



# INNOVATIONS FOR SUCCESSFUL SOCIETIES

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Interviewee: Paul Adu-Gyamfi  
Interviewer: Ashley McCants  
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Accra  
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Innovations for Successful Societies, Bobst Center for Peace and Justice  
Princeton University, 83 Prospect Avenue, Princeton, New Jersey, 08544, USA  
[www.princeton.edu/successfulsocieties](http://www.princeton.edu/successfulsocieties)

McCANTS: This is elections interview number five with (Paul) Adu-Gyamfi at the National Media Commission in Accra, Ghana. It is 13 August 2008, and the interviewer is Ashley McCants. Thank you very much for—.

ADU-GYAMFI: *It is a pleasure, you are most welcome.*

McCANTS: Thank you so much for agreeing to participate in the interview. I always like to begin these conversations by learning a little more about an interviewee's personal background. Can you describe the position that you hold at the National Media Commission and the goals of this position?

ADU-GYAMFI: *Well, as you may know, the National Media Commission is a creation of the Constitution of the Republic of Ghana, the 1992 Constitution. The Commission was set up under law in 1993. The membership is about 18, but there is institutional representation. You have various organizations. I represent the Bar Association on the Commission. The representation scheme is set up by law: one from the Bar Association, one from the publishers and owners of private press, Ghana Writers Association and Ghana Library Association, Christian Group, that is the National Catholic Secretariat, the Christian Council, and the Ghana Pentecostal. Then there is one representation from the Federation of Muslim Councils and Ahmadiyya Mission. Then there is also the training institution, that is journalists and communicators, the Ghana Advertising Association and the Institute of Public Relations, the National Association of Teachers, the National Council of Women in Development, Trade Unions, the Institution of Private Brokers, two representatives nominated by the Ghana Journalists Association, two appointed by the President and three persons nominated by Parliament.*

*After the Commission is constituted, the members themselves elect their own Chairman. The whole idea is to insulate the Chairman from governmental political control so that the Chairman of the Commission is elected by the members themselves. It is important to know that under Article 166 of the constitution a person who is a founding member of a political party, is a leader or a member of the executive or holds any office in the political party is not qualified to be a member of this Commission. As I've indicated to you, this is done to ensure that the Commission is insulated from political or governmental control.*

McCANTS: And what are your specific responsibilities and goals here at the Commission?

ADU-GYAMFI: *Pardon?*

McCANTS: What are your specific roles and responsibilities?

ADU-GYAMFI: *As indicated in the Constitution of the Republic of Ghana, the primary purpose of the National Media Commission is to ensure the freedom and independence of the media and to make sure that the state-owned media is insulated from governmental control. As a result of that, it is the Commission that appoints the chief executives of the state-owned media. The Constitution ensures that we promote and ensure the freedom and independence of the media, insulate the state-owned media from government control and also take appropriate measures to ensure the establishment and maintenance of the highest journalistic standards. So these are the goals set up under the Constitution for the National Media Commission.*

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McCANTS: Can you tell me more about the jobs that you have held before you took this position with the National Media Commission?

ADU-GYAMFI: *The position of the Chairman?*

McCANTS: Yes.

ADU-GYAMFI: *The Chairman under the law is one of the members, he is selected among the members. But the election is conducted like any other election. Any of the members can nominate you. If there are more contestants—in my case I have been elected and re-elected. Somebody nominated me and I was elected. The Chairman's primary function is to ensure that meetings are called, and when there is a meeting, he chairs the meeting. But his position is no different from other members. Only we are going to vote and there is a tie, the Chairman may have the casting vote. Other than that, the Chairman only chairs the meeting. He has the prerogative, with the Executive Secretary, to summon any meeting. But under the law we have to meet at least once every two months, every quarter we have to meet. But we used to meet—depending upon the exigencies we are meeting almost every month, but we decided that when we don't have much to do we meet once every two months. At our meetings, luckily for us, all the members are basically in Accra, except for me: I am coming from Kumasi.*

McCANTS: What are the eligibility requirements for being appointed to the Commission, and who makes the appointments?

ADU-GYAMFI: *As I indicated to you from the list that I gave you, it is institutional representation. But in the light of our mandate, I think that they take into consideration whether the person can effectively help to perform the functions. I was the President of the Bar Association for three years. After I finished serving my term my association nominated me to be here. So we don't have any basic qualifications, any at all. Anybody who comes here, I think, I presume, should like to have a free and independent press. That should be the basic consideration. But under the Constitution there is no basis, there is no qualification tied to membership. The only disqualification is that if you hold any office within a political party or if you are a founding member, you cannot be a member of this Commission; that is all.*

McCANTS: How would you describe the relationship of the Commission to the government?

