article 55 (1) "to provide fair opportunity to all political parties to present their programmes to the public by ensuring

equal access to the state-owned media [...] across the country." The Article fell short of expressly mentioning the three categories of broadcasting – public, commercial and community. This legal hiatus or ambivalence could be addressed in a national broadcasting policy or legislation especially when the Constitution expressly mandates the National Media Commission (NMC) to insulate the state media from government control. Such inconsistencies need to be streamlined.

### 6.7 Broadcasting regulation and the controversy of licensing

An overview of the constitutional, legislative, regulatory and standard guidelines mapped in Chapter Four reveals some key issues that need critical analysis. The issues are: reconciling some ambivalent laws with relevant articles of the constitution, limitations of some provisions as well as the incorporation of international protocols, statutes, and conventions of which Ghana is a signatory into domestic policies and legislation on freedom of expression and of the media. One of the most critical but controversial issues is the prohibition of licensing of any medium of mass communication in Article 162 (3) of the 1992 Constitution: "There shall be no impediments to the establishment of private press or media; and in particular, there shall be no law requiring any person to obtain a license as a prerequisite to the establishment or operation of a newspaper, journal, or other media for mass communication or information."

Advocates of freedom of expression and pluralistic democratic media therefore argue that the legislative mandate of the government-controlled National Communication Authority (NCA) the body empowered by NCA Act (524) 1996 and the amended Act of 2008 to allocate broadcasting frequency constitutes a breach of articles 162 (3) of the Constitution as stated above (Koomson, 1995; Ansu-Kyeremeh and Karikari, 1994; Ampaw, 2004). There have been as many legal opinions on this subject as there are lawyers. Interestingly, the Bonsu-Bruce Committee that was commissioned by the then Minister of Information Totobi Quakyi to draft a well-defined set of

regulations and guidelines for private broadcasting in Ghana recommended the establishment of an independent body to promote a healthy private independent broadcasting industry and to oversee programme content as well as authorize the use of broadcast frequencies (Koomson, 1995). The Committee's recommendation of establishing an independent regulatory institution was ignored by the Rawlings National Democratic Congress (NDC) government.

Subsequently, the exclusive National Democratic Congress parliament that debated the National Communications Authority Bill demonstrated extreme partisanship but for the lonely dissenting voice of Sqdr. Ldr. C.M.K Sowu. The largest minority New Patriotic Party (NPP) boycotted parliament. The NCA Act 524 of 1996 was then enacted creating an executive controlled National Communications Authority (NCA). Subsequent amendments and the repeal of the act in 2008 did not change this structure.

The position and influence of government demonstrated here is a reflection of the broader global debate on the ideal role of government in a free and open democratic system. According to McBride (1978) there are two schools of thought in this regard. First, there is a school of thought that views freedom of information and expression as essential mechanisms or tools in a democracy. States inclined to this school of thought tend to have provisions in their constitutions and legislation prohibiting state intervention in matters of content and dissemination of information and ensure the enforcement of the law in this regard. The second school of thought is concerned that the state is responsible for the establishment of communication infrastructure and must therefore exercise total or dominant authority whether for reasons of ideology or because the private sector lacks the needed resources. Drawing from critical political economy of the media (Golding and Murdock, 1997:54) where "power play impacts on the needs and wants

of audiences as citizens," values such as public interest, social justice and equality could be sacrificed in this real competitive world of power dynamics and relations.

The scenario illustrated above lends itself to lobbying and politicking and in extreme cases "hijacking" of broadcasting policy and regulation. Drawing from Golding and Murdock's (1997) postulation of a domineering state power in relation to the findings of the study, one is inclined to be cynical as to whether the actions and inactions of government concerning changes in broadcasting policy and regulation in Ghana could always be said to be in the public interest. Commenting on the constitutional prohibition of licensing media houses, a retired Justice of the Supreme Court, D.K. Afreh writes that "it is difficult to believe that the Constitution has abolished frequency registration and control" (Afreh, 1994: 35) and that as far as broadcasting organizations are concerned, "someone must register and control frequencies otherwise there will be confusion and intolerable interferences" (Afreh, 1994: 35).

Justice Afreh's legal opinion is that despite the constitutional prohibition of licensing, "it may, however, be necessary to obtain a license for the purposes of the Telecommunications as provided for in the Frequency Registration and Control Decree, (1977) (SMCD 71) as well as the statute on regulation made under (L.I. 1121)" (Afreh, 1994: 34). Another point to consider and that Afreh alluded to, is that Ghana as a member state of the International Telecommunications Union (ITU) is bound to its jurisprudence and protocols which require licensing of broadcasting frequencies (Karikari, 1994).

According to Afreh, there is also some constitutional limitations or qualifications on the exercise of the fundamental and democratic freedoms, including media freedoms as they are subject to laws that are reasonably required in the "interest of national security, public order, public

security, and the purpose of protecting the reputations, rights and freedoms of other persons" (1994: 35). In other words, the exercise of thes**e** freedoms is subject to such qualifications and laws as are necessary in a democratic society (The Constitution of Ghana, 1992).

Legal pundits in Ghana are of the opinion that licensing of broadcasting frequencies is constitutional because it conforms to Articles 21 (4) (e) and 164 of the 1992 Constitution respectively. Article 21 (4) provides that, "Nothing in or done under the authority of a law shall be held to be inconsistent with, or in contravention of this article." Clause 4 (e) states, to the extent that the law in question makes provision:

> That is reasonably required for safeguarding the people of Ghana; against the teaching or propagation of a doctrine, which exhibits or encourages disrespect for nationhood of Ghana or incites hatred against other members of the community. Except as far as that provision, or as the case may be [...], under the authority of that law shows not to be reasonably justifiable in terms of the spirit of this Constitution.

The freedoms and rights provided are however qualified by an "escape clause" that: "the provisions of articles 162 and 163 of this Constitution are subject to laws that are reasonably required in the interest of national security, public order, public morality and for the purpose of protecting the reputations, rights and freedoms of other persons." Media experts and activists regard such escape clauses as providing the window for abuse by media phobic governments.

Proponents and activists of freedom of expression and of the media are suspicious of Article 164 because it is potentially subject to abuse by even "democratic governments" with autocratic or dictatorial tendencies. The Article provides a legal window for the state to influence or curtail media or broadcasting freedoms if it so wishes. Activists of free expression appropriately describe such Articles as "escape clauses." In this regard, the call for a Freedom of Information

Act as well as the enactment of an enforceable codified policy or guidelines to compel journalists to live up to their responsibility and accountability to the citizenry is critical. To underscore the "sanctity" and respect of the rights argued above, the Constitution directs in Article 33 (5) that:

> The Rights, duties, declarations and guarantees relating to the fundamental human rights and freedoms specifically mentioned in this chapter shall not be regarded as excluding others not specifically mentioned which are considered to be inherent in a democracy and intended to secure the freedom and dignity of man.
>
> (1992 Constitution Article 33 (5)

What emerges from the attempt to synthesize the key elements of the debate, the critical issue appears to be the licensing or the allocation of frequency as a limited resource, and not broadcasting per se. As such, the thesis argues that the citizenry are free to broadcast but if they need radio frequency to do this then for obvious technical and pragmatic realities somebody must be responsible for the management and authorization of frequencies in the public interest to avoid chaos and to enable the role of broadcasting in society.

However, due to the peculiarity of broadcasting in promoting public discourse and democracy, regulation of licensing must be seen as more a facilitative than control mechanism. It must expand the horizon of freedom of speech and of the media as Kumado and Dankwa (1997: 21) succinctly paraphrase Justice Hayfron-Benjamin on freedom in *Abel Edusei v The Attorney-General & Another*: "Our judges must always keep in mind that the actual intention of the framers of our Constitution is that we should have freedom and have it abundantly."

Drawing from the above illustration it could be argued that governments from the colonial period through military autocratic regimes and constitutional governments believed and still do, that the responsibility of administering and managing all frequencies lies within the purview of the state

and were and still are therefore, very reluctant to cede or delegate that power to independent bodies. The broadcasting legislative process in the early days of democratic transition was compromised because the largest minority political party boycotted parliamentary proceedings for that session. So despite the democratic dispensation, exercise of state power by government is still pervasive and requires a great deal of public awareness and civil engagement to achieve a balance.

## 6.8 Challenges in broadcasting policy

The broadcasting policy and regulatory documents, the core subject of analysis of this section, though scattered, all draw from the broad policy, legal and regulatory framework laid down by the 1992 Constitution. The forces or policymaking "actors" that influenced the broadcasting policy and regulatory changes in one way or the other include Government, the Executive and Ministers of state, parliament, civil society, academics, the Ghana Journalist Association (GJA), the Association of Private Broadcasting Companies (APBC) renamed the Ghana Independent Broadcasting Association (GIBA), the National Media Commission (NMC), the National Communications Authority (NCA), political parties, the Trade Union Congress (TUC) and the Ghana Bar Association (GBA).

The policy-making "actors" depicted above can be put under three broad groupings namely the state, the market and civil society. These "actors" express themselves through their specific institutions and organisations (Syvertsen in Hoyer, Skov and Sandsmark, 1992). Syvertsen (1992) asserts that the state is seen through government institutions, state bureaucracy, the judiciary and other para-statal organisations. Closely associated with the state is the executive branch of government. An overbearing executive such as is the case in Ghana, virtually dictates through its majority in parliament, outcomes of government policy debates as will be

demonstrated later in the study. Parliament under such situations is ultimately reduced to a rubber stamp of the executive or a government appendage. The market as a force is driven by the private ownership structure where the drive for profitability takes precedence over public interest. The public is represented by civil society and elected representatives in parliament.

It will be illustrated later in the study that the role of parliament as the conscience and voice of the people is often compromised on political expediency, corporate lobbying and interest which in varying degrees influences or "captures" the policy and legislative processes and the changes that might occur. Drawing from Foucault (1988), this thesis argues that both radical and liberal forms of resistance strategies to power relations were applied by the various policy "actors" or forces at different stages of the agitations, negotiations and consultations for change prior and post-the promulgation of the 1992 Constitution.

Prior to the 1992 Constitutional period, the perceived threat was the domineering presence of state power. Still, the perceived threat during the post- 1992 constitutional period included the state and the apparently blurred lines between the government, politicians and their financiers on one hand and the domestic and international forces of free market economic enterprise on the other. Neoliberal western influence through the Bretton Woods institutions was subtle but complex and embedded in conditionalities for financial bailouts, loans and so-called aid packages with strings attached. The thesis however, also acknowledges that corporatism in Ghana is not as organized, sophisticated or developed as is the case in advanced nations such as the USA.

But underestimating corporate power, greed, competition and influence within the politics of patronage in a developing country is ill advised. So their influence however small, cannot be

ignored. After all, the Ghanaian economy as in most African countries is literally at the fringes of the global economy. But the irony is that it really hurts most in such small economies when selfish interest hijacks the policy-making process only to satisfy the sectional interest of a few oligarchs.

The key reason why the influence of corporatism or the business community cannot be underestimated is explained by Golding and Murdock (1997: 74) in their argument on the "interlocking power dynamics" in society where politicians are either part of the business elite or serve the interests of their protégés who bankroll both their individual campaigns as well as their political parties. The so-called representatives of the people will never as the saying goes, "bite the hand that feeds them." Other critical political economy theorists (Boyd-Barrett and Newbold, 1995; Mosco, 1996) concur on this phenomenon.

Unfortunately, the high momentum seen in the 1990s civil society activism and advocacy on media and broadcasting policy and regulation seems to have abated if not muted partly because of insufficient or lack of donor funding due to policy changes, with the exception of a few who could also be experiencing donor fatigue syndrome. Over dependence on donor support is the bane of civil society activity in Ghana and Africa at large**.** Governments of reforming countries like Ghana under Structural Adjustment were compelled to withdraw from the market in order to create the enabling environment for business and the private sector to flourish.

The adoption of a free open market neo-liberal economic system impliedly meant the adoption of liberalisation policies such as the privatisation and commercialisation of state-owned and para-statal organisations together with the deregulation or reregulation and internationalization of the economy. Both monetary and fiscal policies needed to change in line with the conditionalities of

Structural Adjustment, which became an integral part of the processes of liberalisation and globalisation. This situation had huge ramifications on domestic policies and regulation as they related to the socio-economic and political challenges in the country. The challenges of unmitigated neoliberal policies are an age-old debate. Karikari (2007: 17) has alluded to this when he cites the first President of Independent Ghana, Kwame Nkrumah in the latter's description of neocolonialism:

> The essence of neo-colonialism is that the state, which is subject to, is, in theory, independent and has all the outward trappings of international sovereignty. In reality its economic system and thus its political policy is directed from outside.

Despite the currency of Nkrumah's (1965) thesis on neocolonialism as argued in his book *Neocolonialism: The last stage of imperialism*, there is a body of demonstrative literature on the intrusive and pervasive power of the post-colonial state (Nyamnjoh, 2005; Kupe, 1997; Opoku-Mensah, 1998; Oquaye, 2004). In fact, prior to the 1992 Constitutional period, public policy was not on the national agenda for public discussion or negotiations. It was simply conceptualized and forced down by the few political elite at the top, directed by the executive to the populace at the bottom.

The post constitutional period has brought some changes but more are needed because the state is still in control and not "declining" as perceived through the prism of neo-liberalism. Much as an overbearing state intervention may be unnecessary, an argument is made here that the role of the state in policymaking cannot be wished away for several reasons especially in a constitutional democracy. Chapter 6 of the 1992 Constitution on the directive principles of state policy requires the state specifically to be guided by a number of principles or objectives in "taking and implementing any policy decision, for the establishment of a just and free society."

The objectives span the following areas: political, economic, social, educational, and cultural, as well as international relations and the duties of the citizenry (The Constitution, 1992: 35). Through the elected representatives of the people, the state's key role is to protect the fundamental human rights of the citizenry, protect the public interest and maintain a prosperous nation. Unfortunately, elected representatives have mutated into corporate and political representatives.

Paradoxically, Ghana has neither a coherent legally binding national broadcasting policy or law nor a legislative regulatory framework despite the blue print provided in the 1992 Constitution. The National Media Policy document produced by the National Media Commission (NMC) and other guidelines on broadcasting standards are not legally binding. The proliferation of radio and television stations continues in a policy vacuum. Two policy documents namely the Ghana ICT for Accelerated Development Policy (ICT4AD) of 2003 and the National Telecommunications Policy of 2005 provide indications of government acknowledgement of the policy gap and the need to address the broadcasting sector in a separate legislation. This has not happened.

The Ghana Internet Connectivity (ICT) for Accelerated Development Policy stressed the promotion of universal access to all information and communication technologies by the year 2010. It also provided the structural and legal framework for the convergence of broadcasting and telecommunications technologies. However, the government was yet to publish a policy framework for the digital migration as at 2008. At that stage, there were indications of ongoing consultations. It should be pointed out that even though out of remit of this study, but critically relevant and another window of policy research, a policy document on digital migration was published by the government of Ghana in 2011. Key among the decisions in the policy document is the adoption of the original BVD-T European digital standard.

## 6.9 The informal sector and changes in broadcasting policy

The role of the informal sector in influencing changes in broadcasting policy has been phenomenal in the context of a policy and regulatory vacuum. Instruments used to influence the changes are audience surveys by broadcasting stations through phone-ins, letters to the stations, outdoor and outreach programmes, professional market research, Radio and TV Reviews. The rest are decisions of professional media and broadcasting associations such as the Ghana Journalist Association (GJA), Association of Private Broadcasting Companies (APBC), now Ghana Independent Broadcasters Association (GIBA), the Advertisers Association of Ghana, the Ghana Community Radio Network (GCRNET), religious organisations and professional bodies.

The NCA has for instance adopted the GCRNET revenue and advertising codes for its members. It also accepted in principle a document on the linguistic and cultural spread of the country indicating possible areas for community broadcasting based not only on geographical location but also cultural and traditional value systems and linguistic uniformity. The objective is to ensure fair and equitable distribution or spread of community stations across the country (Interviews: GCRNET members – Ahiable; Benson; Quarmyne, 2009).

Again, under the auspices of the GCRNET, The Ghana Advocacy Steering Committee for a National Broadcasting Law was set up by a proactive group of concerned representatives of broadcasting organisations, media and legal experts from academia, the private sector and politicians to produce a National Broadcasting Law. A draft document was submitted to government, parliament and other stakeholder institutions and organisations in 2008 for consideration. A Deputy Minister of Information, Frank Agyekum confirmed receipt of the said document by the Ministry of Information but expressed concern that much as the Ministry had studied the document and made some observations and were hoping to have a national

conversation, his party went out of power after losing the 2008 general elections to the Attah Mills National Democratic Congress (NDC) (Interview: Agyekum, 2009). Such engagements by civil society are ongoing attempts to shape broadcasting policy and regulation.

Another example of concrete evidence of the role of civil society, media organisations and the public is the contribution of these groups in the formulation of the National Media Policy by the National Media Commission (NMC) in conjunction with the drafting and publication of these guidelines and standards for broadcasting. With the transformational changes in the structure of the broadcasting system in the country taking place in the early 1990s, a public sphere for debates was beginning to emerge as exemplified by the radio and television call-in phenomenon, the engagement in public discourse between the citizenry and the government, public demand for transparency and accountability of public officials and government and above all, the opportunity to vote in or out elected representatives of the people, including the President.

### 6.10 Role and influence of talk radio (phone/call-ins) in broadcasting policy

Talk radio (phone/call-ins) is a new phenomenon in broadcasting in Ghana, Africa and to some extent, globally. In theorizing this novel phenomenon, political theorists have tried to define and locate its role in democratisation. Talk radio could be labeled severally from political talk radio to entertainment talk radio, depending on the type and form or categorization of programmes. This study focuses on political talk radio drawing from Barker's (1999: 528) all-encompassing definition that political talk radio shows are "call-in-shows that emphasize discussion of politicians, elections, and public policy issues." This echoes the idea of Davis and Owen (1998) who describe the call-in phenomenon as a new medium for political communication. If democracy is government of the people, for the people and by the people, then there is no gain saying the contribution of the citizenry who are the benefactors of policy. But they need to be

well informed and educated on the issues to enable them to make the right choices and that is where political talk radio comes in handy. Thompson (1970) a political theorist, argues that for democracy to succeed, the citizenry by necessity should be well informed about public affairs.

Hofstetter et al. (1999: 144) also argue that an informed citizenry is the "theoretical foundations of democracy." These authors draw a strong correlation between misinformed citizenry and the outcome of their electoral choices and the direction of public policy, which could have long term consequences to the state, especially when the choices of a misinformed citizenry are induced by temporarily material or financial gain. The phenomenal appreciation and in-depth knowledge of the citizenry on public affairs, the right to free speech in Ghana and some African countries, is an indication of the significant contribution of broadcasting, in particular political talk-radio, in raising and enhancing the awareness and knowledgeability of the citizenry (Davis and Owen, 1998; Hollander, 1999; Barker and Knight, 2000; Bennett, 2001).

Agyekum (2004) argues in his *critical discourse analysis of invective language in contemporary Ghanaian politics* that politicians increasingly tend to participate in media discourse particularly on phone-in programmes (radio and television) in English and the local languages as they strive to popularize themselves and outfox one another in the eyes of the public. The most significant part of the mediated discourse, Agyekum (2004) argues, is that "the masses see the intelligence, knowledge, credibility, objectivity or otherwise of the politicians. Ghanaian politicians are therefore always alert, and the culture of media discourse participation is rapidly and strongly growing" (353). What the above argument illuminates is that through the instrumentality of broadcasting, particularly political call-in programmes on radio and television, the citizenry is getting more informed, more articulate in the languages they communicate in and know best, on public affairs. The phone-in innovation has created a situation where government institutions that

provide public services but had hitherto been accountable only to the Government, have to change their slackness towards government work and adopt new proactive administrative models in order to meet the aspirations of the people in an attempt to avoid being exposed publicly on radio or television.

The fact that a popular democratically elected government can become very unpopular and lose general elections due to poor service delivery is enough motivation for government to demand qualitative service from public and civil servants. The same motivation is even greater in the private sector. Phone-ins have become cathartic because the masses are now able to ventilate their conditions and either react to or provide feedback on government policies. Thus, broadcasting has become an important catalyst to change and made governments more accountable and responsive to the demands of the public. Researchers in media policy have recognized this role of broadcasting stations in not only setting the policy agenda but contributing towards shaping its outcome in Ghana as observed by Heath (1999: 158):

> At their stations, broadcasters are shaping policy as they reinvent radio but in many cases, it has been the experimental university and GBC regional stations that have led the transformation of radio into a public forum. A public forum in which "ordinary" citizens, religious and civic leaders, elected politicians, local government authorities, persons responsible for providing public services and radio hosts voice complaints, explain policies and procedures, listen to grievances and work toward consensus on public policy..

The role and influence of radio call-ins in changing broadcasting policy has been a subject of intense debate between its adversaries and proponents. But it is generally agreed that it has expanded the public sphere (Agyekum, 2010). Political and general election literature on Ghana acknowledges the role played by radio in the 2000 general elections in Ghana where the

incumbent government of Rawlings lost for the first time in seventeen years to the opposition New Patriotic Party (NPP) through the ballot box.

The Ghanaian experience as revealed by the findings of this study whereby the reforming government attempts to implement the newly instituted media legislative framework in a manner most advantageous to its interests, corresponds to Rozumilowicz's (2002: 21) "institutional revision" thesis. In the name of safeguarding the interests of the state, the government of Ghana has maintained its control by avoiding the creation of an independent broadcasting regulator. This is an indication that somehow the state is still in control even though its role in principle has changed in a constitutional democracy. Various scholars have described this development as signs of "democratic recession," "declining or diminutive statism," "virtual democracies" and "electoral democracies" amongst other descriptions (Bratton and Van de Walle, 1997; Chakravartty and Sari Kakis, 2006; Diamond, 2008; Joseph, 2003; Kupe, 2003; Moyo, 2006; Nyamnjoh, 2005; Zaffiro, 2002). Beyond the façade of transition, "policy paralysis" is probably attributable to the fear of the inquiring, inquisitive and investigative character of a free independent regulator which is likely to hold the feet of public officials to the fire of accountability.

Additionally, the prospect of losing control or influence is frightening to governments and public officials and so they will not give up power of control without a "fight." The fear in itself is symbolic if not symptomatic of countries in transition from closed autocratic systems of governance to more open democratic dispensations. Rakner (2003: 65) describes this fear which translated into a piecemeal approach towards broadcasting reforms in Ghana, as "Partial Reform Syndrome (PRS)." Ghana and many other African countries are slowly being affected by Rakner's PRS.

## 6.12 Liberalisation and broadcasting regulation: 1992-2000

The 1992 Constitution paved the way for a new approach towards broadcasting legislation in Ghana. This new approach is open to contestation by several forces. The study identified key broadcasting regulatory "actors" including politicians, the executive, experts, civil society, parliament, media and broadcasting organisations. Chapter Four identified the statutes, guidelines and standards of the National Media Commission (NMC) and other related legislation.

A critical comparative analysis of the functions of the NMC and the NCA establishes some policy and regulatory gaps. The two constitutive Acts of the two institutions have two basic flaws. First, the Acts are designed or framed in such a way that they do not deal with the specific dynamics and complexities of broadcasting content regulation to engender effective pluralism and diversity of programming. Second, the two Acts do not address the economic, ideological and moral imperatives of content regulation as they relate to a democratic society espoused in Article 35 (5e) on the functions of the state:

> To make democracy a reality by decentralizing the administrative and financial machinery of government to regions and districts and by affording all possible opportunities to the people to participate in decision-making at every level in national life and in government.

These regulatory anomalies are common but in varying degrees in Africa and are not in sync with contemporary progressive models in the literature. In spite of the policy and regulatory gaps, Ghana is experiencing freedom of expression in a relatively free pluralistic media environment akin to the Habermasian public sphere. Ghana as of June 2011 had as many as 28 television stations, 27 were free-to-air and 1 pay per view. There were 243 authorised FM radio stations of all categories of broadcasting namely public, commercial, community and campus.

Plurality of broadcasting stations is thus being achieved even though a similar conclusion cannot be made about diversity. The distribution of broadcasting stations as well as programming content points to a huge imbalance in the distribution of radio and television stations between the deprived rural but majority communities and the relatively rich urban centers. More than three quarters of operating radio stations are commercial, with 12 operational Free-to-air television stations and 7 pay per view stations. The following figures and analysis present a vivid description of the above scenario:

**Table 1: Regional Fm Radio Distributions in Ghana as at September 2011**

| NO. | REGIONS | AUTHORISED | PUBLIC | COMMUNITY | CAMPUS | COMMERCIAL | OPERATIONAL | UNOPERATIONAL | . POPULATION | UNADJUSTED | POP. DENSITY | ADJUSTED |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1. | ASHANTI | 35 | 5 | - | 2 | 28 | 34 | 1 | 4839100 | 142326 | 194 | 734 |
| 2. | GREATER ACCRA | 41 | 5 | 6 | 2 | 28 | 31 | 10 | 4358113 | 140584 | 1205 | 117 |
| 3. | BRONG AHAFO | 33 | 4 | 4 | - | 25 | 30 | 3 | 2257304 | 75243 | 58 | 1297 |
| 4 | WESTERN | 32 | 5 | 2 | 1 | 24 | 27 | 3 | 2558113 | 94745 | 97 | 977 |
| 5 | NORTHERN | 23 | 8 | 4 | - | 11 | 15 | 8 | 2259671 | 150645 | 35 | 4304 |
| 6 | CENTRAL | 23 | 3 | 5 | 3 | 12 | 19 | 4 | 1864104 | 98111 | 214 | 458 |
| 7 | EASTERN | 23 | 2 | 4 | 1 | 16 | 20 | 3 | 2297565 | 114878 | 134 | 857 |
| 8 | VOLTA | 15 | 3 | 3 | 1 | 8 | 12 | 3 | 1878316 | 156526 | 102 | 1535 |
| 9 | UPPER EAST | 11 | 3 | 3 | 1 | 4 | 9 | 2 | 1001926 | 111325 | 117 | 951 |
| 10 | UPPER WEST | 7 | 3 | 4 | - | - | 6 | 1 | 637157 | 106193 | 37 | 2870 |
| | National | 243 | 41 | 35 | 11 | 156 | 203 | 40 | 23951369 | 117987 | 102 | 1157 |

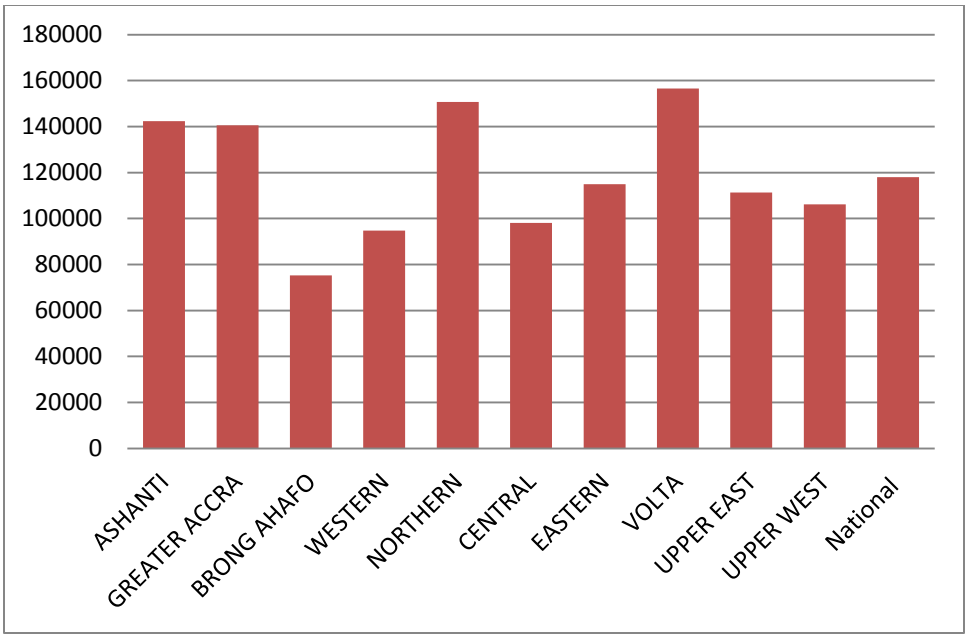



**Figure 1: Population per radio station by region – unadjusted for population density**

Absolute population size does not give a realistic picture of population per radio station because it does not consider how the population is spread across the region. For instance, Greater Accra region has more people than the Northern region, and apparently has more people to a radio station. However, since the population of Greater Accra is highly concentrated in a much smaller area than that of Northern region, access to radio stations of the former is easier and stronger than the latter. To capture this effect, we need to factor in population density. When we take the spread of the population into account, as given in the figure below, regions in the northern part of the country lag far behind those in their southern counterparts. The same could be said of the Upper West and Volta regions whereas the Greater Accra Region, Central with a population density of less than 500, 000 people per km have the highest concentration of radio stations followed by the Ashanti Region with Eastern and Upper East and Western Regions having a fair share of stations.

The essence of these statistical findings to policy as stated earlier is that of access. It is relatively easier for the citizenry in areas of low population density to walk to most of the stations in person to put their grievances across to the operators of the stations and possibly get the attention they deserve. The same cannot be said of those in the northern parts who may never be able to access the few stations operating from the regional capitals several kilometers away. Their plight is compounded by the very low number of community radio stations. Again northern region with highest population density spread in thinly populated areas several kilometers apart has only 2 community radio stations. It is interesting to note that Ashanti and Western do not have community radio stations but have the highest number of commercial stations, 28 and 22 respectively.

On the other hand, Upper West has no commercial station but has 3 community and 3 public stations, an indication of the economy of that region which may not support any commercial broadcasting venture. What these figures suggest is that there seems to be no clear policy in the allocation of frequencies to meet the nation's development agenda in affording equitable pluralistic and diverse broadcasting stations in the country. What seems to be driving frequency allocations is commerce and not development. This seems to suggest that the liberalisation of the airwaves seems to have failed to bring about the desired change of providing equitable access to the public sphere. It is still more of an elite system, except this time around, private business is involved.

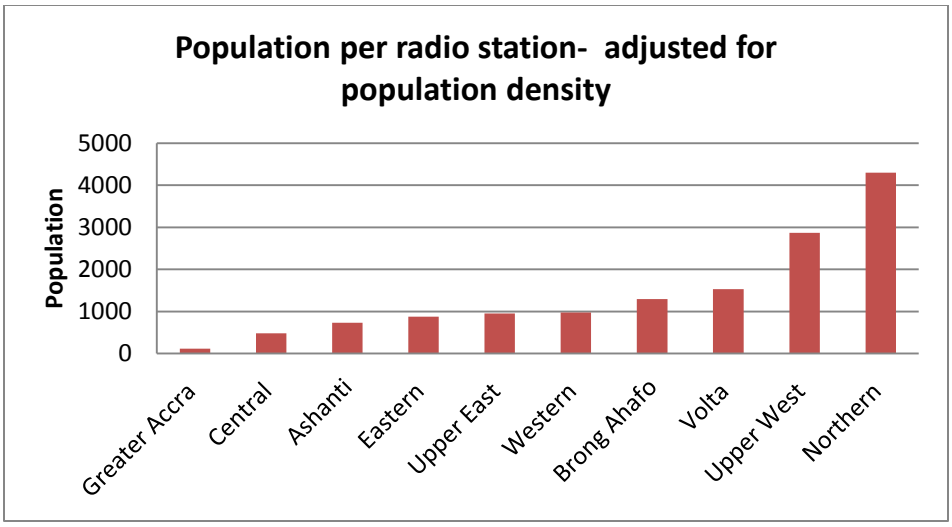



**Figure 2: Population per radio station – adjusted for population density**

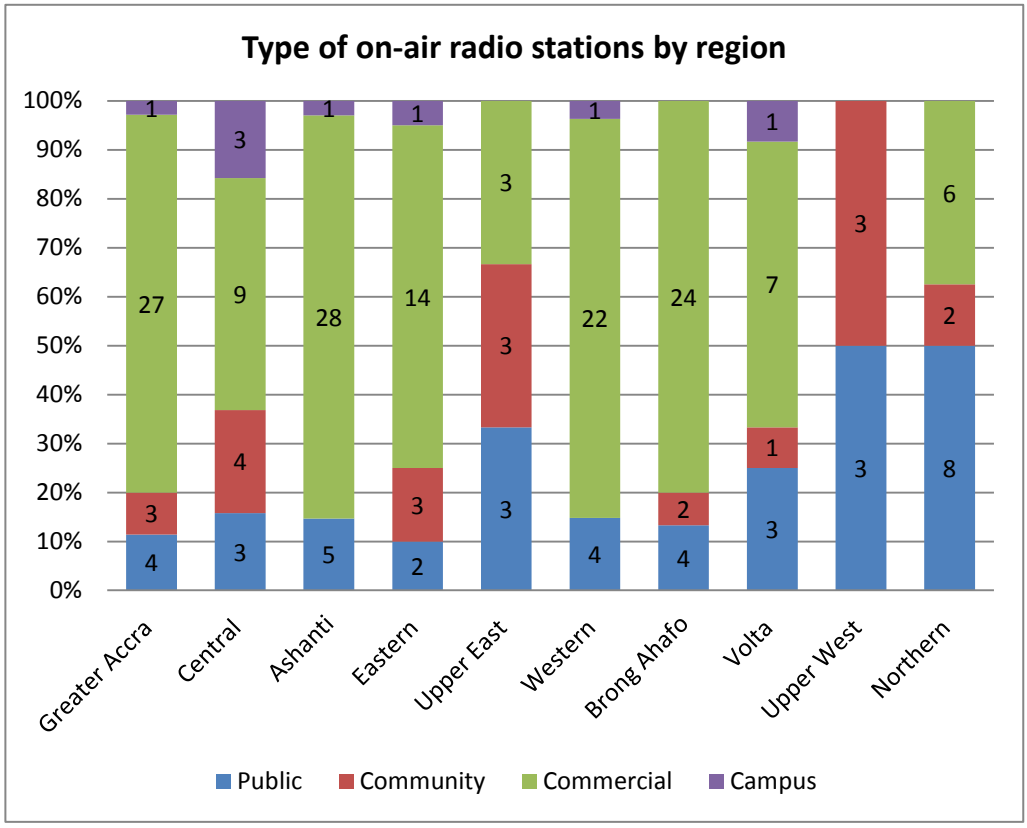



**Figure 3: Types of on-air radio stations by region**

The policy and regulatory gaps reveal that broadcasting regulation, in particular content regulation, is far behind the growth of the industry and the technological changes in broadcasting infrastructure. Meanwhile content regulation via facilitative (as opposed to constraining) licensing regime is the most appropriate instrument to use to ensure the democratization of broadcasting systems, structures, programming and practice. This should be the most potent instrument used to engineer pluralistic and participatory democracy and good governance.

