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**The Ghanaian Media Landscape: How
unethical practices of journalists
undermine progress**

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Introduction

Ghana probably experienced its best time in its constitutional history for freedom of the media when the Criminal Libel Law that had restricted press freedom and criminalised free speech for more than a century was repealed in August 2001.

With the introduction of the 1992 Constitution which had ended 11 years of military dictatorship in Ghana (with a population of more than 24 million), the stage was set for the struggle for greater media freedom.

Since 1993, Ghanaians have guarded their multi-party democracy carefully. The West African country has had series of general elections and political power has changed hands peacefully between democratically elected political parties to form governments on two occasions in 2000 and 2008.

The 2008 election for instance was hailed as the closest elections in any part of Africa, with less than 40,000 votes separating the winning opposition party and the losing incumbent party in government.

Currently, there is a proliferation of the media. The media landscape is liberalised. Journalism has played significant roles in safeguarding Ghana's constitution and other democratic efforts. The repeal of the criminal libel law has brought more freedom to journalists than before.

In spite of these tremendous strides, the heightened level of unethical and irresponsible journalism is giving cause for

concern. Many believe the repeal of the law has opened the floodgates to irresponsibility on the part of journalists.

As a result, some Ghanaians are beginning to doubt the ability of the media to continue to protect the country's democracy.

Others are even calling for laws that would curtail some of the powers given the media by the constitution.

There is currently a debate over the media's role in consolidating democracy and national development, and this paper aims to feed into this debate by assessing how parts of the print media are meeting the standards of ethical journalism.

Chapter One

1. 1. Overview of the Ghanaian Media Landscape

“The same society that voted for the freedoms of the media is speaking out loud today that journalists have to be held in check.”¹

This was the cautionary note sounded last year by the Chairman of Ghana’s National Media Commission (NMC), Kabral Blay-Amihere. He was speaking at the 10th anniversary celebration of the repeal of the Criminal Libel and Seditious Libel Laws (Amendment Act 2001).

The chairman of the constitutional body mandated to uphold high journalistic standards made it clear that he did not share the view of those calling for restrictions on media freedoms by insisting: “I hold dearly the view as expressed in Article 19 of the UN Universal Declaration of Human Rights and Article 21 of the Ghana Constitution that the right to free speech that includes the right to a free press is a fundamental human right open to all citizens.”²

He later admonished journalists saying “but I tell my friends in the media who may feel so powerful and immune from all attacks because the Criminal Libel Law was repealed, because we have a

¹ Kabral Blay-Amihere, Chairman of Ghana’s National Media Commission (NMC) - at the 10th anniversary celebration of repeal of Criminal Libel and Seditious Libel Laws (Amendment) Act 2001 (Act 602), <http://danguahinstitute.org/news/1485-address-by-ambassador-kabral-blay-amihere-on-occasion-of-10th-anniversary-of-repeal-of-criminal-libel-law-and-media-foundation-for-west-africa.html>

² Blay-Amihere ibid

Constitution that guarantees free press that the bell is tolling for a new regime of sanctions.”

He continued: “I dread the day when the NMC will become just another regulatory body which shall not defend our freedoms but become a policing body over what we write and what we say. Some will love that day as they loved it in the past. Some of us remain opposed to a return to the dark days of media practice in Ghana but only journalists can save the day of sanctions that is coming.”

Ghana has moved on democratically since late 1992 to become a more liberal society with respect to free speech and freedom of the media but abuses of the powers given journalists and excesses within the media as articulated by the NMC Chairman are now giving grave cause for concern.

The Criminal Libel Law referred to by Blay-Amihere was unanimously repealed by Ghana’s Parliament in July 2001 and given assent shortly after by then President of the Republic John Agyekum Kufuor.

This libel law, which was regarded as “inimical” to press freedom by media rights organizations such as the Media Foundation for West Africa (MFWA), can be traced back to the country’s first Criminal Code, the 1892 Criminal Code Ordinance, and its subsequent amendment in 1934.

This law had made it difficult for journalists to play their watchdog role effectively and with its repeal Ghanaians won an important struggle for liberty and, especially, for freedom of expression. It brought to an end more than a century-old legislative regime which repressed free expression.

Media watchdogs including Article 19, the London-based organization campaigning for the freedom of expression across the world, hailed the government’s action as “a step in the right direction” while others like MFWA, an organization promoting the rights and freedoms of journalists and the media, said it would

give journalists more space to operate without fear and harassment.

The media landscape evolved when the 1992 Republican Constitution - which appears to have brought an end to series of coup d'états by the military - guaranteed multi-party democracy which took effect in January 1993. The private media grew gradually but started to make their presence felt in the face of the established state-owned media.

Ghanaians, however, witnessed the full growth of the private media from 2001 after the repeal of the Criminal Libel Law with a particularly rapid expansion of the electronic media.

Currently, in virtually every district of Ghana, there is a local radio station and newspapers with national reach are also available. Access to television stations is not hard to come by either.

In their study of the Ghanaian media's role in elections, two US academics Temin and Smith³ stated: "Ghana has a chequered past with respect to the press. Only recently has the country shed the 'culture of silence' that dominated the 1980s under the Provisional National Defence Council (PNDC). Due to the authoritarian control of the media (private and state-owned, although there were hardly any private media) by the PNDC regime during the 1980s, press freedom was slow to materialize during the campaign for the 1992 presidential and parliamentary elections, the first democratic polls held since 1979."

They said it was only six months before the November 1992 elections, that the PNDC repealed the repressive 1985 Newspaper Licensing Law which required anyone wanting to publish a newspaper or magazine to obtain a license from the Secretary for Information.

³ Jonathan Temin & Daniel A. Smith, Media Matters: Evaluating the role of the media in Ghana's 2000 Elections <http://afraf.oxfordjournals.org/content/101/405/585.full.pdf+html>

The repeal of the law has given journalists and media houses the freedom to express their views on issues and activities in the country without being arrested or barred from operating as they had in the past. Articles 162 to 173 of the 1992 Constitution⁴ specifically guarantee media freedoms.

The media since 1992 has been seen to facilitate participatory democracy. According to the NMC Chairman, “Our democracy is stronger and growing because we have a free press and free speech”.⁵ He said since 1993, the press has consistently exercised its Constitutional Mandate under Article 162(6) to “uphold the responsibility and accountability of the government to the people of Ghana.”⁶

He explained: “The first Parliament of the Fourth Republic was virtually one party dominated. As a result of the boycott of opposition parties in the 1992 parliamentary elections, the few private print press - the Free Press, Ghanaian Chronicle, Ghanaian Voice, The Independent, The Guide (now Daily Guide), The Insight and Dispatch courageously and steadfastly filled the void and provided an alternative platform for public debate.”

Temin and Smith⁷ agree with the NMC Chairman. They aver that “both the private and state-owned media have undergone major transformation during the 1990s, as a result of the increase in freedoms afforded to the media by the state, and that these transformations have played a major role in the country’s consolidation of multi-party, democratic rule.”

As a result of media freedom, the NMC Chairman says there is more citizen participation in public discourse and debate. “Ghanaians openly and publicly discuss issues without fear of being arrested by security agents (and where there have been aberrations in security agents arresting people for free speech, public outrage has stopped such violations)...the days when

⁴ The Constitution of the Republic of Ghana: <http://www.politicsresources.net/docs/ghanaconst.pdf>

⁵ Blay-Amihere ibid

⁶ Blay-Amihere ibid

⁷ Jonathan Temin & Daniel A. Smith ibid

Ministers/Secretaries /Commissioners served as supervising editors of the state-owned media are over and no editor of any of the state-owned media can claim to be manipulated by government. And where such control is found, it is with the full blessing of an editor or journalist who still prefers servitude to freedom.”⁸

Ghana has been commended internationally for its overall democratic credentials. United States President Barack Obama is one of the international figures that have an admiration for Ghana’s effort towards strengthening multi-party democracy. He said on his visit to Ghana in July 2009 that: “Here in Ghana, you show us a face of Africa that is too often overlooked by a world that sees only tragedy or the need for charity. The people of Ghana have worked hard to put democracy on a firmer footing, with peaceful transfers of power even in the wake of closely contested elections. And with improved governance and an emerging civil society, Ghana's economy has shown impressive rates of growth.”⁹

Ghana’s standing in the comity of nations is high as one of the few countries in Africa with a very free press. According to Reporters without Borders,¹⁰ Ghana currently ranks 26 out of 178 in the latest worldwide index while the 2011 rankings released by Freedom House¹¹ also give Ghana a relatively high Press Freedom Score of 26.

Since the coming into force of the current democratic arrangements, journalists have ensured that information is provided for the citizenry to enable them to scrutinise affairs of the government, businesses and other special state interests. Journalists are still perceived to be crucial and active participants in the development of the country. President of Ghana John Evans Atta Mills¹² acknowledges the responsibility

⁸ Blay-Amihere ibid

⁹ President Barack Obama, Saturday July 11, 2009.

http://www.huffingtonpost.com/2009/07/11/obama-ghana-speech-full-t_n_230009.html

¹⁰ Reporters Without Borders <http://en.rsf.org/press-freedom-index-2011-2012,1043.html>

¹¹ Freedom House <http://www.freedomhouse.org/report/freedom-press/2011/ghana>

¹² President John Mills State-of-the-nation address, February 2012,

<http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=230091>

of the media to play its watchdog role affectively. He said in his State-of-the-Nation address in February 2012 that “polarized or not; aligned or not; biased or not; the Ghanaian media has a responsibility to work to preserve Ghana’s democracy. Speaking for myself, I have confidence in the ability of my brothers and sisters in the media to rise to the occasion. On the perception of polarization, alignment and bias, however, the media has to speak for itself through its deeds.”

In spite of the successes chalked up by the media, there is plenty of evidence around that the media in Ghana are undergoing a serious credibility crisis. Journalism has recently declined in public esteem. The Ghana Integrity Initiative (GII)¹³ - a local chapter of Transparency International (TI) - in November 2011 ranked the media as one of the most corrupt institutions in the country.

The public increasingly questions the credibility of newspapers, magazines, and broadcast news. There is obvious public dissatisfaction with the performance of the media in the increasingly diverse society of Ghana and this is summed up by the Vice President of the Republic, John Dramani Mahama:¹⁴ “A cursory look at our media would seem like we are a nation at war. Newspapers and radio stations are lined up in the political trenches with their political allies or paymasters. Throwing printed and verbal grenades and taking pot shots at the ‘enemy lines’, each side trying to outdo each other in inflicting maximum damage on the perceived ‘enemies’.”

A growing public perception is that journalists are often arrogant, irresponsible, unfair, biased and above all unethical while others go so far as to say that journalists have no standards. Do these perceptions reflect reality? Can anyone blame the public for these perceptions? In the view of many people, the repeal of the criminal libel law appears to have opened the floodgates for irresponsible journalism and this is the more reason why this research study, *“The Ghanaian Media Landscape: How Unethical Practices of Journalists Undermine Progress”*, needs to conduct a

¹³ Ghana Integrity initiative <http://www.tighana.org/giipages/aboutus.php>
<http://elections.peacefmonline.com/politics/201112/84307.php>

¹⁴ John Dramani Mahama, at the 16th GJA Awards <http://www.modernghana.com/news/350384/1/full-text-of-vice-president-john-mahamas-address-a.html>

thorough investigation to ascertain whether indeed, actions (or inaction) of journalists are holding back progress.

The media and, for that matter, journalists are now having to grapple with complaints and accusations of intrusion and invasions into people's privacy, libel, outrageous behaviour and unprofessional conduct among other things. There have been instances where media houses and journalists have been hauled before the law courts for defaming individuals and organizations. According to Ace Ankomah,¹⁵ a prominent legal practitioner and law lecturer, “close to 90 per cent of libel cases at the Fast Track Court (specialised courts set up to speed up trials) involve journalists and media houses.”

The media have also come under criticisms for fanning ethnic, religious, and most of all, political tensions in the country. The use of insulting language by politicians and sympathisers of political parties on radio and television has been cited as one of the abuses of the media freedom.