ADU-GYAMFI: *Well, so far as the Commission is concerned, if we have anything to do with government it is with respect to financing. We are to be financed by the government, that is, from a consolidated fund that we have here in Ghana. But the law says that in our appointment of chief executives of the state-owned media we have to do that in consultation with the government, with the President.*

*When we are appointing members of the Commission, like when we appointed the Executive Secretary, the law says that the Commission shall appoint the officers and other employees of the Commission in consultation with the Public Service Commission. In that case, insofar as the officers are concerned—but the law says that editors of state-owned media shall be appointed by the governing bodies in respective corporations in consultation with the Public Service Commission. But the Commission shall appoint the chairman and other members of the governing bodies managing in consultation with the President. So it is the appointment of Chairmen and other board members that will have to constitute these things in consultation with the President.*

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*I think that the issue is about what all this consultation means. I think it is only fair that if you are going to do something in consultation with somebody, at least it should be possible to sit down and talk about it. But as far as I can say, since I became a member of this Commission almost five years ago, and also with regard to the appointment that we have made, the President may make suggestions. He will have a list, "you may consider this list for the Commission." For that matter, the President has never on any occasion said that this person should be a member by all means. Of course, the President has his two nominees here; that is within his prerogative. Parliament also has three nominees; it is within their prerogative to send anybody. But as far as appointing the public board is concerned, the President may only send some names for consideration by the Commission. I can assure you that under no circumstances has the President insisted that this person should be appointed; this is left entirely with the Commission.*

McCANTS: Can the President or the executive branch dismiss people appointed to the Commission?

*ADU-GYAMFI: No, no. I think we are elected for three years, a term of three years. Under the law a person may be nominated to be here for another three-year term. Thereafter you cannot be a member consecutively, you cannot be a member. But I think that any group, any constituent group that has nominated somebody here can withdraw that person if they so desire. But under no circumstances can the President dismiss anybody, nor can any group dismiss anybody who has not been nominated by that group. But if they are recalling their own member, then we cannot—if they say "this is our representative, we want him to come back" we cannot prevent it. We can only direct their attention to the fact that he has a mandate for a three-year period. But if they think that he cannot serve a three-year period they can withdraw the member.*

McCANTS: Can the executive branch alter or withhold funding allocations?

*ADU-GYAMFI: Financial?*

McCANTS: Yes.

*ADU-GYAMFI: How the institution is governed for instance?*

McCANTS: You mentioned earlier that it is financed from the government's consolidated funds.

*ADU-GYAMFI: Yes.*

McCANTS: Can the government withhold funding?

*ADU-GYAMFI: Well, our budget is tied to the national budget. Therefore if such amount has been approved for a project and you send your request there— if you are doing the project and you send the request, if money is available they can release it to you. But if they say that the money is not available, you cannot have it. To that extent they can withhold funds.*

McCANTS: Has money been available to you on a timely basis?

*ADU-GYAMFI: What?*

McCANTS: Has money and funding been available to you on a timely basis?

*ADU-GYAMFI: Normally, we make a proposal, like salary for the staff, at the end of the year. We prepare it and send it to the appropriate headquarters for approval. But apart from that nothing is released to us. We don't control the funds. We don't control our funds here. Whatever is paid to us is sent to headquarters for approval before they pay any sum directly into our account, but we don't control any funds whatsoever here.*

McCANTS: Have members of the Commission encountered any challenges that they've had to overcome to establish their independence?

*ADU-GYAMFI: Challenges to our independence?*

McCANTS: Yes.

*ADU-GYAMFI: Before, sometimes—I think that before I became a member of the Commission, when the Commission started, in spite of the clear wording of the Commission's mandate, the government of the time wanted to appoint the chief executives of state-owned media. The Commission resisted this. The idea was that it had to go to court. So the court decided that the language of the Constitution and also the law were very clear and therefore the government had no hand in the appointment of chief executives. The government of that time had to abide by the decision of the court. This was the first time that such a challenge was made. But it was resolved by the court from that declaration.*

McCANTS: If you were providing advice to somebody in another country about how to build an independent media commission, what challenges would you tell them to be alert to?

*ADU-GYAMFI: Well, as far as the institutional framework for media independence and control is concerned, apart from the main structures, I think if the media personnel are not properly trained, not adequately resourced and paid, the tendency will be to seek some money in order to eke out a livelihood. So I think the basic problem of independence of the media is about resources, about how media practitioners are paid, their training, the way they are catered for. Because somebody can just take money and insert—may take money and insert somebody's agenda into a publication just because he has been paid to do it.*

*But if in spite of his resolve to be professional he cannot get money, and somebody is willing to provide money to buy newsprint, it would be a means of controlling the media from the back door. So I think that apart from the professionalism that a person might display, adequate funding for media personnel and also for the institutions should be considered as paramount.*

McCANTS: Can you tell me about a particular success that the National Media Commission has achieved, particularly during an election?