The ambivalence in content regulation between two different regulatory institutions with overlapping operational issues has created a situation where enforceable content regulation is non-existent or even ignored. What is unenforceable are unmonitored guidelines and standards produced by the NMC. The constitutional and legislative mandate of the National Media Commission revolves around media content. Its key functions include the promotion of the highest journalistic standards, the protection of the state-owned media from government control as well as the adjudication of media complaints against or by the media. The NMC is constitutionally banned from influencing content matters. It cannot compel parties to appear before it and has no say or jurisdiction on how broadcasting frequencies are authorised. So technically, the NMC lacks some critical regulatory features such as the powers of subpoena and the enforcement of its rulings and decisions. Its procedures and approach to resolving conflicts are akin to those of a conflict resolution institution. It is therefore misleading to refer to the National Media Commission as a regulatory institution.

The key function of the National Communications Authority (NCA) on the other hand is to manage the frequency spectrum and authorize the allocation of frequencies including broadcasting frequencies. In other words, its main duty is of a technical nature. Ghana is a signatory to several international laws, protocols and conventions such as Conventions of the

International Telecommunications Union (ITU), the protocol establishing the African Union Charter on Human and People's Rights (ACHPR) as well as the Declaration of Principles on Freedom of Expression in Africa produced by the African Commission on Human and People's Rights (ACHPR). Other related international laws that Ghana is a signatory to are the Universal Declaration of Human Rights (UDHR), the International Telecommunications Union (ITU) and the International Covenant on Civil and Political Rights (ICCPR**).**

The implementation of international protocols is constitutional as in Article (73) of the 1992 Constitution: "The Government of Ghana shall conduct its international affairs in consonance with the accepted principles of public international law and diplomacy in a manner consistent with the national interest of Ghana." The thesis concerns itself with the extent government has implemented these protocols and why. The facts from the study point to a very highly selective approach. Of concern to this study also, is the government's reluctance to establishment an independent regulatory body. Contrary to recommendations by civil society, academic institutions, reports, conferences organized by the ministries of information and communication, donor agencies and multilateral organisations as well as memoranda to parliament, the Rawlings National Democratic Congress (NDC) government chose to ignore the major recommendations and principles on establishing a truly independent broadcasting regulator.

The Kufuor National Patriotic Party (NPP) government that succeeded the Rawlings administration maintained the status quo even though it amended and repealed the NCA Act 524 of 1996 to make the authority more accountable and responsive to the citizenry. The new Act 726 of 2008 provides for the inclusion of the National Media Commission (NMC) on the NCA board. The debate on the NCA Bill may provide some answers. But suffice it to say that this

confusion has left the country without a coherent enforceable broadcasting policy as well as regulatory framework.

### 6.13 Partisan parliamentary debate on broadcasting regulation

The parliamentary debate on the National Communications Authority (NCA) Bill in 1994 that culminated in the enactment of the first National Communications Authority legislation in 1996, Act (524) illuminates the debate on broadcasting regulation. The creation of the National Communications Authority (NCA) in 1996, after the creation of the National Media Commission (NMC) in 1993 as a rival regulatory body and against all expert recommendations, is another manifestation of the Rawlings-NDC government's distrust of an independent regulator. Hence the cautious opening of the airwaves despite the obvious dilemma or reluctance of government as revealed by the findings based on documents.

The citizenry however, welcomed the opening of the airwaves as a positive refreshing change even though not as far-reaching as expected in terms of institutional and structural changes. The National Democratic Congress government repealed the long existing Frequency Registration and Control Board Decree, 1977 (SMCD: 71) which established the military-style run Frequency Registration and Control Board and enacted the National Communications Authority (NCA) Act, 1996 (Act 524) on December 31, 1996. The military decree (SMCD: 71) had been a potent instrument of control by military dictatorships.

There was therefore no clear qualitative shift from the old structure and the orientation of the old military autocratic regime where the Head of State had absolute control over communications and broadcasting. The justification for the President's broad authority borders on clause (e) of Article (70) of the Constitution. The said Article provides that the President can appoint in

consultation with the council of state "the holders of such other offices as may be prescribed by this Constitution or by any other law not inconsistent with Constitution." However, several other organisations including the Commission for Human Rights and Administrative Justice (CHRAJ), one of the six governance institutions established by the Constitution as checks to overbearing executive power and deepening of the democratic process, have been expressly named.

The NCA remained as an agency of the Ministry of Communications under the supervision of the Minister. The study found indications of the supervisory role of the Minister in several areas of the operations of the NCA such as allowances of board members, administrative directives in appointments, dismissals, and representations on the NCA Board. On allowances of members of the Board for instance, Article 13 of Act (769) provides that: "Members of the Board and members of a committee of the Board shall be paid the allowances approved by the Minister in consultation with the Minister of Finance. Other administrative provisions of Act (769) of 2008 provide ministerial responsibility and directives:

> 14. (1) The Minister may give written directives to the Board on matters of policy and the board shall comply.
>
> (2) The Authority shall on the request of the Minister, provide the Minister with advice, recommendations and information that the Minister requires in respect of the duties, powers and functions of the Authority.
>
> 16. (1) The President shall, in accordance with Article 195 of the Constitution, appoint a Director-General of the Authority who shall be the Chief Executive Officer.

Also, the Minister is to notify the President of any vacancy and the President shall appoint a person to fill the vacancy.

### 6.14 Liberalisation and broadcasting regulation: 2001-2008

President Kufuor's New Patriotic Party (NPP) government assumed power in 2001 after Rawlings of the National Democratic Congress lost the historic 2000 general elections. The peaceful transfer of political power from an incumbent party founded by a military dictator who ruled the country for over a decade, to an opposition political party marked the end of an era of impunity and ushered in a new dawn of pluralistic politics and later media environment in a constitutional democracy. So the fortunes of broadcasting policy and regulation were inextricably linked to changing political trends.

The National Communications Authority (NCA) (amendment) Act, 2008 (Act, 769) was introduced to repeal the mother NCA Legislation of 1996, Act (524). The study establishes from the interviews some high and low points of the amended law according to the expectations of media scholars and experts, civil society groups, the National Media Commission, the Ghana Journalist Association, as well as the Ghana Independent Broadcasters' Association.

The amended legislation reaffirmed the National Communications Authority (NCA) as the sole body to manage and regulate the authorization of all frequencies including broadcasting frequencies as well as the President's sole role as the appointing authority of the members of the governing board, including the Chairperson in line with Article 6 (3) of the Act. Also retained is the status of the NCA as an agency under the Ministry of Communications and subject to general policy direction by the Minister. On the other hand, the 2008 amended act now offers the NMC a representation on the eight member Board appointed by the President as a solution to the "turf-wars" between the two bodies. This solution according to most policy-making "actors" is tantamount to "window dressing" considering the legal, administrative and procedural challenges and the fact that it falls short of acceptable best practices and requirements of some African

Union and internal protocols Ghana is signatory to (Kupe, 2003; Constitution of Ghana, 1992).

What seems to be at stake is the ability of the National Communications Authority (NCA) to function independently from direct government and business interference so as to fairly oversee and insulate the media, especially the state-owned, in order to earn the trust and confidence of the people. On the liability of members of the board, the Amended Act of 2008 (Act, 769) Article 7 (1) provides that:

> The duties of directors contained in Part Q of Chapter II of the Companies Act, 1963 (Act 179) shall apply to members of the Board. Section 203 states amongst others that; a director of a company stands in a fiduciary relationship towards the company and shall observe the utmost good faith towards the company in any transaction with it or on its behalf.
>
> (NCA Act 769 Article 7, 1)

In the same vein, section 209 of the Company's code states concerning civil liabilities for breach of duties that: if a director commits any breach of his duties under sections 203 to 205 of this Code:

(a) The director and other person who knowingly participated in the breach shall be liable to compensate the company for any loss it suffers as a result of such breach;

(b) The director shall account to the company for any profit made by him as a result of such breach; and

(c) Any contract or other transaction entered into between the director and the company in breach of such duties may be rescinded by the company.

The resort to the Company's code to enforce and hold the directors of the agency responsible and accountable for their actions and inactions points again to the cautious piece-meal approach to changes in broadcasting policy and regulation but refreshingly indicates in clear terms, the resort to the rule of law rather than the arbitrary powers of the Executive to protect members of the

NCA board from their actions and inactions. Investors and operators in the broadcasting business can therefore seek redress in the courts rather than the office of the Minister or the Executive or political lobbyists, thereby reducing the incidence of corruption. This finding is a manifestation of how regulatory changes largely depend on the political will of the government in power to stimulate desired changes.

### 6.15 Modes of broadcasting licensing: frequency allocation

There are several ways of issuing broadcasting licenses depending on the dominant political, economic, social and cultural ideology of a country as well as the historical experience and context. For the purpose of this study, I concentrate on two forms common in most democratic nations. Generally, the awarding of licenses is either by auction to the highest bidder or by a 'beauty contest'. The term "beauty contest" is used to describe the process where operators enter bids for licenses and the regulator either chooses or advises the Minister on the most appropriate competitor. The two models have their strengths and weaknesses. A third model could be a hybrid of the two systems (Kupe, 2003; Moyo and Chuma, 2010). The auction model is prevalent in "advanced" countries. The process of the allocation of frequencies is transparent but open to frequent expensive legal battles and lobbying but with strong government control. Market forces drive the auction model.

The key question is whether a market-driven broadcasting license regime is good for a developing country such as Ghana with a very high percentage of illiteracy and wide-spread poverty in a fledgling democracy. Some political scientists argue that being able to hold two or three successful free and fair elections does not make a country democratic. What the country may have attained at that point is "electoral democracy," which constitutes one of the important stages towards achieving a full democratic state (Interview: Jonah, 2009).

The challenges associated with the auction process include the possibility of "high-jacking" of policy making "actors" by lobbyists of affluent individuals, businesses, corporations and politicians. Since returns on investment tend to strongly determine investment choices, a serious draw-back of the auction model is the huge possibility to inadvertently deprive the majority rural communities of articulating their already suppressed voices in the national dialogue on development. Corporate monopoly of the media and broadcasting is as dangerous as government monopoly, if not worse. It has however been observed that "where a regulatory agency is inexperienced auction is less demanding on resources and less liable to legal challenge" (Kupe, 2003). The "beauty contest" model centers on public hearings to determine the suitability of applicants for the approval of the Minister or the appropriate authority depending on the system in place. The transparency of this model appears to be a good option but when scrutinized closely, a different image begins to emerge. Hearings are an expensive process to conduct nationwide. The hearing model is common in South Africa and Canada (Kupe, 2003; Hills, 2003).

## 6.16 Conclusion

This chapter focuses on the analysis of the findings of documents concerning the factors and forces that influenced changes in broadcasting policy and regulation in Ghana. The factors and forces examined are grouped in broad thematic areas namely socio-cultural, political, economic and the process of globalisation. The analyses of the factors and forces as established in the chapter are framed in the main by first domestic, then international pressures from western capitalist financial institutions and governments.

Also examined as forces of change behind the factors presented are in the particular case of Ghana, ideologies and pragmatics of different political persuasions, civil society movements,

academics, prospective broadcasting owners and practitioners, the executive and members of parliament. The analysis is positioned within two complementary theoretical propositions of political economy of Golding and Murdock (1997) and Mosco's (1996) thesis on the market – in other words, media economics. Thus the chapter contextualises the study and looks at the interplay of broadcasting regulation and the rise of market economy, democratisation and liberalisation, the 1992 Constitution and freedom of expression and of the media.

# Chapter 7

# Analysis: Implications of a more democratic system

## 7.1 Introduction

The road to a democratic system with reference to broadcasting in Ghana and political democracy in general has been a long and arduous one. It continues to be an on-going struggle. This section critically examines the essence and impact of the changes in broadcasting policy regulation and the corresponding creation of new regulatory institutions in relation to the 1992 Constitution from the perspectives of state and non-state policy-making and regulatory "actors." The key regulatory institutions, organizations and associations interviewed include the Ghana Journalist Association (GJA), the Ghana Independent Broadcasters Association (GIBA), the National Media Commission (NMC) and the National Communications Authority (NCA).

In-depth discussions on subsidiary themes relevant to the research questions provide a gateway to critically posit and track changes in broadcasting policy and regulation as well as analyse the impact and ramifications of the factors, forces and dynamics that drive the changes within the period of the study. The sub-themes to be critically examined are grouped under two different democratically elected governments of former Presidents – J.J. Rawlings (1992-2000) and John Agyekum Kufuor (2001-2008). The Rawlings era is described as the first wave of change and the Kufuor one, the second wave respectively.

The ancillary but relevant themes that drive the two eras are the genuine national economic, political and broadcasting imperatives; attempts to set up policy and regulatory framework; creation of new broadcasting regulatory institutions, and the categorization of the three tier broadcasting structure with emphasis on public service broadcasting as a defining taste and

standard in the industry and also the lead on public affairs. The critical analysis or interrogation of these perspectives will hopefully establish in a certain measure, the existence or otherwise of freedom of expression and of the media, a policy framework for private broadcasting, genuine national and international imperatives as well as ramifications of liberalization.

The study therefore focuses on identifying and analysing the forces that have been generative of the policy and legislative changes and the consequences/implications of the changes themselves for the broadcasting environment with a view to recommending policy and legislative modification that can create the conditions for pluralistic and diverse broadcasting structure. However, it must be pointed out also that in analyzing the history of broadcasting policymaking and regulatory practice in Ghana, three discernible periods of transformational changes stand out. The periods are the colonial, the post-independence preceding the promulgation of the 1992 Constitution, and the post- 1992 Constitutional period that saw the liberalisation of the airwaves in 1994. These periods have been dealt with in detail in previous chapters.

In short, broadcasting policymaking and regulation preceding the 1992 Constitutional dispensation has been a product of government wisdom devoid of any public consultation, participation or negotiations. Only two principal policy making "actors," the state and the administration of the state-owned Ghana Broadcasting Corporation (GBC) (Heath, 1999) were involved. The post- 1992 Constitutional period on the other hand was relatively open with some degree of civil society participation and negotiations even though the state was still in control. The purposes behind the changes however, vary significantly even though all appear to portray the instrumentalist use of broadcasting to forge national unity, cohesion, identity, maintain stability in a unitary state and the promotion of national development (Ansah, 1979, 1985; Ansu-

Kyeremeh, 1992; GBC 1985, 1995; Twumasi 1981). A closer look at these goals in relation to the three eras stated above suggests some contradictions between the political rhetoric and practice. As the contour of the study is located within the period of constitutional democracy, the study will first and foremost provide the key discernible historical contextualization of the phenomenon under study in order to inform the contemporary trajectory.

## 7.2 Paralysis of broadcasting regulatory reforms in Ghana

Broadcasting regulatory reforms appear to experience some level of paralysis on the part of government. It is a situation aptly described by Heuva (2010: 240) as the "paradox of broadcasting reform in an emerging democracy" and by Phiri (2010: 133) as "a media-phobic state" characterized by interlocking political interests of the political and business elite. The study reveals that in spite of the adoption of constitutional democracy and opening up of the public sphere for public discourse through the opening up of the airwaves, government seems to be in a dilemma concerning allowing the establishment of an independent broadcasting regulator.

Evidence points to a deliberate piecemeal approach towards policy and regulation backed by the actions and inactions of government since the liberalization of the airwaves in 1995. Regulatory reforms are superficial and scattered in several executive and ministerial statements, comments, press releases and pronouncements. Some scholars have described this phenomenon as a form of window dressing to hide dictatorial tendencies in a democracy (Phiri, 2010; Heuva, 2010). Some policies and regulations in Africa are "copy-cats of western policies and regulation devoid of local or domestic contextualization or realties" (Kupe, 2003). The answer to this copy-cat phenomenon finds expression in Moyo's (2006:74) contention that "reforms are sometimes intended to satisfy donor countries, organisations and critiques but not to really expand the public sphere." This observation is true of the Ghanaian experience. Notwithstanding this

pretext, the reforms did have far-reaching intended and unintended consequences such as the opening up of the airwaves which hitherto were totally closed, controlled and run by the State. As argued in a sparse body of literature on media, especially broadcasting reforms in Africa, different outcomes were realized in different countries. The differences arise from botched conceptualization, policy choices and implementation of the reforms in Africa.

Key amongst the reasons is the fact that Africa is a heterogynous continent with significant multi ethnic, tribal and linguistic groupings accentuated by the varied and inherited colonial structural and institutional legacies. This makes theorizing a difficult enterprise (Banda, 2010). Scholars have tried to address the challenges associated with the reforms in the context of "democratic transitions" of emerging democracies. Rozumilowicz's (2002:21) scholarly diagnostics best describe how to situate theoretically and contextually, reforms in broadcasting policy and regulation depending on the "stage and phase of maturation in the democratic processes." He identifies three possible scenarios:

1. Immediate consolidation – where the reforming regime accepts the fully functional new legislative framework as it stands and works within it is a "rule of law" mode;

2. Authoritarian backlash – where the reforming regime (or any remnant) abandons the reform process altogether and returns to a period of authoritarian rule;

3. Institutional revision – where the reforming regime attempts to implement the newly instituted media legislative framework in a manner most advantageous to its interest.

(Rozumilowicz, 2002: 21)

### 7.2.1 The rhetoric of independent regulation

The reflections above on broadcasting policy and regulation in Ghana point to a very worrying trend dating back to 1994, of covert and overt attempts by government to frustrate the formulation of broadcasting policy and regulatory framework and the creation of a truly

independent regulatory institution in line with the provisions of the 1992 Constitution. The Constitution provides the broad broadcasting policy and regulatory framework but almost twenty years into democracy, the government of Ghana is yet to produce a legally binding broadcasting policy and law. Among the broad frameworks provided by the 1992 Constitution to promote democracy, freedom of expression and of the media as a vital component of human rights, is the establishment of six independent governance institutions to protect and champion political and democratic rights of the citizenry and the public interest.

The National Media Commission (NMC) is one such governance institution in Ghana charged with the responsibility of overseeing the media including broadcasting by ensuring high and responsible standards of journalism and insulating the state-owned media from governmental control. The desire for an independent regulatory body to oversee and promote a healthy and responsible independent broadcasting industry has been of uttermost concern and consensus in civil society, experts from academia, professional press and broadcasting organizations.

This coalition of protagonists for an independent broadcasting regulatory body has written and campaigned vigorously prior and post the promulgation of the 1992 Constitution all to no avail. They have not however, wavered in their demands despite the frequent financial challenges associated with donor fatigue or changes in donor policies. The promotion of and support for independent bodies was in accordance with the spirit and letter of the 1992 Constitution. The key contentious issue that has outlived all elected governments since 1994 is whether the allocation of broadcasting frequencies should be controlled by the executive or an independent institution.

The contesting forces have offered different interpretations but none of the parties has sought the interpretation of the Supreme Court on this matter. Constitutional provisions on the media,

including broadcasting, seem to favour the American neoliberal approach of a market-driven broadcasting system even though the three-tier system is the ultimate policy's attainable goal. Other reasons may include the use or abuse of the state-owned media especially the Ghana Broadcasting Cooperation (GBC) as the propaganda mouthpiece or machinery of government.

In an attempt to end government control but also recognizing the important role of government in regulation, the writers of the constitution attempted to strike a balance. This balancing act created some provisions that have been subject to varied interpretations and abuse. Individual institutions have contested such provisions at the Supreme Court for legal interpretation and clarity. An example is a case brought against the government by the National Media Commission seeking the Supreme Court to determine the appropriate appointing authority of the Chief Executive Officers of state-owned media. Each of the two contesting parties (NMC and the Ghana Government) claimed to be the rightful authority. The independent body (National Media Commission) won the case.

A second land mark case was the action brought against the Ghana Broadcasting Corporation (GBC) by the then opposition New Patriotic Party (NPP) to compel the broadcaster to provide equal airtime for the party to react to a budgetary reading in parliament by the then NDC government. This was when the Ghana Broadcasting Corporation (GBC) turned down the opposition party's numerous requests for airtime. The belief was that GBC declined to provide the airtime because of a government directive. The NPP won the case against Ghana Broadcasting Corporation.

The attempt by government to hold on to its control of the airwaves is an indication of its duplicity. This game of chess played by government was made manifest in the parliamentary

debate on the National Communications Authority Bill after Rawlings refused to append his signature to the first bill. But the question may be asked why broadcasting regulation and independent regulation in particular?

### 7.2.2 Why broadcasting regulation?

Generally, the need for a regulated broadcasting regime could be looked at from two complementary thematic areas namely the theoretical and technical imperatives in relation to transmission (communication) and content (information). The transmission of electromagnetic waves is conducted via radio frequencies. Like any other limited natural resource, the use of radio frequencies as channels of communication is regulated for a number of reasons: they include limited frequency and channel availability; respect for fundamental human rights; freedom of expression and of the media, and development of a viable broadcasting industry. Other considerations include public interest, commercial, content and international conventions, protocols and laws.

However, the key theoretical principles underpinning broadcasting regulation within the context of democracy are the creation of a well-structured independent regulatory body with the requisite knowledge and expertise in the sector, free speech and freedom of expression and of the media, free flow of information and the commitment to promote a pluralistic and diverse broadcasting system (Kupe, 2003). A broadcasting regulatory system that operates on the above principles facilitates the nurturing of multi-party democracy by ensuring a fair and equitable allocation of broadcasting frequencies as well as stimulating the development of local content and controlling what audiences watch (Kupe, 2003).

Broadcasting is then able to play its normative roles of informing, educating and entertaining the citizenry as well as providing the public platform or sphere for the discussion, dialogue, conversations and debate on public affairs. This empowers the citizenry to make informed electoral and public affairs choices. An informed citizenry is essential for the advancement of democracy, promotion of cultural diversity, integrity and identity of a people or the state. A well-regulated broadcasting system promotes pluralism and diversity of content whilst protecting local programming from the surge of foreign programmes or "foreignisation" of local programming. Other issues of content include advertising and copyright. Regulation through licensing is applied at the point of access as legally binding terms for licensees.

Regulation must restore and ensure that the voices of the majority voiceless and deprived citizenry who have always been at the receiving end of elite opinions are equally amplified. Information flow then ceases to be unidirectional and becomes multidirectional and multidimensional with feedbacks to the ruling elite. It was in circumstances such as illustrated above that the Federal Communications Commission (FCC) had to make a case for public interest standards in broadcasting in its report, *Editorializing by Broadcast Licensees* as captured by Hazlet and Sosa that:

> It is axiomatic that one of the most vital questions of mass communication in a democracy is the development of an informed public opinion through the public dissemination of news and ideas or licensees to devote a reasonable percentage of their broadcasting time to the presentation of news and programmes devoted to the consideration and discussion of public issues of interest in the community served by particular station. And we have recognized, with respect to such programmes, the paramount right of the public in a free society to be informed and to have presented to it for acceptance or rejection the different attitudes and viewpoints concerning these vital and often controversial issues which are held by the various groups which make up the community.

(Hazlet and Sosa, 1997: 2)

Technically, broadcasting and other forms of electronic communications such as satellite and cable operate on frequencies, channels and cables. Honeyman (2003:61) echoes this argument and then underscores the need to regulate frequencies in tune with national and international "technical standards to ensure standardisation and compatibility within systems." Currently, the debate has shifted from analogue to digital terrestrial television standard. The new debate is framed in the context of either domestic or regional interest. The evolution of this debate in South Africa between 2006 and 2011 is a classic referral period of intense debate on the standardization of digital broadcasting regulation nationally and within the SADC region. The South African scenario is pertinent to this study as it is considered one of the few countries on the continent with a relatively developed communications infrastructure emerging out of the successful hosting of the 2010 FIFA World Cup.

The dilemma as to which standard to adopt within SADC and the preferences of member countries coalesced into a decision in 2006 to migrate from analogue to digital television using the original European DVB-T standard. However, a Director General of the Communications Department (COD) Mamodupi Mohlala was reported online by TechCentral in mid-2010, as having said that her department had not taken any decision regarding which digital terrestrial television broadcasting standard to adopt. She indicated that experts had advised the department that DVB-T had some technical challenges and so it would make more sense to deploy its successor standard, DVB-T2 (second generation European standard), or some other standard. Meanwhile the then Minister of Communication, Roy Padayachie, was expected by media leads to announce that DVB-T2 was to be officially adopted as South Africa's digital broadcast standard but this never happened. However, an adviser to Padayachie, Kuben Govender, was

reported to have confirmed that Cabinet had ratified the decision on December 15, 2010. Nevertheless, Cabinet statement was silent on the alleged report ratification. According to the story, developments on this subject fed into the suspicion that South Africa was under pressure from Brazil to opt for and implement the Japanese and Brazilian ISDB-T standard already deployed in Brazil and in Southern American countries. The then Minister denied any such deal with Brazil.

The story says the SABC signal distributor Sentech had already invested hugely in the DVB-T infrastructure but was reassured by the South African government that such investments were not in vain since most of the infrastructure outlay could still be used with either the ISDB-T or DVB-T2. The Minister in charge at the Communications Department (COD) Siphiwe Nyanda was reported to have weighed into the debate by stating that the planned full migration to digital television was likely to be pushed back by several months due to a recent decision by SADC ministers to revisit the discussions on the 2006 standard of choice (http://www.techcentral.co.za).

The Minister reiterated that it was only after the SADC discussions that South Africa could get the clarity on the standard to adopt: "We will be informed by the SADC study… we want an objective, well informed and properly assessed outcome in line with the developmental needs of the country" (http://www.techcentral.co.za). SADC did meet and declared its support of DVB-T2. Minister Padayachie after some initial silence indicated that government would soon make its decision known to the public. After a protracted silence, Kuben Govender confirmed in an interview that Cabinet had opted for BVD-T2 as reflected in the cabinet minutes. The drama of official secrecy on the decision continued because as it turned out, the statement issued by the cabinet on its deliberations excluded the BVD-T saga. The newly appointed Minister at the end of 2011, Dina Pule, assured stakeholders that she would stick to the migration cut-off year of

2015 from analogue to digital broadcasting. The behind-the-scenes activity on the policy making process is a clear manifestation that intense contestation amongst competing factors and forces goes beyond the borders of a nation into the jungle of international politics and business.

It is this sort of contestation that shapes national policy for better or worse. Ghana published its digital migration policy late 2010, and opted to roll out the original European BVD-T standard. Considering the huge capital investment of the tax payers' money in the migration process, assuming South Africa is right in its technical due diligence that BVD-T has "technical problems," then what are the implications for Ghana's choice of BVD-T? The economic and political balkanization of Africa is the root cause of the "African situation." If Europe, the USA, Russia and South America each have their common systems respectively, then what prevents members of the AU from following suit by agreeing on a common standard to attain the highest cost effective technically sound system? The thesis is not oblivious of the attempts being made by various African political and economic groupings towards this direction.

### 7.3 Sacrificing public broadcasting service for IMF/World Bank Loans

The economic concerns discussed earlier resulted in failed actions to either privatize or commercialize the state-owned Ghana Broadcasting Corporation (GBC) and the Ghana News Agency (GNA). The National Democratic Congress (NDC) however, succeeded in selling the Ghana Films Industry to Malaysian investors with controversial 10 percent minority local shareholders and transformed it into a private television station, TV3. These actions by government are in fulfilment of the discussed conditionalities of the ERP and SAP for a number of reasons as will be discussed subsequently.

How can the lack of recognition of the media especially broadcasting in the national reconstruction effort be explained especially when the *Ghana Vision 2020 national policy framework* document, hailed by the government as the product of national discourse and broad lateral and horizontal consultations with experts, scholars, academics and professionals, fails to recognize even in passing the role of the mass media in a democracy in the twenty-first century? The document contains data that would make any strategist prioritize the mass media as the most important vehicle for the transmission of required information to the populace. Some of the statistical data in the document are discussed subsequently.

First, the Vision 2020 document quoted copiously from the statistical data of the Ghana Living Standards Survey (GLSS II), produced by the Ghana Statistical Service (GSS) in 1992, that about 31 percent of Ghanaians were either poor or very poor according to World Bank classification (World Bank, 2000). Second, 50 percent of women in the country lacked formal education and, of the other 50 percent who had basic education, only 3 percent had gone beyond secondary or high school. This situation was compounded by an adult literacy rate of 64 percent (*Ghana-Vision 2020,* 1997; World Bank, 2000a).

Malnutrition was said to be prevalent with about 50 percent of women of childbearing age suffering from iron-deficiency anaemia, worsened by the "lack of knowledge regarding the food and nutritional needs of the household members" (Ghana Vision, 1997: 85). In spite of these worrying data, the administration of former President Rawlings chose to ignore the role of the mass media in the *Vision 2020* national development strategic plan as the most important vehicle and platform to engage and disseminate appropriate information, knowledge and skill to poverty stricken communities in rural communities and urban slums. Alhassan (2005:45) aptly describes the situation discussed above as "Development without Mass Communication."

## 7.4 Constitutional imperative

In Ghana, the reform of the regulatory system and the creation of new regulatory institutions became a constitutional imperative with the promulgation of the 1992 Republican Constitution. The broadcasting reform process during the 1990s was far reaching than in most countries on the African continent (Zaffiro, 1998; Mpofu et al., 1996; Heath, 1999). Heath (1999:74) in particular attributes this achievement to "the nature of civil society and civic discourse" at the time but postulates that President Rawlings and his administration's ideological shift from the left to the "rightist neoliberal" philosophy was the "main driving force of the new policy orientation towards broadcasting reforms."

The 1992 Republican Constitution provides elaborate legal framework or "road map" for the development of policies, enactment of legislation for the purposes of regulation, guidelines and the establishment of regulatory institutions (Interviews: Ayeboafu; Quarmyne; Yankah; Blewu, 2009)**.** The key chapters that provide regulatory frameworks are chapters 5 and 12. Chapter 5 provides the "Fundamental Human Rights and Freedoms" in particular articles 21 (1) (a, b, and f) which provides an elaborate list of the general fundamental freedoms including the right to freedom of speech and of expression, freedom of the press and other media of mass communication, freedom of thought, conscience and belief. Chapter 12 is devoted to "freedom and independence of the media," in particular Articles 162, 163 and 164.

The key thematic issues arising out of these constitutional provisions are the prohibition of censorship and licensing of media houses, the establishment of private media and above all, a guaranteed freedom and independence of the media. The most demonstrable act of the framers of the Constitution was to recognize the significance of an independent media and media institutions to the enhancement of democracy and to provide for the establishment of the

National Media Commission (NMC) within six months of the coming into being of the 1992 Constitution.

Even more significant is the key function of the NMC to insulate the media especially the state-owned media from direct government control or influence, thereby limiting the long history of ministerial control of the state-owned media. As such, what the provision did was to constitutionally limit the extended powers of the sector Minister and the Ministry and to end the practice and status of journalists and staff of the state-owned media as members of the civil or public sector, perceived as part of the governing structure and elite instead of their traditional role as the fourth estate of the realm. In fulfilment of this constitutional mandate, the first constitutional government under Rawlings (1992-2000) enacted two key legislations creating the National Media Commission and the National Communications Authority in 1993 and 1996 respectively but without any policy direction and legislative framework. What exist are scattered specific policy statements, pronouncements by the Executive and government agencies. According to the Ghana Journalist Association and the National Media Commission (NMC), the lack of urgency in having a comprehensive broadcasting policy and law other than the non-binding NMC National Media Policy explains the piecemeal approach toward broadcasting legislation and an indication of government's attempt to hold on to the pre- 1992 system of control and influence over broadcasting.

### 7.5 Parliamentary debate

The coming into force of the 1992 fourth republican Constitution of Ghana marked a hard-fought and hard-earned freedom and power of the people in whom the sovereignty of the nation state of Ghana resides. This new dispensation by the spirit and letter of the Constitution meant a qualitative change of state and para-statal institutions, organisations and agencies, the direction

of policy orientation, value systems and principles to conform to constitutional democracy. However, the most relevant of all the changes to this study are the changes in broadcasting policy and regulation from a closed controlled authoritarian system to a free open independent constitutional democratic system. Having established the National Media Commission (NMC) within six months of the Constitution, the task on how to regulate broadcasting in a democratic setting became the issue.