The entrenched political stances taken by some journalists appear to be the main source of worry for many Ghanaians. Expressing concern about the conduct of the media, Mr. Mahama¹⁶ had this to say: “The recent Wikileaks cables have accentuated the media warfare. Nothing matters any more. Reprinting the juiciest gossips from the US Embassy cables provides a media that was already polarized on partisan lines, enough ammunition and firepower to pound one's opponents for the rest of the year”.

Some journalists are accused of openly mounting political platforms to campaign when they have a code of ethics to protect. The Ghana Journalists Association (GJA) Code of Ethics¹⁷ (the guiding document for the practice of journalism in Ghana) stipulates the parameters within which journalists can operate but this has been persistently flouted. Truth appears to be a tool

¹⁵ Ace Ankomah at ‘Journalists and the law’ Training for the GJA

<http://www.modernghana.com/news/95958/1/90-per-cent-of-libel-cases-involve-journalists.html>

¹⁶ John Mahama ibid

¹⁷ GJA Code of Ethics <http://www.rjionline.org/MAS-Codes-Ghana-GJA>

of convenience and not a fundamental component of journalism in Ghana. Mr. Mahama admits that the situation has been “accentuated by the high stakes in our electoral politics” and adds that “the politics of insult and personality vilification has overcome us.”

There is a widespread perception that some journalists fight human rights abuses and crusade against corruption best when the party they are perceived to be supporting finds itself in opposition but once in government, the same crop of journalists see the same human rights issues and corruption in particular as no longer worthy enough a cause to champion.

Some journalists have been criticized for defending clear cases of wrong-doing on the part of government and public officials as well as powerful individuals even when competent courts of jurisdiction or institutions of state have indicted such officials.

The Vice President is convinced that, while a lot of such journalism is down to “political partisanship”, a greater part of it is due to “the lack of training by a significant number of editors, presenters etc who are the gatekeepers in a majority of the 150 radio stations we have across the country and the almost 50 newspapers.”

The 2011/2012 latest worldwide index released by Reporters Without Borders¹⁸ has seen Ghana dropping points. The media rights organization says “Although the situation for the media is satisfactory, several journalists were physically attacked by political militants during the year.”

Although the repeal of the criminal libel law was seen as the beginning of the ‘real’ freedom of the press and diversity in the media, observers like MFWA, NMC, GJA and other civil society groups have persistently expressed concern about the high level of unethical practices on the part of some journalists and media houses.

¹⁸ Reporters Without Borders *ibid*

Some sections of the Ghanaian public are beginning to raise concern about the abuse of the freedom given to journalists in the country. Others have doubted the media's ability to promote good governance, democracy and to uphold the rule of law that would translate into accelerated development and economic growth. For instance, some contributors to the Constitutional Review Commission¹⁹ – the body set up by the government in 2010 to recommend possible ways of amending the 1992 Republican Constitution - made a passionate appeal for a sanctions regime against the media.

The situation is also compelling opinion leaders like Vladimir Antwi-Danso,²⁰ a prominent academic at the University of Ghana, to go to the extent of calling for re-introduction of the Criminal Libel Law. “If stringent measures are not taken and a possible return to the criminal libel regime not considered, scenes in Sierra Leone, Liberia, Rwanda is (sic) not far away from Ghana,” he insists.

Nevertheless, Mr. Kufuor,²¹ who supervised the repeal of the law as President of Ghana, does not believe that re-introducing the law would solve the issue. He admits that some journalists have become irresponsible but insists he has no regrets in supervising the repeal. His only advice is that journalists should strive to uphold high journalistic standards, a view shared by the NMC Chairman.

The year 2011 represented one of the critical moments in journalism in Ghana as it witnessed several national controversies involving the media which exposed the vulnerability of Ghana's democracy.

The media's handling of the Wikileaks cables and the ruling National Democratic Congress (NDC) presidential primary that selected President Mills to contest the December 7, 2012 general elections for a second term alongside the markedly increased perception of corruption were key issues that threatened national cohesion and shook the foundations of the country's democracy.

¹⁹ Constitution Review Commission: <http://www.crc.gov.gh/>

²⁰ Dr. Vladimir Antwi-Danso, Legon Centre for International Affairs, University of Ghana, September 17, 2011
<http://www.dailyguideghana.com/?p=27077>

²¹ J.A. Kufuor, former President of Ghana: <https://focusfmknust.wordpress.com/2011/08/10/repeal-of-criminal-libel-law-was-a-good-decision-kuffour/>

The choice of the theme: “*Unethical journalism and corruption in the media: A danger to democracy*” for the 15th GJA Awards ceremony held on August 21, 2010 was an open admission by the association of the lack of faith and respect that the public has in journalists.

According to GJA president, Ransford Tetteh²² at the 16th GJA awards, “we chose this theme because it is meant to beckon us to move away from the journalism of allegations to one of verification. The theme provides us with time to soberly reflect over our performance in order to be rejuvenated to provide better services to Ghana.”

The performance of journalists in 2011 appeared to give ample evidence for the GJA’s view that unethical journalism and corruption in the media posed danger to democracy.

Even though the GJA and the NMC have been working hard to bring sanity into journalism practice in Ghana, lack of funds has hampered their efforts. These important institutions are aware that there is an urgent need to position themselves to meet the challenges of the media landscape and boldly take all the appropriate measures to meet these challenges as allowed by the constitution.

“I have repeatedly said that there is no way that the NMC can efficiently monitor and regulate the expanded media landscape when it is the least resourced of all the governing institutions; and must because of the importance of media in a democracy probably do more on a daily basis throughout the 365 calendar days,” Blay-Amihere bemoans.²³

Ghana currently has a quite diverse, pluralistic media. There are about 200 authorized FM stations, 12 private television stations, hundreds of newspapers. The state no longer enjoys a monopoly of media ownership. Journalists are no longer arrested and detained for their editorial functions. However, excesses in the

²² Ransford Tetteh, president of the GJA at the 16th GJA Awards
<http://edition.myjoyonline.com/pages/news/201109/72679.php>

²³ Kabral Blay-Amihere ibid

profession are being used as a justification to clampdown on journalists and it is up to them to mend their ways to prevent it.

This paper sets out to investigate the extent, scale and nature of unethical practices of journalists to determine whether the public have any justification in calling for restrictions of freedoms of the media.

The paper will specifically look at what motivates newspapers to indulge in what the public perceive to be unethical practices.

Three basic journalistic principles of journalism ethics have been assessed. They include objectivity, cross-checking of facts and separating comments from fact. These principles helped to determine the extent of unethical practices in relation to media standards in Ghana.

Chapter Two

Literature Review

2. 1. Ethics of journalism

According to Kovach and Rosenstiel,²⁴ “it is sufficient to note that in the new media culture of 24-hour news, the news has become more piecemeal; sources are gaining power over the journalists who cover them; varying standards of journalism are breaking down the gatekeeper function of the press; inexpensive polarizing argument is overwhelming reporting; and the press is increasingly fixated on finding the ‘big story’ that will temporarily resemble the now-fragmented mass audience.”

Kovach and Rosenstiel call the new characteristics in news media as ‘mix media culture’ and suspect that the current situation is “displacing the classic function of trying to sort out a true and reliable account of the day’s event, creating new journalism of assertion, which is overwhelming the old journalism of verification”.

This analysis by Kovach and Rosenstiel supports the widely held view that there must always be a set of rules to govern the practice of journalism if the end product is to meet public expectations.

2. 2. Defining the ethics of journalism

The BBC Ethics Guide²⁵ defines ethics as “a system of moral principles and a branch of philosophy which defines what is good for individuals and society”. At its simplest, it says ethics is a system of moral principles. They affect how people make decisions and lead their lives. Ethics is concerned with what is good for individuals and society and is also described as moral philosophy.

²⁴ Bill Kovach and Tom Rosenstiel, 2003 *The Elements of Journalism*, p.46,

²⁵ BBC Ethics Guide, 2012 <http://www.bbc.co.uk/ethics/guide/>

The term ethics is derived from the Greek word *ethos* which can mean custom, habit, character or disposition. According to the BBC Guide, ethics covers the following dilemmas: how to live a good life, our rights and responsibilities, the language of right and wrong and moral decisions - what is good and bad?

At the 2010 World Journalism Education Congress at Grahamstown, South Africa,²⁶ participants defined journalism ethics as incorporation of normative rules such as rigour, objectivity, balance, dignity, public interest, among others.

The experts who met at Grahamstown admitted that “bringing ethics into practice is a complex process that has to do with moral fitness and the politico-economic context in which journalism is practiced”.

“The application of moral philosophies is context specific. It involves considerations such as how applicable moral philosophies are and when to apply them. Ethical questions tie into the core of the practice of journalism itself. After all, journalists must constantly evaluate what material should be published and what material should not”, they argued.

Kovach and Rosenstiel²⁷ insist that from their search there are some clear principles “that journalists agree on - and that citizens have a right to expect. They are principles that have ebbed and flowed over time, but they have always in some manner been evident. They are the elements of journalism. The first among them is that the purpose of journalism is to provide people with the information they need to be free and self-governing,”

To the co-authors, journalism's first obligation is to the “truth”, its first loyalty is to “citizens”, its essence is “a discipline of verification” and its practitioners must “maintain an independence from those they cover”.

They also insist that journalism must serve as an independent monitor of power, provide a forum for public criticism and compromise, strive to make the significant interesting and

²⁶ World Journalism Education Congress, July 5-7, 2010, Grahamstown, South Africa: wjec.ou.edu/syndicates/research.doc

²⁷ Kovach and Rosenstiel *ibid*

relevant, keep the news comprehensive and proportional and, finally, its practitioners must be allowed to exercise their personal conscience.

Tracing ethics of the press, Michael Kunczik,²⁸ a prominent German communications scholar, says ways of distinguishing what is true from what is false were under discussion in Germany as far back as the 17th century. He says: “In 1676 two publications, by Ahasver Fritsch and Christian Weise, dealt with the pros and cons of the new periodicals of the time”.

Addressing the dilemma of news selection, Kunczik points out that Daniel Hartnack in 1688, had argued that the regular publication of newspapers “would create a need for news independent of world events.”

Kunczik says “Hartnack not only saw the problem of portraying life through journalism, but also that newspapers appearing regularly were going to have to be filled with information.”

Kunczik credits Tobias Peucer with discussing what was newsworthy for a newspaper by specifically asking about news selection criteria and making a list of newsworthy events, “wherein the unusual was seen as especially newsworthy, and not so much the regular and the mundane as that which was private.”

He says a discussion about ethics first became urgent the moment journalists became aware of the power they wielded. His view shared by Douglas Brown, formerly at the United States Department of Defense who pointed out that “after Watergate - in reference to two American journalists’ revelations of the Watergate Scandal that forced Richard Nixon to resign as United States President - every paper and every journalist aspired to bring down a President or something equally grand, regardless of what it takes.”

²⁸ Michael Kunczik, “Freedom of the press - where to draw the line?”, an introductory essay for the Friedrich Ebert Stiftung, 2000 <http://www.fes.de/fulltext/iez/00710a.htm>

According to Kunczik, the legitimacy of newspaper censorship was in general not called into question until the 18th century. "The question of ethics poses itself further at the point when there is no longer any strict censorship, for ethical behaviour presupposes freedom of choice", he says and adds that "only those who can freely influence their own behaviour, and who demonstrate responsibility for it, can be judged according to ethical standards."

The functions a society assigns to the press or mass media, to Kunczik, are also decisive to journalistic ethics. He says "many politicians want the press to be an instrument functioning as a government-controlled transmission belt, so to speak, helping to carry out important processes of social change."

He believes that many ideas about development journalism have come from this type of assumption but argues that whatever the case, "journalism has to be critical."

He cautions that "critical does not mean destructive, but positive about development, for no planning and no government is infallible. There is corruption and mismanagement everywhere and in the interests of the public they must be exposed."

Kunczik credits Kaspar Stieler and Max Weber "for taking up and developing the issue of journalistic ethics from the individualistic aspect" in his attempt to distinguish between what is he called 'Ethics of responsibility' and 'Ethics of conviction'.

"It should certainly not be forgotten that journalistic actions which in general cannot be categorized under the ethics of responsibility or of conviction are not uncommon", he holds.

"There is a kind of journalism which is foul and simply morally reprehensible. This includes false reporting, lies and war-mongering", he says, citing the 1994 genocide in Rwanda where he says "Radio Mille Collines actively stirred up the civil war and genocide by calling on the Hutu majority to rise up against the Tutsi minority", as a classic example of 'foul and morally reprehensible journalism'.