*ADU-GYAMFI: Well, I think if you want to pinpoint what we have achieved since the Commission was established about fifteen years ago, I'll only say that just this morning we were dealing with a petition for settlement from the Ghana Police Service, from the military, from the military intelligence forces, from the Ghanaian forces, from the Bureau of National Education, from the police, from—in other words people have confidence in the National Media Commission. They feel that if there is an infraction of journalistic standards, when they take it to the National Media Commission it will be resolved and adequately settled here through our settlement committee. We don't award any damages or anything like that. But*

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*when we give our decision, we ask you to retract, as the Constitution says, and apologize to the offended person.*

*I think that over the years the procedures have been carried out and the extent to which people come here for settlement of their complaints is clear indication that people have confidence in the institution.*

McCANTS: How would you characterize the media here currently? Is it mostly independent, privately owned? How much is privately owned versus government owned? Has ownership structure changed over time?

ADU-GYAMFI: *I think that before the airways were liberalized, as it were, under the 1992 Constitution, we only had one TV station that was government-owned, but now we have some TV stations that are privately owned. So far as the airways are concerned, the electronic media, the government has only one, GBC (Ghana Broadcasting System), and Ghana News Agency. In the print media we have only two outlets. If you look at the tabloids for the day there are so many papers so that it is a mixture, but the greater part of the media is in private hands. Therefore the government has basically no control over the media at the moment.*

*I think this has happened because of the constitutional provision that gave the Media Commission freedom to operate. Also, for the past two or three years since this government came in, four or five years now, the media in Ghana has been free because the government decided to repeal the criminal libel—the provisions, criminalizing media infractions. This has given way to independence. People are free to write about anything. If you have the opportunity to read some of our papers, people write anything about anything, and that is fine because you will not be taken to court, you will not be prosecuted for writing. This is where the Media Commission comes in. Where there is any infraction the matter is settled by this Commission within the confines of the law. But I can assure you that the repeal of the criminal libel law has actually given media operators the opportunity to be independent, to be really free in Ghana at the moment.*

McCANTS: Can you tell me about how the Electoral Commission or others that conduct the election use the media? For example, at what stage during the election cycle and for what purposes does the Electoral Commission involve the media?

ADU-GYAMFI: *I think when you had the opportunity to meet our Executive Secretary, he might have given you details of the fact that we believe that especially in an election year—in all the elections that have taken place in Ghana from 1996, 2000, 2004, the National Media Commission was tasked with monitoring. We were given the opportunity to monitor the elections. In order to ensure free and fair elections we have been organizing seminars for the media personnel. We have also done some form of education, telling people the type of language they should use during this election year, the type of write up, Bearing in mind the experiences we have from other parts of Africa—How the radio, TV and writing should be used in order to ensure free and fair elections.*

*So to that extent, organizing seminars and workshops for media personnel is in line with the mandate of the Media Commission. Not quite two weeks ago I was in Kumasi to meet with the media, to talk to them about—to find out if there were any challenges and draw their attention to the question of the elections and the role they are supposed to play.*

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*So we do this in conjunction with the support of other civil society groups and also with the Ghana Journalists Association, which is a member of the Commission. They have two representatives here. We cannot lecture or school the media, so why not bring on board an association like the Ghana Journalists Association, too?*

McCANTS: What are some of the challenges that the media have been encountering in this election period?

ADU-GYAMFI: *I think that the basic challenge facing the media in Ghana now is how to get people and training: how to get experienced people who have been trained, not just somebody who just got up and said he is a journalist. If we can get responsible people, well-trained people, those who have gone to the profession because they have the flair to be in the profession—I think then some of the pitfalls we have identified at the moment will not come to be. Like for instance we have the situation where people are appointed, people are given positions, let's say, with the radio and television. This people have no training whatsoever and they cannot control the staff. They say all sorts of things on the airwaves. Before you are aware, somebody has been destroyed and you cannot even recall what was said. So we need a little bit of responsible journalism.*

*I think that the issue is basically training on the part of the National Media Commission. We have one major handle here that we are trying to address, because we have made our position known to parliament. In Ghana, the National Communications Authority distributes frequencies to radio houses, which we consider to be the primary function of the National Media Commission. We don't have control and therefore there is no basic guideline for people who get licenses. I think this is one of the areas where lack of controls means that people are able to do whatever they want. We are fighting very hard to argue that this is part of our mandate and therefore parliament should give the authority to us, or we may have to test that in court. If it is decided that the current NCA bill which is pending before parliament—if that function is not assigned to the National Media Commission we shall test the legality of the law in court.*

*But I believe that if that function is properly assigned and controlled, there will be responsible—a greater measure of responsible media practiced in this country.*

McCANTS: What sources of people, of information, do you think that most people rely on in getting their education and information about the election? Is it mostly radio, newspapers, television or other types of sources?