Why, how, scope and the general principles of broadcasting regulation became the issue because of the lingering fear of the nouveau rich and the hitherto autocratic political elite just turned democrats not out of conviction but domestic and international pressures to face the scrutiny of the media and the new phenomena of transparency and accountability. It was against this background that the government of former President Rawlings had to liberalize the airwaves in 1995. In his address to parliament, the Minister of Information captured the regulatory dilemma thus:

> Mr Speaker, for private broadcasting to come into operation there is the need, first and foremost, to deregulate the airwaves and to have a mechanism put in place for the allocation of frequencies in a manner that will be in accord with the demands of national and international regulations governing the allocation, and management of the frequency spectrum. Such a mechanism would also ensure that allocations made to private broadcasters are transparent and fair to all. It was generally agreed that the existing SMCD 71, requires substantial modification that will accord with the realities of the time and the objectives of private broadcasting.
>
> (Hansard: 4th series Vol. 6. No. 28, [col. 1230] statements - Private Electronic Media in Ghana)

Commenting on the appropriate body to allocate broadcast frequencies, the Minister reminded the exclusive National Democratic Congress (NDC) parliament on the passionate public debate with a “handful of people” clamouring that broadcasting frequency allocation should be made

part and parcel of the functions of the NMC which parliament had rejected for technical reasons. The Minister also recalled that when Parliament resumed after its break they "made an attempt to delay the gazetting of the National Communication Authority (NCA) Bill" and that one of the reasons was to enable the Ministry to "incorporate an amendment that sought to give the NMC the responsibility for allocating the frequencies for radio and TV once the frequencies available have been declared by the proposed Authority" (Parliamentary statement on Independent broadcasting in Ghana 6th December 1994, vol. 6, No. 28).

The Minister continued that the process was stalled because their "political detractors said it was a ploy to delay the Bill and thus the advent of private broadcasting". With these developments the Ministry decided to present the Bill in its original form and to propose the amendment during the consideration stage. Meanwhile, the Minister said a group calling itself the Independent Media Corporation of Ghana (IMCG), had started broadcasting without authorization claiming that "Frequency Board had delayed in issuing them with a frequency and so they decided to take the law into their own hands". The Minister described the action of the operators of Radio Eye as an act of "brigandage and lawlessness" unfortunately hailed in some quarters as "the apostles of democracy." Thinking that they were above the law, stated the Minister, the IMCG "chose the path of confrontation."

The choice of government to go contrary to the recommendations of the national conference and subsequent negotiation to create a government controlled NCA was regarded as a slap in the face by civil society, experts, academics, the GJA, the NMC and all stakeholders. In sum, it was perceived as trivialising the attempt to chart a new and better broadcasting regulatory course for the country. Indeed the direction chosen by the PNDC/NDC government had dogged the development of a proper independent broadcasting regulatory process for Ghana. But how was

the NCA created? The position of government even though not clearly stated is that its action was constitutional as captured in the statement of the chairman of the Committee on Transport and Communication, Alhaji Issaku Saliah, during the second reading of the National Communications Authority Bill on December 9, 1994 which the study will examine shortly.

The Chairman of the select committee made the following observation in his statement to parliament: “Much as all the organizations that appeared before the Committee praised the laudable aims of the Bill: the idea of putting the Authority under the responsibility of a political appointee or authority such as a Minister of state was much of a concern to some of them because it would make the whole Bill unconstitutional.” According to the Chairman, it was further argued that SMCD 71, which gave legal status to the Frequency Control Board and LI 1121 which provided the mechanism for the allocation of frequencies gave the freedom for the operation of private broadcasting station on the condition that license was obtained from the Board.

The Committee the civil society organizations concluded that the issue of licensing as provided for in SMCD 71 was therefore inconsistent with article 163 (3) of the 1992 Constitution basing their argument on article 162 (3) which states: “There shall be no impediments to the establishment of private press or law requiring any person to obtain a license as a prerequisite to the establishment or operation of a newspaper, journal or other media for mass communication or information.” According to Saliah, a member of parliament, the civil society and stakeholders groupings came to the following conclusion that firstly, “the Bill as it stands is unconstitutional since it seeks to interfere with the media freedom guaranteed by the Constitution.” Secondly, the Bill is not “providing any innovation or an enabling environment for private broadcasting since it recaptures the provisions of SMCD 71.” Thirdly, the Bill is rather restrictive and concentrates

more on controlling rather than facilitating the allocation of frequencies and Saliah recommended that there should be two independent bodies, one for broadcasting frequencies and the other for non-broadcasting frequencies. Subsequently, the organisations proposed the creation of an independent regulatory body for non-broadcast communication services such as telecommunications.

The management and assignment of frequencies for broadcasting would be ceded to the National Media Commission (NMC) which was expected to set up the necessary legal framework for the allocation of frequencies to operators of broadcast stations in accordance with international regulations. The civil society groups also argued that the NMC could better ensure fair distribution or allocation of frequencies than a body under any political authority because it had constitutional protection with constitutionally defined functions provided in article 167 (a) : "to promote and ensure the freedom and independence of the media for mass communication or information."

With this submission, the Chairman of the Select Committee told the House that the Committee had examined the constitutionality of the Bill and concluded that the Bill was not unconstitutional as portrayed by the civil society organisations. The Chairman said the Committee's decision was informed by article 164, which clearly identifies the conditions under which government intervention, or control is required including public morality, national security and public order. For that reason, according to Alhaji Saliah, "it is agreed by the Committee that these obligations enshrined in the Constitution could not be ensured by any person other than the political authority. Furthermore the Committee is also convinced that neither the Constitution nor Act 449 state anywhere that the NMC must allocate or authorize broadcasting frequencies." The Committee he said, had therefore "satisfied itself of the

constitutionality of the Bill and [had] also found no compelling reasons why the assignment of frequencies should be ceded to the NMC" (Parliamentary Hansard: 6th December 1994, vol. 6 No. 28)

## 7.6 Advocates of the NCA Bill

Several NDC parliamentarians expressed their support for the Bill. Some of the ardent supporters of the Bill included the late Busomtwi–Sam, NDC MP for Sekondi and the Deputy Minister of Communications. Both agreed with the Committee's conclusion that the freedoms in 162 (3) are not absolute as provided for in article 164 which curtails the exercise of media and other freedoms in cases of national security, pubic order and public morality. The key arguments were as follows:

### 7.6.1 Invoking national security and legal limitations of the NMC

Busomtwi-Sam argued that since matters of national security come under the purview of the Executive, and to a certain extent public morality, under the jurisdiction of the courts and Parliament it could not by any stretch of imagination be said that "we can isolate certain levels of authority in the granting or otherwise of frequencies." In his opinion, civil society groups tended to treat broadcasting as newspapers and that such attitude must change, for broadcasting was different. He categorically disagreed with the view that the NMC should be the body responsible for the allocation of radio frequencies for mass-communication or broadcasting.

The Deputy Minister for Communications said he had "combed the relevant law on this matter namely the 1992 Constitution, articles 167 to 173 and the NMC Act (Act 449)" and had not been able to "locate anywhere, where either expressly or impliedly, the NMC has it as a function to allocate or assign frequencies." Referring to civil society groups as the "apostles of democracy"

he commented that they had not been able to justify their proposition and only sought to justify their case under article 167 (a) of the Constitution; “the functions of the NMC are, to promote and ensure the freedom and independence of the media for mass communication or information” which, according to the Deputy Minister, was misplaced. The Deputy Minister asserted that the operative words in the functions of the NMC were “promotion and ensuring freedom and independence.” It was therefore obvious, he claimed, that the framers of the Constitution gave to the NMC a “monitoring role rather than an implementing role.” He posed a question: If the NMC had the responsibility of allocating frequencies, what would be the *modus operandi* when somebody alleged that he had been treated unfairly by the NMC?

According to the former Deputy Minister, the NCA Bill provided mechanism to ensure fairness and that was why there was a governing Board with a chairperson and members to be appointed by the President in consultation with the Council of State. The Bill, he pointed out, also provides for a representative of the NMC apart from the Director-General and two other persons. He argued that the role of the NMC was to “ensure the respect of ethical issues which begins after the allocation of frequencies. It is therefore unnecessary to even consider an NMC representation on the NCA Board.” Indeed when the Bill finally became law, the NMC was not included on the NCA Board.

To the former Deputy Minister, the establishment of the NCA would therefore make it possible for government to systematically promote its policy of assisting the rural communities to reach out to themselves. This was never realized because up till the end of the second term of their era (1992- 2000) there were less than five community approved fully operational community radio stations across the country with 10 regional capitals.

### 7.6.2 Invoking firm regulation for the sake of "order"

The submissions of the NDC Deputy Minister of Information Kojo Yankah captured the wind of democratization of information and communications globally but in particular, Africa. He argued for the establishment of the NCA and regulations to guide the operations of independent broadcasting in the country. He cautioned that the law should stand the test of time without looking at political gains and that it should be done objectively and dispassionately without considering immediate or short-term interest. The Deputy Minister alluded to the young, emerging and developing democratic dispensation in Ghana that had specific sub-cultural patterns not necessarily the same as those of stable democratic societies.

According to the Deputy Minister, any attempt to put forward a law as sensitive as frequency allocation had to be done with a lot of circumspection. The need for regulation was therefore crucial for national and international imperatives especially when Ghana was a signatory to the International Telecommunications Union ITU Convention on radio regulation article 24 clause (2): "No transmission station may be established or operated by a private person or an enterprise without a license being issued in an appropriate form and in conformity with the provision of this regulation by the Government of the country to which the station is subject."

Furthermore, the Deputy Minister cited chapter three of the March 1993 conference report on privatization of radio in Ghana on the authorization of license for broadcasting. The report states amongst other things that even though the Constitution prohibits "licensing of the mass media it is necessary for prospective operators or owners to be allocated frequencies." The 1993 conference therefore acknowledged that the regulation of channel and band allocations could not be ignored under any circumstance. The conference was mindful that much as there was the constitutional provision that setting up of broadcasting stations required no license, the use of

frequencies for private broadcast or telecommunication purposes required regulation and for that matter an assigned frequency license in order to facilitate the co-ordination and harmonization of internal broadcast frequencies as well as international or cross border interferences. In an overview of various on-going attempts to regulate broadcasting in fledgling democracies and so-called advanced democracies, he cited South Africa which had a radio Act of 1952 and a Broadcasting Act of 1976 with the South African Broadcasting Corporation running all the internal broadcasting stations.

Coincidentally, just at the time that Ghana was dealing with the issue of regulating broadcasting and looking for the most preferable regulatory institution to be charged with the mandate to carry out this task, in 1994, South Africa had set up an independent broadcast authority to canvass people's views on how independent broadcasting should be operated. In Senegal, the two existing radio networks there were owned by the state. In Nigeria, the Federal and State governments owned all radio and TV stations. Apart from the Media Council which was equivalent to Ghana's NMC, Nigeria also had the Independent Broadcast Commission (IBC) which laid down regulations for the operation of independent and private radio stations.

India, the largest democracy in the world, had the Broadcasting Corporation of India Law of 1989 set up with media professionals serving on it and accountable to Parliament. In the absence of the Broadcasting Corporation of India Law, India all along had had the All India Radio and then the Doordarshan India which was a television network. The United Kingdom telecommunications was privatized only in 1984. Through the Broadcasting Act of 1990, the Independent Television Commission was set up. The Independent Television Commission issued ten franchises to highest bidders. The Broadcasting Act of the UK also set up a Broadcasting Standards Council to draw up a code giving guidance on violence, sex and standards of taste and

decency. The Council also monitored programmes broadcast from abroad but received in the UK. The UK also has a Radio Authority. This Authority allocates national radio licenses by competitive tender, and the authority has the power to give direction to the exclusion of programmes from the license service. This proves the case that the airwaves anywhere in the world remain a public resource. The USA has the Communications Act of 1934 which makes broadcasters public trustees through a licensing system that links the granting and renewal of licenses with a broadcaster's ability to serve what they call the public interest, convenience and necessity. In 1987, the FCC announced a policy enforcing a ban on what they called "patently offensive materials" airing or depicting pornographic activities on radio and television from 6 a.m. to 8.00 p.m.

According to the Deputy Minister, it is also worthy of note that in 1991, the UN and UNESCO organized a conference in Windhoek, Namibia, for journalists from Africa. The theme was "Promoting an Independent and Pluralistic African Press." The whole conference was dedicated to the establishment of independent and private press and care was taken not to confuse it with operation of television and radio. Article 17 of the Windhoek Declaration states: "In view of the importance of radio and television in the field of news and information the UN and UNESCO are invited to recommend to the General Assembly the convening of a similar seminar of television services in Africa to explore the possibility of applying similar concepts of independence and pluralism to these media."

This resulted in Windhoek plus ten conferences which dealt specifically with the promotion of independent pluralistic and diverse broadcasting systems as depicted in the declaration of the conference. In 1983, Canada launched its Broadcasting Strategy for Canada. This was a wide-ranging series of policies and initiatives to provide Canadians with greater programme choice

and make the Canadian Broadcasting industry more competitive. This was initiated by government and this strategy recognized that choice is meaningless unless it includes programming which reinforces the cultural heritage of all Canadians. Impliedly, Canada has recognized that radio and television need to be regulated. Hence the setting up of a Canadian Radio, Television and Telecommunications Commission (CRTC) to perform the same functions as the proposed NCA, argued the Deputy Minister of Information. At the March 1993 Conference organized by the School of Communication Studies at the University of Ghana, the late Ansah said; "because the radio spectrum is an exhaustible national resource and also because of its immense potential for abuse, beneficiaries would be under corresponding obligation to discharge certain obligations" (Parliamentary Hansard, 6th December 1994, vol. 6, No. 28). The obligation includes number and nature of broadcasting services, their funding and quality of programming and so on.

### 7.6.3 Dissenting voices

One of the two dissenting voices in the one-party parliament of Rawlings' National Democratic Party (NDC) due to an opposition boycott, Sqn. Ldr. (rtd.) C.M.K. Sowu in his submissions asked MPs whether they were aware that an earlier Bill had been gazetted and withdrawn and what they thought about the statement of the Minister of Information as published by the December 8, 1994 edition of the *Daily Graphic*. He quoted copiously from the statement to draw attention to the seriousness of the debate and the consequences should parliament fail to take and implement a correct decision. The Minister of information he said, had set the framework when he said; "the changing socio-economic and political environment has necessitated the review of the situation where the State retains total ownership of radio and television broadcasting in the country".

Sowu tied his first quote to a second one also from the statement of Mr Totobi Quakyi that "for private broadcasting to come into operation there is the need first and foremost to deregulate the air waves and a mechanism put in place for the allocation of frequencies in a manner that will be in accord with the demands of national and international regulations governing the allocation and management of the frequency spectrum." Such a mechanism according to the Minister would ensure that allocation made to private broadcasting was transparent and fair to all. To achieve these goals, the Minister said it was agreed that the existing SMCD 71, which deals with frequency allocations, was passed in 1976 by an autocratic military regime and required substantial modification that would accord with the realities of the current moment, the changing objectives of private broadcasting, breaking government monopoly of broadcasting and most importantly, to conform with the 1992 Constitution.

Sowu's third quote from the statement of the Minister of Information directly addressed the issue of the National Media Commission by tracing the history of the failed attempt to make the NMC responsible for the allocation of broadcasting frequency. According to Sowu, the Minister told parliament that "unable to win their argument in this house they have since organized series of fora aimed at galvanizing sympathy with the idea of the Media Commission becoming in charge with frequency allocation." The Minister also referred to the so-called "difficulty for civil society groups to comprehend what he termed "simple technical explanation that frequencies are used by maritime transport, civil aviation, security and other telecommunication networks and not necessarily for radio and television broadcasting alone." But most importantly according to Sowu the Minister had said:

> When Parliament resumed last month we made an attempt to delay the gazetting of the National Communication Authority Bill. One of the reasons, Mr Speaker, was to enable us incorporate an

> amendment that seeks to give the National Media Commission the responsibility for allocating frequencies for radio and television to applicants once the frequencies available have been technically determined by the Authority.
>
> (Parliamentary Hansard, 6th December 1996, vol. 6, No. 28))

In clarifying the ministerial committee's work, the Minister to Sowu's understanding, said they had wanted to make some changes to the Bill because the public was becoming restless owing to the delay. The ministerial committee then decided to rush the original Bill to the parliamentary select committee on transport and communications to effect the necessary amendments or changes. Backed by the documentary evidence of the sequence of events and behind-the-scenes deliberations, the amendment was indicative of a compromise with the non-state policy-making "actors." Organizations that appeared before the select committee as stated in the parliamentary Hansard of December 9, 1994 include the Posts and Telecommunications Corporation, Ghana Broadcasting Corporation, National Frequency Board, School of Communications Studies, National Media Commission and submissions from Millicom (Ghana Ltd).

Conversely, the Chairman of the select committee on communications according to Sowu, said in his comments, the purpose of the NCA Bill was twofold. First, the Bill sought to break the monopoly enjoyed by the Posts and Telecommunications Corporation and the Ghana Broadcasting Corporation (GBC) in radio and television respectively in line with government's liberalization policy. Second, the Bill was to give clear legal backing to the approval and issuance of licenses to commercial and amateur radio and television operators as well as the sale, manufacture and assembling of telecommunication apparatus.

Meanwhile the Minister of Transport and Communication Edward Saliah in moving the motion also did state that one of the objectives of this Bill was to curtail the frustrations of others who

wanted to provide telecommunication services. Sowu then presented one true case study of what he described as "a big frustration by an investor":

> We were given all indication that we could go into business. We were given all indications that we would be given frequency. Even the government of the day went on air and said that we were coming into business in partnership with Ghana Broadcasting Corporation (GBC) just to be told down the line a week after that the frequency has been allocated to a competitor. In the meantime we have put up our buildings to go into business. What a big frustration he said.
>
> (Parliamentary Hansard 6th December 1996, vol. 6, No. 28)

Sowu even questioned the location of the Frequency Board under the Communications Department of the Ministry of Defence and the mantra that frequencies are limited national resource. He argued that if the frequency range started from 10 kilo cycles per second to 40 gadget cycles and that the points below 10 kilo cycles per second and above 40 gadger cycles had not been allocated even though they were free depending on the technology available, then there was a problem unless of course some people had a hidden agenda at play. He also disagreed that the assignment of broadcasting frequencies could not be delegated to the NMC as a constitutionally guaranteed independent body and that it was this same centralized mentality that informed the talk about issuing radio frequencies to the various units of the military - One Battalion, the Second Brigade, the Air force and the Navy.

The military as an entity could be assigned a number of frequencies under the armed forces high command on the band so that they themselves could then make their internal allocations depending on their own formulae and need, Sowu continued. He then raised some fundamental questions. First, why was it that government wanted an Authority and not a Commission? Second, was it not possible for the Authority to delegate frequencies for broadcasting to the

NMC for it to assign to prospective operators? Third, that clause 4 which says the Minister may give the Authority directives of a general character as appeared to him/her to be required in the public interest, was problematic because the Minister was a political authority which raised the fear of political interference or control as raised by civil society and the School of Communication Studies amongst other similar organisations.

In fact, Sowu indicated that past regimes had done a lot of unspeakable things under the most abused term or concept in governance – "in the public interest." He asked what really constituted public interest. He concluded by saying since the NCA could not allocate frequencies to various units of the armed forces, it stood to reason that broadcasting frequencies could equally be delegated to the NMC. The responsibility for the bands would still be that of the NCA. After all, that was what the Minister of Information Totobi Quakyi, had told the house. Sowu was the only member of the NDC one-party parliament who did not state his support for the NCA Bill because as he said, it was a litmus test for the House, needing appropriate deliberation and action.

### 7.6.4 NCA Bill to ensure fairness and transparency in frequency allocation

Addressing concerns such as having a separate Bill to regulate broadcasting, the management of frequencies and allocation of licenses, the Deputy Minister of Transport and Communications Cdr. (rtd) P.M.G. Griffiths commented that by the constitutional function of the NMC and the fact that it had no power to regulate the professional functions of the media, it would be unconstitutional to even give it this responsibility. In fact, he argued, its very nature debarred the NMC from actually delving into technical fields. Second, Hon. Griffiths took note that some members had raised fears about the allocation of frequencies being used as a political weapon and attempted to allay such fears by promising that the Ministry was going to be very transparent in the allocation of frequencies.

The Deputy Minister then gave the assurance that the allocation process would be on first-come-first-served basis depending on where it was needed. The Ministry, he assured members, would put up regulations for the allocation of frequencies in such a way that everybody would see fairness in the processes. The study has established that these promises have not been fully met. In fact, the industry is yet to have a proper regulatory system in place. The issue of bias in the allocation of frequencies is best answered by the wide scepticism the process has been regarded with for a while even though some changes have been put in place.

In reacting to a submission to have a comprehensive view of the law to include information technology, Hon. Griffiths said it was a bit too early to come up with a Bill for the regulation of information technology because it was completely new in Ghana. Interestingly, this coincidentally was the period when most countries including South Africa were making attempts to merge their licensing and regulatory bodies (e.g. South Africa's SATRA and IBA) which saw the creation of ICASA in accordance with the fast moving changes in broadcasting and telecommunications technologies. On concerns about liberalization – the likelihood that businessmen would concentrate only in the lucrative areas, the Deputy Minister said, "we have a programme which will be coming out as a national policy and have put down the framework the way we want people to move not only to the cities but also to the rural areas" (Interview, 2009). From the documentary and oral discursive interview findings, the Deputy Minister's assertion of a national policy and framework to ensure coverage in the rural areas never took off. It was at best an empty promise.

### 7.6.5 Call for compromise

An NDC Member of Parliament for Wa Central constituency Hon. M.A. Seidu in his submission acknowledged the controversy surrounding the NCA Bill, especially its constitutionality or unconstitutionality. The MP said it was gratifying that there seemed to be some consensus that:

1) There should be some amount of ministerial control as far as allocation distribution of frequencies is concerned. To what extent the control should go is where there is diversity of opinion.
2) The NMC has a role to play as far as the distribution of frequencies is concerned but they do not agree at what level they should come in to take part in the distribution of the frequencies.

(Parliamentary Hansard, 1996)

Seidu therefore wholly supported the compromise recommendation stated by the Minister of Information to amend the Bill and to cede some of the powers and allocate some frequencies to the NMC to allocate for the purpose of mass communication only, despite the recognition of ministerial control. According to him, there could not have been a more appropriate compromise than this, taking into consideration the circumstances in which Ghana was practicing its young democracy. He said the 1992 Constitution of Ghana was a hybrid of the British and American Constitutions and for Ghanaians to adopt a single practice from either of them would not suffice.

Commenting on the NMC, Seidu said it was unfortunate that some members had tried in vain to mislead the House into believing that the NMC had achieved nothing since its establishment about a year ago. He based his argument on the premise that the high journalistic standards that the Media Commission was charged to ensure did not exist. According to Seidu, the NMC had turned itself into a law court or a policeman with a truncheon compelling everybody to conform to standards that the Commission itself had set up. This was in violation of the Constitution and Act 449 that brought it into being. He cited part of Article 162 to support his point. Article 162 (1) guarantees the freedom and independence of the media while 162 (4) states: “Editors and

publishers of newspapers and other institutions of the mass media shall not be subject to control or interference by Government, nor shall they be penalized or harassed for their editorial opinions and views, or the content of their publications." Seidu contended that even if the Government, which was the highest governing body in the country could not interfere, how much less an agency like a Commission to force journalists to conform to the rules and standards that they themselves had set up. However, he pointed out that he was not oblivious of the functions of the NMC enjoined by the Constitution and Act 449 to promote and ensure high journalistic standards as well as protect the state media from governmental control.

Act 449 provides anybody who feels aggrieved by any publication to appeal to the NMC against an editor, a publisher or proprietor of any newspaper or other media of mass communication. Seidu said so far, as many as 59 cases had been handled by the NMC, a year after its establishment. The MP drew to the attention of the House that the NMC had actually requested through a memorandum to the Committee, that a number of frequencies be allocated to it solely for media communications. This was to ensure that there would be fair distribution and that no other person unduly interfered with the work of journalists by prescribing standards for them other than journalists themselves.

At the consideration stage of the Bill on 15 December 1994 amendments considered included: Clause (d), with the insertion of the word "assign" to read "to assign, allocate and regulate the use of frequencies." The word "assign" was said to be the right description as used in international conventions and usages in relation to frequencies. The second amendment of clause 3 (d) proposed by Sowu which sought to delegate the allocation of broadcasting frequencies to the National Media Commission exposed the behind-the-scenes politics and "high jacking" of the regulation process by the government. According to Sowu, the amendment was on behalf of

the Minister of Information who told the House that the amendment had been agreed upon and would be brought before the House. Sowu had been told he could move the amendment but he would certainly lose. He said it was not losing or winning an amendment that was important but the credibility of the House which was at stake because posterity would be the best judge as to who had lost or won. He did not comprehend why two bodies from the Executive were saying different things on this subject.

On a point of order, the Deputy Minister of Communications asked Sowu to clarify the point that he was making the amendment on behalf of the Minister. In response, Sowu said delegation is not abdication of responsibility. He argued that according to the Bill, the responsibility of managing frequencies lay with the NCA and he was saying that the broadcasting band of the frequencies which had already been allocated to Ghana by the ITU could be delegated to NMC to which the Minister of Information had proposed an amendment to be effected at the consideration stage.

### 7.6.6 Political machinations: "missing" amendment

The Volta Regional Minister Modestus Ahiable on a point of order said since the order paper for the day had not captured the amendment, he was not sure whether the amendment could be effected. The speaker's response was: " I do not have the amendment in front of me and neither do I have the order paper of yesterday but since the member indicated that it was on the order paper for yesterday I assume the Clerk's office omitted it and that is why I am allowing him to move the amendment." The question to ask is how the clerk of parliament could omit such an important amendment from the order paper of the day after inserting it in the previous day's order paper without any explanation to the speaker or the person in whose name the amendment stood. Could it be that there was some behind-the-scenes pressure or even order to shelve that

particular amendment since it was the only dissenting opinion and in bad taste for the Executive? The reason was simple politics and the influence of the Executive at play to pass the Bill as they deemed fit in the name of public interest and national security.

Clause 3 (d) which Sowu sought to amend originally read: “to allocate and regulate the use of frequencies in Ghana and in conformity with international requirement pursuant to any relevant treaties, protocols or convention to which Ghana is a signatory.” Sowu’s amendment sought to add at the end: “except that the allocation of frequencies within the commercial broadcasting band shall be delegated to the National Media Commission.” Clause 3 (d) as proposed would then read: “to allocate and regulate the use of frequencies in Ghana and in conformity with international requirements pursuant to any relevant treaties, protocols or convention to which Ghana is a signatory except that the allocation of frequencies within the commercial broadcasting band shall be delegated to the NMC.”

It is interesting to note that Act 449 did not contain this proposed amendment. The reason for this omission is not farfetched when one considers Sowu’s submission that whereas the Minister of Information said the amendment would be made, the Chairman of the Select Committee on Transport and Communication’s report said this could not be done. Reacting to Sowu’s proposed amendment, the Deputy Minister for Communications launched a vitriolic attack on Sowu when he said, “In any case this Bill has not been brought by the Minister of Information. This Bill has been brought by the Minister of Transport and Communications and Hon. Sowu is not here as the Deputy Minister of Information, and he has to remain silent and let us carry on with today’s business” and urged that Hon. Sowu’s amendment be rejected in Toto.

### 7.7.7 Rejection of amendment

Austin Gamey supported the outright rejection of the amendment proposed by Sowu arguing that since the NMC was supposed to be serving on the Council of the NCA, the issue of transparency would be catered for and that would obviate the fears and worries that Sowu harboured. The amendment of clause 5, (2c) of the NCA Bill read: "one person nominated by the National Media Commission from amongst their membership." Interestingly again, this proposed amendment was omitted in the final NCA Act.

## 7.8 Policymaking "actors" on broadcasting regulatory debate

The parliamentary debate in search of the most suitable broadcasting regulatory system and institutions within the context of multi-party participatory constitutional democracy and liberalized pluralistic and diverse broadcasting environment, elicited a lot of views and opinions from state and non-state actors. The discussions below provide insight into the varied responses arising out of interviews with selected knowledgeable individuals and organisations.

The outcome of the parliament debate on broadcasting regulation and the creation of corresponding regulatory institutions demonstrates the struggles and challenges of civil society as they attempt to partner government to achieve a truly democratic broadcasting environment. The twists and turns of this partnership provide a critical indication of the thinking of elected representatives in parliament, the executive and the interlocking power-play that ensues and for that matter, the quality of policy or legislative outcomes. Cursory perspectives on the creation of two rival regulatory bodies, their overlapping functions and responsibilities, the constitutionality of the creation of the National Communications Authority (NCA) and its independence amongst other matters are subsequently discussed.

## 7.9 Role of broadcasting in national development

President Kufuor's (NPP) government which succeeded that of President Rawlings (NDC) in 2001 abandoned the *Vision 2020* policy document and introduced the Ghana Poverty Reduction Strategy (GPRSI), followed later by the GPRS II. GPRS I did not give any recognition of the role of the mass media until the formulation of GPRS II. In an interview with Ken Owusu (2008) of the National Development Planning Commission (NDPC), he explained that "The NDPC did not consider media roles as part of their responsibility because of the liberalization process where the market determines everything and government finds it difficult especially with our history to touch the media and so in the Vision 2020 document for instance, there's nothing in there written about the media." But at a review of the planning process of the National Development Planning Commission (NDPC) during President Kufuor's administration, there was the realization of directly engaging the citizenry on policy issues if they were to have a sense of ownership of policy outcomes.

The decision according to Owusu (Interview, 2009) was "to engage the people to explain government policies and request feedback through effective communication of policy objectives to the people; for them to have ownership of the policies and participate in the implementation of the policy framework." The decision he said, explained the policy shift with new emphasis on broadcasting (radio and television) music, film and the cultural industry as a whole, something that had never been considered in the development process since the fall of President Nkrumah's CCP government in 1966. It was accepted that the only way to move forward was to see the media as partners in the development process through the introduction of development communications.

The conclusion that could be drawn from this discussion considering the contemporary analysis and data provided is that wholesale adoption of market-led SAPs where the media especially broadcasting is considered more as commerce and treated like any other commercial venture has significantly influenced government broadcasting policy direction and outcomes in Ghana and in most emerging democratic African countries even though the vestiges of the old legacies of control and influence are continuing in different ways.

## 7.10 Conclusion

This chapter analyses the salient themes established in the oral interviews or discussions with key state and non-state broadcasting policy making actors, institutions and organisations spanning two political administrations (1992-2000 and 2001-2008). The analysis sought to establish approaches to broadcasting policy and regulation, the legislative and regulatory changes and the consequences of the changes to the existence or otherwise of the following: the liberalisation of the airwaves, freedom of expression and of the media, a policy framework for private broadcasting, as well as the genuine national and international imperatives for the changes.

The chapter also examined the theoretical underpinnings of the policy and regulatory analysis as well as the complex interplay of the dynamics and implications of economic (Structural Adjustment Programme) and constitutional imperatives, the perspectives of state and non-state actors including politicians and institutions concerning the positioning of the state-owned media especially the Ghana Broadcasting Corporation (GBC) in the new dispensation.

# Chapter 8

# Conclusion

## 8.1 Introduction

The broad trajectory of this study is to explore broadcasting reform in Ghana paying particular attention to changes in broadcasting policy and regulation, identifying and analyzing the forces and factors that have been generative of the dynamics of the policy changes as well as how or in what ways the changes occurred and the impact of the changes themselves on the broadcasting policy and regulatory environment.

This concluding chapter aims to sum up the main findings emerging out of the analysis of documents and oral interviews as well as evaluate the implications of the findings to theory. The chapter then presents recommendations that seek to close the gaps in policy and legislative practice as identified in this study.

## 8.2 Theoretical underpinnings

The key theoretical framework discussed in the study is the triangulation of the normative social roles ascribed to broadcasting: that is to inform, analyze, educate, entertain, serve as a watchdog and create an open forum for debate and discussion within the context of the Habermasian normative debate on the public sphere, and the critical political economy approaches to the media. The normative role of broadcasting in society is pertinent to this study because it is located within the period of democratic transition of two successive democratically elected governments of Presidents Rawlings 1992-2000 and Kufuor 2001-2008, respectively. The essence of the study is to critically map out and analyze using a teleological approach, the changes as well as the impact of broadcasting policy and regulatory reforms in a transitional

democracy but also keeping in mind some key factors such as the political, economic, policy and regulatory context, problematics of the liberal notions of democratic principles and free market liberalisation as well as ownership and the funding and financing of broadcasting.

The critical political economy approaches applied in this study are located within two corresponding, inter-related and inter-connected theoretical propositions (Golding and Murdock, 1997; Boyd-Barrett and Newbold, 1995) and Mosco's (1996) theory on critical political economy and media economics in relation to free market economy and competition. The choice of critical political economy theoretical propositions provides the study firstly, with a holistic and historical worldview of the enquiry in interrogating what is and what ought to be in real societal setting. Secondly, critical political economy defines the contours of the processes of change in broadcasting policymaking and regulation as "moral philosophy of social justice where complex macro and micro interlocking issues of economic and power dynamics relate and impact on the actions and inactions of the policymaking actors" (Wasco, Murdock, and Sousa, 201: 2-3).