Kunczik says he has no doubts that, certain kinds of behaviour, “undeserving of the name journalism, brings journalists into disrepute” because the reputation of the profession is often judged by the actions of the worst among them.

He strongly believe that the question of which norms can best define and guide the work of journalists can only be answered by providing documents on basic principles, such as canons of journalism, press codes, editor’s code of practice, code of ethics among others but also cautions that no clear-cut answer can be given to the question of how some codes influence the behaviour of journalists.

Journalists in Ghana are confronted with ethical issues on a daily basis and the repeal of the Criminal Libel Law appears to have led to a deterioration in the ethics of practitioners even though the GJA Code of Ethics and other media regulatory guidelines are available.

Then Chief Justice E.K. Wiredu²⁹ may have foreseen this danger in 2001, when in reaction to a newspaper report that he was not happy with the repeal of the law, said "I did not say that I was not in favour of the repeal of the Criminal Libel Law. I used the word 'regret'. I said that I regret that the Criminal Libel Law had been repealed and because no mechanism had been put in its place, it was therefore, subject to abuse".

In the Chief Justice’s opinion, the imprisonment sentence provisions in the old law helped to make journalists to be “circumspect and responsible” and went to explain that civil libel laws alone might not be enough to protect innocent members of the public from being defamed.

In the United Kingdom the system of self-regulation administered by the Press Complaint Commission (PCC) within the terms of the Editors’ Code of Practice is coming under serious scrutiny because the public feels something has gone seriously wrong with British journalism.

²⁹ Edward K. Wiredu, former Chief Justice of Ghana (deceased) on repeal of Criminal Libel Law , 2001
<http://www.ghanareview.com/int/chief.html> and <http://www.ghanareview.com/int/chief.html>

There is similar public resentment towards journalists in Ghana. There is currently a proposal for a law on defamation while some contributors to the constitution review process have asked for stricter regulation of journalism practice.

However, the NMC Chairman does not believe tougher penalties would solve the problem. He rather wants institutions mandated to monitor the media empowered to be able to play their supervisory role effectively.

Prof. Robert Pinker,³⁰ a former member (and Acting Chairman) of the UK PCC supports the NMC chairman's position. He says "in the UK, I do not think we need new laws to enforce regulation" and adds "but we also do not have to stop trying to ensure that self-regulation for journalists works better".

While dismissing a statutory regulatory regime, the eminent professor suspects that it could become inevitable if journalists continue to act irresponsibly. But for now, he says, self-regulation is all that is needed in journalism, adding "the golden rule of a good code of practice may ask more than the law requires but never less and that is what we should all work to achieve."

Unethical journalism may be rife in Ghana but the NMC Chairman does not believe that it is either the 1992 Constitution or the repeal of the Criminal Libel Law that accounts for irresponsible journalism. According to him, the following might be the under-lying factors:

- The emerging polarization and politicization of Ghanaian society and its extension to the media front and the resultant dog-eat dog political race in which politicians use every means - fair or foul - to win and control power. Some of the publications guilty of regular violation of the code of ethics of journalism are financed by politicians.
- The non-judicious allocation of radio frequencies over the years with no regard for the capacity of the new FM stations to deliver on professional standards. The outcome of this

³⁰ Prof Robert Pinker CBE, February 10, 2012 interview on Ethics of Journalism at the PCC, London

policy is that Ghana has more media in terms of quantity but not in terms of quality.

- The lack of adequate preparation, training and mentoring of the thousands of journalists who work in the expanding media industry.
- Poor remuneration for journalists which often means the lack of an attractive career structure which would retain and reward experienced journalists within media houses.
- Weaknesses in the capacity of media organizations or associations like the Ghana Journalists Association (GJA), Private Newspapers Association (PRINPAG), Ghana Independent Broadcasters, Association (GIBA), Community Radio Network of Ghana and the NMC to fulfil their mandate.

2. 3. Media Laws and Regulatory Environment in Ghana

In the assessment of Nana Addo Dankwa Akufo-Addo,³¹ Ghana's former Attorney-General and Minister of Justice, "the press played a significant role in the anti-colonial struggle, mobilizing nationalists' consciousness and exposing the oppression and inequities under colonialism."

According to him, "these laws were, thus, in the main, passed in response to emerging nationalist agitation and used rather cynically in an attempt to deter nationalist newspapers and publicists from exposing the ills of colonialism."

Although the media in the then Gold Coast first emerged in the nineteenth century with the publication of *The Gold Coast Gazette and Commercial Intelligencer* in 1822, it was not until 1892 that the first major media law was introduced. It was the Criminal Code Ordinance of 1892 passed by the British to deal with 'rascals' in the colony. Along the line in 1897, the colonial administration again introduced the Book and Newspaper Registration Ordinance.

³¹ Nana Addo Dankwa Akufo-Addo, former Attorney-General & Minister of Justice of Ghana, August 4, 2011 speech at a conference on "African constitutionalism and the media" at the University of Pretoria, South Africa, <http://danquahinstitute.org/news/1486-outlawing-criminal-libel-laws-in-ghana.html>

The criminal libel and seditious laws, which were the object of the repeal legislation of 2001, can therefore be traced to the first Criminal Code, the 1892 Criminal Code Ordinance and its subsequent amendment in 1934. This law was used to suppress journalists and the media for more than a century before it was repealed in 2001.

“Ghana’s laws on free expression have been largely shaped by English law and legal tradition, just as they have been deeply influenced by our colonial experience”, says Akufo-Addo.³²

In his work on “Some Perspectives on the Mass Media under a Military Government: A Case Study of the Mass Media under Ghana's PNDC”, Kweku Rockson³³ of the Ghana Institute of Journalism (GIJ) says “while Ghana's legal system is in essence an inheritance from English Law, several legislative instruments have been passed either in parliament or in the form of decrees by military regimes”.

“There are laws that prevent the publication of seditious, defamatory, obscene stories, or any news which will infringe against the Official Secrets Act. Apart from these, specific governments have passed laws which depict their attitude to the practice of journalism”, he says.

The provisions of the 1892 Criminal Code Ordinance on criminal libel and sedition and the 1897 Newspaper Registration Ordinance were both enacted to respond not only to the emerging nationalist press of the time, but also to the broad agitation of the people of the Gold Coast against the infamous 1894 Crown Lands Bill, which sought forcibly to seize the people’s right to the land in the Gold Coast as was done in apartheid South Africa and other systems of settler colonialism elsewhere in Africa.

In 1934 Criminal Code Amendment Ordinance (No. 21), which extended the remit of sedition to cover expression hitherto not covered under the offence, was passed as an instrument to stem

³² Nana Addo Dankwa Akufo-Addo *ibid*

³³ Kweku Rockson, 1990, Mass Communication and Research Department, Ghana Institute of Journalism
<http://archive.lib.msu.edu/DMC/African%20Journals/pdfs/africa%20media%20review/vol4no3/jamr004003004.pdf>

the rising tide of nationalist consciousness and agitation in the mid- 1930s, known in Ghanaian history as “the stormy thirties”.

According to Akufo-Addo,³⁴ the 1934 Criminal Code Amendment Ordinance “produced the most notorious application of the law of sedition” and adds that “it also produced one of the most celebrated cases in Ghana’s constitutional and legal history in 1936...a case of Rex versus Wallace Johnson and Nnamdi Azikiwe had to travel all the way, through the West African Court of Appeal, to the British Privy Council when this law of sedition was applied.”

The Book and Newspaper Registration Ordinance (1897) had been the substantive law of the press. It was amended in 1950 and 1952 and after the independence of 1957; it was given more constitutional powers in 1958 and 1959.

From 1957, the newly independent government led by Dr. Kwame Nkrumah strictly applied the book and newspaper registration laws, denying perceived political opponents license to operate or closing down newspapers belonging to political opponents.

Describing the situation under Dr. Nkrumah in ‘A Summary of the History of the Ghana Press, 1822-1960’, K.A.B. Jones-Quartey³⁵ said: “A curious situation existed in Ghana in 1959/60: journalists confessed to fear and hesitation to use their right of freedom of speech, although constitution guaranteed it for them and the law as it existed prescribed no terms against this exercise”.

In his 2000 monograph on Ghana’s Media, Kwame Karikari,³⁶ a professor of communication studies, says the common licensing laws and decrees pursued by governments frequently disrupted development of the media.

³⁴ Nana Addo Dankwa Akufo-Addo *ibid*

³⁵ K.A.B. Jones-Quartey, 1974, A summary history of the Ghana press, 1822-1960 p.35

³⁶ Kwame Karikari’s Monograph on Ghana’s Media for The Freedom Forum, 2000

<http://www.freedomforum.org/publications/international/mediaforum/2000/africa/ghanaprepreport2000.pdf>

“In 1963, a law gave the Minister of Information wide powers to stop anyone from publishing if the minister felt that publication would not be in the government’s interests” he states.

According to Rockson,³⁷ during the First Republic for example, the Criminal Code Act 29, 1960 was passed. Under Section 183, Subsection 2, the President could pass an executive instrument requesting that newspapers, books or documents be submitted for vetting before publication.

“The Newspaper Licensing Act 1963 (Act 189) and the Newspaper Licensing Decree NRCD ten years later required a publisher to apply for a license which was renewable, every year, before publishing a newspaper or magazine”, he explains.

According to Akufo-Addo,³⁸ until the Fourth Republic Ghana had experienced approximately only 9 years out of the 36 years of its post-independence history in conditions that could be described as relatively democratic.

“For the most part of the remaining 27 years, the repressive nature of the political system made the deployment of the arsenal of criminal and seditious libel laws superfluous. This was because the various press licensing laws and the general climate of repression allowed only such press as could be relied upon to reproduce the monolithic propaganda and praise-songs of the ruling regime.”

When Dr. Nkrumah was overthrown in a joint military/police coup d’état in February 1966, the National Liberation Council (NLC) hounded journalists and media outlets with sympathies to Nkrumah and his Convention People’s Party (CPP).

According to Prof. Karikari, in 1967 General Ankrah, head of the country’s first military junta, was blunt about government controls of the state-owned media. He told a press conference: “He who pays the piper calls the tune”, thus justifying the control of the state-owned media.

³⁷ Rockson ibid

³⁸ Akufo-Addo ibid

“A notable case of an ideological response to a law of another government was the enactment of NLC Decree 226, 1968, by the National Liberation Council, after it had repealed the Instrument of Incorporation of GBC, Legislative instrument 472, 1965, to among other things, make the media organisations serve as a platform for the propagation of plural views on topical issues”, was how Rockson assessed the NLC’s handling of the press.

The Progress Party which won the 1969 elections with Prof. K.A. Busia as Prime Minister repealed various acts of the media law and even dismissed the owner of the state-owned Daily Graphic who had criticised the Prime Minister’s call for African dialogue with the apartheid government in South Africa at the time.

However, General I.K. Acheampong overthrew the Busia government and reinstated strict media control, clamping down on opposition outlets. In “Press Freedom and Communication in Africa”, Kwadwo Anokwa³⁹ admits that even though Acheampong maintained repressive media laws, a number of opposition newspapers remained unimpeded during his regime and by 1978 these papers had grown in their calls for a multi-party democracy in Ghana.

According to Anokwa, when General W.K. Akuffo ousted Acheampong in a bloodless palace coup in 1978, he reversed some of his predecessors’ media policies and released jailed journalists and opposition members. This led to the establishment of two party papers: the *Star* of the Popular Front Party (PFP) and the *Gong Gong* of the People's National Party (PNP) as agitation for a return to civilian rule grew.

The Armed Forces Revolutionary Council (AFRC), largely made up of junior officers, successfully staged a coup in 1979, and repealed the press laws that had been passed by Generals Acheampong and Akuffo.

³⁹ Kwadwo Anokwa, (1997). Press Freedom and Communication in Africa. Erbio, F. & Jong-Ebot, W. (Eds.) Africa World Press [ISBN 978-0865435513](https://doi.org/10.1080/0865435513)

Flt. Lt. Jerry John Rawlings, leader of the AFRC, replaced the chief editor of the Daily Graphic who had criticized the AFRC executions (this was the period in which eight military generals, including three military leaders, were executed by the AFRC by firing squad).