ADU-GYAMFI: *All of them. But I think that in view of the number of radio stations, and how the large percentage of people who cannot read mostly relies on the radio, because even in the hamlets you have a radio—The television, from radio I'll move on to television, because now greater and sizable amounts of people in Ghana have access to television. Some of these programs are explained but so far as the needs of the people are concerned, they will not come in time. Not for everybody, apart from the commercial towns, the capitals. I think people rely mostly on radio and then on television.*

McCANTS: Do political campaigns use the media to disseminate propaganda? And if they do use the media, if they use hate speech or inflammatory language, how do you regulate those efforts?

ADU-GYAMFI: *We have a monitoring team; we have two offices. Our other office we use for monitoring. The results don't come early enough but we use the monitoring to tell*

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*people how fair the results have been. Like what we have in Komasi. We brought attention to the issues they've discussed for the entire month, the content, what percentage is used for developmental programs, for politicians, etc. Our monitoring team—and this is where we have to strengthen it, because of lack of funds. But we have a monitoring team in which the executive secretary and his instrumentality are actually doing much. Very soon, before the election, we will publish our findings to draw people's attention to how the press itself, the media has been faring. So our monitoring team is one of our organs that we are using to regulate, as it were, media projects in this country.*

McCANTS: And are you authorized to issue infractions or any kind of punishment for those who use inappropriate language or speech?

ADU-GYAMFI: *The only thing is that because of where we came from, the circumstances under which we fought for press freedom in this country, from the military, from civilian government, for us to have this constitutional institutionalization of press freedom under the Constitution, the National Media Commission is not mandated to mete out any punishment or anything under the law. Our principal duty is to draw people's attention, to educate them, to draw their attention to how they can be responsible, but that is as far as we can go.*

*I think that for our purposes that has worked in the sense that any attempt to mete out any punishment will be interpreted as trying to control the press. We believe that it is not yet time for us to ensure that outlets close in the event of wrongdoing. I think that it would be good to try it eventually but as of now the National Media Commission has no power to sanction anybody for that matter. When we warn an outlet and there is no agreement, apology or retraction, then the offended person may go to court where until recently heavy fines were being awarded in court. That is all the more reason why we shouldn't act. Some of these things can be adjudicated and settled, but we don't have the power to award anything or sanction anybody.*

McCANTS: Does this mean that the structure as it works here in Ghana is very context specific and wouldn't be able to be transferred or shared with other countries?

ADU-GYAMFI: *I think that anybody who decides to have— when I came here I met our former Chairman. When we were having an induction course for new commissioners, he said that anybody who does not believe in press freedom has no business at the Media Commission. I think that I have taken that as part of my credo. I believe in what he said. So I believe that what we have tried here has worked for the past fifteen years. We don't sanction anybody; we don't give anybody the opportunity to close down your newspaper. All that you have to do is to come and register with us at the end of the year so that if anything arises, we can get in touch with you. I think that it does work and it can work in other places as well. We are also learning best practices from other sources, from other places, from well established democracies.*

*I think that we are trying to sensitize so that we can have a format that will be a blend between what the well-established democracies do and what we do here. But I think that any country that has passed through our experience can try our approach. We've had visits from Burkina now, from Tanzania, from other places; they come here to look around, to see how in our case there is no governmental control whatsoever with the National Media Commission. We've had visits from other West African countries that come here, sit down with us to talk about sharing with them what we have done so far. I already appreciate how some of them have—I hope that they can get the same thing in their own country, that it*

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*can be done. I think we would have a story to tell if we were to meet some of our colleagues somewhere. They really can try our experience.*

McCANTS: What have you found useful about some of the other countries that you've mentioned that you want to apply in Ghana?

*ADU-GYAMFI: In other places, like we were saying, they deal with the issue of frequencies. How can government control in those cases where there is independence, as we were talking about? Our Media Commission has been assigned that duty. If you go to South Africa—we have been checking on other places. You see some practices, especially concerning the airwaves, that we think that—we believe that it is time for the National Media Commission to be a watchdog on that matter, in line with our mandate, as a means of protecting people, as a means of ensuring that they're independent. Because now everything is done by the government. When there is any infraction, they ask the Media Commission what we are doing. We did not give the person license, so we cannot close that place. There are ways to have proper guidelines and if outlets are outside the guidelines, then you can implement some measures. But where we don't have the authority, they can misbehave as much as possible. You would think that since it concerns the media you should be able to turn around and ask us what we are doing about it.*

*So we believe that if we can get the control as we are trying to sit for, at least as far as the electronic media is concerned, we should be able to regulate it properly to ensure not only their freedom but the responsibility attached to their freedom in their work.*

McCANTS: Thank you very much.

*ADU-GYAMFI: It is a pleasure.*