### 8.3 Key findings: Documents and interviews

In establishing the factors and forces that influenced changes in broadcasting policy and regulation, the key findings established broad inter-related and inter-connected global and internal historical, political, economic and regulatory factors and forces that acted as catalysts to drive the changes in broadcasting policy and regulation. The key findings and arguments informed the following thematic areas discussed in the study as key reasons that influenced the changes in broadcasting policy and regulation within the broader context of broadcasting reform in Ghana. These reasons include a long history of state control of broadcasting; piecemeal state

driven reform through the period of military rule; the advent of multiparty politics; media reform debates in Africa since the 1990s, and broadcasting and regulatory debates globally.

### 8.3.1 Factors and forces of change: Economic, political and regulatory

The historical trajectory provides some legacies that serve as constitutive factors or forces that influenced the changes. These legacies are in essence the combined effect of the disintegration of the Soviet Union, the pursuit of neo liberal economic policies under the pretext of "liberalization," "deregulation," "reregulation," and "Structural Adjustment Programme (SAP)," privatisation and commercialisation of all state enterprises including the state-owned media. The government of Ghana was compelled to basically change both fiscal and monetary policies and to have a minimalist approach to regulation as depicted above. Contrary to expectations these policies engendered a myriad of socio-economic complications and upheavals leading to an upsurge of social movements and the concurrent wind of democratic change that blew across the Africa in the 1990s, including Ghana.

#### 8.3.1.1 Multi and bilateral influence on broadcasting reform in Ghana

The study established a significant influence of the IMF and the World Bank on the orientation of broadcasting policy and regulation in Ghana through the conditionalities illustrated above on contractual loan agreements and economic reforms. The role of the developmental state in post-colonial states was for instance a specific subject of discussion at the board level of the World Bank on March 30, 2000 where a strategic plan was crafted. The relevant theme in the strategy in the case of Ghana was "changing the role of the Ghanaian state." The state was to withdraw from all activities that the private sector did best in a move expected to lead towards poverty reduction (World Bank, 2000b: 2).

The World Bank's broad recommendation was the "commercialisation" or "commodification" of all aspects of the economy including the operations of the state-owned media (World Bank, 2000b: 7). The World Bank expressly regards the media and utilities as non-public goods for which reason it made the withdrawal of government subvention and all forms of financial engagements a key conditionality for loans. In the specific case of Ghana, the Bank described government support of the media and utilities as "excessive" or "overextended" state involvement in public service and the economy and called for a change towards a market-led economy (World Bank, 2000a: 12).

#### 8.3.1.2 Broadcasting as non-public good: Realism or hypocrisy of the West?

Why the multi-lateral and bilateral organisations label utilities and media as non-public goods while in their own countries utilities in the main are still controlled and highly regulated by the state for the safety of their citizenry defies comprehension. The British Broadcasting Corporation (BBC) is considered a public good and a highly regarded national symbol, a model adopted in different forms globally including other western countries. The commercially driven broadcasting system in the USA did not stop the federal state from recognizing the dangers involved in the overdependence on a "single-spine" commercial broadcasting system in a democracy, hence the establishment of a parallel public broadcasting system under the watch of Congress. Furthermore, antitrust laws have been enacted as a check to fraudulent market deals and monopolistic tendencies. Community and campus public stations are equally supported through grants. Much as foreign interventions and pressures on some governments are needed and justifiable the imposition of policies without due diligence and regard for internal realities as well as the input of the intended community has the propensity to create more problems or stall the realization of the objectives of the policy. This paradigm seems to have shifted to a more

open, consultative process. Conformists argue that free market can correct distortions in the economy, which could lead to growth and development.

The market thus becomes the panacea for all our economic woes whilst the state is branded the sole villain in the economic woes of developing countries such as Ghana. In the context of this study, the key question to ask is: should the state-owned Ghana Broadcasting Corporation (GBC) be corporatized as any other state enterprise that produces say tomatoes, or pineapple juice? The study established that most of the policy making actors interviewed expressed the need for regulation and a public service broadcasting system whose ultimate aim is the interest of the public, funded by the public and accountable to the public.

A clear manifestation of this challenge in the post- 1992 Constitutional reform process was a statement by the then Deputy Minister of Communications (the late Bosomtwi-Sam) during a parliamentary debate on the National Communications Authority (NCA) Bill that the allocation of broadcasting frequencies should be the responsibility of the political authority in the interest of national security, public order and safety. But the fact is that the authorities have always abused the exercise of this state power, a responsibility that he seemed to suggest cannot be ceded to any other authority other than the Government in power. This thinking within government since 1995 appears to be generative of the following observations arising out of the study.

First, there is a piecemeal approach toward broadcasting policy and legislation over a period of about twenty years since 1994. Second, there is virtually no official public discourse on the need to reform the state-owned Ghana Broadcasting Corporation (GBC) into a genuine public service broadcaster. Third, the Ghana Broadcasting Corporation (GBC) does not have a centralized

supervising authority but reports to not less than nine different agencies of the state. Fourth, there is no policy or legislation on public broadcasting other than the 1965/67 statutes of incorporation of the state-owned GBC. It also emerges that the broadcasting licensing and technical regulatory authority (NCA) is government controlled. Much as there is an enthusiastic National Media Commission, it cannot effectively deliver on its mandate due to a weak legislative mandate, lack of requisite administrative, technical, human and financial resources arising out of budgetary cuts. Additionally, there appears to be lack of proper recognition of the National Media Commission by the state. Effectively, there is no proper official legislative recognition and targeted regulatory mechanisms for the three traditional categories of broadcasting (public, commercial and community). Also a handicap is that there is no enforceable national broadcasting policy and law other than the NMC's unenforceable guidelines and standards.

#### 8.3.1.3 The whys of piecemeal broadcasting reform in Ghana

Under normal conditions, it is not uncharacteristic for any policy or legislative making cycle to respond to changes in socio-cultural, economic and political exigencies across time and space. This is because that is what policymaking is all about but at the same time, the context and consistency of a pattern could point to some other motivation. It is against this backdrop that the thesis investigates Ghana's piecemeal broadcasting reform.

The "feet dragging syndrome" that has plagued successive governments since 1994 to turn the state-owned broadcaster into a truly public one is a classic reference point. The findings emerging from analysis of interviews, executive and ministerial speeches, statements on key national platforms and conferences on communication policy point to one fact – that the absence of an enforceable national broadcasting policy appears to be a conscious policy decision. Several factors point to this. First, former President J.J. Rawlings' National Democratic Congress

government failed to provide any perspective on the role of the mass media in the national development effort in the *Vision 2020* policy document. It must be noted that the same document identified the widespread poverty, deteriorating health conditions of the people, inadequate health facilities, significant economic and educational imbalances between the rural and urban areas and even the phenomenon of urban poverty backed by data from the Statistical Service Department and World Bank reports. Second, there were failed promises to produce broadcasting policy and legislation made by high profile cabinet members of the Rawlings government, including Totobi Quakyi, Spio-Garbrah and Mary Grant who represented the President and the Acting Director General of National Communications Authority. Third, drafts of Broadcasting Bills prepared by the Attorney General's office since 1995 seem to have been locked away somewhere. Fourth, the recommendations of the Broadcasting Study conducted during the tenure of Ken Dapaa as the Minister of Communications with the support of the World Bank seem to have fallen through the cracks. Fifth, there have been acknowledgments of these outstanding problems and the promise to address the issue in various presidential sessional addresses to parliament, all to no avail.

#### 8.3.1.4 The behind-the-scenes narrative of policy and regulatory paralysis

Answers to what appears to be policy paralysis on the part of government may seem to be farfetched but a pattern of conscious neglect is conspicuous. In an interview with the Minister of Information (1996-2000), John Mahama on the failure to give any recognition of the mass media in the *Vision 2020* national development policy strategy document, Alhassan (2005:224) cites the Minister as having said that the "state's role was circumscribed by the constitutional limitations." Alhassan however, contests this explanation and argues:

> While the Constitution does not prescribe state involvement in the democratization of media access across the country, it does not proscribe it from embarking on such a mission. One cannot therefore say that the non-problematisation of media access in the *Ghana-Vision 2020 document* was due to the elaborate constitutional provisions on the relation between the state and media.
>
> (Alhassan, 2005: 224)

Even more revealing was Alhassan's (2005: 225) separate interactions with staff of the National Development Planning Commission (NDPC) who out rightly dismissed the question of the democratisation of mass media access as "not the responsibility of the state." What is striking here is the resort to the 1992 Constitution by both the then Minister of Information and staff of the National Development Planning Commission (NDPC) to justify the stance of the Rawlings government. Interestingly, Minister John Mahama now the Vice President of Ghana (2009-2012) provided official clarity at a seminar on "The Reinvention of Government" on March 1999 at Akosombo in the Eastern Region of Ghana. He said that the government of the National Democratic Congress was committed to the privatisation of Ghana Broadcasting Corporation (GBC) and the Ghana News Agency (GNA) and that government would do better if it no longer had to fund the operations of these media organisations (http://www.ghanaweb.com).

Embedded in the former Minister's explanation is the question of state funding of the state-owned media organisations, which incidentally is a key component of the conditionalities of the IMF/World Bank led Structural Adjustment Programme which Ghana opted for in 1983 starting with the Economic Recovery Programme (ERP). According to the Ghanaweb online news report Cletuus Dordonu of the Ghana Institute of Management and Public Administration (GIMPA) contested the Minister's and by extension, government's assertions at the conference.

Dordonu was reported to have argued that the position taken by government was ill advised considering the history and purpose of the establishment of the two media institutions and bemoaned the trend of privatizing and monetizing everything and anything irrespective of the ramifications to the majority impoverished and remote communities. Dordonu confirmed this story in an interview in 2009. Dordonu (Interview, 2009) said he had a deep-seated belief in the role of broadcasting in the development of the nation state because broadcasting, especially radio, educates and informs the people in the languages they understand and communicate in best.

The people therefore provide feedback to government policies and provide timely interventions to badly designed and ill-managed programmes and projects in their communities for the sake of the enhancement of their livelihoods. They are able to appreciate their diverse cultures, values and traditions which fosters peaceful co-existence and tolerance as well as making of intelligent choices during general elections. Dordonu argued that it is broadcasting, in particular the public broadcaster that can provide such a platform or public sphere for interaction and dialogue and not the profit motivated commercial stations. Further analysis proved that the actual problem of broadcasting policy changes in Ghana was not what the authorities chose to talk about but rather what they wittingly refused to say in public, which in the case of this study was that they were under extreme pressure from the World Bank and the IMF to implement the conditionalities of the imposed Structural Adjustment Programme (SAP) under the Economic Reform Programme (ERP).

The conclusion drawn from the above scenario is that in the rush to liberalize and fulfill the demands of the multi and bilateral organisations for the inflow of financial and other related budgetary support, the liberalisation process was inevitable and since it was being done

grudgingly, a clear policy and regulatory mechanism was inescapable. So the airwaves were liberalized to the admiration of the World Bank and the international community but in reality the whole edifice of the liberalisation process was built without either a national broadcasting law or policy. The nation had to wait for almost a decade specifically in 2000 for the National Media Commission to take the initiative to produce the unenforceable National Media Policy.

In his sessional address to parliament in 2009, President Atta-Mills promised the nation to look into the problem of the national broadcasting law. Unfortunately, the end of his first term in office is due end of 2012 and nothing has so far been done. The National Commission for Civic Education (NCCE) earlier in 2007 called for the banning of call-in programmes before the 2008 general elections because of the abusive and inciteful messages. The National Media Commission has equally called for a responsible discourse on the airwaves on several occasions just as several other well-meaning Ghanaians and media organisations. The governments of former President Rawlings, Kufuor, and now Atta-Mills, have all expressed their concerns but all to no avail.

In a recent statement[3] dated 29 July 2011, the Executive Director of Media Foundation for West Africa (MFWA) Kwame Karikari, bemoaned what he termed the threats to free speech by a growing incidence of "indecent and abuse language and expression on radio stations" and strongly suggested that "the NMC and the NCA [should] sit up about their regulatory functions and come up with ways to improve standards and decency." But as of December 2011, the situation was still the same and from the look of things, is likely to remain unchanged in the foreseeable future unless civil society rekindles its lost momentum of the earlier days prior and immediately post- liberalization of the airwaves (1992-1999).

Much as the call on the NCA and the NMC to "up their regulatory functions" is in the right direction, it does appear that certain fundamental legal, institutional, structural and administrative challenges that have been ignored by the state need to be addressed holistically and not through piecemeal interventions by willing governments. Some particular issues to be tackled include first, the need for a comprehensive enforceable national broadcasting policy with the National Media Policy as a template and a specific National Policy for each of the three tiers of broadcasting. Second, there should be enacted, a Broadcasting Act with clearly defined mandates, categorization of broadcasting structures, instruments, mechanisms of broadcasting regulation (technical and content), licensing requirements and enforcement procedures and penalties. Third, there is need to review the NMC and the NCA statutes, which must include a final determination of the regulatory mandates and the possibility of a merger to create a new independent licensing and regulatory authority in view of the convergence of broadcasting and telecommunications technologies. Fourth, there must be an inclusion of proper instruments and mechanisms of regulation of broadcasting as a whole as well as targeted regulation of the three tiers of broadcasting (public, commercial, and community). Fifth, there is need for the incorporation of relevant international protocols on media and broadcasting regulation as well as fundamental human rights and freedoms, including freedom of expression and of the media in the broadcasting act. Last and equally significant, there should be incorporation of codes or guidelines drawn by broadcasting or media organisations – the National Media Commission and NCA in particular.

Members of the governing board of the NCA as well as the Commissioners of the NMC reside and work in Accra. Meanwhile none of the two bodies has any representation or a monitoring office in all the ten regions of Ghana with the exception of the capital city, Accra. The NMC and

the NCA have also worked as separate autonomous institutions since their inception in 1993 and 1996 respectively until the amendment and repeal of the NCA Act 527 in December 2008. Another reality is that much as Ghana is experiencing an unprecedented pluralistic broadcasting environment, it lags far behind its peers like South Africa that started broadcasting regulation almost at the same time in 1994.

Within the same period the United Kingdom, Canada and Australia amongst others, had also started the processes of establishing independent regulatory bodies. However, the thesis acknowledges the attempts by the NMC, media associations and groups, donors, the Media Foundation for West Africa, for their continued capacity building programmes and their advocacy on policy. In spite of the challenges, there are some significant changes in policy orientation on the role of the media as well as government media relations. The change in policy orientation is however uncoordinated, incoherent and scattered in pieces of legislation, executive and ministerial speeches and comments.

#### 8.3.1.5 Panoramic view of the liberalisation of the airwaves

Other than the momentous opening up of the airwaves in 1995 by the government of former President Rawlings, the most significant changes established in the study during the President Kufuor administration were the repeal of the criminal libel and defamatory laws to enhance freedom of speech and of expression, the recognition of the role of the media in the Ghana Poverty Reduction Strategy (GPRS II) document by the National Development planning Commission (NDPC), and the improvement of government-media relations. The policy shift notwithstanding, the pressure to fulfill the World Bank conditionalities still lingers on.

The study established that under the Institutional Renewal Programme sponsored by the World Bank, a newly created Ministry of Public Sector Reform then headed by Paa Kwesi Nduom, a former private consultant, listed the Ghana Broadcasting Corporation (GBC) on the Subvented Institutions Act of 2008 among other para-statal organisations earmarked to be weaned off government subvention. The Ghana Broadcasting Corporation (GBC) was listed under category three institutions believed to have the capacity to generate revenue to sustain their operations.

A careful consideration of this development points to the legislative concretization of a quiet policy since the era of former President Rawlings (1992-2008) where government stopped providing budgetary support for programming to the GBC and only paid the salaries of workers. At the moment of writing this thesis (early 2012), this crucial unwritten policy decision is being pursued without any public consultation. In fact, the study established that most stakeholders and even media organisations and institutions were unaware of the Subvented Institutions Act of 2008.

Correspondence between GBC and the Ministry on one hand, and the National Media Commission (NMC) on the other, attests to attempts made to privatize GBC. In one correspondence confirmed by the NMC and GBC in separate interviews, the NMC directed the GBC not to discuss any matter bordering on the privatisation or commercialisation of the Corporation with any Minister or government officials. The Commission warned that any breach of this directive would attract appropriate sanctions (Interview: Sarpong, 2009).

Interestingly, the Ministry of Communications during the Kufuor administration commissioned a broadcasting study in 2005 in collaboration with the World Bank under the ‘e’ governance project. The outcome of the study and government’s position is yet to be made known to the

public. Perhaps the most important weapon used by successive governments to undermine both the GBC and the National Media Commission (NMC) is the increasing budgetary cuts in their annual budgetary allocations under the guise of limited government resources. To conclude that government has succumbed to the pressures of the World Bank to privatize the state-owned media rather than leveraging broadcasting access across the country by establishing a truly public service broadcasting system is an understatement in view of the evidence discussed so far.

The above scenario as established by the study has led to the situation where the liberalisation process has failed to trigger a true reform or transformation of the state-owned broadcaster as well as engineer real diversity in the other categories of broadcasting. The direct consequence of the lack of action is the crisis of identity at the GBC as reflected in its reporting structure, that is to say, where GBC reports and accounts to nine separate de facto supervising institutions namely the Ministry of Information, the Office of the Vice President, the State Enterprises Commission, the Ministry of Finance and the Office of the Head of Civil Service including the constitutionally mandated appointing authority and parliament.

On this score, the study further concludes that with regard to broadcasting structures, the colonial and post-colonial periods up until the formal liberalisation of the airwaves in 1995 have in the main remained the same but with some unique characteristics. Whereas the colonial goal was directed towards the interest of the British Empire and the Crown, the post-colonial era looked inwards towards the nation state. The uniqueness of the period of democratic transition (1992-2008) is that the reforms introduced a new perspective of broad participation of civil society in media reforms and broadcasting in particular, despite the difficulties to completely shed off the old paradigm by government. The era also saw the liberalisation of the airwaves in 1995.

The state maintains its direct and indirect legal and budgetary influence in shaping broadcasting policy and legislation as illustrated in the study. On this score, the study established that much as the airwaves have been liberalized, the broadcasting structure is not truly representative. There are significant disparities in the allocation of broadcasting frequencies to the various categories of broadcasting namely public, community and commercial operators even though attempts are now being made to address the problem.

#### 8.3.1.6 Towards understanding the liberalisation of the airwaves in Ghana

The liberalization of the airwaves in Ghana is analogous to Jill Hills' (2003:74) descriptive coinage of the reform process on the continent as an "African way" where the behind-the-scenes actions of the executive are geared towards undermining the democratisation process. The uniqueness of the period of democratic transition stems from the fact that the reforms saw a gradual change from a controlled secretive policy-making process by a select few (the executive) to a more open engaged process comprising parliament and non-state 'actors'. The state is however still in control even though the *modus operandi* has changed. This situation is akin to Chinua Achebe's proverb in *Things Fall Apart*: "Eneke the bird says that since men have learnt to shoot without missing, he has learnt to fly without perching." African governments are now applying "smart legal ways" of delegitimizing democratic principles and values by resorting to Hills' (2003:74) "African way.

Another notable finding of the study is that in spite of the new democratic environment which allows for civil society engagement in the business of the state, policy reform including broadcasting, is still executive-driven and state-centered. In order to legitimize the system, the executive presents a "window-dressed" outward appearance of a thriving process of democratization, while the old structures of control such as the regulatory and licensing authority

are still in place with little or even no modified mandate except a new name. Notwithstanding the dissimilarities between the National Communications Authority (NCA) and the previous Ghana Frequency Registration and Control Board (FRCB), the key similarities between the two bodies are very striking.

Even though the FRCB was established by a military regime and located within the national security apparatus of the military prior to the liberalisation of the airwaves in 1995, and the NCA by an act of parliament in a constitutional democracy, the bodies have similar structures with virtually the same mandate and controlled by the executive under the supervision of the Minister of Communications. The executive remains the sole appointing authority of the board with the exception of the representative of the NMC and the Chairperson. The representation of the NMC took effect after the amendment and repeal of the 1996 NMC mother legislation Act (527). The two bodies have technical, regulatory and licensing mandates over the management and authorization of radio frequencies. The only guide in the discharge of their duties is their respective legislations. Most countries first develop a national policy arising out of constitutional provisions then a broadcasting Act to pave the way for the enactment of legislation and the subsequent creation of the regulatory and licensing authority. The United Kingdom, USA, Canada, Australia and the Nordic countries as well as South Africa, have holistic national policies comprising sectorial policies such as policies on public service broadcasting as well as private and community broadcasting.

These sector policies are then strengthened by legislation. The programming regulatory requirement for each broadcasting category varies to a certain extent just as the requirement for audio and visual broadcasting do also vary because of their peculiarities. Ghana has neither an enforceable broadcasting policy nor a broadcasting act. What Ghana has are the statutes of

incorporation of the Ghana Broadcasting Corporation (GBC) which was basically the de facto broadcasting policy and law since 1965/67 and the two legislations that created the National Media Commission (NMC) and the National Communications Authority (NCA). No polices have been developed for public, private and community broadcasting. So, the state-owned GBC has no charter as a guide and no institution monitors to assess whether it is delivering on the core mandate.

The state-owned broadcaster is therefore operating under its outdated laws of incorporation and therefore bears no resemblance to the current realities of the broadcasting market and the changing trends. On the adherence to international broadcasting protocols, the findings of the study reveal some level of selectivity in the implementation of such protocols. A good example is the adherence to the African Charter on Broadcasting. The relevant section is Part II of the Charter, which states that:

1. All State and government controlled broadcasters should be transformed into public service broadcasters, that are accountable to all strata of the people as represented by an independent board, and that serve the overall public interest, avoiding one-sided reporting and programming in regard to religion, political belief, culture, race and gender.
2. Public service broadcasting and telecommunications regulatory bodies should preferably be protected against interference.
3. The public service mandate of public service broadcasters should be clearly defined.
4. The editorial independence of public service broadcasters should be guaranteed.
5. Public service broadcasters should be adequately funded in a manner that protects them from arbitrary interference with their budgets.
6. Without detracting from editorial control over news and current affairs content and in order to promote the development of independent productions and to enhance diversity in programming, public service broadcasters should be required to broadcast minimum quotas of material by independent producers.

7. The transmission infrastructure used by public service broadcasters should be made accessible to all broadcasters under reasonable and non-discriminatory terms.

The conclusion to be drawn in relating the above articles to broadcasting policy and regulatory practice in Ghana is that with the exception of Article (7) which encourages access to transmission infrastructure, Ghana has failed dismally in the implementation of the Charter to which it is a signatory. In comparing and contrasting broadcasting policy and regulatory reforms in Africa and beyond as well as the body of extant literature, it does appear that differences in policy outcomes are dependent on the historical legacy in broadcasting ownership structures, control partings, ideological position of the ruling elite and the general internal political dynamics.

Critical institutional analysis reveals that the NCA is not an independent broadcasting regulatory authority and is therefore very open to political and corporate influences. With the plurality of radio and terrestrial television stations it is tempting to applaud the transformation. But as one investigates how frequencies are allocated without any policy guide, one begins to wonder whether the foundation is right and whether the reforms have indeed achieved the expected goals of democratizing broadcasting access.

This dilemma echoes the observation of a former Director of Radio Eye (Wereko-Brobbey that "we cannot talk about liberalisation when government still decides who should own a radio station through an executive controlled licensing authority with a state-owned broadcaster that is not accountable to the people (Interview, 2009). But assuming for the sake of intellectual discourse, that the "liberation" proposition as espoused by Wereko-Brobbey is justifiable, it is undisputable that at the end of the day the liberated airwaves saw the opening up or the liberalization of airwaves.

The findings of the study established significant similarities between the colonial and post-colonial broadcasting policy orientation towards broadcasting structures, control and ownership mechanisms and practice. The most revealing significance of these similarities is that they continue to determine government outlook on broadcasting policy and regulation, which makes it difficult to achieve real structural changes in broadcasting. Alluding to challenges in a transitioning democratic setting and constitutional limitations on government is a façade. It is at best unconstitutional and a misrepresentation of the 1992 Constitution as argued in the study.

Emerging out of a racist apartheid regime in 1994 and in a difficult transition to democracy, South Africa was able to negotiate with the active participation of all political parties and the public to arrive at a consensus on a post-apartheid broadcasting policy aptly termed “negotiated liberalisation” of broadcasting (Horwitz, 2001:80). The negotiation process was referred to as the triple enquiry. As a result, South Africa introduced a three-tier system of broadcasting and transformed the state-owned broadcaster into a public service broadcasting system accountable to the people through parliament and a remarkable number of community radio stations but with a challenged community television sector with the failure of the IBA.

The thesis is aware of the critical evaluation of the post triple enquiry negotiations and the conclusions arrived at in the literature. Duncan and Glen (2010) argue that due to marketization, South Africa has ended up with a one tier broadcasting system. The case of Ghana is therefore the lack of political will on the part of the Ghanaian government to provide leadership and listen more to civil society rather than the dogmatic pursuit to fulfill World Bank conditionalities by sacrificing public service broadcasting.

Notwithstanding the challenges, the liberal regulatory approach taken by government has created a dynamic pluralistic broadcasting environment hence bringing to an end the monopolistic environment enjoyed by the state-owned Ghana Broadcasting Corporation (GBC). This policy shift is a significant milestone in the annals of broadcasting in Ghana for it opened the door for new private entrants within the commercial and community broadcasting sectors even though community broadcasting is less developed because of policy neglect. The liberal environment now provides an opportunity for government to craft a forward-looking comprehensive broadcasting policy and legislation against the backdrop of the globalization of communications and the convergence of communication technologies through digital broadcasting.

#### 8.3.1.7 Civil society engagement

The study has also established that the broadcasting policy and regulatory reform process in Ghana took place in a reasonably open political atmosphere. The open environment enabled academia to develop strategic affiliation with civil society, prospective investors and media organisations to challenge the political authority on broadcasting reform in general. The strategic partnership evolved from the twin political campaign for multi-party politics or democracy and the restoration of the fundamental human rights of the people including freedom of speech and of expression which also meant press and media plurality and diversity. There is therefore no gain saying that the successes in playing the conventional adversarial role strengthened civil society in Ghana in the early days of the reforms, which saw some successes in influencing broadcasting policy, and regulatory reform. Unfortunately, there appear to be some degree of lost momentum in civil society advocacy in recent times due to lack of donor support. The democratic landscape as established in the study is conducive for civil society engagement in advocacy.

## 8.4 Recommendation

Having critically analyzed the findings of the study and established the nuances and tension in changes in broadcasting policy and regulation in Ghana, this section seeks to set out the key issues and conclusions that emerged in order to provide proposals for the way forward. The thesis argues that the National Democratic Congress (NDC) government from the outset chose a neoliberal economic policy approach on the role of electronic communications in development but was at the same time concerned about the political implications and its strong desire to remain in power.

The adoption of a neoliberal approach to broadcasting policy was not out of conviction of the NDC or its true political thinking because its founders were the leadership of the immediate past leftist military cum civilian revolutionaries. Heath (2005) argues that it was aimed at pleasing western governments and institutions especially the World Bank and the IMF for urgently needed funds and investments. However, the political desire to hold on to power manifested in different forms, key amongst which was the piecemeal approach that dogged the policy and regulatory process.

The unintended consequence of the laissez fair approach is that there is no clear articulated national direction for broadcasting. However, the same situation has on the other hand, provided Ghana the flexibility of trying different approaches to broadcasting. Despite the challenges, the period between 1993 and 1996 saw pronounced civic policy contestations in which broadcasting policy and legislation was shaped by negotiations between the National Democratic Congress (NDC) and non-state actors. It emerged from the findings of the study that whereas the non-state actors preferred the public service broadcasting model, the NDC government was driven by the neoliberal approach, which tended to favour commercial activity. There is therefore a sharp

contrast in the conception, nature and approach to broadcasting policy-making pre- and post-1993 which ultimately influenced the mode, nature and approach to transmission, programming, news and current affairs (Ansah, 1979, 1985a, b; GBC, 1985, 1995; Ansu-Kyeremeh, 1992). Broadcasting policy making prior to 1993 was not on the public agenda.

Broadcasting post colonization was regarded as an instrument of advance administration to purposely foster national unity and cohesion, national development and the security of the state (Heath, 2005). It was this thinking that dictated broadcasting policy. The time is however ripe for Ghana to move beyond the laissez faire, piecemeal approach based on political expediency to embrace another cycle of reform geared towards consolidating the achievements made whilst addressing the key policy weaknesses and gaps.

The current wind of convergence of broadcasting and telecommunications technologies provides yet another opportunity for a redress in order to lay a strong foundation for the future. The study clearly established an acknowledged need for a robust comprehensive review of two decades of liberation of the airwaves out of a general concern about the political insults and vituperations and on-air sensationalism. In fact, broadcasting policy is now in the hands of broadcasting stations, which is a positive development in itself but the need for national direction and standard guides are imperative for national development. As such, government must have the political will to lead in collaboration with civil society, stakeholders and the public at large to embrace the proposal for reengineering the reforms of the 1990s.

The proposal could mean amending the Constitution and having an in-depth review of all existing legislation on the media and broadcasting in particular as well as changing the

institutional arrangements of the two broadcasting regulatory institutions: the National Media Commission (NMC) and the National Communications Authority (NCA).

### 8.4.1 The 1992 Constitution and broadcasting policy

What seems to be missing from the Constitution despite the elaborate protection of human rights including the guaranteeing of media freedoms are provisions on the purpose and objectives of broadcasting regulation as well as what values must be incorporated in the future developments in the sector. Since the provisions on human rights are entrenched clauses and will require a national referendum to change them, it is argued here that the Constitution must remain the basis for a broadcasting policy until a constitutional review and legislative amendment or repeal. A constitutional review should seek to do a number of things. These include placing responsibility on parliament to establish an independent regulatory body to regulate broadcasting in the public interest.

In this regard, the ICASA law, which states that "the Authority is independent, and subject only to the Constitution and law, and must be impartial and must perform its functions without fear, favour or prejudice" and that it must "function without any political or commercial interference," (ICAS Act 2000) could be adopted. Members of the governing board of the regulator should be representative of various shades of opinion to ensure fairness and diversity of the society. Ideally, the institution so created should be both the licensing and regulatory body. It must also adjudicate and issue sanctions as a quasi-judicial body. However, the principal aim of the regulator should be to protect democracy and ensure access to the airwaves.

### 8.4.2 Template for future broadcasting policy and legislation

The non-enforceable National Media Policy produced by the National Media Commission (NMC) in 2000 filled the broadcasting policy gap that existed since the liberalisation of the airwaves in 1995. The vision statement of the National Media Policy states that "the well-being of all our people and the continuing vitality of our culture animate our vision for communication." Additionally, the thrust of the policy statement on broadcasting sets out the following principles:

> The basic resource of broadcasting, be it airwaves or the broad expanse of space, belongs to the Ghanaian people. The policy challenge for the broadcast media is to utilize this basic resource in such a way that value is added to the quality of life of all Ghanaians and to the society and economy as a whole. Broadcasting, even more than other media, shall operate on the understanding that it is a public trust. In the discharge of this trust in an open, democratic society, public commercial and community broadcasting play different, but complementary roles.
>
> (National Media Policy, 2000)

The policy tied the realization of the above principles to the core constitutional functions of the National Media Commission (NMC) "to promote and ensure the freedom and independence of the media" and "to ensure the establishment and maintenance of the highest journalistic standards in the mass media" (Ghana Constitution, 1992: 114). The thesis makes the point, therefore, that the NMC is not just the constitutional guardian or custodian of media freedoms, independence and the promoter of qualitative and responsible media but also the protector or insulator of media institutions especially the state owned-media from government and corporate control.

This thesis proposes an official acknowledgement of the National Media Policy and the provisions therein as a good framework in designing an enforceable National Broadcasting policy and law. Currently, the National Media Policy serves as an unofficial key policy reference document by those who wish and care to use it since they are not under any legal obligation to do so. The document should be accorded official recognition to be used as a measure of broadcasting standards by the public and government institutions. The value of policy is that it is turned into legislation.

Attention is however drawn to the fact that both the Constitution and the National Media Policy did not envisage the convergence of telecommunications and broadcasting technologies in an era of digital broadcasting and therefore the tensions and complexities it will generate. Considering the fact that constitutions are living documents and that policies and regulation are responsive to societal changes and developments, it is imperative that future changes must deal with these issues and prepare a window for even more complexities of the dynamics of the convergence of telecommunications and broadcasting technologies in the era of digitization.

#### 8.4.1.3 New legislative and institutional reforms

As argued earlier, the 1992 Constitution as the mother law from which all other statutes emanate provides the basis for broadcasting regulation in sync with the democratic ideal of the existence of a guaranteed independent regulatory authority responsible for the management of the spectrum and the authorization of broadcasting licenses. It is in pursuance of this democratic ideal that the Constitution provides for the establishment of an independent National Media Commission (NMC), which was realized in the promulgation of the NMC Act 449 of 1994. However, the powers of the NMC to effectively and efficiently regulate broadcasting as it emerged from the study are limited and unfortunately have not been developed further by statute.