After returning the country to democracy by the AFRC, President Hilla Limann⁴⁰ was committed to media reform and went ahead to establish a 12 member Press Commission on July 25, 1980.

At its inauguration he declared: "I shall, as elected President of Ghana, be forever prepared to submit to the acid test of public judgement the claims of those who may think that they represent the public more than me or any other political leader. Bluff, snobbery and arrogance on all sides must now cease, so that the Press Commission can function in a way that it has been envisaged by those who have never had any personal axe to grind."

President Limann continued: "Since the functions of the Press Commission have clearly been spelt out in the Constitution, I can do no more than reassure its members and our journalists that my government will respect, uphold and defend the Constitution and thus do everything in our power to help the Press Commission discharge its obligation, in the overall interest of the public to which we are all to varying degrees accountable."

When Flt. Lt. Rawlings in late 1981 seized power for the second time, he formed the Provisional National Defence Council (PNDC), setting aside the liberal media reforms initiated by President Limann. Under the PNDC, the Third Constitution, along with the Press Commission, was cancelled and repressive laws brought in.

Flt. Lt. Rawlings passed laws that prevented criticism of the PNDC government or its policies, dismissed editors critical of him and brought in various laws such as the Preventive Custody Law and Newspaper Licensing Law, which respectively allowed for the indefinite detention without trial of journalists and stifled private media development.

⁴⁰ Democracy and Ghana: Selected Speeches of President Hilla Limann. London: Rex Collings, 1983

The Newspaper Licensing Law of 1983 specifically required anyone wanting to publish a newspaper or magazine to obtain a licence from the Secretary for Information.

The PNDC regime (1982 -1992) was a turbulent period for the practice of journalism in Ghana as many veteran journalists acknowledge.

Blay-Amihere, for instance, testifies: “I worked as Editor of the Free Press between 1984 and 1986 and within that short period, the publisher Tommy Thompson and research writer, Kweku Baako Jnr. were arrested and detained without trial for months. Tommy Thompson, his editor, John Kugblenu and columnist Mike Adjei had earlier on, in 1982 been arrested and detained for one year. John Kugblenu could not suffer the strain of detention and died two weeks after his release. Tommy Thompson’s health equally suffered.”⁴¹

According to Rockson,⁴² under the PNDC regime, editors and senior editorial personnel were removed from most of the major media houses. He adds that “the government also enacted a law (1982) which abolished the boards of directors of organisations, including state-owned media and established the Interim Management Committees (IMC)”.

PNDC Secretary of Information Joyce Aryee⁴³ in 1983 defended direct government control: “I don't see the press as lying outside the political institutions that we already have. This is where I feel people ought to realize that the press differs from country to country. In a situation like ours, where we need to conscientize people, and where we have an illiteracy problem, you use institutions like the press to do the conscientization”.

It was a period in which media policies made it impossible for journalists to operate without looking over their shoulders. As a result, some media avoided all discussion of politics altogether and focused on other topics like sport or entertainment instead.

⁴¹ Blay-Amihere *ibid*

⁴² Kweku Rockson *ibid*

⁴³ Joyce Aryee, *Africa Contemporary Record*. Volume 16, 1983-1984. London: Africana Publishing Company

According to Rockson⁴⁴, “while there was a predominance of government ownership and control of the media apparatus under the PNDC, there was also a private sector which controlled certain sections of the media, mainly sports, human interest and entertainment, cultural, music, religious and lotto, etc, and a few socio-economic and political newspapers by private organisations or individuals”.

The taboo surrounding free speech appeared to have been broken when Professor Albert Adu Boahen,⁴⁵ a politician and authority on Asante and West African history, delivered a lecture at the British Council hall in Accra in 1987, condemning the ‘Culture of Silence’ which had been imposed on Ghanaians by the military junta.

The ‘Culture of Silence’ came about because of the fear which the brutality of the military regime had created in the people. Prof. Boahen’s lecture sparked a series of lectures on democracy and free speech and agitation for return to civilian rule grew stronger.

Blay-Amihere recalls: “Kwesi Pratt Jnr., Tony Akoto Ampaw, Ralph Kugbey, Kwame Karikari, and Kweku Baako Jnr. were again all detained in April 1986 for exercising their fundamental human right to speak on national issues. Their arrest was the last straw in the positive defiance of the Free Press which folded up with a famous last edition, ‘The Last Tango’, crying out about how low Ghana had sunk in press freedom.”

As part of the process towards democracy, the repressive 1983 Newspaper Licensing Law which required anyone wanting to publish a newspaper or magazine to obtain a licence from the Secretary for Information was finally lifted in May 1992.

According to Karikari,⁴⁶ “a publishing boom began in the late 1980s as Rawlings prepared to return Ghana to democracy. New, numerous and fiercely independent papers burst onto the streets, providing alternative views and reporting.”

⁴⁴ Kweku Rockson *ibid*

⁴⁵ [^ a b c d e f g "Professor Emeritus Albert Adu Boahen \(1932–2006\)". *Journal of African History* \(Cambridge: Cambridge University Press\) 47 \(3\): 359–361. 2006.](#)

⁴⁶ Kwame Karikari *ibid*

The coming into force of the 1992 Republican Constitution introduced provisions that enhanced the work of journalists and the media. Chapter 12 of the constitution, captioned 'Freedom and Independence of the Media', is where Ghanaians look to for the foundations of their press freedom.

As Blay-Amihere puts it, "in article per article, the 12 Articles of 12 Chapter guarantee the freedom and independence of the media that few Constitutions in Africa do."

Thus provisions from Articles 162 through to 173 are all devoted to the media.

To ensure that the provisions for freedom of the press are truly guaranteed, the constitution established the NMC (Article 166) as the symbol and custodian of these freedoms with a clear mandate to insulate the state-owned media from governmental control and also take all appropriate measures to ensure the maintenance of the highest journalistic standards in the mass media.

In spite of this progress, the Criminal Libel Law was maintained in the 1992 Constitution which made it very difficult for journalists, particularly those in the private sector, to voice contrary opinions on the governance of the country.

Akufo-Addo notes: "By the end of the 1990s, these laws (Criminal Libel and Sedition) had come to symbolize authoritarian, anti-democratic and anti-media impulses within our body politic. There was a general consensus, outside the ruling government and party, that these laws were not worthy of an independent people who had long wrestled their freedom from colonial oppression. The demand for their repeal was consistently articulated by the media and broad sections of civil society."⁴⁷

Karikari concurs with Akufo-Addo. He says: "On July 28, 1998, a group called the Friends of Freedom of Expression, made up of journalists, publishers, academics, parliamentarians and lawyers, demonstrated in Accra 'against the growing threats to press freedom by the courts of Ghana.' In a protest statement, the group expressed 'outrage' at 'the increasing use of the courts ... to weaken press freedom and intimidate journalists'."

⁴⁷ Akufo-Addo *ibid*

According to him, statistics showed that between November 1995 and March 1996, cabinet ministers, leading figures of the ruling party (NDC) and its Members of Parliament filed 21 lawsuits against the media. One MP alone filed eight. By June 1999, according to officials of the Private Newspaper Publishers Association (PRINPAG), there were about 120 court cases against the private press, most of them from officials of the government and the ruling party.

“One case involved Justice Isaac K. Abban, a Supreme Court judge who became Chief Justice not long after the case was filed. A columnist of the *Free Press* wrote that the judge had falsified a statement in a decision he had written concerning some other case. It turned out that the columnist’s claim was correct. But the courts found the article in contempt. The columnist was jailed one month and the editor one day. That added more fuel to the public perception that the courts were out to gag the private press”, he says.

Rockson⁴⁸ says that until the media landscape was liberalised, the laws which generated most controversy were two laws on the licensing of papers published in March 1989: “The Newspaper Licensing Law 1989 (PNDC Law 211 as amended) and a Legislative Instrument (L 11417). Newspaper Licensing Registration 1989, Section 1 (1) of Law 211, state that no person shall print, publish or circulate any newspaper except under and in accordance with a licence granted to the publisher by the Information Secretary.”

The repeal of the Criminal Libel and Seditious Law in 2001 brought a measure of respite to journalists, particularly those in the private media, but, according to Akufo-Addo, “media freedom is still threatened by some of the arcane laws still on the statute books.”

He explains, for instance, that the offence of offensive conduct conducive to breaches of the peace and the sister offence of publishing false news likely to cause fear and alarm to the public

⁴⁸ Kweku Rockson *ibid*

are lurking, even though the first which is a breach of the peace offence ordinarily has nothing to do with media freedom and the work of journalists.

The clause which generates most concern among journalists is section 208 (1) of the Criminal Code of 1960 (Act 29) which states that “any person who publishes or reproduces any statement, rumour or report which is likely to cause fear and alarm to the public or disturb the public peace, knowing or having reason to believe that the statement, rumour or report is false is guilty of a misdemeanour”

The police, for instance, have used the law in recent times to prosecute an opposition activist who claimed on radio that former President Jerry Rawlings set his own house on fire on February 14, 2010. It was also applied in the arrest of a teacher in Kumasi who described the current President as a chimpanzee. It was similarly applied in the recent attempts to prosecute Joy FM’s news editor, Ato Kwamina Dadzie, who had sanctioned the broadcast of a news item alleging death threats against unnamed executives of the Ghana Real Estates Developers Association (GREDA) over the multi-billion STX/Government of Ghana housing deal petition.

2. 4. History of the Media in Ghana

i. Post-independence Press

According to Jones-Quartey, while there had been about 40 newspapers between 1931 and 1956, by March 6, 1957 when Ghana became an independent nation, only 11 were in production.

The 11 were: Catholic Voice (established in 1926), Ashanti Pioneer (1939), Gold Coast Weekly Bulletin (1939-40), Ashanti Times (1947), Ghana Evening News (1948), Daily Graphic (1950), Sunday Mirror (1954), Daily Mail (1955), Liberator (1955), West African Worker (1956) and New Nation (1956).

Jones-Quartey says the power of the press by between 1950 and 1960 was divided between the government, which had established a group of 14 publications, including eight in various indigenous languages, two foreign companies, which between them owned a total of four newspapers, and a third predominantly African group which had chosen this form of business enterprise as their primary means of livelihood.

It must be noted that before independence, there was no electronic media other than Radio ZOY set up by the colonial government which started re-broadcasting BBC programmes in 1935. It was expanded into a new broadcasting platform called the Gold Coast Broadcasting System in 1954 and subsequently metamorphosed into Ghana Broadcasting Corporation (GBC) after independence. Along the line the television component of the GBC was launched on July 31, 1965.

After 1957, Ghana's first President, Dr. Nkrumah, controlled all the press. He saw the media as an instrument of state authority, and ensured that it provided the impetus for the national development agenda.

However, Nkrumah's opponents always insisted that it was for propaganda purposes. For instance, the opposition Ashanti Pioneer which had operated since the 1930s was shut down by Dr. Nkrumah's CPP government after being subject to censorship. A series of arrests and imprisonment of political opponents by Nkrumah had a chilling effect on the media as noted by Anokwa.⁴⁹

According to Karikari⁵⁰, "the political and partisan character of The Pioneer of Kumasi ... sums up the chequered and battered history of the Ghanaian press. ... [It] has been censored and banned, its editors detained without trial or exiled. It has also faced its share of sedition and contempt prosecutions and libel suits."

⁴⁹ Kwadwo Anokwa *ibid*

⁵⁰ Kwame Karikari *ibid*

From 1957 to 1981, one regime after another formulated its own set of rules for the media and official suppression of freedom of speech could be seen running through most of the policies.

For instance, Karikari holds that “the laws proscribed independent, private press activity and put state-owned media under strict governmental controls. Direct censorship was applied now and then.”

He explains further: “Military regimes dictated editorial content. The Minister of Information exercised the controls. But the top leader also got involved in ensuring the state media projected the leader’s desired image. This even included the curious act of deciding where photographs should appear in a newspaper and what should be covered”.

As a result Karikari⁵¹ says “government licensing laws and decrees have been common, frequently disrupting development of the media... In see-saw fashion, the law was repealed and reinstated on several occasions.”

However, media restrictions became intensified as the PNDC military junta consolidated its rule from 1982.

In its November 1994 Report, ‘The Library of Congress Country Studies and the CIA World Factbook’⁵², gave a grim picture of the situation in the Ghanaian media landscape in the 1980s.

“Under the PNDC, self-censorship was the rule in the media. The government considered it the responsibility of the state-owned media, if not the media in general, to project a good image of the government and to defend government programs and policies. To ensure compliance with this policy, the PNDC hired and dismissed editorial staff and other media personnel of government-owned publications.”

It continued: “The Ghana Journalists Association, which acted as a pressure group for the advancement of the professional interests of journalists, had little real influence. The Newspaper

⁵¹ Kwame Karikari *ibid*

⁵² The Library of Congress Country Studies and the CIA World Factbook’

http://www.photius.com/countries/ghana/government/ghana_government_the_media.html

Licensing Law reintroduced by the PNDC in the 1983, discouraged or inhibited the establishment and the freedom of private media.”

The situation also generated a frosty relationship between journalists from state-owned media and their counterparts in the private sector. “The state-owned media and some of the privately owned local newspapers attacked Ghanaian journalists who worked or wrote for the foreign press, accusing them of supporting or collaborating with organizations opposed to the PNDC”, according to this factbook.

In 1992, when a new constitution came in, and Ghana returned to democratic rule in January 1993, the media landscape started liberalising but it took close to a decade for the process to come of age.

In spite of freedoms guaranteed the media by the new 1992 Constitution, it was still difficult for the journalists in the private sector to operate without harassment because the same military government had formed a political party called the NDC (which won Ghana’s 2008 elections after defeats in 2000 and 2004) and won the 1992 elections, retaining Rawlings as a civilian President.

The private media took advantage of the new press freedom laws to criticise the government but the state-owned media maintained a favourable image of Rawlings and his appointees.

In his work on ‘Democracy and Stability in West Africa: The Ghanaian Experience”, Kwame Bofo-Arthur⁵³ said the government monopolized the state-owned media in contravention of constitutional provisions.

“The 1992 general elections were equally significant for the openings it gave to the extra-parliamentary opposition led by leaders of the NPP to attack some of the existing obnoxious laws that restricted the rights of people and created the erroneous impression that the democratic transition has no impact on

⁵³ Kwame Bofo-Arthur, Democracy and Stability in West Africa: The Ghanaian Experience, Claude Ake Memorial Papers No. 4, Department of Peace and Conflict Research, Uppsala University & Nordic Africa Institute, Uppsala, http://www.pcr.uu.se/digitalAssets/18/18579_CAMP4-Kwame.pdf

draconian legislation, whose existence were in direct conflict with the 1992 Constitution”.

He said “the opposition decided to use the courts in the struggle for a freer society under a democratic dispensation. Three of the numerous constitutional cases the NPP brought against the government and its agents deserve mention because of their bearings on the fundamental human rights and the process of democratic strengthening”.

He mentions “the skewed reportage on political issues by the state-owned Ghana Broadcasting Corporation (GBC)” which he said “marginalized the activities of the opposition parties as if they never existed,” as one of the issues that the opposition took to the Supreme Court for interpretation.

Independent radio broadcasting came in late in the democratic scheme of things. According to Karikari⁵⁴ unlike the independent press, which burst onto the scene during political flux in the late 1980s, “independent broadcasting was born in controversy, litigation and political tension. Uncertainties remain over some issues of policy and regulation.”

For instance, opposition political activist Dr. Charles Wereko-Brobby opened Radio Eye in 1994 and started series of pirate broadcasts but his equipment was confiscated and criminal charges were pressed against him.

Radio Universe, Joy FM, Radio Gold, Groove, Vibe, Sunshine (now Choice FM) and later TV 3 among other radio and television stations came in but they were perceived to be trailing in the wake of the longer established newspapers like the Chronicle, Free Press, Independent, Daily Guide and Palaver.

After the NDC was defeated in the 2000 general election, President Kufuor and his NPP took office promising greater media freedoms and fulfilled a campaign pledge by repealing the Criminal Libel Law in 2001 to enable journalists more freedom to

⁵⁴ Kwame Karikari ibid

operate. The real proliferation of the media can therefore be said to have started after the 2000 elections.

2. 5. The media's role in democracy and development in Ghana

According to Professor Karikari,⁵⁵ for most of Ghana's history the press has been a political instrument. He explains that until the 1930s the people who published newspapers were mostly the well-educated elite of lawyers and doctors.

"These people were also invariably the leaders in the nationalist movement agitating for independence from colonialism. Even when business entrepreneurs entered the industry, they were allied to the political movement, and their papers were no less partisan", he says.

This is very much in conflict with the US perspective of Kovach and Rosenstiel that "journalism provides something unique to a culture" and therefore "any journalist that is asked to provide something other than that subverts democratic culture."

Arguably the media's role in consolidating democracy and development becomes even more critical in a developing country like Ghana. Kovach and Rosenstiel point out that "journalism is so fundamental that societies that want to suppress freedom must first suppress the press."

"Whenever an editor lays out a page or website he/she is guessing at what readers want or need to know. However unconscious, every journalist operates by some theory of democracy", they insist.⁵⁶

The media in Ghana continues to play critical role in the consolidation of democracy and development. As part of the

⁵⁵ Kwame Karikari *ibid*

⁵⁶ Kovach & Rosenstiel, *Elements of Journalism*, p.27

democratic culture, the 1992 Constitution assigns roles and responsibilities to institutions of state and the media is not left out in this.

According to Blay-Amihere, for a constitution to devote whole chapter for the media means that journalists have a mandate to play their watchdog role effectively. Since 1993, the press has consistently exercised its constitutional mandate under Article 162(6) to “Uphold the responsibility and accountability of the government to the people of Ghana.”

In the First Parliament of the Fourth Republic - which was virtually one-party dominated as a result of the opposition parties decision to boycott parliament after the 1992 general elections - the few private newspapers-the Free Press, Ghanaian Chronicle, Ghanaian Voice, The Independent, The Guide, The Insight and Dispatch courageously and steadfastly filled the void and provided an alternative platform for public debate, according to Blay-Amihere and Karikari.

“There is more citizen participation in public discourse and debate. Ghanaians openly and publicly discuss issues without fear of being arrested by security agents (and where there have been aberrations in security agents arresting people for free speech public outrage has stopped such violations)”, Blay - Amihere⁵⁷ points out.

Currently, Ghana has a diverse media sector with about 200 authorized FM stations, 12 private television stations and hundreds of newspapers. It is no longer a media monopoly of Graphic, Times, GBC and GNA. According to the NMC chairman, “journalists can no longer be arrested and detained for their editorial functions” and adds that “Ghana’s standing in the comity of nations is high as the country with the freest press in Africa. Good for our image, good for investor confidence.”

The watchdog role of the media has to some extent been fulfilled in the view of the Vice President Mahama. He says: “Our media

⁵⁷ Blay-Amihere ibid

has served us well as a nation. And we know there can be no true democracy without a free and independent media.”⁵⁸

“Since 1992, the road to democracy and national development has not been without its challenges. Since independence, our ship of state has been buffeted by varying winds. There are winds that have allowed us to make significant progress as a nation and there are other times when the winds have not been that favourable. But without a doubt the winds of the 4th Republic have been very propitious and have allowed us to make significant strides in building a country we can all be proud of,” he adds.

The Vice President and the NMC Chairman among others may have their reasons for commending the media for its role so far in the development of Ghana but there are others who still feel journalists and the entire media have not done enough to supervise the acceleration of national development. This court of public opinion suspects strongly that journalists are partly to blame for the country’s woes.

A deeper analysis in Chapter Four explains whether or not the media has made a significant contribution towards nurturing democracy and national development.

⁵⁸ John Mahama ibid

Chapter Three

3. 1. Basis for the Research/Research Problem

As indicated in Chapter One, the Ghana Journalists Association (GJA) says unethical journalism and corruption in the media is posing a danger to Ghana's democracy. The National Media Commission (NMC) adds that the public is becoming disenchanted with the rate at which journalists are abusing the powers given them under the 1992 Constitution. The two media bodies acknowledge that unethical journalistic practices are undermining progress in the media landscape in Ghana. From the forecast, it is evident that the call from some sections of the public for tougher sanctions (that will include curtailing some of the powers of journalists) is as a result of unethical behaviour.

Journalists are undoubtedly playing a significant watchdog role in strengthening multi-party democracy as well as the development of Ghana more broadly. As a result, any attempt to restrict media freedoms without a careful and in-depth analysis of the situation could strangle free speech and press freedom which are necessary components of participatory democracy.

This study, therefore, has set out to investigate the extent and nature of current unethical journalistic practices and to determine whether the public is justified in calling for restrictions of freedoms of the media.

ii. Research Questions and Objectives

This research paper investigates the work of journalists to find out if there is any justification for the call for tougher sanctions against unethical journalistic practices. It will do three things:

- Investigate whether there is any motivation for journalists to indulge in what the public perceive to be unethical practices.

- Investigate the public’s perception that actions of journalists are holding back progress in the media landscape.
- Look for evidence to back the perception that the standard of journalism has been lowered as a result of unethical practices of journalists.

The principal objective is to:

- a. Investigate the extent, scale and nature of unethical practices of journalist that is holding back progress,
- b. Identify the implications of unethical journalism on development of the press in Ghana;

Other objectives are to:

- c. Ascertain the extent to which unethical practices of journalists pose a threat to democracy;
- d. Find out whether the call for restriction of media freedoms is justified;
- e. Suggest ways to check the menace of unethical practices and corruption in journalism

3. 2. Significance of this Study

It has become necessary to confront unethical practices in journalism in Ghana because of the adverse effects that the negative practice of the profession can have on society. According to the NMC Chairman,⁵⁹ “the bell is tolling for a new regime of sanctions,” if journalists continue to act irresponsibly.

There is obvious societal agreement that journalism is supposed to serve as catalyst for development and not a conduit towards destruction. However, in Ghana the perceived high level of

⁵⁹ Blay-Amihere ibid

irresponsibility displayed by some journalists and alluded to by media regulators is becoming a source of concern for the country.

According to the NMC,⁶⁰ “the greatest threat to press freedom and Ghana's democracy is media irresponsibility and the refusal by journalists to abide by the code of ethics of the profession.”

The commission fears that “media irresponsibility in any form could be used as a justification for repression of media freedoms and free speech, a relapse that would be bad for Ghana's growing democracy.”

In the introduction to ‘The Elements of Journalism’, co-authors Bill Kovach and Tom Rosenstiel⁶¹ say journalism is simply the system societies generate to supply the news. They however hold the view that “the lack of clarity for both citizens and news people has weakened journalism” and further said it is now “weakening democratic society and unless we grasp and reclaim the theory of a free press journalists risk allowing their profession to disappear”.

Clearly, Kovach and Rosenstiel are more concerned about the character of news and journalism irrespective of cultural barriers and media regulatory regimes. To them, journalism is being subsumed by advertising, entertainment, e-commerce and most importantly propaganda and they want something to be done about it without further delay.

Ghana has very recently struck oil in commercial quantities and there is a special need for every stakeholder, particularly journalists, to guard against any tendency to misuse revenues that may accrue from the oil industry and ensure that these are strictly used for infrastructural development and wealth creation.

According to Kovach and Rosenstiel, “journalists’ first duty is to serve as independent monitor of power and watch over the

⁶⁰ ,Kabral Blay-Amihere, Chairman of NMC , Thursday March 3, 2011, speech on "Decisions of the Complaints Settlement Committee of the NMC" <http://www.ghananewsagency.org/details/Politics/Media-irresponsibility-is-a-threat-to-press-freedom-and-Ghana-s-democracy-NMC/?ci=2&ai=26177>

⁶¹ Bill Kovach and Tom Rosenstiel, *The Elements of Journalism* (Introduction), 2001, Three Rivers Press, New York

powerful few on behalf of the many”. However, past and current events in Ghana have shown that journalists have tended to fall short on matters of national development. The constant admonition to journalists from media regulators to mend their ways is an indication of deficiencies in the watchdog role expected of journalists.

The high expectations and confidence reposed in Ghana by the international community means the country cannot afford to slip back into the days of despair. The public clearly do not want to allow journalists to continue to polarize the system through their perceived partisanship. There is now a demand for greater media accountability and a belief that a tougher sanctions regime could achieve this.