Areas that have seen some development relate to the investigative, mediation and settlement of complaints functions of the National Media Commission. Consequently there is a popular public view that the NMC is a “toothless bull-dog” and therefore weak in the enforcement of its rulings. Much as the constitutional functions of the NMC are critical to the stated objectives of the Commission, they are not in themselves sufficient instruments of empowerment to enable the NMC to establish and maintain the highest journalistic standards in the mass media, guarantee freedom and independence of the media, including the state-owned Ghana Broadcasting Corporation (GBC), and the engendering of diversity of content.

The present dual jurisdictional system of regulation where the responsibility of regulating broadcasting is shared between an independent constitutional body (NMC) and a government controlled authority (NCA) has created a regulatory vacuum. For broadcasting regulation to serve the public interest, the legislative ambivalence needs to be resolved. While the NCA has the powers derived from its statute (NCA Act 527) to authorize frequency allocation, it has no jurisdiction over broadcasting content hence cannot instill content-based criteria in determining which of the several proposals of applicants must be considered and approved.

Ironically, the power to regulate content is a core function of the NMC, which includes a clear mandate to promote the highest journalistic standards in sync with qualitative content. The scrutiny of the objectives of broadcasting content in a proposal is key to the procedure of granting broadcasting authorization in order to safeguard the public interest, engender pluralism and diversity of programming content, promote the highest standards of broadcasting services and finally to be able to transparently renew or revoke authorization for breach of contract. For the sake of clarity and avoidance of legal ambivalence, the amended act must expressly state the purpose of regulation, which is to serve the public interest. The NMC and the NCA acts focus

too much on appointments and functions and the laws are not situated in a larger policy framework and object as such they do not offer a vision for the role and future of broadcasting.

Additionally, the Constitution, NMC and the NCA acts institute plurality in the broadcasting sector without clearly delineating the various actors. This accounts for the lack of clarity in the scope of roles and functions of the two institutions. The two institutions therefore lag behind industry and regulatory reality. They do not also take account of the growing convergence of communication and media technologies. Finally, the NMC legislation has little consideration for overall demands for more democratic and transparent institutions of governance with regard to public hearings as part of processes for issuing frequencies.

It is recommended to review and reform the two institutions through legislative review. The purpose must be to guarantee their independence especially the NCA from political and corporate "capture" of its policy decisions as well as offer a vision for the role and future of broadcasting in Ghana. The reform should conform to international best practice but guided by domestic contextual issues and accumulated wisdom over time as well as national goals and aspirations in a digital world characterized by the convergence of broadcasting and telecommunications technologies.

In this regard, it is recommended that the National Media Commission be mandated through new policy objectives and legislation emerging out of a nationwide public consultative process to become the primary broadcasting regulatory body in close collaboration with the National Communications Authority (NCA) or at best merge the two institutions in conformity with the technological convergence. The security concerns about the management of the spectrum by government are indeed relevant but exaggerated.

The concerns could be addressed by considering the NCA as a spectrum management directorate within the Ministry of Communications that identifies available broadcasting frequencies but lacks the mandate to allocate or assign them. In this regard the NMC then assumes the authority of broadcasting service authorization while the NCA together with the NMC continue to enforce compliance of standards and rules governing broadcasting frequency authorization.

The Ghanaian government at the end of 2008 repealed the NCA Act 524 of 1996 with the amended act 527 to include a representative of the NMC as a solution to the problem of dual regulatory jurisdiction. Public and civil society reaction to the legislative repeal and amendment is mixed. However, most stakeholders interviewed in this study were skeptical of the amendment and wondered whether one NMC representation with just one vote could influence the decision of a board where all other members are government appointees.

The amendment is generally viewed as yet another example of the continuation of the piecemeal approach to legislation which is a reflection of the lack of political will to lose control over the media. A former executive secretary of the NMC and past Commissioners expressed surprise that the current NMC accepted an offer that was clearly unconstitutional by allowing a constitutional body to be subsumed by a politically controlled authority, a stance that past Commissions defended for the sanctity of the Constitution.

#### 8.4.1.4 Broadcasting service authorization

From the literature on broadcasting regulatory systems and interviews with policy making "actors," the best practice to address the challenges of the dual or multiple jurisdictional responsibility in broadcasting regulation revolves around either establishing a single-spine regulatory body, charged with the responsibility of regulating broadcasting authorization and

content or by a joint system between two separate institutions: a licensing authority and a regulatory authority. A single independent regulatory body is the most common practice in contemporary times. In view of the literature reviewed on this subject in relation to the realities of the Ghanaian context, the single regulatory system is recommended.

However, the adoption of such a proposal has some financial, political and economic implications. The changes will require some constitutional and legislative amendments empowering the NMC and the NCA to work together with clearly defined complementary responsibilities. The NMC should then be charged with the creation of a new content-based criterion encompassing the socio-cultural and economic imperatives as the standard for the assessment and approval of broadcasting authorization. Attention must be accorded to general and specific principles and values of the operations of the regulatory and licensing authorities. Broadcasting regulation and licensing should avoid prescriptive or exclusive content criteria and instead, promote wider range of diversity of content, the highest standard of broadcasting and programming content.

The value system as in the case of the Independent Communications Authority of South Africa (ICASA) should comprise “evidence-based” regulation dependent upon necessity for regulation, goal orientation, transparency, fairness and equity in its dealings, accountability to the public through parliament and consistency in the respect of the rule of law. I argue that the benefits of adopting this approach are that it will clearly restore a contractual relationship between the regulatory authority (NMC) on one hand and the broadcasting operators or stakeholders and the public on the other and will also provide a greater legal clarity to the broadcaster’s content and technical obligations.

The NMC will then be able to include its well-developed guidelines and codes of practice on almost every facet of broadcasting operations as key requirements for the approval of broadcasting operations. This is not suggestive of micro-managing programming content of broadcasting stations to NCA technical requirements and obligations. The guidelines are not prescriptive but broad principles to adhere to and not suggestive of the legislation of content which is barred by the 1992 Constitution. It can best be described as descriptive of the sort of content the operator proposes to offer to the public. This could be termed severally as "performance contract," "promise of performance" or "broadcast service agreement" amongst others.

The promise so made will ensure that broadcast operators do not obtain authorization to provide a particular broadcasting service only to turn around and do something else later. The general recommendation is therefore to change the current NCA procedures for "frequency authorization" as set out in the NCA Act of 2003 with a new procedure for "broadcasting service authorization" but under the jurisdiction of the National Media Commission (NMC). So, key to the new procedure should be the inclusion of content in the new criteria. The choice of broadcasting service authorization as a term is to ensure that all three categories of broadcasting are seen as a service and not just instruments of profit making.

#### 8.4.1.5 NMC: Powers and responsibilities

The adoption of a new regulatory reform environment under the auspices of the National Media Commission (NMC) should lead to the introduction of extended but well thought through powers and responsibilities into the regulatory system in order to close the existing policy gap. The extended legal powers and functions should include authorizing broadcasting services, setting up of terms and conditions, ensuring compliance of terms, regulating ownership control,

broadcasting services, promises of performance agreement and the enforcement of the highest broadcasting standards and diversified services.

The new regulation should also address key issues that impinge on media freedoms, responsibilities and independence such as media concentration, cross ownership and foreign ownership, hate speech, sectarian and inciting messages, abuse of minors, war mongering as in the case of Hitler's Nazi Germany, and recently the Rwanda genocide instigated by Radio de Mille Collins. The content requirements should be such that operators do not deviate from the broadcasting services they promise to provide, comply with relevant regulations on ownership and diversity of programming and abide by relevant codes and quality standards. The NMC must be conceptualized more as a facilitating agency for broadcasting access rather than an impediment to access. The enforceable extended powers will restore the lost public trust and respectability of the NMC. This recommendation is premised on the fact that the current powers of regulating broadcasting content and the settlement of disputes and complaints lodged before the NMC are dolefully inadequate but in the context of the proposed restructuring of the NMC, the institution should move beyond arbitration to assume the role of a proper regulator in the true sense of the word. On another level, there seems not to be a direct interaction or networking and exchange of ideas and experiences amongst the six constitutionally independent governance institutions namely the Independent Electoral Commission (IEA), the Commission for Human Rights and Administrative Justice (CHRAJ), the National Commission for Civic Education (NCCE) amongst others.

This thesis proposes an NMC initiative to forge a common front with these likeminded independent constitutional bodies in order to mobilise public support for their existence. Such a

unified front could bring pressure to bear on government to change its antagonistic posturing against them.

#### 8.4.1.6 Implications of an enhanced NMC

In assuming additional regulatory responsibility as proposed, two things need to happen. First, conducting a comprehensive review of the NMC targeting its overall governance structures and practices, weakness, strengths, opportunity and threats (SWOT analysis); second, strengthening of the NMC with additional legal and administrative powers and responsibilities to enable it to implement the required changes. The required changes encompass areas such as administration, legal, human resource, operations, institutional relations and culture. The recruitment of high caliber staff with relevant professional skills is critical as much as the legal mandate, finance and good rapport with stake holders and government as well as donor agencies. Another key area that needs to be addressed is the current process of nomination of representatives to the Commission by the various identifiable organisations.

Each organisation has its own nomination procedure, which in some cases is dependent upon the choice of the leadership of the organisation. The arbitrariness of this process is open to abuse with consequences far beyond the operations of the Commission. The NMC must consider the possibility of setting up guidelines for the nomination of Commissioners to the Commission in order to attract the requisite skills needed for the professional running of it operations. Additionally, nominating organisations expect their representatives to protect and defend their interests. At the same time, the same representatives are constitutionally charged to protect the Constitution, the state and the public interest as captured in their official vows to the state of Ghana.

The attempts by Commissioners to balance sectional and state or public interests have been a source of tension between representatives and their leadership. The illustration above has the potential of affecting the decision-making process of the NMC. Clarity on this matter needs to be addressed because rationally, any constituency without a representation may never be heard in the decision-making process at the NMC especially when the culture of public hearings is poor. If the key consideration of recruitment of Commissioners is nominative, as provided for in the Constitution, then the natural question to pose is: how representative is the current membership strength of 18 Commissioners to the national population of about 24 million people? Also, it could also be asked whether the current number of 18 Commissioners is the ideal number needed to run or govern the NMC as an effective regulatory body.

Be that as it may, a recommendation is made that until this is changed, it is incumbent upon the organisations to use their nomination powers to engender a broad-based NMC made up of relevant legal, media, regulatory, finance, technical and administrative expertise. The thesis is aware that changing the number of Commissioners in the short to medium term could prove difficult since it will require an amendment of the Constitution. The other reform possibility is for the NMC to review its current administrative and management structures as well as the scope and status of its committee system. This is possible because it will only require an amendment of the existing National Media Commission (NMC) Act and not a Constitutional amendment.

In short, the amendment of NMC Act must seek to clarify the existing legal ambivalence, the committee structure and strengthening governance with the creation of an Executive Committee to coordinate, drive policy and performance. The expansion of the functions of the NMC to include specifically the allocation of broadcasting frequencies is bound to create issues bordering on conflict of interest and commercial confidentiality amongst individual Commissioners with

connections to the broadcasting industry. Even though the NMC Act has provisions addressing this issue, the NMC will be better served if it formulates a detailed enforceable code of conduct in sync with commissioners' constitutional, statutory and fiduciary responsibilities. It will also require a review of internal governance and administrative policies, procedures and practice.

#### 8.4.1.7 Effective management of frequency spectrum

A key aspect of broadcasting frequency authorization is the approach to infringements. It is generally agreed that the cycle of addressing an infringement could start with notification of the offending party, serving of a warning letter and then enforcing compliance. Enforcement could take different forms. Both occasional and consistent infringement could attract temporal suspension of authorization until final resolution of the problem.

Infringement on content could attract the appropriate penalties determined by the NMC but within strictly defined rules and procedures in relation to the authorization agreement. Similarly, technical infringements of a broadcasting service authorization should be implemented only with the prior authorization by the NMC. However, in cases of serious infringements causing immediate public harm, the NCA could proceed under the certificate of urgency to suspend the service pending the decision of the NMC.

#### 8.4.1.8 Digital broadcasting

The study established in spite of the technical and technological advantages associated with the availability of more frequencies and clarity of audio-visual reception, concerns relating to Ghana's readiness to implement the digital broadcasting system. The concerns range from the human resource requirements and the socio-economic cost of replacing analogue radio and television receivers with digital receivers as well as the huge capital investment on television

equipment. It is suggested that the transitional period be handled with care and given enough time for a systematic phase out of the analogue system, so the two could in the short to medium term run concurrently as stated in the recently released digital migration policy document in 2011. A rushed implementation policy could potentially result in viewers losing services.

#### 8.4.1.9 Regulation in an era of digital broadcasting

Informed by the democratic and legal challenges as well as the inadequacy of the current regime of frequency authorization and the suggestion for the adoption of a new regulatory system of broadcasting services authorization under the National Media Commission (NMC), I recommend several approaches are suggested. The approaches range from a thorough review of its legislative functions, governance**,** human, financial and capital assets, resource audit, funding and financing of operations to administrative restructuring and retooling within the remit of capacity building.

In terms of human resources, the NMC will require the following high caliber staff: a technical and technologically minded director with the requisite knowledge on spectrum engineering and management, a legal advisor on media and regulatory affairs and a team of professional administrative staff. The scarcity of qualified personnel in the industry could be addressed through seconded professionals from other state institutions who could assist in redesigning new administrative, governance and regulatory systems. Technical support could also be sought from donor agencies, the World Bank and the International Telecommunications Union (ITU) or through bilateral support and good relations with universities both within and outside the country.

As proposed earlier, the NCA as the existing technical regulatory authority with the capacity, ability and technical know-how and experience should continue to manage, determine, enforce

compliance with the technical regulatory requirement for broadcasting service authorization as well as sanction infringements but only after the determination of the National Media Commission (NMC). The technical regulatory requirements should be incorporated in the overall regulatory system. The NCA should also continue to represent Ghana at the ITU and negotiate international frequency clearance for broadcast frequency assignment in collaboration with the NMC since most member ITU regulatory institutions are independent organisations.

### 8.4.10 Improving NMC, NCA relations

The successful implementation of the proposal for true reform hinges on defining new approaches where the two bodies can have the confidence and trust to work together but each understanding the remit of the functions of the other as well as the policy and legal frameworks within which they operate. In order to facilitate this understanding and cooperation, it is suggested that internal joint training workshops for the staff of the National Media Commission and the National Communications Authority be organized on the objectives of the new national policy and legislative direction. Ultimately the two organisations should be merged into a single spine broadcasting regulator as suggested earlier.

### 8.4.11 Funding

The changes being proposed have significant financial and funding implications especially given that government budgetary allocation to the NMC has been very minimal. Increased budgetary support for the NMC is unavoidable and government needs to recognize this fact and provide the requisite budgetary support to accomplish the reform process. The Commission will also have to be creative in identifying other sources of funding. Since the NCA retains ten percent of its internally generated funds, a new criteria needs to be drawn to allocate a certain percentage of the retained funds to facilitate the operations of the NMC.

The NMC does not receive fees for settling disputes and complaints nor does it charge fees for such operations. Internally generated revenue could increase significantly should the NMC receive administrative fees for its services such as broadcasting service authorization, receipt of application fees, and annual regulatory fees. This new fee regime will replace the current frequency authorization fees levied by the NCA from which the NCA keeps everything in spite of the fact that the regulation of content is done by the NMC. In reality, the fee for broadcasting license authorization constitutes a minute proportion of the inflows of the NCA.

The major revenue source of the NCA is from the telecommunications sector and non-broadcasting radio licensing fees from the maritime, aviation, corporate, and diplomatic missions amongst several others. On the other hand, the overall annual revenue retention of 10 percent could be increased with another 10 percent provision allocated to the NMC. The NMC could also sharpen its internally generated funds by attracting significant project-based support from the donor community in research, publications, consultations and institutional development in areas such as training and technical assistance as well as development of codes of practice. This goal could be achieved by first designing a short to medium and long-term financial or budgetary plan and an implementation strategic plan. In summation, government funding must increase and be combined with internally generated revenue through licensing authorization fees, (currently paid to the NCA for frequency authorization), donor support for short-term projects including development of institutional capacity of the NMC.

#### 8.4.2.1 Future of public broadcasting service in Ghana

The findings that emerged from this study in relation to the status of public broadcasting in Ghana are disturbing. The state broadcaster has enjoyed monopoly of the airwaves pre- and post-colonialism. The broadcasting reforms that ushered in the opening up of the airwaves in the

1990s were the most opportune time, having missed the opportunities that came with independence, to establish a truly public service broadcasting system. The enactment of Act 226 of 1968 by the National Liberation council (NLC) was an attempt to transform the Ghana Broadcasting Corporation (GBC) into a public service broadcaster.

However, it emerged from the study that the public service mandate is not well defined. The legal boundaries between the commercial and non-commercial operations of GBC are very blurred to the point of non-existence. The Corporation by article 16 and 17 of act 226 is exempted from licensing and tax. Under state of emergency, the Government may take over the GBC upon specific demand by the President or his deputy. The President is the appointing authority of the governing board. This was contested and won in the Supreme Court by the National Media Commission (NMC).

Meanwhile, the Ministry of Information through the appropriation committee of parliament determines the budget of the corporation. While the GBC is caught in the theatre of conflict and tension between government influence and power and the assertiveness of the NMC to insulate it from governmental control, the state broadcaster is required to fulfill public service broadcasting obligations. The thrust of the law (NLCD 226: 1968) in this regard is symptomatic of government's hold on state-owned broadcasting in most African countries. The public service objectives as stated in the law are not respected.

These contradictory objectives in the statute include challenges on how to balance the responsibility of providing independent and impartial broadcasting against the legal requirement of airing government pronouncements, speeches of government officials, explaining government policies and actions as well as alternative party political and religious speeches, views and

opinions. The provisions on the coverage of the government officials have always been abused by incumbency because of the unwritten priority accorded government. It is instructive that an Acting Director General of GBC observed that by the time one finishes implementing the GBC Act 226 they will be achieving the direct opposite of the objectives set out in the law.

The Ghana Broadcasting Corporation experienced annual decline in budgetary support. As established in the study, government has virtually stopped providing funds for programming. Capital investment according to the trend happens once in a decade or two. The collection of television license fees costs far more than the revenues collected. This explains the over commercialisation at the GBC. It also reflects the inability of the GBC to provide leadership in online services and digitization as well as external broadcasting services.

Against the backdrop of the above scenario, a national conversation on the status of GBC and its future is suggested. Key areas to be considered are the holistic review and promulgation of a new statute for GBC with intent to developing a clearly well-defined but extended mandate of GBC as a truly public service broadcasting organisation. The ultimate goal should be the operational and financial transformation of the broadcaster. A big project such as this requires from the outset empirical scientific data and facts about GBC, open and transparent formal and informal consultations and negotiations with all stakeholders especially unions.

Thematic areas to address include the scale and scope of retrenchments and restructuring, overhaul of the programming line-up, and the adoption of sound business principles. Other areas include the governing structures in terms of internal governance, funding and financing, commercial activities, responsibilities, accountability and reporting systems and guarantees on independence from all centers of power – governmental or corporate.

The Ghana Broadcasting Corporation (GBC) has gone into certain relationships with some private radio and television stations. It emerged from the study that the initial thinking was to create some commercial entities to help cross-finance its public service mandate. These arrangements seem to be shrouded in secrecy even though an attempt was made by the National Media Commission (NMC) to investigate the arrangements such as the creation of TV 3, which emerged out of the NDC government's disposal of the Ghana Film Industry. The GBC is equally running several FM stations across the country.

The status of the arrangements mentioned above need policy and regulatory clarification as a necessary framework for the vision, mission and functions of the state-owned broadcaster either as public service and/or commercial entities. Even as a public service broadcaster it should be determined whether GBC should be registered as a limited liability company in accordance with the Companies Code of 1963, Act 173. Key issues that will arise include the shareholding requirements, taxation and licensing. In the area of funding and financing, a hybrid system may be a good option but what needs to be considered which may need some special parliamentary exemptions, is the area of taxation and its implications for legal reasons.

Much as the South African Broadcasting Corporation (SABC) has its own problems because of its history and context based upon the original vision and the changes that have occurred, it is by no means a good template for the restructuring of GBC. Admittedly, GBC has undertaken several programmes and projects aimed at transformation. However, these endeavours appear not to have succeeded because the system has not changed. Grafting a good programme on a bad outdated law in the absence of a policy direction is like building on a heap of sand. A non-partisan parliamentary action for the holistic review of GBC is required but most importantly, the political will to embark on this project.

Providing international standard public service broadcasting takes into account the public at large irrespective of status, religion or faith, race, colour, tribe or ethnic group, political persuasion and offering to the people universal, available and accessible broadcasting service through public funding. It should also create a forum or platform for public debate and exchanges, independent from political and economic interference. It is also expected to be editorially independent. The state has the responsibility to ensure the independence of Public Service Broadcasting in the following ways: establishing an all-inclusive independent board that is representative of the public and accountable to the legislature rather than government; set out in law clear terms of reference for the board; ensure that the appointment of the board is not controlled by government or any other political party, and a clear public service mandate.

The funding for a public service broadcaster should be adequate and protected against interference. Funding mechanisms could include general tax on users; direct state grants but without interference; advertising revenue; cross-subsidies from private broadcasters; sponsorship; tax on foreign programmes, and pay or play schemes.

There is the need to recognize and include in law that private broadcasters may also provide public service broadcasting based on their exclusive use of limited frequencies which are a public resource and the idea that broadcasting is a social and political activity, not just a for commercial activity. There is a need to ensure that private broadcasters can fulfill public service obligations within their own commercial environment. Regulatory regimes in this area should include broad guidelines and not impose specific or restrictive programming obligations

In conclusion it does appears from the study that in spite of the broadcasting policy and regulatory changes post 1992 reform and liberalisation of the airwaves the broadcasting system

in Ghana is still confronted with the following realities: GBC is still somehow under government influence; there is no independent broadcasting regulator; there is no clarity in broadcasting policy and legislation; regulatory framework for broadcasting is only partially in place; regulatory responsibilities are shared across regulatory bodies – the NMC and NCA, thereby creating regulatory gaps and 'turf wars', and constitutional guarantees and other provisions are yet to be fully operational.

There is therefore the need for clear policy direction; a proper legal and regulatory framework; a public service broadcasting Act and charter; a new GBC Act and Charter; an independent broadcasting regulator preferably the NMC flowing from the Constitutional mandate to ensure freedom and independence of the media; clear future roles of NMC and the; clarity in the funding of GBC; rationalisation of the legal and regulatory environment for broadcasting in Ghana; clear institutional arrangements for overseeing the broadcasting sector; the development of the community radio sub-sector and true public service to ensure diversity of voices; a review of the mandate, structure, operations, management, human resource, Strength and weaknesses of NMC and NCA; a merger of the NMC and the NCA under the umbrella of single-spine legislation; more changes in the broadcasting system and structure, and finally and most importantly, an enforceable National broadcasting policy and law. Generally the fundamentals of a good enabling environment for good broadcasting exist in Ghana such as the Constitutional guarantees of freedom of expression, free speech and pluralism of radio and television stations. However, there are miscellanies of laws that directly affect the broadcast sector but are not consolidated and are sometimes contradictory and often constraining.

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- National Media Commission (Rejoinders) regulation, L.I. (1714), 2002.
- National Media Commission (Broadcasting standards) regulation, L.I. (1715).
- National Media Commission (Amendment) Act, 1998 (Act 561)

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- Guidelines for publication of rejoinders, 2000.
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- The National Communications Authority Regulation, 2003 (L.I. 1719)
- The National Communications Authority (Amendment) Act, 2008 (Act769).

**National Communications Authority (NCA) technical guidelines and Standards on broadcasting**:

- Regulatory Obligation of Authorized Service Providers and Operators.
- Application for Broadcasting Frequency Authorization and procedure for the grant of broadcasting authorization.
- Terms and Conditions of Broadcasting Frequency Authorization.
- Sanctions for Breach of Broadcasting Frequency Authorization.
- Guidelines for Operation of Community Radio Stations in Ghana, July 2007.

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# Appendices

**Appendix 1: Historical Evolution of Broadcasting in Ghana.**

| HISTORICAL EVOLUTION OF BROADCASTING IN GHANA ARISING OUT OF POLICY CHANGES | |
|---|---|
| 1935 | Opening of first radio system in Accra, the Gold Coast and code named radio ZOY as a relay service of the BBC. |
| 1936 | Second radio station established in Cape Coast, the central region. |
| 1940 | Construction of Broadcasting House (BH2). |
| 1954 | The creation of the Gold Coast Broadcasting Service system. |
| 1956 | i. Commencement of educational simulcast to selected schools and teacher training colleges.<br>ii. First live broadcast of outside events into homes. |
| 1957 | Renaming of Gold Coast Broadcast System as the Ghana Broadcasting System or Radio Ghana. |
| 1961 | Launching of the External service of Radio Ghana. |
| 1965 | Black & White Television Service launched- July 13, 1965. |
| 1968 | Enactment of the National Liberation Council Decree 226 (NLCD 226) of 1968 that created the Ghana Broadcasting Corporation (GBC). |
| 1977 | Creation of the Ghana Frequency Registration and Control Board (GFRCB). |
| 1985 | Colour Television launched in Ghana. |
| 1986 | Commencement of Frequency Modulation [FM] Broadcast in Accra by GBC. |
| 1993 | Creation of the National Media Commission (NMC) Act 449. |
| 1994-2002 | The establishment of 10 GBC FM services in all ten regions of Ghana. |
| 1995/96 | Issuance of radio authorization to institutional, commercial and community radio stations by the Ghana Frequency Registration and Control |

| | |
|---|---|
| | Board (GFRCB). |
| 1995/96 | Issuance of private TV broadcasting authorizations by the Ghana Frequency Registration and Control Board (GFRCB). |
| 1996 | First private TV station Crystal TV starts transmission in Kumasi the regional capital of the Ashanti Region. |
| 1996 | Establishment of the National Communications Authority (NCA) by Act 524. |
| 1997-2008 | Metro TV, TV3, TV Africa, Viasat 1, Net 2 TV, Coastal TV begin terrestrial analogue VHF/UHF transmissions in major cities. |
| Skyy (MMDS) established in Takoradi& Cable | Gold (cable & MMDS Pay TV) established in Accra/Tema. |
| established in Ghana. | DSTV (First Digital Satellite Pay TV) & Multi TV (First free to view Digital Satellite TV) |
| 2007 | Mobile TV using Terrestrial Digital Multimedia Broadcasting (TDMB) technology launched by Black Star TV in Accra. |
| 2008 | Pilot terrestrial digital video broadcasting system installed by GBC in Accra. |
| 2008 | NCA Act 524 repealed and replaced by National Communications Authority Act,2008, Act 769 and Electronic Communications Act, 2008, Act 775. |
| 2009 | Digital video broadcast to hand held (DVB-H) launched by Multichoice Ghana Ltd. |
| | Commercial Terrestrial digital video broadcast Launched by Skyy Digital in Takoradi& Accra. |
| Jan 2010 | Establishment of Digital Broadcasting Migration Technical Committee. |
| May 2010 | GBC launches DVB-T transmissions in Accra and Kumasi technology launched by Black Star TV in Accra |
| | |

**Appendix 2: Interview Guides and Interview Schedule**

The following interview guides guided the discussion and interview. Whilst each provided the general framework of the thematic areas and issues to be discussed, they vary depending on the responses received**.**

**1.** CABINET: The Executive and Ministers of Information and Communications (1994-2008)

Key areas of discussion:

i) Role of broadcasting in society.
ii) Role of the Ghana Broadcasting Corporation (GBC) as a public broadcaster.
iii) Public broadcasting as a form of broadcasting.
iv) Editorial and programming independence of the GBC.
v) Coverage of the opposition by the GBC.
vi) Should GBC be owned by government or the public?
vii) Opening/liberalization of the airwaves to allow private and community radioand television stations.
viii) Funding and Financing of the GBC.
ix) Role of broadcasting regulatory agencies-NMC/NCA.
x) Mode of appointment of members of regulatory bodies.
xi) Independence of regulatory bodies.
xii) Impact of opening/liberalization.
xiii) Challenges of liberalization or changes.
xiv) Further changes needed to deepen opening or liberalization?
xv) Relevance of a national broadcasting law.

**2: PARLIAMENT**

Key areas of discussion:

1. Role of broadcasting in society.
2. Role of parliament in broadcasting policy and regulation.
3. Contribution of parliament to opening of the airwaves and its sustenance.

4. Role of the Ghana Broadcasting Corporation (GBC) as a public broadcaster.
5. Public broadcasting as a form of broadcasting.
6. Editorial and programming independence of the GBC.
7. Coverage of the opposition by the GBC.
8. Coverage of parliament.
9. Should GBC be owned by government or the public?
10. GBC and privatization/commercialization.
11. Opening/liberalization of the airwaves to allow private and community radio and television stations.
12. Funding and Financing of the GBC.
13. Role of broadcasting regulatory agencies-NMC/NCA.
14. Relationship between parliament and broadcasting regulatory bodies NMC/NCA.
15. Performance of the NMC/NCA.
16. Funding of regulatory bodies
17. Relationship between regulatory bodies and the Executive.
18. Mode of appointment of members of regulatory bodies.
19. Independence of regulatory bodies.
20. Impact of opening/liberalization.
21. Challenges of liberalization or changes.
22. Further changes needed to deepen opening or liberalization.
23. Parliament and the formulation of bills.
24. Relevance of a national broadcasting law.

## 3: CIVIL SOCIETY ORGANISATIONS

Key areas of discussion

1. Role of broadcasting in society.
2. Role of civil society in broadcasting policy and regulation.
3. Contribution of civil society to opening of the airwaves and its sustenance.
4. Role of the Ghana Broadcasting Corporation (GBC) as a public broadcaster.
5. Public broadcasting as a form of broadcasting.
6. Editorial and programming independence of the GBC.
7. Coverage of the opposition by the GBC.
8. Should GBC be owned by government or the public?
9. GBC and privatization/commercialization.
10. Opening/liberalization of the airwaves to allow private and community radio and television stations.
11. Funding and Financing of the GBC.
12. Role of broadcasting regulatory agencies-NMC/NCA.
13. Relationship between parliament with regulatory bodies NMC/NCA.
14. Performance of the NMC/NCA.
15. Funding of regulatory bodies.
16. Relationship between regulatory bodies and the Executive.

17. Mode of appointment of members of regulatory bodies.
18. Independence of regulatory bodies.
19. Impact of opening/liberalization.
20. Challenges of liberalization or changes.
21. Further changes needed to deepen opening or liberalization.
22. Role and acceptance of civil society in policy formulation.
23. Relevance of a national broadcasting law.

## 4: DONOR ORGANISATIONS

Key areas of discussion:

1. Role of broadcasting in society.
2. Role of donor agencies in supporting and sustaining opening/liberalization.
3. Philosophy and reasons that inform donor support.
4. Role of the Ghana Broadcasting Corporation (GBC) as a public broadcaster.
5. Public broadcasting as a form of broadcasting.
6. Editorial and programming independence of the GBC.
7. Coverage of the opposition by the GBC.
8. Should GBC be owned by government or the public?
9. GBC and privatization/commercialization.
10. Opening/liberalization of the airwaves to allow private and community radio and television stations.
11. Funding and Financing of the GBC.
12. Role of broadcasting regulatory agencies-NMC/NCA.
13. Performance of the NMC/NCA.
14. Funding and support of regulatory bodies.
15. Relationship between regulatory bodies and donors.
16. Mode of appointment of members of regulatory bodies.
17. Independence of regulatory bodies.
18. Impact of opening/liberalization.
19. Challenges of liberalization or changes.
20. What further changes are needed to deepen opening or liberalization?
21. Role and acceptance of donors in policy formulation.
22. Relevance of a national broadcasting law.

## 5: GHANA BROADCASTING CORPORATION (GBC)

**Key areas of discussion**:

1. Role of broadcasting in society.
2. Role of the Ghana Broadcasting Corporation (GBC) as a public broadcaster.
3. Public broadcasting as a form of broadcasting.

4. Editorial and programming independence of the GBC.
5. Coverage of the opposition by the GBC.
6. Coverage of parliament.
7. Coverage of general elections.
8. Challenges of national coverage.
9. GBC policy direction.
10. Should GBC be owned by government or the public?
11. GBC and privatization/commercialization.
12. Who is GBC answerable to?
13. Impact of opening/liberalization of the airwaves to allow private and community radio and television stations.
14. Funding and Financing of the GBC.
15. GBC and regulatory agencies-NMC/NCA.
16. Performance of the NMC/NCA.
17. Independence of regulatory bodies.
18. Challenges of liberalization or changes.
19. What further changes are needed to deepen opening or liberalization?
20. Changes needed to make GBC a real public service broadcaster.
21. Relevance of a national broadcasting law.

## 6: COMMERCIAL BROADCASTERS

**Key areas of discussion**:

1. Role of broadcasting in society.
2. Role and responsibility of commercial broadcasting.
3. Aim of commercial broadcasting.
4. Reach of coverage of commercial broadcasting.
5. Programming format of commercial broadcasting.
6. Editorial and programming independence of commercial broadcasting.
7. Advertising revenue and programming choice.
8. Power of advertising agencies.
9. Market competition in broadcasting.
10. Broadcasting ownership.
11. Policy on broadcasting operations.
12. Should GBC be owned by government or the public?
13. GBC and privatization/commercialization.
14. Impact of opening/liberalization of the airwaves to allow private and community radio and television stations.
15. Funding and financing of the GBC.
16. Appraisal of NMC/NCA.
17. Independence of regulatory bodies.
18. Challenges of liberalisation.
19. What further changes are needed to deepen opening or liberalization?

20. Relevance of a national broadcasting law.

## 7: COMMUNITY BROADCASTERS

Key areas of discussion:

1. Role of broadcasting in society.
2. Role and responsibility of community broadcasting.
3. Philosophy or aim of community broadcasting.
4. Reach of coverage of community broadcasting.
5. Programming format of community broadcasting.
6. Editorial and programming independence of community broadcasting.
7. Funding and financing of community broadcasting.
8. Advertising revenue and programming.
9. Power of advertising agencies.
10. Community broadcasting and broadcasting market competition.
11. Broadcasting ownership.
12. Policy on broadcasting operations.
13. Should GBC be owned by government or the public?
14. GBC and privatization/commercialization.
15. Impact of opening/liberalization of the airwaves to allow private and community radio and television stations.
16. Funding and Financing of the GBC.
17. Appraisal of NMC/NCA.
18. Independence of regulatory bodies.
19. Challenges of liberalization.
20. What further changes are needed to deepen opening or liberalization?
21. Relevance of a national broadcasting law.

## 8: CIVIL SERVANTS: REGULATORS (NCA and the NMC)

**Key areas of discussion:**

1. Role of broadcasting in society.
2. Role of NMC/NCA broadcasting policy and regulation.
3. Policy and regulatory guide for NMC/NCS.
4. Relationship between NCA/ NMC, NCA/parliament, NCA/ government, NMC/NCA, NMC/Parliament, NMC/Government.
5. Merger of NMC/NCA.
6. Structure of the broadcasting system.
7. Impact of NMC/NCA on broadcasting system and structures.
8. Broadcasting ownership.

9. Broadcasting frequency allocation, monitoring, compliance.
10. Independence of NCA/NMC.
11. Funding of NMC/NCA.
12. Appointment of board members and commissioners and how mode of appointment impact on their job.
13. Policy guide for broadcasting operators.
14. Role of the Ghana Broadcasting Corporation (GBC) as a public broadcaster.
15. Public broadcasting as a form of broadcasting.
16. Editorial and programming independence of the GBC.
17. Coverage of the opposition by the GBC.
18. Coverage of parliament.
19. Should GBC be owned by government or the public?
20. GBC and privatization/commercialization.
21. Opening/liberalization of the airwaves to allow private and community radio and television stations.
22. Funding and Financing of the GBC.
23. Impact of opening/liberalization.
24. Challenges of liberalization or changes.
25. What further changes are needed to deepen opening or liberalization?
26. Parliament and the formulation of bills.
27. Relevance of a national broadcasting law.

## Appendix 3: NMC Statutes and Guidelines

### (a) NMC Statutes:

- The National Media Commission Law, 1992 (PNDCL 229).
- The National Media Commission Act, 1993 (Act 449). (Created the National Media Commission (NMC) as provided for by Articles 167 – 173 of the Constitution).
- National Media Commission Law (Complaints settlement and procedure regulation) 1994 (L.I. 1587).
- National Media Commission (Rejoinders) regulation, L.I. (1714), 2002.
- National Media Commission (Broadcasting standards) regulation, L.I. (1715).
- National Media Commission (Amendment) Act, 1998 (Act 561)

**(b) NMC Guidelines:**

- National Media Policy, 2000.
- The broadcasting standards of 2000.

- Guidelines for publication of rejoinders, 2000.
- Guidelines for political journalism, October, 2008
- Guidelines for fair and equitable coverage of political parties by the state-owned media, October, 2008.

## Appendix 4: NCA Legislation and Technical guidelines

- The National Communications Authority Act, 1996 (Act 524). The first Act of Parliament that established the NCA in 1996 established the National Communication Authority (NCA) (repealed).
- The National Communications Authority Regulation, 2003 (L.I. 1719)
- The National Communications Authority (Amendment) Act, 2008 (Act769).

(d) National Communications Authority (NCA) technical guidelines and Standards on broadcasting:

- Regulatory Obligation of Authorized Service Providers and Operators.
- Application for Broadcasting Frequency Authorization and procedure for the grant of broadcasting authorization.
- Terms and Conditions of Broadcasting Frequency Authorization.
- Sanctions for Breach of Broadcasting Frequency Authorization.
- Guidelines for Operation of Community Radio Stations in Ghana, July 2007.

## Appendix 5: NCA Guidelines on Community Radio Stations

1. Basic premises

1.1 Types of broadcasting

Radio Broadcasting in Ghana comprises Public Radio, Commercial Radio and Community Radio.

Community Radio in Ghana comprises two basic models:

- Community Radio, which comprises stations serving socio-cultural communities within a specified geographical area.

- Campus Radio, which is operated within the ambit of educational institutions.

1.2 Definition

Community Radio is radio that is about, for, by and of a specific marginalized community, whose ownership and management is representative of that community, which pursues a participatory social development agenda, and which is non-profit, non-sectarian and non-partisan.

1.3 Scope of Guidelines

These Guidelines refer to Community Radio stations that serve socio-cultural communities within a specified geographical area. Separate, individual Guidelines shall apply to Campus Radio stations.

1.4 Community

a) The community must be identified with a specified geographical area.
b) The community must have something of central importance to their culture and possess a sense of continuity of traditional values.
c) The community must have some concrete social structure to interact and identify with each other on all aspects of social, cultural and economic needs.

1.5 Purpose

The central purpose of a Community Radio station is to offer its listening community a voice and help develop their community and build community life.

1.6 Ownership and Management

a) A Community Radio station shall be owned and operated by its listening community.
b) It shall be not-for-profit in character and operations. The management of the station shall be in the hands of those who listen to it. There shall be no more than one Community Radio station within a specified geographical area.

1.7 Stakeholders

The principal stakeholders in a Community Radio station include:

a) The community members – they shall decide on the kinds of programmes and their formats and scope.
b) Producers and Staff – specialists in Community Radio who know Community Radio programme production and help the community generate ideas and create programmes Volunteers –

individual volunteers, who commit their time and resources to help develop programmes, facilitate community participation and help build local capacity. District Assembly and NGOs – partners in community development.

c)

d) Sources of financial support – could be individuals, community-based associations, the relevant District, traditional authorities, corporate bodies, NGOs, and any other development partners.

e) Providers of Technology – to provide technical assistance.

f)

g) National Communications Authority (NCA) – the body to authorize, assign frequency for use and regulate the operation of the station, in accordance with the standards of the NCA and the International Telecommunications Union (ITU) standards.

h)

i) National Media Commission (NMC) – the body mandated by the Constitution to safeguard the freedom and independence of the media and promote media standards.

1.8 Revenue-generation

Revenue-generation is in keeping with the character of Community Radio. It is informed by the Guidelines of the Ghana Community Radio Network, which are endorsed by the National Media Commission.

2. Procedure to be followed

2.1 Application

2.1.1 Any eligible community desirous of setting up a Community Radio broadcasting service may make an application to the National Communications Authority (NCA).

2.1.2 The NCA will process the Application in accordance with the National Communications Authority Act 524, 1996; the National Communications Regulation L.1 1719, 2003; the National Telecommunications Policy, 2005; and the NCA Guidelines for the Establishment and Operation of Community Radio Stations.

2.1.3 Upon being granted Authorization to operate a Community Radio, applicant will meet all necessary obligations before commencing operations.

2.1.4 All applicants are to submit a Letter of Commitment duly signed by the representative of the community that they shall abide by these Guidelines and all pertinent rules and regulations.

2.2 Terms and Conditions

2.2.1 The basic objective of the Community Radio broadcasting station shall be to serve the cause of the community in the service area of the Authorization by involving members of the community in the broadcast of their programmes. For this purpose, community would mean people living in the coverage zone of the broadcasting service of the Applicant organization.

2.2.2 The Authorization shall be for a period of five (5) years and renewable every year.

2.2.3 Applications for renewal shall be submitted three months prior to the expiry of an Authorization.

2.2.4 The Authorization shall not be transferable.

2.2.5 An applicant will not be permitted more than one Authorization

2.2.6 The Station shall provide its service on free-on-air basis.

2.2.7 The Station shall not use its broadcasting facilities in whole or part for profit.

2.2.8 The Station shall abide by the Programme Code and the Revenue-Generation Code of the Ghana Community Radio Network.

2.2.9 The Station shall adhere to the norms, rules and regulations prescribed by the NCA.

2.2.10 The Station shall, as a requirement, preserve copies of all programmes broadcast during the last six months.

2.2.11 The NCA reserves the right to inspect the broadcast facilities of the Station and collect such information as considered necessary in public and community interests.

2.2.12 An Authorization shall be subject to such other conditions as may be determined by the NCA, which includes but are not limited to the following characteristics:

a) Focus on a specific community.
b) A Community Radio Authorization is held by representatives of the community they serve and are registered with the Registrar General's Department as a company Limited by Guarantee (not-for-profit organization).
c) Must have a Constitution and Bye-laws signed by relevant office-holders who are true representatives of the broadcast zone of the station.

SOURCE: National Communications Authority (NCA)

**Appendix 6: Feasibility Report: Broadcasting Guidelines**

**1. COMPANY PROFILE**

a) Evidence of Incorporation (in Ghana)
b) Certificate to Commence Business (in Ghana)
c) Shareholders/Company Regulations
d) Relevant Experience/Evidence of Ability to perform including agreements drawn up with any principals.
e) Evidence of Tax payment/Tax Clearance Certificate
f) SSNIT Contribution of Workers
g) List of Affiliate Companies

**2. PROJECT STUDY**

a. Engineering design system, or
b. Technical Implementation Plan

**3. MARKET PLAN**

a. Business idea and choice of Technology
b. Market analysis
c. Roll-out Plan and Coverage Criteria
d. Market: This is to include Market Goals, Target Groups etc.

**4. BUSINESS PLAN**

a. Organisational Structure (including educational and technical background as well as experience of
key personnel)

b. Capital Investment: This should include -
i. Equipment Categories
ii. Equipment Prices
iii. Equipment Suppliers and
iv. Capital Investment Summary

c. Revenue Forecast

d. Operating Expenses

e. Financial Plan to include:

i. Equity
ii. Suppliers Credit (if any)
iii. Bank Loan (if any)

f. Forecasted Financial Statements, to include:
i. Income Statement
ii. Balance Sheet
iii. Cash flow Statement

g. Statement on how the company is going to be financed during the first 90 days of its operation.

5. Programming Philosophy

6. Any other information that is relevant to demonstrate the viability of the project.

**LETTER OF COMMITMENT**

All applicants are also to submit a signed letter of commitment stipulating that they shall abide by all existing ITU Regulations and Communications laws of the country as well as other rules and regulations that may be issued.

**Note: All Applications shall be accompanied by Receipt of Payment of the applicable non-refundable processing fee. The Receipt No. should be indicated at the upper right corner of the appropriate Application Form.**

## Appendix 7: Detail information of regional fm stations
## GREATER ACCRA REGION

| S/N | NAME AND ADDRESS OF COMPANY | DATE OF AUTHORISATION | Assigned FREQUENCY | ON AIR | NOT ON AIR | LOCATION (TOWN /CITY) | TYPE OF STATION |
|---|---|---|---|---|---|---|---|
| | **GHANA BROADCASTING CORPORATION**<br>(UNIQUE FM)<br>**BOX 1633, ACCRA**<br>**TEL : 221161-9**<br>**FAX : 221165/221149**<br>**EMAIL :** | **NO OFFICIAL AUTHORISATION (GOVERNMENT)** | 95.7MHZ | **ON AIR** | | **ACCRA** | **PUBLIC FM** |
| | **MULTIMEDIA BROADCASTING CO. LTD.**<br>(JOY FM)<br>**BOX 17207, ACCRA**<br>**TEL :233558-60**<br>**FAX : 224405**<br>**EMAIL :** | **NO OFFICIAL AUTHORISATION (PARTNERSHIP WITH GBC )** | 99.7 MHZ | **ON AIR** | | **ACCRA** | **COMMERCIAL FM** |

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|---|---|---|---|---|---|---|---|
| | **NETWORK BROADCASTING LIMITED**<br>(RADIO GOLD)<br>**BOX 17298, ACCRA**<br>**TEL:231976/231977/330028 1-83**<br>**FAX: 231980**<br>**EMAIL:** | **7 - 09 – 95** | 90.5 MHZ | **ON AIR** | | **ACCRA** | **COMMERCIAL FM** |
| | **QUEST FINE LIMITED.**<br>(VIBE FM)<br>**BOX 3616, ACCRA**<br>**TEL:771115/771117**<br>**FAX: 227162**<br>**EMAIL:** | **17 -10 -95** | 91.9 MHZ | **ON AIR** | | **ACCRA** | **COMMERCIAL FM** |
| | **AERO COMMUNICATIONS LTD.**<br>(ADOM FM)<br>**BOX 128, TRADE FAIR SITE, LA**<br>**TEL:**<br>**FAX:**<br>**EMAIL:** | **7 - 09 – 95** | 106.3 MHZ | **ON AIR** | | **TEMA** | **COMMERCIAL FM** |

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| | **SUNSHINE RADIO LIMITED.**<br>(CHOICE FM)<br>**BOX 18167, K.I.A**<br>**TEL: 761668/69**<br>**FAX:763609**<br>**EMAIL:** | **28 - 07 -95** | 102.3 MHZ | **ON AIR** | | **ACCRA** | **COMMERCIAL FM** |
| | **DESPITE MUSIC PRODUCTION LTD.**<br>(PEACE FM)<br>**BOX 17470, ACCRA**<br>**TEL: 406767/406669**<br>**FAX:**<br>**EMAIL:** | **4 – 02 – 98** | 104.3 MHZ | **ON AIR** | | **ACCRA** | **COMMERCIAL FM** |
| | **MASCOTT MULTI-SERVICES LIMITED.**<br>(ATLANTIS RADIO)<br>**BOX 14629, ACCRA**<br>**TEL: 237602**<br>**FAX:400900**<br>**EMAIL:** | **13 – 12 – 95** | 87.9 MHZ | **ON AIR** | | **ACCRA** | **COMMERCIAL FM** |
| | **UNIVERSITY OF GHANA.**<br>(RADIO UNIVERS)<br>**BOX 25, LEGON**<br>**TEL: 500782**<br>**FAX:500788**<br>**EMAIL:** | **21- 02 – 95** | 105.7 MHZ | **ON AIR** | | **ACCRA** | **CAMPUS FM** |

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| | **GHANA COMMUNITY BROADCASTING SERVICES.**<br><br>(RADIO ADA)<br><br>**BOX 9482, K.I.A**<br><br>**TEL: 021-500907/**<br><br>**0968-22394**<br><br>**FAX:500032**<br><br>**EMAIL:** | **3 – 05 – 96** | 93.7 MHZ | **ON AIR** | | **ADA** | **COMMUNITY FM** |
| | **ALLIANCE FRANCAISE INTERNATIONAL.**<br><br>(RADIO FRANCE INTERNATIONAL (RFI))<br><br>**BOX 1573, ACCRA**<br><br>**TEL: 773134/760278**<br><br>**FAX:760279**<br><br>**EMAIL:** | **16 – 12 – 98** | 89.5 MHZ | **ON AIR** | | **ACCRA** | **PUBLIC**<br><br>**( FOREIGN) FM** |
| | **BRITISH BROADCASTING CORPORATION.**<br><br>(BBC RADIO)<br><br>**C/O GBC BOX 1633, ACCRA**<br><br>**TEL : 221161-9**<br><br>**FAX : 221165/221149**<br><br>**EMAIL:** | **19 – 07 – 99** | 101.3 MHZ | **ON AIR** | | **ACCRA** | **PUBLIC (FOREIGN) FM** |

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| | **SKY BROADCASTING COMPANY LTD.**<br>(SUNNY FM)<br>**BOX 15536, ACCRA**<br>**TEL : 231929**<br>**FAX :231948**<br>**EMAIL :** | **29-05-96** | 88.7 MHZ | **ON AIR** | | **ACCRA** | **COMMERCIAL FM** |
| | **PEARL COMMUNICATIONS LTD.**<br>(RADIO HIT)<br>**BOX 17013, ACCRA-NORTH**<br>**TEL:233165**<br>**FAX:233166**<br>**EMAIL:** | **24 – 06 – 97** | 103.7 MHZ | **ON AIR** | | **ACCRA** | **COMMERCIAL FM** |
| | **TOP – SOUNDS LIMITED.**<br>(TOP RADIO)<br>**40 ROYAL CASTLE ROAD, KOKOMLEMLE**<br>**BOX CT4748, CANTONMENTS**<br>**TEL:250468/9**<br>**FAX:248294**<br>**EMAIL:** | **17 – 08 – 99** | 103.1 MHZ | **ON AIR** | | **ACCRA** | **COMMERCIAL FM** |

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| | **VICTORY BROADCASTING**<br><br>(CHANNEL R)<br><br>**BOX AN 8135, ACCRA-NORTH**<br><br>**TEL:510399/510400**<br><br>**FAX:**<br><br>**EMAIL:** | **28 – 04 – 99** | 92.7 MHZ | **ON AIR** | | **ACCRA** | **COMMERCIAL FM** |
| | **GHANA BROADCASTING CORPORATION**<br><br>(OBONU FM)<br><br>**P. O. BOX 1633, ACCRA**<br><br>**TEL : 221161-9**<br><br>**FAX : 221165/221149** | **AUGUST 2001** | 96.5 MHZ | **ON AIR** | | **TEMA** | **PUBLIC FM** |
| | *MERIDIAN FM*<br>**(GENDER AWARENESS FOUNDATION)**<br><br>***P O BOX SK 994***<br>**SAKUMONO ESTATES ACCRA**<br><br>**TEL: 022-210910/12** | **05-02-02** | 100.5 MHZ | **ON AIR** | | **TEMA** | **COMMUNITY FM** |

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| | **WEST AFRICA GOLDFIELDS LTD**<br><br>(CITI FM)<br><br>**P O BOX 30211**<br><br>**K. I. A.**<br><br>**ACCRA**<br><br>**TEL: 233-21-761360/761618**<br><br>***FAX: 233-21-761 619*** | **28-02-02** | 97.3 MHZ | **ON AIR** | | **ACCRA** | **COMMERCIAL FM** |
| | **GLOBAL INDUSTRIAL TRADE LIMITED**<br><br>(HAPPY FM)<br><br>**P O BOX 1538**<br><br>**DANSOMAN, ACCRA**<br><br>**TEL:233-21-220019**<br><br>**FAX: 220019** | **31-05-02** | 98.9 MHZ | **ON AIR** | | **ACCRA** | **COMMERCIAL FM** |
| | AEWAHA COMPANY LTD. (TALK FM)<br><br>**P. O. BOX 7298**<br><br>**ACCRA – NORTH** | **25/02/2002** | 95.1 MHZ | **ON AIR** | | **ACCRA** | **COMMERCIAL FM** |

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| | **VOICE OF AMERICA SERVICE** (VOA)<br><br>**WEST AFRICAN REGIONAL MARKETING OFFICER**<br><br>**OFFICE OF MARKETING AND PROGRAMME PLACEMENT**<br><br>**COHEN BUILDING**<br><br>**330 INDEPENDENT AVE.**<br><br>**SW RM 3666F**<br><br>**WASHINGTON, DC 20237** | **19/04/04** | 98.1 MHZ | **ON AIR** | | **ACCRA** | **PUBLIC FM** |
| | **F. P. COMMUNICATIONS LIMITED**<br><br>(HOT FM)<br><br>**P. O. BOX 8338**<br><br>**KUMASI** | **10/08/04** | 93.9MHZ | **ON AIR** | | **ACCRA** | **COMMERCIAL FM** |
| | **LITE FM STATION LIMITED**<br><br>(GREAT FM)<br><br>**P. O. BOX 320**<br><br>**ACCRA**<br><br>**TEL: 021-401029**<br><br>**FAX: 021-411625**<br><br>**EMAIL: MEDALLION@MAIL.COM** | **07/06/04** | 91.3MHZ | **ON AIR** | | **ACCRA** | **COMMERCIAL FM** |

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| | **BELL COMMUNICATIONS LIMITED**<br>(ASEMPA FM)<br>**P. O. BOX 17013**<br>**ACCRA-NORTH** | **11/04/05** | 94.7MHZ | **ON AIR** | | **ACCRA** | **COMMERCIAL FM** |
| | **OMAN FM LIMITED**<br>**P.O.BOX 191**<br>**BURMA CAMP**<br>**ACCRA** | **6-12-06** | 107.1MHZ | **ON AIR** | | **ACCRA** | **COMMERCIAL FM** |
| | **CULTURE IN THE NEIGHBORHOOD**<br>**P. O.BOX 10117**<br>**ACCRA-NORTH** | **30/07/07** | 105.1MHZ | **ON AIR** | | **POKUASE** | **COMMUNITY FM** |
| | **SWEET MELODIES FM LTD. (FORMERLY FAMILY LTD.)**<br>**P.O. BOX 3903**<br>**ACCRA** | **31-03-08** | 94.3MHZ | **ON AIR** | | **ACCRA** | **COMMERCIAL FM** |
| | **K & N INVESTMENTS LTD.**<br>(Y-FM)<br>**P.O BOX CT 5976**<br>**CANTONMENTS, ACCRA** | **MARCH 18, 2008** | 107.9MHZ | **ON AIR** | | **CANTONMENTS, ACCRA** | **COMMERCIAL FM** |
| | **SENA RADIO LIMITED**<br>**P.O.BOX 582**<br>**ASHIAMAN,TEMA** | **04-06-08** | 104.7MHZ | **ON AIR** | | **ASHIAMAN** | **COMMERCIAL FM** |

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| | **PARADISE VISION ESTATES LTD.** (OKAY FM) | **28-10-08** | 101.7 MHZ | **ON AIR** | | **ACCRA** | **COMMERCIAL FM** |
| | **CONSUMER ADVOCACY CENTRE**<br><br>**P. O. BOX 1158**<br><br>**T/N ESTATES, ACCRA** | **5/07/2010** | 93.5MHZ | | **NOT ON AIR** | **KROWOR** | **COMMUNITY FM** |
| | **ZEE-ZEE FM RADIO COMPANY LTD.** | **13/08/2010** | 100.1MHZ | | **NOT ON AIR** | **ACCRA** | **COMMERCIAL FM** |
| | **MARHABA MULTIMEDIA LIMITED.**<br><br>**P. O. BOX ML 443**<br><br>**MALLAM, ACCRA** | **15 – 02 - 2011** | 99.3MHZ | | **NOT ON AIR** | **NIMA, ACCRA** | **COMMERCIAL FM** |
| | **VALLEY VIEW UNIVERSITY**<br><br>**P. O. BOX AF 595**<br><br>**ADENTA - ACCRA** | **15 – 02 - 2011** | 97.7MHZ | | **NOT ON AIR** | **ACCRA** | **CAMPUS, FM** |
| | **XYZ BROADCASTING LIMITED**<br><br>**P. O. BOX CT 418**<br><br>**CANTONMENTS**<br><br>**ACCRA**<br><br>**TEL: 233 20 813 4089**<br><br>**EMAIL: XYZBROAD@YAHOO.COM** | **9 – 05 - 2011** | 93.1MHZ | | **NOT ON AIR** | **OSU, ACCRA** | **COMMERCIAL FM** |

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| | **THE BOARD SECRETARY**<br><br>**PRIMETIME MEDIA INVESTMENT LIMITED**<br><br>**P. O. BOX CT 1206**<br><br>**CANTONMENT ACCRA**<br><br>**TEL: 0302224324** | **9 – 05 - 2011** | 89.1MHZ | | **NOT ON AIR** | **EAST LEGON** | **COMMERCIAL FM** |
| | **AMANIE COMMUNITY RADIO STATION**<br><br>**P. O. BOX 4097**<br><br>**LATEBIOKORSHI, ACCRA**<br><br>**TEL: 0244699680** | **21 – 07 - 2011** | 88.3MHZ | | **NOT ON AIR** | **LATERBIOKORSHI** | **COMMUNITY FM** |
| | **LATENU DEVELOPMENT ASSOCIATION**<br><br>**(LA-COMMUNITY RADIO FM)**<br><br>**P. O. BOX LA 92**<br><br>**TEL:020-8120236** | **21 – 07 - 2011** | 102.7MHZ | | **NOT ON AIR** | **LA, TESHIE & NUNGUA** | **COMMUNITY FM** |
| | **KLASS IMPRESSIONS GROUP**<br><br>**(KLASS FM)**<br><br>**P. O. BOX KN2049**<br><br>**KANESHIE, ACCRA** | **9 – 08 - 2011** | 96.9MHZ | | **NOT ON AIR** | **ATIMPOKU** | **COMMERCIAL FM** |
| | **AD-LIBS MULTIMEDIA CO. LTD.**<br><br>**P.O. BOX 3739**<br><br>**ACCRA** | **4 – 08 - 2011** | 90.9MHZ | | **NOT ON AIR** | **AIRPORT RESIDENTIAL AREA** | **COMMERCIAL FM** |

## ASHANTI REGION

| S/N | NAME AND ADDRESS OF COMPANY | DATE OF AUTHORISATION | ASSIGNED FREQUENCY | ON AIR | NOT ON AIR | LOCATION (TOWN/CITY) | TYPE OF STATION |
|---|---|---|---|---|---|---|---|
| | GHANABROADCASTING CORPORATION.<br>(GARDEN CITY RADIO)<br>C/O BOX 1633, ACCRA<br>TEL:051-22331/22332<br>FAX:051-22050<br>EMAIL:051-27432 | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 92.1 MHZ | ON AIR | | **KUMASI** | **PUBLIC FM** |
| | GHANA BROADCASTING CORPORATION.<br>C/O BOX 1633, ACCRA<br>TEL:051-22331/22332<br>FAX:051-22050<br>EMAIL:051-27432 | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 95.7MHZ | ON AIR | | KUMASI | PUBLIC FM |
| | GHANA BROADCASTING CORPORATION.<br>C/O BOX 1633, ACCRA<br>TEL:051-22331/22332<br>FAX:051-22050<br>EMAIL:051-27432 | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 94.3 MHZ | ON AIR | | OBUASI | PUBLIC FM |

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| | GHANA BROADCASTING CORPORATION.<br>C/O BOX 1633, ACCRA<br>TEL:051-22331/22332<br>FAX:051-22050<br>EMAIL:051-27432 | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 89.9 MHZ | ON AIR | | JAMESI | PUBLIC FM |
| | OTEC LIMITED.<br>(OTEC FM)<br>BOX 2665, KUMASI<br>TEL:051-26383/27433<br>FAX:051-274432<br>EMAIL: | 30 – 09 – 96 | 102.9 MHZ | ON AIR | | KUMASI | COMMERCIAL FM |
| | IMPERIAL BROADCASTING CORPORATION.<br>(KAPITAL RADIO)<br>BOX 560, KUMASI<br>TEL:<br>FAX:<br>EMAIL: | 19 – 09 – 96 | 97.1 MHZ | ON AIR | | KUMASI | COMMERCIAL FM |
| | NEW MERCURY BROADCASTING LTD. (NEW MERCURY FM)<br>BOX SS157, KUMASI<br>TEL:<br>FAX:<br>EMAIL: | 14 - 05 - 97 | 91.5 MHZ | ON AIR | | KUMASI | COMMERCIAL FM |

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| | F-GAINT LIMITED.<br>(FOX FM)<br>BOX 5867, KUMASI<br>TEL:<br>FAX:<br>EMAIL: | 27 – 05 – 98 | 97.9 MHZ | ON AIR | | KUMASI | **COMMERCIAL FM** |
| | MULTIMEDIA BROADCASTING COMPANY.<br>(LUV FM)<br>BOX 17207, ACCRA<br>TEL:<br>FAX:<br>EMAIL: | NO OFFICIAL AUTHORISATION (PARTNERSHIP WITH GBC ) | 99.5 MHZ | ON AIR | | KUMASI | **COMMERCIAL FM** |
| | KNUST,<br>UNIV.<br>(RADIO FOCUS)<br>POST OFFICE<br>TEL:051-23137/23534<br>FAX:051-23137<br>EMAIL: | 24 – 09 – 90 | 94.3 MHZ | ON AIR | | KUMASI | **CAMPUS FM** |

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| | ADANSI COMMUNICATIONS NETWORK LTD.<br>(SHAFT FM)<br>BOX 32, OBUASI<br>TEL:0582-403<br>FAX:<br>EMAIL: | 28 – 04 – 98 | 98.1 MHZ | | ON AIR | | OBUASI | COMMERCIAL FM |
| | STARCOM BROADCASTING LIMITED.<br>(SPIRIT FM)<br>BOX A 575, LA<br>TEL:770344<br>FAX:<br>EMAIL: | | 23 – 11 – 95 | 88.3 MHZ | ON AIR | | KUMASI | COMMERCIAL FM |
| | NHYIRA MEDIA LIMITED<br>(NHYIRA FM)<br>P. O. BOX 17207<br>ACCRA<br>TEL: | | 6-AUG-1999 | 104.5 MHZ | ON AIR | | KUMASI | COMMERCIAL FM |

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| | COMBINE HOUSE OF MUSIC<br>(ASHH FM)<br>BOX 560, K.I.A<br>TEL:<br>FAX:<br>EMAIL: | 21-11-96 | 101.1 MHZ | ON AIR | | KUMASI | COMMERCIAL FM |
| | ZURIA FM LTD.<br>(ZURIA FM)<br>C/O BOX 40<br>R7 RAILWAYS, KUMASI<br>0181-6651995 | 13-02-02 | 88.7 MHZ | ON AIR | | KUMASI | COMMERCIAL FM |
| | MIGHTY RADIO<br>P. O. BOX 112<br>MAMPONG, ASHANTI<br>TEL;<br>FAX: | 13-02-02 | 91.1 MHZ | ON AIR | | MAMPONG | COMMERCIAL FM |
| | UNIVERSITY COLLEGE OF EDUCATION, KUMASI CAMPUS<br>P. O. BOX 1277, ACCRA<br>TEL 051 50331<br>FAX: 051 50039 | 02-09-02 | 105.1 MHZ | ON AIR | | KUMASI CAMPUS | CAMPUS FM |
| | E. I. B. NETWORK (GH) LIMITED<br>P. O. BOX 15084<br>ACCRA-NORTH<br>TEL:024-324066<br>FAX:021-7012005 | 28-02-02 | 106.9 MHZ | | NOT ON AIR | KUMASI | COMMERCIAL FM |

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|---|---|---|---|---|---|---|---|
| | SEKYERE FM<br><br>P. O. BOX 16<br><br>ASOTWRE-ASANTI | 18-06-02 | 94.1 MHZ | ON AIR | | EFFIDUASI | COMMERCIAL FM |
| | KWAME YEBOA FRIMPONG LTD. (FAITH FM) FORMERLY (VIRGIN FOREST FM)<br><br>(VIRGIN CITY FM)<br>P. O. BOX AN 354<br><br>ACHIMOTA, ACCRA<br><br>TEL.: 0531-24004 / 24055<br><br>FAX: 0531-24075 | 29-07-02 | 105.3 MHZ | ON AIR | | KONONGO | COMMERCIAL FM |
| | ALLIANCE FRANCAISE D'KUMASI (RFI)<br><br>FRENCH COUNSELLOR FOR COOPERATION, AMBASSADE DE FRANCE, ACCRA | 30-07-02 | 92.9 MHZ | ON AIR | | KUMASI | PUBLIC(FOREIGN) |
| | NKOSUO RADIO LTD.<br><br>P. O. BOX KS113645<br><br>KUMASI | 24-06-02 | 95.3 MHZ | ON AIR | | KUMASI | COMMERCIAL FM |
| | AHENEMMA RADIO (GH) LIMITED<br><br>NOW FREEDOM FM LTD. FREEDOM FM<br><br>P. O. BOX 1369<br><br>KUMASI<br><br>TEL: 5130056/ 020-8114268 | 28-06-02 | 87.9 MHZ | ON AIR | | NKWOTWIMA | COMMERCIAL FM |
| | NEAT FM COMPANY LTD.<br><br>(HELLO FM)<br><br>P. O. BOX 17470<br><br>ACCRA | 12-08-02 | 101.5 MHZ | ON AIR | | KUMASI | COMMERCIAL FM |

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| | DULCET BROADCASTING LIMITED (KINGS FM)<br>P. O. BOX 3927<br>KONONGO | 04-03-02 | 100.3 MHZ | ON AIR | | KONONGO | COMMERCIAL FM |
| | JET FM<br>P. O. BOX 7460<br>KUMASI | 17-09-03 | 94.9MHZ | ON AIR | | OLD TAFO | COMMERCIAL FM |
| | WAMYARK COMPANY LIMITED<br>KESSEWA FM<br>P. O. BOX 4756<br>KUMASI<br>TEL: 051-23535 / 30341<br>FAX: 233-51-30341 | 18-09-03 | 94.5MHZ | ON AIR | | ANWIAM | COMMERCIAL FM |
| | MEDIACAST LTD.<br>P.O.BOX CT 5976,<br>CANTOMENTS,<br>ACCRA. | 20-10-06 | 101.1MHZ<br>CHANGED TO<br>102.5MHZ<br>13/03/2008 | ON AIR | | KUMASI | COMMERCIAL FM |
| | BOSS FM<br>P. O. BOX 118,<br>ACCRA | 15-09-03 | 93.7MHZ | ON AIR | | KUMASI | COMMERCIAL FM |
| | KESSBEN FM LIMITED<br>(KESS FM)<br>P. O. BOX……..<br>KUMASI | 07-04-04 | 93.3MHZ | ON AIR | | KUMASI | COMMERCIAL FM |