The study is thus significant in the sense that an accurate appreciation of the extent of unethical practices within Ghanaian journalism would put media regulators and stakeholders on a better footing to tackle the issues involved and also allay public anxiety about standards of journalism.

3. 3. Justification of this Research

Unethical journalistic practices and corruption can impede development. They have been seen to have played a role in bringing about conflict and civil unrest in many parts of the world, particularly in Africa. For example, Rwanda (in 1994) and Kenya (in 2007) have experiences of what irresponsible journalism can do to inflame social tensions within a country.

According to Human Rights Watch⁶², in the Rwandan genocide “one of the most virulent voice (sic) of hate, the newspaper *Kangura*, began spewing forth attacks on the RPF and on Tutsi immediately after the October 1990 invasion. It was joined soon after by other newspapers and journals that received support from officials and businessmen linked to the regime...the radio

⁶² Human Rights Watch, 1999, http://www.hrw.org/legacy/reports/1999/rwanda/Geno1-3-10.htm#P419_175363

was to become even more effective in delivering the message of hate directly and simultaneously to a wide audience”.

In the 2007 post-election violence in Kenya that led to the deaths of many people, the BBC World Service Trust⁶³ concluded that “while the mainstream media has been praised for trying to calm the situation, people within and outside the media argue that it has failed to live up to professional and ethical standards and has contributed to the crisis”.

It is the duty of every journalist and every media organization in Ghana to uphold high ethical journalistic standards so that the country does not experience the unfortunate situation that has befallen other countries through journalistic excesses. Journalists have a mandate to strengthen their watchdog role not only over the government, but also over the ever-expanding corporate and non-profit world, and over public debate that new media technology is creating.

3. 4. Research Plan

The plan for this research is to carry out a content analysis of how five newspapers in Ghana provided coverage of two important national issues over a period of four months in 2011. Specifically, this research looks at three basic journalistic ethical requirements in the areas of objectivity, cross-checking facts and separating fact from comment.

The three principles selected for this research are all critical articles in the Ghana Journalists Association (GJA) Code of Ethics. Adopted by the National Council of the GJA back in, 1994, this code was stated by the association to have been drawn up “as a ready guide and (it) is applicable to members of the association in the state-owned media, private media and local freelance journalists.”

⁶³ BBC World Service Trust, April 2008, http://downloads.bbc.co.uk/worldservice/trust/pdf/kenya_policy_briefing_08.pdf

The association further says “the code provides a frame of reference to the National Executive and the Disciplinary Committee and members of the association when it becomes necessary to initiate disciplinary action against any member who flouts any Article of the Code.”

According to the GJA, the code is meant to ensure that “members adhere to the highest ethical standards, professional competence and good behaviour in carrying out their duties.”

Articles 1& 11 specifically highlight the need for the three basic ethical requirements used for this research to be observed if ethical journalism is to be realised.

Article 1, captioned ‘People’s right to true information’, states that: “It is the duty of every journalist is to write and report the truth, bearing in mind his/her duty to serve the public. The public have the right to unbiased, accurate, balanced and comprehensive information as well as express themselves freely through the media. A journalist should make adequate enquiries and cross-check his/her facts.”

Article 11 captioned ‘Separating comments from facts’ states: “While free to take positions on anything journalists should draw a clear line between comment, conjecture and fact.”

The two national issues considered for this project were the controversies over, firstly, the Wikileaks cables and, secondly, the presidential primary (known as the Sunyani Congress) of the National Democratic Congress (NDC) which is the party currently in government.

According to some Ghanaians, the classified US cables on Ghana released by Julian Assange’s whistleblower website Wikileaks exposed the Ghanaian media’s sheer lack of professionalism and responsibility.

As the Vice President indicated in the introduction above, the Wikileaks cables ‘accentuated’ the media warfare. The media - depending on their political affiliation and loyalty - instigated

heated and polarized debate between the ruling NDC and the main opposition New Patriotic Party (NPP). Journalists are alleged to have selectively picked from the cable releases with negligible crosschecking of the facts to smear their political opponents, in the process escalating the already heightened political temperature at certain points.

The media's performance in the events leading to the NDC presidential primary which selected President John Mills to contest a second term in December 2012 and the post-congress happenings also requires careful assessment. The stakes were very high when former first Lady, Nana Konadu Agyemang Rawlings, wife of NDC founder and former President Flt. Lt. Jerry John Rawlings, decided to stand against the sitting President. It was unprecedented in the political history of independent Ghana for a party member to challenge a sitting President seeking a second term. Some saw the move as a vote of no-confidence in the President while others felt the former first family was being power hungry after some two decades in office.

Many people accused the media of hyping the NDC issues before and after the Sunyani congress and wondered if the nation could hold together for the December 2012 general election.

The fear that the media might not be able to help hold the nation together during this crucial election – the first since oil has started to flow in the country - has compelled the President of the GJA⁶⁴ to issue this warning to journalists about their actions:

“I encourage my media colleagues again that let it not be said that this democracy that has been extolled so well all over the world was brought to its knees because the media people were reckless. In 2008 we were nearly on the brink, we would encourage those people who were involved in that to just think about the future of this country, this beautiful country and look around, Rwanda, Cote d'Ivoire, Liberia. Look at the war

⁶⁴ Ransford Tetteh, President of Ghana Journalists Association, Friday February 17, 2012 advice to journalists at a Unilever Media Interaction <http://www.ghanaweb.com/GhanaHomePage/economy/artikel.php?ID=230262>

situations in those countries; it is difficult building from the ashes of war.”

Timeframe

The period July to October, 2011 was selected for study because it marked a particularly contentious time in the history of the media in Ghana. It was a period in which public concern over irresponsible journalism mounted. Public outcry against the media from politicians, religious leaders, traditional rulers, and from media regulatory bodies and watchdogs themselves increased. The NMC and the GJA for instance issued statements urging journalists to uphold their own code of ethics.

This investigation focuses on straight (or hard) news stories and considers only stories with front page coverage. Analysis of the content of columnists and editorial opinion is not included because, unlike news coverage, there is no requirement for these to be objective.

The choice of print media for this research was strategic in the sense that the press has over the years set the agenda in Ghana’s democratic discourse. The electronic media in most cases tend to pick up on and elaborate on what the press publish in the form of newspaper reviews and follow-ups.

The newspapers selected for analysis are Public Agenda, The Ghanaian Chronicle, Daily Guide, The Herald and Ghanaian Times.

Profile of Newspapers

- **Public Agenda** is a private newspaper, sponsored by Integrated Social Development Centre (ISODEC). It appears on the newsstands twice weekly on Mondays and Fridays with a circulation of less than 2,000 copies. It is perceived

to be neutral in its reportage and tackles national issues and problems dispassionately. On its website, it says “Public Agenda is sponsored by ISODEC to promote sustainable development through working for good governance and giving a voice to the disadvantaged. A good number of people see Public Agenda, as nonpartisan always focusing on issues affecting the poor and vulnerable in the society.”

Link:

http://www.ghanaweb.com/public_agenda/backissues.php

- ***The Ghanaian Chronicle*** is one of the pacesetters of the private newspaper industry. It is a daily newspaper owned by General Portfolio with veteran journalist Nana Kofi Coomson as its founder. It was undoubtedly the most ‘feared’ private newspaper by the government in the 1990s but its public appeal had gone down drastically due to managerial problems. Its circulation is under 10,000. It is often criticized for speaking for the opposition. On its website, it says, “The Ghanaian Chronicle is a news media that was started in September, 1990. The company has since been making very significant contributions to Ghana’s Transition from dictatorship to democracy, freedom and justice. It is acknowledged as a leader in the crusade for peace and reconciliation among Ghanaians and against corruption, poverty and human abuses.” Link: <http://ghanaian-chronicle.com>
- ***Daily Guide*** is the most widely read private newspaper in Ghana currently. It is owned by Western Publications which controls three other newspapers in the industry. From a humble beginning, it has grown to become arguably the most successful private newspaper. Its circulation stands at about 25,000. It is noted for its persistence in pursuing social justice. It, however, stands accused for speaking for the opposition NPP. On its website, *Daily Guide* describes itself as “Big in news, big in spread”. Link: <http://www.dailyguideghana.com>

- ***The Herald*** is the youngest among the newspapers selected. It is published by Prime Mark Company Limited and appears on the newsstands twice weekly on Mondays and Fridays. Its circulation stands around 2,000. It is barely two years in existence. It stands accused for doing the bidding of the ruling NDC government. It has “Truth stands” as its motto. Link: <http://theheraldghana.com>
- ***Ghanaian Times*** is the oldest among the newspapers selected. It is a state-owned newspaper established as the Guinea Press in 1958 by Ghana’s first President Dr. Kwame Nkrumah. Under the 1992 constitution, the *Ghanaian Times*, published by the New Times Corporation, is supposed to be neutral and serve everybody irrespective of political affiliation but over the years it has not hidden its strong preference for political parties in government. Its circulation is around 10,000. Link: <http://www.newtimes.com.gh>

Methodology

These were the steps followed to gauge how the five newspapers provided coverage for two important national issues in a period of four months in 2011, specifically looking at three basic journalistic ethical requirements in the areas of objectivity, cross-checking facts and separating fact from comment.

- **Step One**

Selection of newspaper samples

- **Step Two**

Selection of variables/indicators

- **Step Three**

Selection of the unit of analysis

- **Step Four**

Tracking the unit of analysis from the newspaper's website using the search engines/button

- **Step Five**

Reading the whole article to find out whether or not there was abuse of the code of ethics or whether the article undermined ethics of the profession as complained about by the public

- **Step Six**

Construction of coding scheme to recognize the characteristics of the text

The process was repeated for each unit of analysis selected.

3. 5. Operationalization of Research

- **i. Variables/Indicators**

The issues were:

- The Wikileaks Cables and
- The NDC presidential primary (Sunyani Congress) which selected President John Mills to seek re-election on the ruling party's ticket in the December 2012 general elections.

For the Wikileaks cables on Ghana the research covers how the five selected newspapers handled or portrayed both the NDC and the NPP on: the fight against narcotic drugs as well as the leadership styles of President Mills and his predecessor J.A. Kufuor, specifically looking at objectivity, cross-checking facts and separating fact from comment of each article in the five-selected newspapers.

The same process applies to the post NDC Presidential Primary (Sunyani Congress), where the investigation covers how the press

have portrayed the two contestants (President Mills and Mrs. Rawlings).

The unit of analysis was articles from the selected newspapers containing information on Wikileaks about both the NDC and NPP's commitment to the fight against narcotic drugs and the leadership styles of Presidents Mills and Kufuor as well as articles on how the press portrayed the candidates in the NDC presidential primary. The points of measurements of the articles were: objectivity, cross-checking facts and separating fact from comment.

The particular texts (Unit of analysis) found in the variables/indicators were analysed by reading the whole article and then using tables to compile the tracked texts.

The print media were divided into state-owned and private. Political affiliation was also considered. A random sampling of pro-government and pro-opposition newspapers was carried out, using a simple random sampling technique.

Chapter Four

4.1. Analysis of Content

Application of GJA Code of Ethics

Three basic journalistic principles in GJA's Code of Ethics were used in the analysis of five newspapers' coverage of the contents found in the Wikileaks cables as well as the coverage of the NDC presidential primary.

In the case of the leaked cables the focus was on how the newspapers portrayed both the NPP and NDC governments in the fight against the narcotic drugs menace as well as how they characterised the leadership qualities of President Mills (NDC) and his predecessor Kufuor (NPP).

On the NDC presidential primary, this research focused on how the newspapers portrayed candidates Mills and Mrs. Rawlings during and after the congress.

The principles used to measure the portrayal were:

- *Objectivity* (emphasised by the GJA Code of Ethics as the public's right to have unbiased, accurate, balanced and comprehensive information as well as express themselves freely through the media),
- *Cross-checking of facts* (which the code enjoins that every journalist should make adequate enquiries and cross-check his/her facts) and finally,
- *Separating comments from fact* (which according to the code, journalists should draw a clear line between comment, conjecture and fact).

It must be noted that while the Daily Guide, The Chronicle and Ghanaian Times are published daily, the Herald and Public Agenda appear on the newsstands twice every week.

The selected papers have different pages and sizes, so the space devoted to the issues may vary from one newspaper to another. Ghanaian Times has 32 pages (Monday to Friday) and 24 pages on weekends, Daily Guide has 24 pages weekdays and 16 pages on weekends. Both the Chronicle and The Herald have 16 pages while Public Agenda has eight pages.

The tables below explain the performance of the five selected newspapers on the issues.

Table A shows the overall number of articles published by the five newspapers between July and October 2011 on the two national issues.

Newspaper/Issues	Wikileaks	NDC Congress	Grand Total
Daily Guide	30	69	99
The Chronicle	3	48	51
Ghanaian Times	1	19	20
Public Agenda	1	2	3
The Herald	14	16	30
Total	49	154	203

In this table, Daily Guide, The Chronicle and Ghanaian Times (all appearing on the newsstands six days in a week) published 99, 51 and 20 articles respectively, while Public Agenda and The Herald, both of which appear twice weekly, produced 3 and 30 articles respectively.

The newspapers together published a total of 49 articles on the Wikileaks issue and 154 on the NDC congress. The combined total number of articles published on the two issues between July and October by the five papers was 203.

Table B shows the number of times each newspaper used information in the Wikileaks Cables for publication within the period under review.

Month/Newspaper	Daily Guide	The Chronicle	Ghanaian Times	Public Agenda	The Herald	Grand Total
July	1				1	2

August						
September	29	3			13	45
October			1	1		2
Total	30	3	1	1	14	49

Daily Guide published 30 articles, The Herald 14 stories and The Chronicle 3 whilst Ghanaian Times and Public Agenda managed a story apiece. According to this table, Daily Guide and The Herald appear to have provided by far the most space (mainly during the month of September 2011) on the leaked cables while The Chronicle, Ghanaian Times and Public Agenda did very little on the issue.

Table C shows the number of times each newspaper published information on the post-NDC congress in the months under review.

Month/Newspaper	Daily Guide	The Chronicle	Ghanaian Times	Public Agenda	The Herald	Grand Total	
July	42	21	3	2	10	78	
August	11	9	9		4	33	
September	1	5	2		2	10	
October	15	13	5			33	
Total	69	48	19	2	16	154	

On the events that surrounded the NDC, Table C shows Daily Guide published 69 articles, The Chronicle 48, Ghanaian Times 19 and The Herald 16 while Public Agenda is credited with only 2 articles. According to this table, Daily Guide and The Chronicle appear to be leading in the number of stories on the congress though Daily Guide published even more articles than The Chronicle. The Herald as a weekly newspaper managed to publish almost the same number of articles on the issue as the Ghanaian Times which is a daily. Public Agenda which appears

to have been interested in issues other than the congress did very little on it.

Below are the table distributions in percentage of how five newspapers handled three basic journalistic principles on the two national issues.

Principle of Objectivity

Table D (i), showing how the newspapers sourced information from the leaked cables under the objective test.

Newspaper	Principle of Objectivity	Percentage
Daily Guide	11 out of 30	36.7
The Chronicle	2 out of 3	66.7
Ghanaian Times	1 out of 1	100
Public Agenda	1 out of 1	100
The Herald	4 out of 14	26.67

Here, the research used the principle of objectivity to assess each article by way of how the newspapers addressed the views of the actors mentioned in the leaked cables. It looked particularly at how the newspapers handled the issue of bias and balance as well as how comprehensive the information published were perceived to be in marking the objective test.

The percentages for this principle were arrived at by looking out for the number of times each article was perceived to be objective on the leaked cables, dividing that number by the total number of articles published on each issue within the period.

Table D (ii), showing how the newspapers handled the post-NDC congress in relation to objectivity

Newspaper	Principle of Objectivity	Percentage	
Daily Guide	32 out of 69	46.4	
The Chronicle	26 out of 48	54.2	
Ghanaian Times	11 out of 19	57.9	
Public Agenda	2 out of 2	100	
The Herald	6 out of 16	37.5	

Here, the research used the same principle of objectivity to assess each article by way of how the newspapers addressed the views of the actors during the NDC congress.

Principle of Cross-checking Facts

Table E (i), showing how the newspapers cross-checked information they received from the leaked cables.

Newspaper	Principle of Objectivity	Percentage	
Daily Guide	14 out of 30	46.7	
The Chronicle	2 out of 3	66.7	
Ghanaian Times	1 out of 1	100	
Public Agenda	1 out of 1	100	
The Herald	2 out of 14	14.2	

In looking at how the newspapers cross-checked their facts in the leaked cables, this research assessed whether the articles published sought or ascertained the views of those mentioned in the leaked cables and whether there were suppression of information or views of those mentioned as ethics of the profession demands.

The percentages for this principle were arrived at by looking out for the number of times each newspaper was able to cross-check its facts from the leaked cables, dividing that number by the total number of articles published.

Table E (ii), showing how the newspapers handled the post-NDC congress in relation to of cross-checking facts.

Newspaper	Principle of Objectivity	Percentage	
Daily Guide	42 out of 69	60.9	
The Chronicle	27 out of 48	56	
Ghanaian Times	9 out of 19	47.3	
Public Agenda	1 out of 2	50	
The Herald	5 out of 16	31.25	

Looking at how the newspapers cross-checked facts during the NDC congress, this research assessed whether the articles sought or ascertained the views of the actors under review and whether there was suppression of information or views of the actors.

Principle of Separating Comments from Fact

Table F (i), showing how the newspapers were able to separate information from the leaked cables and not represent them as facts.

Newspaper	Principle of Objectivity	Percentage	
Daily Guide	16 out of 30	53.3	
The Chronicle	3 out of 3	100	
Ghanaian Times	0 out of 1	0	
Public Agenda	1 out of 1	1	
The Herald	7 out of 14	50	

Looking at how the newspapers separated comments from fact of the publication of information in the leaked cables, this research took into consideration issues of comment, conjecture and fact in the various publications.

The percentages for this principle were arrived at by looking out for the number of times each newspaper failed to separate comments as facts from the leaked cables, dividing that number by the total number of articles published.

Table F (ii), showing how the newspapers handled the post-NDC congress in relation to separating comments from fact

Newspaper	Principle of Objectivity	Percentage	
Daily Guide	36 out of 69	52.1	
The Chronicle	18 out of 48	37.5	

Ghanaian Times	11 out of 19	57.9	
Public Agenda	2 out of 2	100	
The Herald	8 out of 16	50	

Looking at how the newspapers separated comments from fact in the handling the NDC congress, this research took into consideration issues of comment, conjecture and fact in the various publications.

4. 2. Findings

On the principle of objectivity - Table D (i) - as defined by the GJA Code of Ethics, Daily Guide recorded 11/30 (36.7%), The Chronicle 2/3 (66.7%), Ghanaian Times and Public Agenda 1/1 (100%) respectively and The Herald 4/14 (26.67%) as far as the coverage of the leaked cables is concerned. It must be noted that Public Agenda, Ghanaian Times and The Chronicle did not provide enough coverage for Wikileaks to warrant a deeper analysis. Daily Guide and The Herald were able to dig into Wikileaks and the results represent how each newspaper performed.

Handling events that surrounded the NDC congress regarding objectivity, Table D (ii) presents Daily Guide 32/69 as obtaining 46.4%, The Chronicle 26/48 (54.2%), Ghanaian Times 11/19 (57.9), Public Agenda 2/2 (100%) and The Herald 6/16 representing 37.5%. Clearly, Public Agenda was not active in the coverage of the events and could not attract the needed analysis.

On how the newspapers cross-checked their facts in using information from the leaked cables, Table E (i) puts Daily Guide at 14/30 which represents 46.7%, The Chronicle 2/3 (66.7%),

Ghanaian Times 9/19 (47.3%), Public Agenda 1/2 (50%) and The Herald 5/16, representing 31.25%. Here, all the newspapers failed to cross-check their facts before publication.

In cross-checking facts of the events surrounding the NDC congress in Table E (ii), Daily Guide recorded 42/69 representing 60.9%, The Chronicle 27/48 (56%), Ghanaian Times 9/19 (47.3%), Public Agenda 1/2 (50%) and The Herald 5/16 representing 31.25%.

The newspapers may have made attempts to cross-check facts but the fact that there were still breaches of ethics suggests that things were not done right. This is because the code enjoins every journalist to cross-check every fact before publication.

On the principle of separating comments from fact - Table F (i) - as regarding the publication of information from the leaked cables, Daily Guide recorded 16/30 which represents 53.3%, The Chronicle 3/3 (100%), Ghanaian Times 0/1 (0%), Public Agenda 1/1 (100%) and The Herald 7/14, representing 50%. Personal opinions in some of the articles undermined the integrity of information in the leaked cables which in itself has caused international controversy.

On how the press handled the events that surrounded the NDC congress regarding the separation of comments from fact in Table F (ii), Daily Guide recorded 36/69 representing 52.1%, The Chronicle 18/48 (37.5%), Ghanaian Times 11/19 (57.9%), Public Agenda 2/2 (100%) and The Herald 8/16 representing 50%. Here, the newspapers again in some cases presented comments as fact which were against ethics of the profession.

On the leaked cables for instance, Daily Guide articles with headlines: 'NDC stabs Mills in Wikileaks' (September 10), 'Mills has throat cancer - Baba Jamal' (September 7), 'Mills on \$5 cancer treatment - NPP Boys' (September 9) failed to meet the ethical principle of objectivity. In these articles, equal opportunity was not given to those cited in the cables to state their cases.

In The Herald, articles with headlines as ‘Kufuor cried over ex-gratia withdrawal’ (September 16), ‘Kufuor, Poku run down Rawlings to Americans’ (September 5) and ‘Why Francis Poku was sacked’ (September 5) lacked objectivity and equal opportunity was also not given to those cited in the cables to make responses.

In the post-NDC congress coverage, there was evidence of articles published to favour one viewpoint or interest over the other. Some of them lacked objectivity; facts were not properly cross-checked while in others opinions were presented as facts.

For instance, The Chronicle’s articles with headlines: ‘NDC Congress wasn’t lovers rendezvous’ (July 21), ‘Mills is a tenant in NDC’ (July 7), ‘Rawlings is greedy’ (July 7), ‘J J pooh poohs Mills’ regime’ (October 24), were some of the publications that were said to have been targeted at widening of the perceived rift between the President and the former first couple who had brought him (President Mills) to political limelight.

Ghanaian Times was clearly concerned about unity in the ruling party and devoted precious space to run articles on matters arising, often overlooking other important national developmental concerns as a state-owned newspaper mandated by the constitution to be non-partisan.

Articles that appeared in Ghanaian Times showing the paper’s concern for the ruling party’s disintegration include: ‘NDC preparing grounds for NPP return’ (Sept 19), ‘Volta NDC affirms gov’t commitment deliver’ (August 16), ‘Work hard for NDC to succeed’, ‘Let there be unity in NDC’, (August 29).

Those published by Daily Guide were sometimes slanted to favour the former first family against President Mills’ camp during the contest. For instance ‘NDC fixed elections’ (July 14), ‘NDC lied to Konadu’ (July 19), ‘NDC spent 28 billion Cedis to elect Mills’ (July 25), ‘FONKAR boys desert NDC’ (August 14) were

some of the publications that were perceived to back the former first couple.

Public Agenda as usual did not get neck-deep into the NDC affairs but had two articles: ‘259 NDC delegates votes missing?’ (July 15) and ‘There was no level-playing field – Konadu’ (July 18), which appeared to give more voice to the former first family as against the President’s camp.

The Herald’s articles favoured the viewpoint or interest of President Mills’ camp and at the same time run down the Rawlingses. For instance, articles with headlines such as: ‘Rawlings getting credit with delays in Ministerial reshuffle’ (August 29), ‘Konadu must shut up!’ (July 29), ‘Mills teaches Konadu the thing’ (July 11), ‘Konadu’s Nsawam Cannery rots away’ (August 1) appeared to give louder voice to the President as against his opponent in the contest.

4. 3. Observations

The following observations were made on the five newspaper’s coverage of the two national issues.

First, the newspapers were especially active in publishing information from the leaked cables only around September 2011 as Table B shows. The issues about the cables had first come up in December 2010 but they did not get much press attention at that point. However, when Wikileaks re-published the cables in mid-2011, the media in Ghana, in particular the press, then had a field day. The publications generated heated and polarised debate in the country.