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| | ETWIE COMPANY LIMITED<br>ASEMPA RADIO<br>P. O. BOX 157<br>AGOGO - ASHANTI REGION | 12-06-04 | 103.1MHZ | ON AIR | | AGOGO | COMMERCIAL FM |
| | JEM BOAT COMMUNICATIONS LTD.<br>P. O. BOX KS 11523<br>KUMASI | 07-04-05 | 105.7MHZ | ON AIR | | KUNTENASE, ATWIMA KWANWOMA DISTRICT | COMMERCIAL FM |
| | NANA AKOSUA OFORIWAA & COMPANY LTD.<br>RADIO FIRST DOVE<br>P.O.BOX KW 206<br>KWADASO -KUMASI | 28-11-02 | 89.5MHZ | ON AIR | | KUMASI | COMMERCIAL FM |
| | YCOM GHANA LTD.<br>(NOW ANGEL FM)<br>P.O.BOX 11998<br>ACCRA NORTH | 9-01-03 | 96.1MHZ | ON AIR | | KUMASI | COMMERCIAL FM |
| | JAKWAPO EXPRESS LIMITED<br>(SOLID FM)<br>P.O.BOX M 90,<br>SUAME , KUMASI | 23-05-05 | 103.7MHZ | ON AIR | | KUMASI | COMMERCIAL FM |

## WESTERN REGION

| S/N | NAME AND ADDRESS | DATE OF AUTHORISATION | ASSIGNED FREQUENCY | ON AIR | NOT ON AIR | LOCATION (TOWN/CITY) | TYPE OF STATION |
|---|---|---|---|---|---|---|---|
| | GHANA BROADCASTING CORPORATION.<br>(TWIN CITY FM)<br>BOX 1633,ACCRA<br>TEL:031-229887-8<br>FAX:031-23443<br>EMAIL: | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 94.7 MHZ | ON AIR | | SEKONDI | PUBLIC FM |
| | GHANA BROADCASTING CORPORATION.<br>C/O BOX 1633<br>ACCRA | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 88.1 MHZ | ON AIR | | TARKWA | PUBLIC FM |
| | GHANA BROADCASTING CORPORATION.<br>C/O BOX 1633<br>ACCRA | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 94.9 MHZ | ON AIR | | ENCHI | PUBLIC FM |
| | GHANA BROADCASTING CORPORATION.<br>(TWIN CITY RADIO)<br>C/O BOX 1633<br>ACCRA | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 95.1 MHZ | ON AIR | | OSEIKOJOKROM | PUBLIC FM |

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| | TARKWA KNUST SCHOOL OF MINES,<br>(DYNAMITE FM)<br>BOX 237, TARKWA<br>TEL:<br>FAX:<br>EMAIL: | 1 – 04 – 97 | 88.9 MHZ | ON AIR | | TARKWA | CAMPUS FM |
| | WILSAD SUPPORT PROMOTIONS SERVICES<br>(SKYY POWER)<br>SKY HOUSE, 19/20 WEST FIJAI<br>BOX 1231, TAKORADI<br>TEL:031-23283/22433<br>FAX:031-26299/25299<br>MOBILE: 020-2002217 | 2 – 05 – 97 | 93.5 MHZ | ON AIR | | TAKORADI | COMMERCIAL FM |
| | MEDIACAST LTD.<br>P.O.BOX CT 5976,<br>CANTOMENTS,<br>ACCRA. | 20-10-06 | 97.9MHZ | ON AIR | | TAKORADI | COMMERCIAL FM |

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| | RADIO MAXX<br>(FORMERLY SUNSHINE RADIO),<br>(RADIO MAXX)<br>P. O. BOX MC 1052, TAKORADI<br>TEL:031-30597/ 26858/21866/<br>024-527089<br>E-MAIL: RADIO_MAXX105@YAHOO.CO.UK<br>FAX: 407774 | 28-07-95 | 105.1 MHZ | ON AIR | | TAKORADI | COMMERCIAL FM |
| | SAMETRO CO. LTD.<br>(SPACE FM)<br>P. O. BOX 151<br>TARKWA<br>TEL: 362-20617/8<br>FAX 20491 | 13-02-02 | 87.7 MHZ | ON AIR | | TARKWA | COMMERCIAL FM |
| | GOODNEWS FM GHANA LTIMITED (GOODNEWS FM)<br>P. O. BOX M/C1645<br>TAKORADI<br>TEL; 031-24888<br>FAX: 031-28688 | 07-10-02 | 96.3 MHZ | ON AIR | | TAKORADI | COMMERCIAL FM |
| | SUNRISE NETWORK LTD. (LIBERTY FM)<br>P. O. BOX 223<br>SEFWI-WIAWSO<br>WESTERN REGION<br>TEL: 027-564853 | 29-07-02 | 92.7 MHZ | ON AIR | | SEFWI WIASO | COMMERCIAL FM |

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|---|---|---|---|---|---|---|---|
| | WESTERN SALAM COMM. & BUSINESS CENTRE<br>(KYZZ FM)<br>P. O. BOX MC 185<br>TAKORADI | 24-06-02 | 89.7 MHZ | ON AIR | | TAKORADI | COMMERCIAL FM |
| | ANKOBRA MEDIALINK CO. LTD. (ANKOBRA FM)<br>P. O. BOX 12160<br>ACCRA<br>TEL: 0342-22313<br>021-501216 | 12-02-02 | 101.9 MHZ | ON AIR | | AXIM | COMMERCIAL FM |
| | BLACK ‘’M” COMPANY LTD. (ROK FM)<br>P. O. BOX 15295<br>ACCRA-NORTH<br>TEL: 021-230372/779912 | 12-02-02 | 98.7 MHZ | ON AIR | | TAKORADI | COMMERCIAL FM |
| | RADIO RAINBOW LTD.<br>(RADIO RAINBOW)<br>P. O. BOX 1<br>JUABESO-BIA DISTRICT ASSEMBLY<br>WESTERN REGION | 17-18-06 | 107.7MHZ | ON AIR | | JUABESO BIA | COMMERCIAL FM |
| | ATWIMA MULTI COMM. LTD.<br>(ADEHYEE FM)<br>P. O. BOX 42<br>BIBIANI W/R | 04-01-01 | 100.3 MHZ | ON AIR | | BIBIANI | COMMERCIAL FM |

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| | FLAVOUR AND BASE LTD.<br>(FORMERLY BLUEWAVE)<br>(SPICE FM)<br>15/3 LIBERATION ROAD<br>P. O. BOX 1282<br>TAKORADI | 31-05-02 | 91.9 MHZ | ON AIR | | TAKORADI | COMMERCIAL FM |
| | SUPERMAX MEDIA COMPANY LTD.<br>(MAX FM)<br>P. O. BOX 1495<br>SUNYANI | 04-12-02 | 102.7MHZ | ON AIR | | ENCHI | COMMERCIAL FM |
| | MELODY BROADCASTING COMPANY LIMITED<br>(MELODY FM)<br>P. O. BOX GP 14771<br>ACCRA | 11-05-04 | 91.1MHZ | ON AIR | | TAKORADI | COMMERCIAL FM |
| | WASSA-AOWIN ENTERPRISES LIMITED<br>(BEST FM)<br>P. O. BOX 10488<br>ACCRA-NORTH | 21-04-04 | 90.5MHZ | ON AIR | | ENCHI | COMMERCIAL FM |
| | OWASACOMA<br>(NOW VISION FM)<br>(FORMERLY CHAMPION FM)<br>P. O. BOX 8<br>SEFWI ESSAM-DEBISO<br>WESTERN REGION | 21-04-04 | 102.7MHZ | ON AIR | | DEBISO-JUABESO BIA DISTRICT | COMMERCIAL FM |

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| | TRICKIE FM RADIO STATION (TRICKIE FM)<br>P.O.BOX 9<br>ENCHI | 5-12-02 | 99.5MHZ | ON AIR | | ENCHI | COMMERCIAL FM |
| | PURE GROUP LTD. (PURE FM) P.O.BOX 433<br>TARKWA<br>WESTERN REGION | MARCH 12, 2008 | 95.3MHZ | ON AIR | | TARKWA | COMMERCIAL FM |
| | UNIVERSAL MEDIA LTD –(DE BEAT FM)<br>P. O. BOX 10493, KUMASI | 10/09/07 | 95.5MHZ | ON AIR | | SEFWI-ASANWENSO | COMMERCIAL FM |
| | GRAY EXPRESS SERVICES LTD. (BEACH FM)<br>P. O. BOX A 16501, AIRPORT, ACCRA | 4/06/08 | 105.5MHZ | ON AIR | | SHAMA AHANTA | COMMERCIAL FM |
| | HELP FM. GH. LTD.<br>(HELP FM)<br>P. O. BOX A 1089<br>CAPE COAST | 25/06/08 | 103.9MHZ | ON AIR | | SEKONDI/TAKORADI | COMMERCIAL FM |
| | TRUST MEDIA LIMITED<br>(ASEDA FM)<br>64/1 KITSON AVENUE<br>P. O. BOX TD 162<br>TAKORADI | 15-12-08 | 105.9MHZ | ON AIR | | TAKORADI | COMMERCIAL FM |
| | PARAGON INVESTMENTS (GH) LTD.<br>OLD KINGSWAY BUILDING<br>P. O. BOX 0932<br>TAKORADI | 4- 08 - 2009 | 99.9MHZ | | NOT ON AIR | TAKORADI | COMMERCIAL FM |

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|---|---|---|---|---|---|---|---|
| | B.B.C. WORLD SERVICES<br>BUSH HOUSE, ROOM 426CB 4PH LONDON | 16/09/2010 | 104.7MHZ | | NOT ON AIR | SEKONDI/TAKORADI | PUBLIC (FOREIGN) |
| | KASAPREKO FM<br>P.O. BOX 10<br>WASSA – AKROPONG<br>TEL NO: 0249272312 | 21 – 07 - 2011 | 90.5MHZ | | NOT ON AIR | WASSA-AKROPONG | COMMUNITY FM |
| | ESEMAMAN DEVELOPMENT ASSOCIATION<br>(RADIO SHAMA)<br>C/O P.O. BOX 27<br>SHAMA, WESTERN REGION | 10 – 08 - 2011 | 92.9 MHZ | | NOT ON AIR | SHAMA | COMMUNITY FM |
| | 1962 MEDIA INVESTMENT LTD.<br>P.O. BOX 2<br>ESSAM BIA DISTRICT<br>WESTERN REGION | 27 – 7 - 2011 | 104.9 MHZ | | NOT ON AIR | ESSAM, BIA DISTRICT | COMMERCIAL FM |

## CENTRAL REGION

| S/N | NAME AND ADDRESS | DATE OF AUTHORISATION | ASSIGNED FREQUENCY | ON AIR | NOT ON AIR | LOCATION (TOWN/CITY) | TYPE OF STATION |
|---|---|---|---|---|---|---|---|
| 1. | GHANA BROADCASTING CORPORATION.<br>(RADIO CENTRAL)<br>BOX 1633, ACCRA<br>TEL :<br>FAX :<br>EMAIL : | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 92.5 MHZ | ON AIR | | CAPE COAST | PUBLIC FM |
| 2. | GHANA BROADCASTING CORPORATION.<br>(SWEDRU RADIO)<br>BOX 1633, ACCRA<br>TEL : 041-32237<br>FAX :041-32800<br>EMAIL : | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 98.7 MHZ | ON AIR | | SWEDRU | PUBLIC FM |
| 3. . | GHANA BROADCASTING CORPORATION.<br>(TWIN CITY RADIO)<br>C/O BOX 1633, ACCRA | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 91.3 MHZ | ON AIR | | ASSIN FOSU | PUBLIC FM |

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| 4. | COMMUNITY RURAL INDEPENDENT STATION.<br>(RADIO PEACE)<br>BOX 373, DANSOMAN<br>TEL :<br>FAX : | 8 – 08 – 96 | 88.9 MHZ | ON AIR | | WINNEBA | COMMUNITY FM |
| 5. | UNIVERSITY COLLEGE OF WINNEBA, (RADIO WINDY BAY)<br>BOX 25, WINNEBA<br>TEL :0432-22449/33449<br>FAX : | NO OFFICIAL AUTHORISATION | 98.3 MHZ | ON AIR | | WINNEBA | CAMPUS FM |
| 6. | MEDIACAST LTD.<br>P.O.BOX CT 5976,<br>CANTOMENTS,<br>ACCRA. | 20-10-06 | 90.9MHZ | ON AIR | | CAPE COAST | COMMERCIAL FM |
| 7. | GOLDEN STAR FM BROADCASTING CO.LTD.<br>PMB, AGONA SWEDRU | | 89.3MHZ | ON AIR | | SWEDRU | COMMERCIAL FM |
| 8. | UNIVERSITY OF CAPE COAST.<br>(ATL FM)<br>UNIV. POST OFFICE<br>TEL :042-32440<br>FAX :042-34612 | 04-11-97 | 100.5 MHZ | ON AIR | | CAPE COAST | CAMPUS FM |
| 9. | YAW ASAMOAH & SONS<br>(SPARK FM)<br>P. O. BOX 2333<br>DUNKWA-ON-OFFIN | 04-03-02 | 103.5 MHZ | ON AIR | | DUNKWA-ON-OFFIN | COMMERCIAL FM |

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| 10. | COCONUT GROOVE BEACH RESORT & CONFERENCE CENTRE<br>P. O. BOX 175<br>ELMINA<br>TEL: 042-33648/33637 | 19-08-02 | 99.5 MHZ | ON AIR | | ELMINA | COMMERCIAL FM |
| 11. | YESTERDAY''S PAL COMPANY LIMITED<br>(YES FM)<br>P. O. BOX UC 153<br>CAPECOAST, TEL: 042-31013<br>EMAIL: YESTERDAYPAL"@YAHOO.CO.UK | 05-07-02 | 102.9 MHZ | ON AIR | | CAPE COAST | COMMERCIAL FM |
| 12. | PINK PANTHER ENTERPRISE LIMITED (PINK 96.9)<br>P.O.BOX 3142<br>KUMASI | 1 NOV 2006 | 96.9MHZ | ON AIR | | KASOA | COMMERCIAL FM |
| 13. | CAPE COAST POLYTECHNIC<br>(EAGLE FM)<br>P. O. BOX AD 50<br>CAPE COAST | 11-05-04 | 87.7MHZ | ON AIR | | CAPE COAST POLY<br>CAMPUS | CAMPUS FM |
| 14. | KANTINKA FM LTD (KANTINKA FM)<br>P.O. BOX 19114<br>ACCRA-NORTH | 20-02-2008 | 97.7MHZ | ON AIR | | AGONA SWEDRU | COMMERCIAL FM |

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| 15. | ADOM NE ASEDA FOUNDATION<br>(EPADAC)<br>(HOPE FM)<br>P.O. BOX 162<br>BREMAN ASIKUMA | APRIL 11, 2008 | 99.9 MHZ | ON AIR | | BREMAN ASIKUMA IN THE CENTRAL REGION | COMMUNITY FM |
| 16. | BISEASE DEVELOPMENT ASSOCIATION (BREEZY FM)<br>P.O.BOX AN 7917<br>ACCRA | 11/09/07 | 105.3MHZ | ON AIR | | AJUMAKO BISEASE | COMMUNITY FM |
| 17. | WOMAN IN THE LORD'S VINEYARD<br>(ARISE FM)<br>P.O.BOX CS 8045<br>TEMA | 4/06/08 | 87.7MHZ | ON AIR | | TWIFO PRASO | COMMUNITY FM |
| 18. | SOLAR FM C/O BEETLE STAR COMPANY LIMITED<br>P.O.BOX 33<br>DUNKWA-ON-OFFIN | 21-01-09 | 91.3MHZ | ON AIR | | DUNKWA-ON-OFFIN | COMMERCIAL FM |
| 19. | THEOVISION INTERNATIONAL (ASEDA FM)<br>P.O. BOX GP 13993<br>ACCRA | 09-02-09 | 88.1MHZ | ON AIR | | ASSIN FOSU | COMMERCIAL FM |
| 20. | ASAFO BESOUN ORGANISATION (NGO)<br>P. O. BOX 282,<br>ELMINA | 24/03/2009 | 99.1MHZ | | NOT ON AIR | ELMINA | COMMUNITY FM |

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| 21. | DEAR MAMA JOINT LIMITED<br>P. O. BOX MS 446 MILE 7<br>NEW ACHIMOTA, ACCRA | 5/07/2010 | 89.9MHZ | | NOT ON AIR | KASOA | COMMERCIAL FM |
| 22. | OBREMPON FM<br>C/O P. O.BOX 722<br>AGONA SWEDRU<br>CENTRAL REGION | 13-04-11 | 91.7MHZ | | NOT ON AIR | AGONA SWEDRU | COMMERCIAL FM |
| 23. | RAINBOW RADIO BROADCASTING STATION<br>P.O. BOX 491<br>DUNKWA-ON-OFFIN<br>CENTRAL REGION | 27 – 7 - 2011 | 88.5 MHZ | | NOT ON AIR | DUNKWA-ON-OFFIN | COMMERCIAL FM |

EASTERN REGION

| S/N | NAME AND ADDRESS | DATE OF AUTHORISATION | ASSIGNED FREQUENCY | ON AIR | NOT ON AIR | LOCATION (TOWN/CITY) | TYPE OF STATION |
|---|---|---|---|---|---|---|---|
| 1. | BIRIM YOUTH FOR ACTION.<br>(RADIO BIYAC)<br>BOX 4, AKIM ODA<br>TEL :0882-2368<br>FAX :0882-2369<br>EMAIL : | 11 – 07 – 1996 | 101.9 MHZ | ON AIR | | AKIM ODA | COMMERCIAL FM |

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|---|---|---|---|---|---|---|---|
| 2. | VOLTA RIVER AUTHORITY.<br>(HYDRO RADIO)<br>BOX M 77, ACCRA<br>TEL :<br>FAX :<br>EMAIL : | 12 – 09 –1996 | 90.7 MHZ | ON AIR | | AKOSOMBO | COMMERCIAL FM |
| 3. | FAWE GHANA CHAPTER<br>(FAWE FM)<br>P.O.BOX C1217<br>CANTOMENTS<br>ACCRA | 15-01-2003 | 105.9MHZ | ON AIR | | FOTOBI | COMMUNITY FM |
| 4. | EASTERN FM<br>(RADIO Z FM)<br>P. O. BOX 16509<br>K. I. A. ACCRA<br>TEL/FAX: 081-23480 | 22-08-1997 | 105.1 MHZ | ON AIR | | KOFORIDUA | COMMERCIAL FM |
| 5. | GHANA BROADCASTING CORPORATION.<br>C/O BOX 1633, ACCRA<br>TEL:051-22331/22332<br>FAX:051-22050<br>EMAIL:051-27432 | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 102.1 MHZ | ON AIR | | MPREASO | PUBLIC FM |
| 6. | G. B. C.<br>(SUNRISE FM)<br>P. O. BOX 1633<br>ACCRA | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 106.7 MHZ | ON AIR | | KOFORIDUA | PUBLIC FM |

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| 7. | NAFAK CO. LTD.<br>(LIFE FM)<br>P. O. BOX 162,<br>NKAWKAW | 06-08-1999 | 98.7 MHZ | ON AIR | | NKAWKAW | COMMERCIAL FM |
| 8. | OBUOBA FM LIMITED<br>(OBUOBA FM)<br>P. O. BOX K1, 16309<br>AIRPORT – ACCRA<br>TEL: 810938/810939<br>FAX: 810/400255<br>EMAIL: METALEX@IGHMAIL.COM | 29-07-2002 | 91.7 MHZ | ON AIR | | MPRAESO | COMMERCIAL FM |
| 9. | RADIO AFRAM PLAINS<br>(RAP FM)<br>C/O P. O. BOX 22<br>DONKORKROM<br>AFRAM PLAINS | 22-03-2005 | 107.7MHZ | ON AIR | | AFRAM PLAINS | COMMUNITY FM |
| 10. | KOFORIDUA POLYTECHNIC<br>STAR OF THE EAST<br>P.O.BOX 981 KOFORIDUA<br>TEL: 081-22890 | 31-05-2002 | 87.7MHZ | ON AIR | | KOFORIDUA | CAMPUS FM |

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| 11. | EVENTS & PROJECTS INTERNATIONAL LIMITED<br>(HI FM)<br>3, FIFTH CRESCENT, ASYLUM DOWN<br>P.O BOX KA 9244<br>AIRPORT, ACCRA | 04-02-2008 | 99.3MHZ | ON AIR | | MPRAESO-KWAHU IN THE EASTERN REGION | COMMERCIAL FM |
| 12. | GOODLIFE BORADCASTING COMPANY LIMITED<br>(GOODLIFE FM)<br>P.O. BOX SR52<br>SPINTEX ROAD,ACCRA | SEP-1-2008 | 105.5 | ON AIR | | OKORASE - KOFORIDUA | COMMERCIAL FM |
| 13. | OXZY PROMOTION (OXZY FM)<br>P.O. BOX OS 0600<br>OSU-ACCRA | APRIL 24, 2008 | 98.5 MHZ | ON AIR | | NSAWAM, IN THE EASTERN REGION | COMMERCIAL FM |
| 14. | RURAL GHANA-STRATFORD ON-AVON TRUST FOUNDATION (RADIO MOUNTAINS)<br>P.O. BOX CT 3494<br>CANTONMENTS, ACCRA | 22-08-2008 | 96.1MHZ | ON AIR | | ADUKROM-AKWAPIM IN THE EASTERN REGION | COMMUNITY FM |

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| 15. | THEOVISION INTERNATIONAL (NKONIM FM)<br>P.O. BOX GP 13993<br>ACCRA | 09-02-2009 | 93.5MHZ | ON AIR | | ASAMANKESE | COMMERCIAL FM |
| 16. | MEDIA MALL COMP. LTD.<br>(HILL TOP FM) | 2/19/ 2009 | 88.3MHZ | ON AIR | | MANFE AKUAPEM | COMMERCIAL FM |
| 17. | FMSL MULTI MEDIA<br>( RITE FM) | 24/06/2002 | 90.1MHZ | ON AIR | | SOMANYA | COMMERCIAL FM |
| 18. | FUTURE FM LIMITED<br>(FUTURE FM) | 24/09/2003 | 102.7MHZ | ON AIR | | AHWEREASE | COMMERCIAL FM |
| 19. | DIGITAL BROADCASTING | 28/01/2003 | 90.9MHZ | | NOT ON AIR | KOFORIDUA | COMMERCIAL FM |
| 20. | DENKYEMBOUR MEDIA LIMITED<br>AKWATIA | 28/10/2010 | 96.1MHZ | ON AIR | | AKWATIA | COMMERCIAL FM |
| 21. | EMAK MULTIMEDIA LTD.<br>(EMAK 97.7)<br>P.O. BOX KF455<br>KOFORIDUA | 17 – 01 - 2011 | 97.7MHZ | ON AIR | | KOFORIDUA | COMMERCIAL FM |
| 22. | FIRST EYE ENTERPRISE LIMITED.<br>P. O. BOX 18238<br>ACCRA | 20 – 12 - 2010 | 92.3MHZ | | NOT ON AIR | ADUKROM | COMMERCIAL FM |

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| 23. | A & C MEDIA FOUNDATION<br>BUNGALOW BEHIND LEARNING FIELD SCHOOL<br>P.O. BOX SU 497<br>SUHUM<br>EASTERN REGION | 4 – 08 - 2011 | 107.7MHZ | | NOT ON AIR | SUHUM | COMMUNITY FM |

## BRONG AHAFO REGION

| S/N | NAME AND ADDRESS | DATE OF AUTHORISATION | ASSIGNED FREQUENCY | ON AIR | NOT ON AIR | LOCATION (TOWN/CITY) | TYPE OF STATION |
|---|---|---|---|---|---|---|---|
| | GHANA BROADCASTING CORPORATION.<br>(RADIO BAR)<br>BOX 1633, ACCRA<br>TEL :<br>FAX :<br>EMAIL : | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 93.5 MHZ | ON AIR | | SUNYANI | PUBLIC FM |
| | GHANA BROADCASTING CORPORATION.<br>BOX 1633, ACCRA<br>TEL :<br>FAX :<br>EMAIL : | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 95.3 MHZ | ON AIR | | ATEBUBU | PUBLIC FM |

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| | GHANA BROADCASTING CORPORATION.<br><br>C/O BOX 1633, ACCRA | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 92.1 MHZ | ON AIR | | KETE KRACHI | PUBLIC FM |
| | GHANA BROADCASTING CORPORATION.<br><br>C/O BOX 1633, ACCRA | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 96.3 MHZ | ON AIR | | KINTAMPO | PUBLIC FM |
| | ASTA FM LTD.<br><br>(ASTA FM)<br><br>BOX 626, TECHIMAN<br><br>TEL :0653-22368<br><br>FAX :0653-22070<br><br>EMAIL : | 4 – 07 – 96 | 103.9 MHZ | ON AIR | | TECHIMAN | COMMERCIAL FM |
| | SKY BROADCASTING.<br><br>(SKY RADIO)<br><br>BOX 1215, SUNYANI<br><br>TEL :061-7097<br><br>FAX :<br><br>EMAIL : | 29 – 05 – 96 | 96.7 MHZ | ON AIR | | SUNYANI | COMMERCIAL FM |
| | GRACE FM LIMITED (GRACE FM)<br><br>P.O.BOX 93<br><br>ATEBUBU | 1-11-06 | 106.3MHZ | ON AIR | | ATEBUBU | COMMERCIAL FM |
| | STAR BUSINESS AND ENT. LIMITED (STAR FM)<br><br>P.O.BOX 5812<br><br>ATEBUBU | 2-11-06 | 89.7MHZ | ON AIR | | ATEBUBU | COMMERCIAL FM |

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| | CHRIS ELECTRONIC.<br>(CHRIS FM)<br>BOX 161, BEREKUM<br>TEL :0642-22052<br>FAX :<br>EMAIL : | 17 - 09 – 97 | 88.9 MHZ | ON AIR | | BEREKUM | COMMERCIAL FM |
| | AGYAPASEI NETWORK LTD<br>(SHALOM RADIO)<br>P. O. BOX 505<br>BEREKUM<br>TEL : 0642-22039<br>FAX :0642-22627<br>EMAIL :<br>SHALOMRADIO@YAHOO.COM | 20 – 03 – 98 | 100.3 MHZ | ON AIR | | BEREKUM | COMMERCIAL FM |
| | ADARS FM STATION,<br>(ADARS FM)<br>BOX 47, KINTAMPO<br>TEL :<br>FAX :<br>EMAIL : | 30 – 04 – 98 | 107.7 MHZ | ON AIR | | KINTAMPO | COMMERCIAL FM |
| | ROYAL FM.<br>(ROYAL FM)<br>BOX 41, WENCHI, B/A<br>TEL :<br>FAX :<br>EMAIL : | 23 - 08 - 99 | 101.5 MHZ | ON AIR | | WENCHI | COMMUNITY FM |

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| | FZC LIMITED<br><br>(FORMERLY FREDZAB BROADCASTING CO. LTD) (CLASSIC FM)<br><br>P. O. BOX 28<br><br>TECHIMAN<br><br>TEL: 0653-2283/22010<br>FAX 0653-22351 | 06-08-99 | 91.9 | ON AIR | | TECHIMAN | COMMERCIAL FM |
| | GLOBAL MEDIA PARTNERS LTD<br><br>(SPACE FM)<br><br>P. O. BOX 231<br><br>SUNYANI<br><br>TEL. 061 669631 | 27-12-01 | 87.7 MHZ | ON AIR | | SUNYANI | COMMERCIAL FM |
| | SUCCESS COMMUNICATIONS LTD.<br><br>(SUCCESS FM)<br><br>P. O. BOX 85<br><br>GOASO, B/A | 03-04-03 | 90.9 MHZ | ON AIR | | GOASO | COMMERCIAL FM |
| | ANCHOR FM LTD.<br><br>P.O.BOX 24<br><br>NKORANZA | 17-12-02 | 99.1MHZ | ON AIR | | NKORANZA | COMMERCIAL FM |
| | IN THE NAME OF JESUS CO. LTD.<br><br>(OMEGA FM)<br><br>P. O. BOX 27<br><br>DROBO | MAY-10-2002 | 94.9 MHZ | ON AIR | | DROBO | COMMERCIAL FM |

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| | NANANOM FM & COM. SERVICE LTD.<br>P. O. BOX 10<br>GOASO – B/A<br>TEL: 021-669631 | 08-03-02 | 92.5 MHZ | ON AIR | | GOASO | COMMERCIAL FM |
| | ATUMPAN COMMUNICATIONS LTD.<br>(GIFT FM)<br>P.O.BOX 101<br>DORMA-AHENKRO<br>BRONG AHAFO | 12-8-02 | 105.5 MHZ | ON AIR | | DORMA-AHENKRO | COMMERCIAL FM |
| | JERRYSON FM LTD.<br>P. O. BOX 32<br>SAMPA B/A | 5-8-99 | 99.9 MHZ | ON AIR | | NKORANZA | COMMERCIAL FM |
| | KATAKYIE AND KATAKYIE LIMITED<br>(ARK FM RADIO)<br>P. O. BOX KS 7004<br>KUMASI<br>FAX: 233-51-25743 | 17-09-03 | 100.7MHZ | ON AIR | | SUNYANI | COMMERCIAL FM |
| | YANKEE FM CO.LTD.<br>(YANKEE FM)<br>MARKET CIRCLE<br>P. O. BOX 43<br>SAMPA | 02-06-05 | 95.9 MHZ | ON AIR | | SAMPA | COMMERCIAL FM |

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| | MATELLO'S COMPANY LIMITED<br>KISS FM<br>P.O.BOX 219<br>BREKUM | 2-12-02 | 97.5MHZ | ON AIR | | DROBO | COMMERCIAL FM |
| | VIZEN FM LTD. VIZEN FM<br>P.O.BOX 60<br>CHIRAA-SUNYANI<br>BRONG AHAFO | MARCH 19, 2008 | 90.5MHZ | ON AIR | | CHIRAA-SUNYANI | COMMERCIAL FM |
| | ADEPA FM<br>(ADEPA FM)<br>16-18 BLOCK A<br>SECTOR 4N<br>P.O.BOX 380<br>TECHIMAN | 14/09/07 | 107.3MHZ | ON AIR | | TECHIMAN | COMMUNITY FM |
| | PROMISED TOUCH COMPANY LTD.<br>P. O. BOX 1178<br>SUNYANI<br>BRONG AHAFO REGION | 9 JANUARY, 2009 | 95.5MHZ | ON AIR | | ODUMASI-SUNYANI | COMMERCIAL FM |
| | SMILE FM LTD.<br>P.O.BOX PMB<br>BEREKUM, B/A | 12 JANUARY, 2009 | 93.1MHZ | ON AIR | | BEREKUM | COMMERCIAL FM |
| | FRANK MEDIA<br>P. O. BOX TM 380<br>TECHIMAN B/A | 13 JANUARY, 2009 | 91.3MHZ | ON AIR | | SUNYANI | COMMERCIAL FM |

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| | CENTER POINT RADIO<br>P.O.BOX MB 639<br>MINISTRIES POST OFFICE<br>ACCRA | 06-01-09 | 102.7MHZ | ON AIR | | KINTAMPO | COMMERCIAL FM |
| | DORMAA COMMUNITY RADIO | GOV. | 100.7MHZ | ON AIR | | DORMAA | COMMUNITY FM |
| | RADIO TONY<br>P.O. BOX 1167<br>SUNYANI-BRONG AHAFO | 23 – 06 - 2010 | 101.9MHZ | | NOT ON AIR | SUNYANI | COMMERCIAL FM |
| | NISSI TOWER CO. LTD<br>(TAIN FM LTD.)<br>C/O TAIN DISTRICT ASSEMBLY.<br>P. O. BOX 2<br>NSAWKAW, B/A | 15 – 02 - 2011 | 90.9MHZ | | NOT ON AIR | TAIN | COMMERCIAL FM |
| | AMAKOF COMMUNICATIONS & INVESTMENTS LTD.<br>AH 110, AHENBOBOANO<br>P. O. BOX 195, BEREKUM<br>BRONG AHAFO REGION | AUGUST 12, 2010 | 98.1MHZ | | NOT ON AIR | BEREKUM | COMMUNITY FM |

## VOLTA REGION

| S/N | NAME AND ADDRESS OF COMPANY | DATE OF AUTHORISATION | ASSIGNED FREQUENCY | ON AIR | NOT ON AIR | LOCATION (TOWN/CITY) | TYPE OF STATION |
|---|---|---|---|---|---|---|---|
| | GHANA BROADCASTING CORPORATION.<br>(VOLTA STAR RADIO)<br>BOX 1633, ACCRA: | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 91.5 MHZ | ON AIR | | HO | PUBLIC FM |
| | GHANA BROADCASTING CORPORATION.<br>C/O BOX 1633, ACCRA | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 95.5 MHZ | ON AIR | | KETE KRACHI | PUBLIC FM |
| | GHANA BROADCASTING CORPORATION.<br>C/O BOX 1633, ACCRA | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 97.7 MHZ | ON AIR | | AKATSI | PUBLIC FM |
| | HO POLYTECHNIC.<br>(VOLTA PREMIER FM)<br>BOX 217, HO<br>TEL : 091-456 | 29 - 04 – 96 | 98.1 MHZ | ON AIR | | HO | CAMPUS FM |
| | VOICE OF VOLTA NETWORK LTD.<br>P. O. BOX JT 57<br>JAMES TOWN<br>TEL : 021-781900 | 02-09-02 | 102.1 MHZ | ON AIR | | HO | COMMERCIAL FM |
| | AMLIMA ESTABLISHMENT LTD.<br>HOHOE, V/R | 04/03/2008 | 107.3MHZ | ON AIR | | HOHOE | COMMUNITY FM |

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|---|---|---|---|---|---|---|---|
| | VISION 3 COMMUNICATIONS LTD.<br><br>(JUBILEE RADIO)<br><br>NO. 10 NORTH RIDGE CRESCENT<br><br>P. O. BOX GP4509<br><br>ACCRA | 17-09-02 | 106.9 MHZ | ON AIR | | KETA | COMMERCIAL FM |
| | ADVOCATE FOR GENDER AND DEVELOPMENT INITIATIVE (AGDI) GHANA<br><br>(DAYI FM) P.O. BOX CT 2735<br><br>CANTONMENTS, ACCRA | 22/04/2008 | 89.7MHZ | | NOT ON AIR | ANFOEGA | COMMUNITY FM |
| | VIDOF (LORLORNYO FM)<br><br>P. O. BOX DC 63 DANSOMAN | 29/08/08 | 93.3MHZ | ON AIR | | HOHOE | COMMERCIAL FM |
| | HOLY FM<br><br>BOX AF 186<br><br>AFLAO | | 98.5MHZ | ON AIR | | AFLAO | COMMERCIAL FM |
| | TONGU COMMUNITY RADIO<br><br>BOX 91, SOGAKOPE | | | ON AIR | | TONGU | COMMUNITY FM |
| | VICTORY FM LIMITED<br><br>P. O. BOX AF 49<br><br>AFLAO, V/R | 7-10-09 | 96.1MHZ | | NOT ON AIR | AFLAO | COMMERCIAL FM |

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|---|---|---|---|---|---|---|---|
| | ABOCHANEL MEDIA GROUP LIMITED (DELA RADIO)<br><br>35 ABOTCHIE MANDELA, NORTH WEIJA, ACCRA | 20/07/2010 | 105.7MHZ | ON AIR | | ADIDOME | COMMERCIAL FM |
| | LIGHT COMMUNICATIONS & OTHER SERVICES (LIGHT FM)<br><br>BOX DE 185, DENU | 23/06/2010 | 101.1MHZ | ON AIR | | DENU | COMMERCIAL FM |
| | MULTI SYSTEMS PRESTIGE COMPANY LIMITED.<br><br>P. O. BOX 33, AKATSI<br><br>VOLTA REGION | 20/04/2011 | 96.9MHZ | | NOT ON AIR | AKATSI | COMMERCIAL FM |

## NORTHERN REGION

| S/N | NAME AND ADDRESS OF COMPANY | DATE OF AUTHORISATION | ASSIGNED FREQUENCY | ON AIR | NOT ON AIR | LOCATION (TOWN/CITY) | TYPE OF STATION |
|---|---|---|---|---|---|---|---|
| | GHANA BROADCASTING CORPORATION.<br><br>(RADIO SAVANNA)<br><br>BOX 1633, ACCRA<br><br>TEL :<br><br>FAX :<br><br>EMAIL : | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 91.3 MHZ | ON AIR | | TAMALE | PUBLIC FM |

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|---|---|---|---|---|---|---|---|
| | GHANA BROADCASTING CORPORATION.<br>C/O BOX 1633, ACCRA | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 92.9 MHZ | ON AIR | | YENDI | PUBLIC FM |
| | GHANA BROADCASTING CORPORATION.<br>C/O BOX 1633, ACCRA | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 93.1 MHZ | ON AIR | | BOLE | PUBLIC FM |
| | GHANA BROADCASTING CORPORATION.<br>C/O BOX 1633, ACCRA | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 92.7 MHZ | ON AIR | | DAMONGO | PUBLIC FM |
| | GHANA BROADCASTING CORPORATION.<br>C/O BOX 1633, ACCRA | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 88.9 MHZ | ON AIR | | SALAGA | PUBLIC FM |
| | GHANA BROADCASTING CORPORATION.<br>C/O BOX 1633, ACCRA | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 90.3 MHZ | ON AIR | | GAMBAGA | PUBLIC FM |
| | GHANA BROADCASTING CORPORATION.<br>C/O BOX 1633, ACCRA | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 88.5 MHZ | ON AIR | | BIMBILA | PUBLIC FM |
| | GHANA BROADCASTING CORPORATION.<br>C/O BOX 1633, ACCRA | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 96.1 MHZ | ON AIR | | | PUBLIC FM |
| | NORTHERN STAR FM LTD.<br>(NORTH STAR FM)<br>P. O. BOX 751<br>CANTONMENTS | 01-03-02 | 92.1 MHZ | ON AIR | | TAMALE | COMMERCIAL FM |

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|---|---|---|---|---|---|---|---|
| | ACAPELLA MEDIA CO. LTD. (FILLA FM)<br>P. O. BOX 1216<br>TAMALE<br>TEL: 071-221196<br>FAX: 071-22793 | 08-03-02 | 89.3 MHZ | ON AIR | | TAMALE | COMMERCIAL FM |
| | MAKENBA BROADCASTING CO. LTD.<br>(DIAMOND FM)<br>TEL: 233-71-23261<br>FAX: 233-71-23261 | 13-02-02 | 93.7 MHZ | ON AIR | | TAMALE | COMMERCIAL FM |
| | GHANAIAN DANISH COMMUNITIES ASSOCIATION(GDCA)<br>(RADIO SIMILI)<br>P.O.BOX TL 2211<br>TAMALE | 11-11-05 | 95.3MHZ | ON AIR | | TOLON/ KUMBUNGU | COMMUNITY FM |
| | RADIO JUSTICE<br>P.O.BOX 443<br>TAMALE | 20-02-03 | 98.5MHZ | ON AIR | | TAMALE | COMMERCIAL FM |
| | ZABZUGU LTD. (ZAA RADIO)<br>P. O. BOX 1489<br>TAMALE | 12 JAN 2009 | 99.3MHZ | | NOT ON AIR | TAMALE | COMMERCIAL FM |
| | BISHARA MULTI CONCEPTS (BISHARA RADIO) | 13 JAN 2009 | 97.7 | ON AIR | | TAMALE | COMMERCIAL FM |
| | KYIRFO MULTIMEDIA BROADCASTING INC | 13 JAN 2009 | 90.5MHZ | | NOT ON AIR | SAVELUGU | COMMERCIAL FM |

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|---|---|---|---|---|---|---|---|
| | RADIO FOR PEACE AND DEV.<br>P.O.BOX DM 78<br>DAMANGO | 17-09-08 | 95.1MHZ | | NOT ON AIR | DAMANGO | COMMUNITY FM |
| | NORTHERN DIAMOND COMM. LTD.,<br>26 DADEBAN ROAD,<br>KANESHIE P. O. BOX 8377<br>ACCRA NORTH | 9-01-2009 | 98.1MHZ | | NOT ON AIR | BUIPE | COMMERCIAL FM |
| | THEOVISION INTERNATIONAL<br>P.O.BOX GP 13993<br>ACCRA | 6-01-2009 | 88.3MHZ | ON AIR | | SABOBA | COMMUNITY RADIO |
| | TIZAABUNI MULTIMEDIA COMPANY LIMITED.<br>P. O.BOX 68<br>WALEWALE, NORTHERN REGION.<br>TEL: 233-715-22005<br>233-242-006-324 | 4-05-2011 | 94.1MHZ | | NOT ON AIR | WALEWALE | COMMERCIAL FM RADIO |
| | RADIO KITAWOLN (DAY BREAK)<br>P. O. BOX SB 42<br>SABOBA<br>NORTHERN REGION | 1-06-2011 | 95.7MHZ | | NOT ON AIR | SABOBA | COMMERCIAL FM RADIO |
| | FARICH COMPANY LIMITED<br>P. O. BOX 84<br>SALAGA, EAST GONJA<br>NORTHERN REGION | 13-06-2011 | 95.7MHZ | | NOT ON AIR | SALAGA, EAST GONJA | COMMERCIAL FM RADIO |

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|---|---|---|---|---|---|---|---|
| | TAWASUL MULTIMEDIA ASSOCIATION<br>P. O. BOX TL 207<br>TAMALE | 21 – 07 - 2011 | 95.7 MHZ | | NOT ON AIR | TAMALE | COMMUNITY FM RADIO |

## UPPER WEST REGION

| S/N | NAME AND ADDRESS OF COMPANY | DATE OF AUTHORISATION | ASSIGNED FREQUENCY | ON AIR | NOT ON AIR | LOCATION (TOWN/CITY) | TYPE STATION |
|---|---|---|---|---|---|---|---|
| | GHANA BROADCASTING CORPORATION.<br>(UW RADIO)<br>BOX 1633, ACCRA<br>TEL :0756-22024<br>FAX :<br>EMAIL : | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 90.1 MHZ | ON AIR | | HAN | PUBLIC FM |
| | GHANA BROADCASTING CORPORATION.<br>(UW RADIO)<br>BOX 1633, ACCRA<br>TEL : 0756-22024 | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 93.9 MHZ | ON AIR | | WA | PUBLIC FM |

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|---|---|---|---|---|---|---|---|
| | GHANA BROADCASTING CORPORATION<br>C/O BOX 1633, ACCRA<br>TEL:051-22331/22332<br>FAX:051-22050<br>EMAIL:051-27432 | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 98.9 MHZ | ON AIR | | HAN | PUBLIC FM |
| | MASS MEDIA FOR DEVELOPMENT.<br>(RADIO PROGRESS)<br>BOX …., WA | 3 - 05 – 96 | 98.1 MHZ | ON AIR | | WA | COMMUNITY FM |
| | FOUNDATION FOR RURAL EDUC. EMPOWERMENT AND DEV. (FREED)<br>P. O. BOX 43, NANDOM<br>TEL: 756-22959<br>FAX756-22959<br>EMAIL: FREED@GNAFREED.ORG | DEC-4-2003 | 92.3MHZ | ON AIR | | SISSALA DISTRICT | COMMUNITY FM |
| | MIIDAN EDUCATIONAL TRUST (RADFORD 107.5) | 13/12/07 | 107.5MHZ | ON AIR | | TUMU | COMMUNITY FM |
| | PASBAY DEVELOPMENT SERVICES LTD.<br>P. O. BOX 568<br>WA MUNICIPAL<br>UPPER WEST REGION | 21 – 07 - 2011 | 95.1 MHZ | | NOT ON AIR | WA | COMMUNITY FM |

## UPPER EAST REGION

| S/N | NAME AND ADDRESS OF COMPANY | DATE OF AUTHORISATION | ASSIGNED FREQUENCY | ON AIR | NOT ON AIR | LOCATION (TOWN/CITY) | TYPE STATION |
|---|---|---|---|---|---|---|---|
| | GHANA BROADCASTING CORPORATION.<br>BOX 1633, ACCRA<br>TEL : 072-3065/3066<br>FAX :<br>EMAIL : | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 89.7 MHZ | ON AIR | | BOLGA | PUBLIC FM |
| | GHANA BROADCASTING CORPORATION.<br>C/O BOX 1633, ACCRA<br>TEL:051-22331/22332<br>FAX:051-22050<br>EMAIL:051-27432 | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 93.7 MHZ | ON AIR | | BAWKU | PUBLIC FM |
| | GHANA BROADCASTING CORPORATION.<br>C/O BOX 1633, ACCRA<br>TEL:051-22331/22332<br>FAX:051-22050<br>EMAIL:051-27432 | NO OFFICIAL AUTHORISATION (GOVERNMENT) | 90.3 MHZ | ON AIR | | GAMBAGA | PUBLIC FM |
| | ZURIGALOO (NABIINA RADIO)<br>P. O. BOX 112<br>NAVRONGO<br>*COMMUNITY FM* | 15-5-06 | 90.7MHZ | ON AIR | | NAVRONGO<br>UPPER EAST | COMMUNITY FM |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | RADIO STYLE<br>P.O.BOX 595<br>BOLGA<br>U.E.R. | 28-02-02 | 99.3MHZ | ON AIR | | BOLGA | COMMERCIAL FM |
| | FOUNDATION FOR INTERGRATED AND STRATEGIC DEV'T<br>(RADIO BUILSA)<br>BUILSA DISTRICT<br>*COMMUNITY FM* | 08-01-08 | 106.5MHZ | ON AIR | | SANDEMA | COMMUNITY FM |
| | AGREED BEST COMMUNICATIONS LTD.(SUPER A ONE RADIO)<br>P.O.BOX 384<br>BOLGATANGA | 05/01/09 | 101.1MHZ | ON AIR | | BOLGA | COMMERCIAL FM |
| | UNIVERSITY FOR DEVELOPMENT STUDIES | 17 APRIL, 2009 | 95.1MHZ | | NOT ON AIR | NAVORONGO | CAMPUS FM |
| | RURAL WAVES NETWORK<br>BOX 729<br>BOLGATANGA | 3/19/2009 | 88.3MHZ | ON AIR | | ZUARUNGU<br>BOLGA | COMMUNITY FM |
| | RADIO BLISS COMP. LTD.<br>BOX 76<br>BAKWU, U.E.R | 20/05/2004 | 94.7MHZ | ON AIR | | BOLGATANGA | COMMERCIAL FM |
| | NORTH STAR RADIO<br>BOX TL577<br>TAMALE | | 91.5MHZ | | NOT ON AIR | BOLGA | COMMERCIAL |

**Appendix 8: National Communications Authority Summary of Tv Stations in Ghana**

**Number of Authorised TV Operators - 28**

**Number of Free on air TV Operators - 20**

**Number of pay per view TV Operators - 7**

**Authorised for research purposes - 1**

| No. | Name and Address Of Company | Type of Service | Area(s) of Operation |
|---|---|---|---|
| 1. | Ghana Broadcasting Corporation (GBC) - GTV | Free To Air Terrestrial | Nationwide |
| 2. | TV3NetworkLimited - TV3 | Free To Air Terrestrial | Greater Accra Eastern Western Central Ashanti Brong Ahafo |
| 3. | Metropolitan Entertainment | Free To Air Terrestrial | Nationwide (All ten regional capitals) |
| 4. | Television Africa Ltd. – TV Africa | Free To Air Terrestrial | Greater Accra Eastern Central Western Ashanti |
| 5. | Crystal Radio vision Network Ltd. – Crystal TV | Free To Air Terrestrial | Greater Accra Eastern |
| 6. | Multichoice Ghana - DSTV, DSTV Mobile | Pay TV Digital Satellite | Nationwide |
| | | Mobile TV (DVB-H) | Accra |

| | | | |
|---|---|---|---|
| 7. | CA TV Limited - Cable Gold | Pay TV<br>Cable | Accra/ Tema |
| 8. | Net 2 TV Limited - Net 2 TV | Free To Air<br>Terrestrial | Greater Accra, Eastern |
| 9. | Wilsad Support<br>Promotion Services - Skyy<br>Digital | Pay TV<br>DVB-T | Greater Accra, Eastern<br>Western, Ashanti |
| 10. | Independent TV<br>Limited | Free To Air<br>Terrestrial | Operational |
| 11. | K &N Investments<br>Limited - e-TV | Free To Air<br>Terrestrial | Greater Accra<br>Eastern |
| 12. | Multimedia<br>Broadcasting | Free To View Digital<br>Satellite | Nationwide |
| 13. | Viasat Broadcasting<br>Ltd. - Viasat 1 | Free To Air<br>Terrestrial | Greater Accra,<br>Eastern, |
| 14. | Three Angels Broadcasting<br>Network (3ABN) Ghana | Free To Air Terrestrial | Not yet on air |
| 15. | Black Star Television -Fon TV | Mobile TV (TDMB) | Greater Accra<br>Ashanti |
| 16. | Integrated Media<br>Xchange (IMX) | Free To Air<br>Terrestrial | Not yet onair |
| 17. | Multiple Concepts | Free To Air<br>Terrestrial | Operational |
| 18. | Smart Multimedia | Free To Air<br>Terrestrial | Not yet on air |
| 19. | The Cardinal<br>Foundation for | UHF | Operational |
| 20. | Centre for<br>Intercultural Learning Talent & | Free To Air<br>Terrestrial | Cape Coast |

| | | | |
|---|---|---|---|
| 21. | Great KOSA<br>Company Ltd. | Educational/Research station | Gomoa Mpota<br>Not Yet Operational |
| 22 | U2 Company Limited | Free To Air Digital Terrestrial | Nationwide<br>Not Yet Operational |
| 23. | Empire Broadcasting<br>Network | Free To Air<br>Terrestrial | Nationwide<br>Not Yet Operational |
| 24 | HBA TV & Communications Network Limited | Free To Air Satellite | Greater Accra<br>Not Yet Operational |
| 25 | Dawuro Digital Broadcasting | Direct – To – Home Satellite | Nationwide<br>Not Yet Operational |
| 26 | Orakle Advertising Limited | Free – On – Air | Northern Region<br>Not Yet Operational |
| 27 | City TV Limited - CTV | Free - To – Air | Ashanti Region<br>Not Yet Operational |
| 28 | Strong Digital Technologies Ltd | DTH Satellite | Accra |

Source: National Communications Authority (NCA) – emailed

[1] **Windhoek Declaration**

DECLARATION OF WINDHOEK ON PROMOTING AN INDEPENDENT AND PLURALISTIC AFRICAN PRESS, NAMIBIA, 1991

We the participants in the United Nations/United Nations Educational, Scientific and Cultural Organization Seminar on Promoting an Independent and Pluralistic African Press, held in Windhoek, Namibia, from 29 April to 3 May l99l,

Recalling the Universal Declaration of Human Rights,

Recalling General Assembly resolution 59(I) of 14 December 1946 stating that freedom of information is a fundamental human right, and General Assembly resolution 45/76 A of 11 December 1990 on information in service of humanity,

Recalling resolution 25C/104 of the General Conference of UNESCO of 1989 in which the main focus is the promotion of <>.

Noting with appreciation the statements made by the United Nations Under-Secretary-General for Public Information and the Assistant Director-General for Communication, Information and Informatics of UNESCO at the opening of the Seminar,

Expressing our sincere appreciation to the United Nations and UNESCO for organizing the Seminar,

Expressing also our sincere appreciation to all the intergovernmental, governmental and non-governmental bodies and organizations, in particular the United Nations Development Programme (UNDP), which contributed to the United Nations/UNESCO effort to organize the Seminar,

Expressing our gratitude to the Government and people of the Republic of Namibia for their kind hospitality which facilitated the success of the Seminar,

Declare that:

l. Consistent with article 19 of the Universal Declaration of Human Rights, the establishment, maintenance and fostering of an independent, pluralistic and free press is essential to the development and maintenance of democracy in a nation and for economic development.

2. By an independent press, we mean a press independent from governmental, political or economic control or from control of materials and infrastructure essential for the production and dissemination of newspapers, magazines and periodicals.

3. By a pluralistic press, we mean the end of monopolies of any kind and the existence of the greatest possible number of newspapers, magazines and periodicals reflecting the widest possible range of opinion within the community.

4. The welcome changes that an increasing number of African States are now undergoing towards multi-party democracies provide the climate in which an independent and pluralistic press can emerge.

5. The world-wide trend towards democracy and freedom of information and expression is a fundamental contribution to the fulfilment of human aspirations.

6. In Africa today, despite the positive developments in some countries, in many countries journalists, editors and publishers are victims of repression—they are murdered, arrested, detained and censored, and are restricted by economic and political pressures such as restrictions on newsprint, licensing systems which restrict the opportunity to publish, visa restrictions which prevent the free movement of journalists, restrictions on the exchange of news and information, and limitations on the circulation of newspapers within countries and across national borders. In some countries, one-party States control the totality of information.

7. Today, at least 17 journalists, editors or publishers are in African prisons, and 48 African journalists were killed in the exercise of their profession between 1969 and 1990.

8. The General Assembly of the United Nations should include in the agenda of its next session an item on the declaration of censorship as a grave violation of human rights falling within the purview of the Commission on Human Rights.

9. African States should be encouraged to provide constitutional guarantees of freedom of the press and freedom of association.

10. To encourage and consolidate the positive changes taking place in Africa, and to counter the negative ones, the international community - specifically international organizations (governmental as well as non-governmental), development agencies and professional associations - should as a matter of priority direct funding support towards the development and establishment of non-governmental newspapers, magazines and periodicals that reflect the society as a whole and the different points of view within the communities they serve.

11. All funding should aim to encourage pluralism as well as independence. As a consequence, the public media should be funded only where authorities guarantee a constitutional and effective freedom of information and expression and the independence of the press.

12. To assist in the preservation of the freedoms enumerated above, the establishment of truly independent, representative associations, syndicates or trade unions of journalists, and associations of editors and publishers, is a matter of priority in all the countries of Africa where such bodies do not now exist.

13. The national media and labour relations laws of African countries should be drafted in such a way as to ensure that such representative associations can exist and fulfil their important tasks in defence of press freedom.

14. As a sign of good faith, African Governments that have jailed journalists for their professional activities should free them immediately. Journalists who have had to leave their countries should be free to return to resume their professional activities.

15. Co-operation between publishers within Africa, and between publishers of the North and South (for example through the principle of twinning), should be encouraged and supported.

16. As a matter of urgency, the United Nations and UNESCO, and particularly the International Programme for the Development of Communication (IPDC), should initiate detailed research, in co-operation with governmental (especially UNDP) and non-governmental donor agencies, relevant non-governmental organizations and professional associations, into the following specific areas:

(i) identification of economic barriers to the establishment of news media outlets, including restrictive import duties, tariffs and quotas for such things as newsprint, printing equipment, and typesetting and word processing machinery, and taxes on the sale of newspapers, as a prelude to their removal;

(ii) training of journalists and managers and the availability of professional training institutions and courses;

(iii) legal barriers to the recognition and effective operation of trade unions or associations of journalists, editors and publishers;

(iv) a register of available funding from development and other agencies, the conditions attaching to the release of such funds, and the methods of applying for them;

(v) the state of press freedom, country by country, in Africa.

17. In view of the importance of radio and television in the field of news and information, the United Nations and UNESCO are invited to recommend to the General Assembly and the General Conference the convening of a similar

seminar of journalists and managers of radio and television services in Africa, to explore the possibility of applying similar concepts of independence and pluralism to those media.

18. The international community should contribute to the achievement and implementation of the initiatives and projects set out in the annex to this Declaration.

19. This Declaration should be presented by the Secretary-General of the United Nations to the United Nations General Assembly, and by the Director-General of UNESCO to the General Conference of UNESCO.

ANNEX

Initiatives and Projects Identified in the Seminar

I

Development of co-operation between private African newspapers:

- to aid them in the mutual exchange of their publications;

- to aid them in the exchange of information;

- to aid them in sharing their experience by the exchange of journalists;

- to organize on their behalf training courses and study trips for their journalists, managers and technical personnel.

II

Creation of separate, independent national unions for publishers, news editors and journalists.

III

Creation of regional unions for publishers, editors and independent journalists.

IV

Development and promotion of non-governmental regulations and codes of ethics in each country in order to defend more effectively the profession and ensure its credibility.

V

Financing of a study on the readership of independent newspapers in order to set up groups of advertising agents.

VI

Financing of a feasibility study for the establishment of an independent press aid foundation and research into identifying capital funds for the foundation.

VII

Financing of a feasibility study for the creation of a central board for the purchase of newsprint and the establishment of such a board.

VIII

Support and creation of regional African press enterprises.

IX

Aid with a view to establishing structures to monitor attacks on freedom of the press and the independence of journalists following the example of the West African Journalists' Association.

X

Creation of a data bank for the independent African press for the documentation of news items essential to newspapers.

**[2] African Charter on Broadcasting**

AFRICAN CHARTER ON BROADCASTING *The Charter was adopted by media practitioners at a UNESCO Conference held on 3-5 May 2001 in Windhoek, Namibia, called to celebrate the Windhoek Declaration on Promoting an Independent and Pluralistic Press, reprinted above. Available at www.article19.org Acknowledging* the enduring relevance and importance of the Windhoek Declaration to the protection and promotion of freedom of expression and of the media; *Noting* that freedom of expression includes the right to communicate and access to means of communication; *Mindful* of the fact that the Windhoek Declaration focuses on the print media and recalling Paragraph 17 of the Windhoek Declaration, which recommended that a similar seminar be convened to address the need for independence and pluralism in radio and television broadcasting; *Recognising* that the political, economic and technological environment in which the Windhoek Declaration was adopted has changed significantly and that there is a need to complement and expand upon the original Declaration; *Aware* of the existence of serious barriers to free, independent and pluralistic broadcasting and to the right to communicate through broadcasting in Africa; *Cognisant of the fact* that for the vast majority of the peoples of Africa, the broadcast media remains the main source of public communication and information; *Recalling* the fact that the frequency spectrum is a public resource which must be managed in the public interest; We the participants of Windhoek + 10 declare that:

PART I: GENERAL REGULATORY ISSUES

1. The legal framework for broadcasting should include a clear statement of the principles underpinning broadcast regulation, including promoting respect for freedom of expression, diversity, and the free flow of information and ideas, as well as a three-tier system for broadcasting: public service, commercial and community.

2. All formal powers in the areas of broadcast and telecommunications regulation should be exercised by public authorities which are protected against interference, particularly of a political or economic nature, by, among other things, an appointments process for members which is open, transparent, involves the participation of civil society, and is not controlled by any particular political party.

3. Decision-making processes about the overall allocation of the frequency spectrum should be open and participatory, and ensure that a fair proportion of the spectrum is allocated to broadcasting uses. The frequencies allocated to broadcasting should be shared equitably among the three tiers of broadcasting.

4. Licensing processes for the allocation of specific frequencies to individual broadcasters should be fair and transparent, and based on clear criteria which include promoting media diversity in ownership and content.

5. Broadcasters should be required to promote and develop local content, which should be defined to include African content, including through the introduction of minimum quotas. States should promote an economic environment that facilitates the development of independent production and diversity in broadcasting.

6. The development of appropriate technology for the reception of broadcasting signals should be promoted.

PART II: PUBLIC SERVICE BROADCASTING

1. All state and government controlled broadcasters should be transformed into public service broadcasters, that are accountable to all strata of the people as represented by an independent board, and that serve the overall public interest, avoiding one-sided reporting and programming in regard to religion, political belief, culture, race and gender.

2. Public service broadcasters should, like broadcasting and telecommunications regulators, be governed by bodies which are protected against interference.

3. The public service mandate of public service broadcasters should be clearly defined.

4. The editorial independence of public service broadcasters should be guaranteed. 5. Public service broadcasters should be adequately funded in a manner that protects them from arbitrary interference with their budgets. NGO AND OTHER HUMAN RIGHTS DOCUMENTS 776

6. Without detracting from editorial control over news and current affairs content and in order to promote the development of independent productions and to enhance diversity in programming, public service broadcasters should be required to broadcast minimum quotas of material by independent producers. 7. The transmission infrastructure used by public service broadcasters should be made accessible to all broadcasters under reasonable and non-discriminatory terms.

PART III: COMMUNITY BROADCASTING

1. Community broadcasting is broadcasting which is for, by and about the community, whose ownership and management is representative of the community, which pursues a social development agenda, and which is non-profit.

2. There should be a clear recognition, including by the international community, of the difference between decentralised public broadcasting and community broadcasting.

3. The right of community broadcasters to have access to the Internet, for the benefit of their respective communities, should be promoted.

PART IV: TELECOMMUNICATIONS AND CONVERGENCE

4. The right to communicate includes access to telephones, email, Internet and other telecommunications systems, including through the promotion of community-controlled information communication technology centres.

5. Telecommunications law and policy should promote the goal of universal service and access, including through access clauses in privatisation and liberalisation processes, and proactive measures by the state.

6. The international community and African governments should mobilise resources for funding research to keep abreast of the rapidly changing media and technology landscape in Africa. African governments should promote the development of online media and African content, including through the formulation of non-restrictive policies on new information and communications technologies.

7. Training of media practitioners in electronic communication, research and publishing skills needs to be supported and expanded, in order to promote access to, and dissemination of, global information.

[3] **Media Foundation for West Africa: Statement**

*After a decade of the historic repeal of the criminal and seditious libel laws, concerns are being raised by the public over the continuous abuse of the airwaves by politicians, a situation which may threaten free speech in Ghana.*

*On July 27, 2011 , an opposition youth activist, John Kumah, was arrested and detained briefly at the Headquarters of the Ghana Police for accusing President John Evans Atta Mills and a presidential advisor, Ato Ahwoi, of engaging in homosexuality. He was released upon the intervention of President Mills, who was reported to have told the police that he was not interested in the case. The presidential advisor has threatened legal action against Kumah and the media outlets which reported his allegation.*

*Kumah's alleged utterance provoked nationwide condemnation, with sections of society blaming the menace on the repeal of the repressive laws ten years ago. To put things in their right perspective, the Media Foundation for West Africa (MFWA) organized a press conference at the Ghana International Press Centre to address the threats to free speech and the use of foul language by the media. Professor Kwame Karikari, the MFWA's Executive Director, addressed the conference. Also present was Bright Blewu, General Secretary of the Ghana Journalists Association.*

In less than two weeks, on August 9, 2011, it will be ten years since the Parliament of the Fourth Republican government of Ghana unanimously voted to repeal the Criminal Libel and Seditious Libel Laws.

On August 9, this year, the Media Foundation for West Africa will organize a ceremony to celebrate this historic act of progress by the representatives of the people. We have invited former President John Agyekum Kufuor as the Special Guest of Honour. We have also invited Vice President John Mahama to grace the occasion as the Chairman of the ceremony. It can be said with confidence that, this last decade represents for the people of Ghana the highest point in the enjoyment of the right to free speech. The conditions and environment for the citizen's right to express themselves on public affairs have been as open as the best you could find anywhere in the world. The obvious catalyst is the rampant mass media, especially radio and television.

However, there is a looming threat to the freedom Ghanaian citizens are enjoying. It comes from two sources: first the media themselves, and then the political parties.

As we celebrate the repeal of these laws, the MFWA wish to express dismay at the alarming increase in the use of indecent language, false allegations, false claims, insulting expressions, and blatant lies in the media, especially on radio and TV. The rights to free speech and media freedom are coming under threat by radio and TV commentators, political party functionaries and public office holders who respect no ethical principles and manners in their public utterances.

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Press Statement : Civil society coalition launches campaign to bring transparency on the airwaves



November 16, 2011

Prof Kwame Karikari, the MFWA's Executive Director, who spoke on "why sustaining democracy requires pluralism, equity and transparency in broadcasting", reechoed the coalition's demand of the Nation al Communication Authority (NCA), the body responsible for frequency allocation, to make it a practice of publishing full details of those individuals and groups it grants frequencies to.

Implications for Ghana

1. Political Party Communicators

Attitudes of and language use by political party communicators i.e. party functionaries who speak on radio and other communication platforms for their parties have the tendency to make or mar elections. Already there have been concerns lately in Ghana regarding the rise in use of hate speeches among political party actors and the media being used as the conduit for such exchanges. As Ghana heads for election 2012, the MFWA urges political party communicators to commit to decent and violent free language on political platforms or any other medium of communication. They are also encouraged to avoid stirring up emotions that could destabilize the country's peace.

2. State-owned media and incumbency abuse

Incumbency abuse of state-owned media has over the years been an issue in West Africa during elections. It is an open-secret that incumbent governments tend to abuse the use of state-owned media to the detriment of opposition parties. In Ghana this has been an issue since the 1992 elections where there have been numerous accusation of abuse of the national broadcaster during elections. In the interest of the 2012 elections, the MFWA calls on all stakeholders including CSOs, to ensure that the national broadcaster is balanced in its programming and reporting and also accessed by the all contesting political parties fairly and equitably. The MFWA also emphasizes the need to make GBC a public broadcaster while the passage of the broadcasting bill is also accelerated.

3. Partisan media ownership

As a free expression organisation, the MFWA strongly endorses media pluralism. It however cautions that, the trend of partisan media ownership where the media are used by the owners in whatever way to achieve their political agenda can make or mar the 2012 election. We know that in 2008, attitudes of some radio stations in their content and programming almost incited violence and marred the elections. The MFWA urges the media to be balanced in their programming and reportage to ensure peaceful elections.

Working Group:

Media Institute of Southern Africa,

Highway Africa,

Media Foundation West for Africa,

African Freedom of Information Centre,

Article 19 West and East Africa,

Media Rights Agenda,

The African Editors Forum,

International Federation of Journalists – Federation of African Journalists,

Open Democracy Advice Centre.

Partners: www.pacaia.org / www.windhoek.org/

UNESCO,

African Union Commission,

UN Special Rapporteur on Freedom of Expression,

Google,

Fesmedia Africa,

Free Press Unlimited,

The Nation Media Group,

World Association of Newspapers' Declaration of Table Mountain campaign,

African Media Initiative,

Open Society Initiative for Southern Africa,

Nepad,

Open Society Foundation (SA),

African Special Rapporteur on Freedom of Expression and Access to Information,

Reporters without Borders (Swedish chapter),

Freedom House.