Second, NDC activities attracted extensive press in July because that was the month in which the presidential primary was held (Table C). Nevertheless, events surrounding the aftermath of the congress continued to attract attention of the press who were also taking advantage of the situation to generate public debate.

Third, the performance and interest of the selected newspapers on the issues varied greatly from one media house to another. Daily Guide published the highest number of articles on the two issues and this might be due to the fact that it is a daily newspaper although Ghanaian Times and The Chronicle are also dailies. Ghanaian Times and The Chronicle were not very much active in the publication of information from the leaked cables.

On the other hand, The Herald - published twice weekly - created a fair amount of space for the issues as it was active on both the Wikileaks report and NDC congress. Public Agenda – published twice weekly - appeared not to be very much interested in either the leaked cables or the NDC congress as it barely published anything about them. As a result, it was difficult to establish the paper's allegiance on the issues, even though many in Ghana perceive the paper to be neutral in its handling of national issues.

Concrete articles that point to the fact that unethical journalism undermines progress in Ghana, abound in this work. For instance, Daily Guide articles with headlines including: 'NDC stabs Mills in Wikileaks' (September 10), 'Mills has throat cancer – Baba Jamal' (September 7), 'Mills on \$5 cancer treatment – NPP Boys' (September 9), all appear to lower the standard of journalism.

In The Herald, articles with headlines like 'Kufuor cried over ex-gratia withdrawal' (September 16), 'Kufuor, Poku run down Rawlings to Americans' (September 5) and 'Why Francis Poku was sacked' (September 5) had similar effect on the practice of journalism.

In the case of post-NDC congress coverage, The Chronicle's articles with headlines: 'NDC Congress wasn't lovers rendezvous' (July 21), 'Mills is a tenant in NDC' (July 7), 'Rawlings is greedy' (July 7), 'J J pooh poohs Mills' regime' (October 24), did not serve journalism better.

Ghanaian Times attitude towards national development during the NDC congress raised concern. The state-owned newspaper

devoted precious space for the NDC to the detriment of all other national interests. Articles such as: 'NDC preparing grounds for NPP return' (Sept 19), 'Volta NDC affirms gov't commitment deliver' (August 16), 'Work hard for NDC to succeed', 'Let there be unity in NDC', (August 29).

Daily Guide's articles such as: 'NDC fixed elections' (July 14), 'NDC lied to Konadu' (July 19), 'NDC spent 28 billion Cedis to elect Mills' (July 25), 'FONKAR boys desert NDC' (August 14) were one sided and it favoured the former first family. Two articles published by Public Agenda: '259 NDC delegates votes missing?' (July 15) and 'There was no level-playing field – Konadu' (July 18), were also one-sided.

The Herald's articles with headlines such as: 'Rawlings getting credit with delays in Ministerial reshuffle' (August 29), 'Konadu must shut up!' (July 29), 'Mills teaches Konadu the thing' (July 11), 'Konadu's Nsawam Cannery rots away' (August 1) all undermined the candidacy of the former first couple.

In the examples cited, the motivation for publication of articles cited can be said to be political rather than due to any other consideration.

In some jurisdictions it is the aim of most newspapers to make a profit while at the same time ensuring that journalistic ethics are not compromised but the picture is different in Ghana.

A majority of the media consider partisanship as the means for survival. They solely depend on their political masters instead of finding other viable ways to keep the publications in circulation. That explains why a lot of these newspapers fold when their political parties lose power. These papers are active when it is getting close to elections or when their parties assume office. In the process it is ethical journalistic standards that become compromised.

Finally, the radically divergent views expressed by the newspapers on the issues give a sense of a media landscape that

is operating without checks and balance. It further gives a sense that it has lost its moral and ethical direction and professional control.

Chapter Five

5. 1. Conclusions

The articles reviewed appear to confirm the widely-held view that the Ghanaian media, particularly the press, have taken entrenched political positions. The media landscape is sharply divided along party political lines and journalists are perceived to be at the forefront of the process of polarisation.

There is evidence of a polarised country where partisan politics have come to dominate virtually every aspect of national public life, especially in election years. National issues appear to be discussed at the dictate of the ruling NDC and the opposition NPP alone. The standard of the media has been lowered as journalists actively engage in partisan politics.

There is also evidence of politicians using the media to systematically pursue a partisan agenda as they make every effort to divide and rule. As a result, there is no longer any consensus building in the media as there used to be.

The view outside the country of Ghana as a beacon of hope for Africa due to her democratic credentials is under serious threat as events in the political environment such as the recent biometric voter registration and others have shown. With the tacit support of journalists, politicians run the risk of leading Ghana into chaos. The media and some leading journalists cannot escape blame for this unfortunate trend. Journalists without doubt have allowed themselves to be used.

Over the Wikileaks cables for instance, the newspapers appear to have failed the tests set for objectivity, cross-checking of facts or separating comments from facts as prescribed in the GJA Code of Ethics.

Editors sanctioned the publication of information in the leaked cables that clearly infringed basic ethical principles of

journalism. The media operated without recourse to the code of ethics.

A majority of the articles from the leaked cables lacked objective analysis, while most of the stories were published without crosschecking the facts. Further, a large number of the articles were personal comments reported or presented as facts.

With the exception of the Ghanaian Times and Public Agenda, which did not actively reproduce information in the leaked cables, Daily Guide, The Herald and to a lesser extent The Chronicle displayed partisan bias in their reportage on the leaked documents.

The actions of the press confirm Vice President Mahama's observation that the leaked cables 'accentuated' media warfare. The media - depending on their political affiliation and loyalty - instigated fierce and partisan debate between the NDC and the NPP when the cables came in. Newspapers selected for this project also cannot escape blame for the way and manner they ignored basic ethical standards when handling the leaked cables.

Furthermore, most of the articles carried sources who themselves were not certain about the information being provided for publication and the newspapers failed to observe due diligence of ethical demands. It could be said that newspapers displayed partisan bias, where journalists continuously gave more attention on the issue to either the NDC or the NPP to the detriment of all the other political parties in the country.

All the newspapers were active in the coverage of events that surrounded the NDC congress. Daily Guide and The Chronicle (which would be typically described in media-political relationship parlance as longstanding 'enemies' of the Rawlings family) suddenly became the allies of the former first couple. Their reportage appeared skewed in favour of the Rawlings couple who were trying to use the ruling party's internal structures to stop President Mills from seeking a second term in office. The

Herald on the other hand was hostile to interest groups that were perceived to be working against the President's second term bid.

The Ghanaian Times' articles on the surface looked fairly neutral; but there is public perception that underneath was a subtle attempt to do the bidding of the government and at the same time appearing to ignore dissenting opinions. The Times might not have been active in the publication of the leaked cables but was very much involved in the events that surrounded the NDC presidential congress.

A polarised media, concern for all

The undue politicisation of national issues using the media is reaching unacceptable levels and, furthermore, the public's agitation for sanctions against the media appears to be gathering pace. Whether they (the public) are justified or not depends on how journalists and the entire media respond to the call to play by the rules.

Corrupt government practices have eaten into the media making it impossible for journalists to play their watchdog role. Politicians have helped weaken the media but then turn around to point fingers at it. Abiding by the journalists' code of ethics and other media laws in the country will be crucial for Ghana's future development of the media.

A large number of articles published in Daily Guide and The Chronicle for instance favoured the center-right (NPP) while The Herald for its part is seen to have pursued the agenda of the NDC government, which is the centre-left in its political ideology. The Ghanaian Times is supposed to be state-owned but over the years it has shown its preference for ruling governments while Public Agenda is widely perceived to be reasonably neutral even though it has had its own problems with governments.

The media in Ghana are clearly engaged in some kind of ‘tug-of-war’, mainly for political benefit and expediency as they try to outdo one another. Some journalists work according to the dictates of politicians and political parties instead of the public good. This might be the main reason why some of the publications guilty of regular violation of the code of ethics of journalism are owned by politicians or powerful individuals with political connections and interests.

From what is happening in the media scene, it is fair to hold that the media’s constitutional mandate and credibility as a watchdog of society has been compromised and the image of professional journalism dented as a result of persistent unethical practices exhibited by journalists. It is also the reason why news space is dominated by propaganda, the use of intemperate language and outright hate speech.

Vital issues such as the fight against poverty, environment, health, unemployment, lowering standards of education, acute housing and harsh economic and living conditions do not matter to most journalists anymore. Critical national issues hardly get attention in the media. Even when they do, they are looked at along partisan lines by the media.

Journalists appear to be interested in pursuing only political accountability where personality attack instead of performance has become the order of the day. This has seriously undermined democracy and development.

In this study, the Ghanaian media landscape appears to have been seized by politicians and political parties who are using journalists to pursue their own agenda. They are taking undue advantage of what many perceive to be a weak media regulatory environment and a lack of capacity of monitoring institutions.

The absence of freedom of information and established broadcasting laws have also been identified as part of the problem that have brought about a polarised society and

polarised media in Ghana. Many are also of the view that partisan politics engaged in by journalists has been the main obstacle in the promotion of ethical journalism.

The press is publishing articles on a daily basis that have serious ethical concerns. They are often published to smear political opponents or to gain political/electoral advantage. Some editors do not seem to be bothered about the implications these publications might have on journalism and national unity. The issues selected for this research revealed how reckless some journalists had become and how the press is abusing its powers.

The extent, scale and nature of unethical journalistic practice has clearly overwhelmed media organization like the GJA, Private Newspapers Association of Ghana (PRINPAG), Ghana Independent Broadcasters Association (GIBA), Community Radio Network of Ghana and the NMC who do not have the capacity (financial) to fulfil their mandate at this stage.

For instance, although the NMC is charged constitutionally to take all appropriate measures to promote high journalistic standards, the state has over the years not provided the corresponding resources. Others, particularly the GJA, are struggling to control their members as their decisions and directives are often flouted by their membership.

There is also the non-judicious allocation of frequencies over the years with no regard for the capacity of the new FM stations to deliver on professional standards.

As a result of undue political interference with the work of the media, several leading media rights activists have been appealing passionately to Parliament to enact a broadcasting law that would prevent politicians from owning radio and television stations in the country. Their concerns are that Ghanaian journalists are becoming too political and in addition there were too many media houses in the hands of politicians.

Currently, the law regulating acquisition is vague and does not restrict ownership. The various political parties once in

government abuse it by allocating electronic media licenses to their cronies. The NMC allocate permits to people willing to go into newspaper business.

5. 2. Recommendations

The debate over whether journalists are undermining democracy and development in Ghana is getting intense. This research adds to a host of studies that have already accused the media, particularly the press, of abuse of power through unethical practices. The unethical actions of the press are justifying the agitation for curtailment of the powers of journalists given them by the constitution.

In spite of this public resentment, the future media regulation and governance in Ghana should not necessarily be statutory. Any attempt at media reforms requires a free media with the interest of the public at its heart, alongside the journalist's obligation to follow highest ethical standards. It should be able to define clearly roles and responsibilities of every stakeholder and ensure that rules and regulations are enforceable.

Unethical practices in journalism which are holding back progress might be checked with the following suggestions:

- The NMC should be empowered with enough resources by the government to do media monitoring and enforce ethical standards of journalism.
- The GJA, PRINPAG, GIBA and other professional associations should also be strengthened and given public support to back the NMC in insisting on highest ethical standards for the practice of journalism.
- The NMC, GJA and others should strengthen their internal disciplinary mechanisms to clamp down on irresponsible journalism and not leave this function in the hands of the

government and politicians. Their decisions should always consider media freedom and the interest of the public.

- There should also be laid-down broadcasting laws to bring accountability into the electronic media.

How newspapers can survive in Ghana

- Newspapers should be independent. They should strive to produce higher quality news. They should orient towards quality and professional journalism with the public's interest at its heart, rather than doing what politicians and businesses want the public to know.
- Newspapers should be professionally run and the effective marketing strategies adopted to attract the flow of advertisement.
- Newspapers should take advantage of the new media platforms to make the papers known to more readers.

In this way journalists and media owners should appreciate the efforts of the regulatory bodies and other media professional associations and cooperate fully with these organisations to ensure Ghanaian journalism serves democracy and national development well.

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