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Media freedom in Ghana

- THE REPEALING OF THE CRIMINAL LIBEL LAW

Av: Sumbu Chantraine Temo
Handledare: Karin Stigbrand
Examinator:

södertörns högskola
SÖDERTÖRN UNIVERSITY

Foreword

I was late 2012 granted a scholarship for my final exam paper that made it possible for me to conduct the survey and do the research here in Ghana.

Being an African diaspora, from the age of one, I have never had the opportunity to visit Congo, my country of birth, or even Africa. This scholarship meant thus much more to me than an academic progress.

I spent four months in Ghana and the experience has been priceless- both for my academic career but also personal life. Being here has made me discover a different culture and discourse than I am used to. I believe it is important for a journalist to go have such an experience for a better understanding of the world. I am therefore grateful to the Swedish government and SIDA for granting these kinds of scholarships. Furthermore, I would also want to thank my supervisor, Karin Stigbrand, for her support and understanding throughout the research.

Abstract

The purpose of this paper was to study the connection between media freedom and media law, with focus on the Criminal Libel Law that was repealed in 2001.

Development journalism was the applied theory. It is a suitable method to investigate the role of journalist as nation builders, government partners, and agents of empowerment and also as watchdogs. This way the correlation between media freedom and media law could be highlighted in different aspects.

The study was handed out with anonymous surveys with respondents from a state-owned respective private press. In total 21 journalists participated in the quantitative survey and three participated in the qualitative study. Both quantitative and qualitative methods were applied on a randomly selected sample of the journalistic population. The quantitative survey was structured as on a traditional standard survey. Thus, the questionnaire began with closed-ended questions followed by open-ended questions. The qualitative study was designed after the replies in the quantitative study.

The result shows that journalists perceive themselves as nation builders, agents of empowerment and watchdogs with the aim of promoting democracy and empowerment to the population. The majority did not think that media laws, such as the Criminal Libel Law, hindered their objectivity. However, the qualitative study showed that similar laws could have a deterrent effect. Furthermore, there was an equal belief on whether ownership affected journalism practice or not. The interviewees thought that Ghana had a free media, possibly even too free and needed to be monitored

Keywords: Objectivity, Criminal Libel Law, Ghana journalism, Media law, Development Journalism, Media freedom, Africa

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1.0 Introduction

Running for the 2000 election in Ghana, the New Patriotic Party campaigned for the repealing the Criminal Libel Law, which restrained the freedom of speech in a highly discretionary fashion. The risk of prosecution resulted in many journalists self-censuring themselves.

The promise was fulfilled and in 2001 a large portion of the law was repealed. As a result, according to many, the Ghanaian media blossomed. However, critics claim that the repealing of the law has caused bad media practices and de-professionalism despite that a paragraph of the law, still in use, forbids *"publishing false news with intent to cause fear or harm to the public or to disturb the public peace".* [1]

Despite of the Ghanaian constitution's prohibition of censorship there are some loopholes in the law restraining Ghanaian journalists in their work. For example, the 1994 Emergency Powers Act gives the government the right to control information from areas that are in a state of emergency. The law was in 2002 used by the government to control news about a clash between two clans.

1.1 Aim and purpose

Complete freedom of press is still to be achieved. It is therefore also important to analyse what effect the repealing has had on Ghanaian newspapers. Such a study is necessary since it could describe Ghana's journalistic process and consequently the country's democratization process. As further reading will show, it is a common belief that media has a key role in a society.

Again, the purpose is to map what effect the repealing of the law has had on the journalistic practice. Furthermore, an interesting aspect of the investigation regards the quality and professionalism of journalism in Ghana.

[1]Dr Vladmir Antwi- Danso, researcher for International Affairs at the University of Ghana is one of the critics. See http://www.modernghana.com/news/351162/1/antwi-danso-bring-back-criminal-libel-law-before-g.html

1.2 Research questions

- How has the repealing of the Criminal Libel Law affected how Ghanaian journalists perceive themselves as:
  - Nation builders
  - Government partners
  - Agents of empowerment
  - Watchdogs and guardians of transparency.

1.3 Definitions

Objectivity: Impartiality. Facing an issue with the lack of bias. For journalism it means that they approach a matter as neutral as possible.

Soli: Soli is the practice of when journalists accept money from event organizers at the end of a press conferences or similar. The money is supposedly to be used to pay for the cost of travel to the event.

1.4 Media and democracy

A common Western assumption is that the press in Africa would be free if it was not subject to governments' authoritarianism. This assumption however neglects the fact that the press can act for other reasons than to invigorate liberal democracy.[2] According to Francis Peter Kasoma, Western aid with the aim of strengthening Africa press has rather exacerbated unprofessionalism amongst journalists in Africa. The western naive and uninspected belief of the African press has resulted in the endorsement of unprofessional journalism. This has undermined what ought to be good journalism.[3]

A perspective of democracy that is more in line with the discourse in Africa would rather raise other expectations on media. It is important to consider Africa's historical background and also cultural and economic status. Understanding these factors would put what it comprehended as media failure (e.g ethnic biases, partisanship) in another

[2]Nyamnjoh, p. 78-79 and 98.
[3] Ibid., p. 79.

perspective. It is necessary to adapt a broader definition of democracy- one that permits ethnic cultural citizenship and civic citizenship- to understand why journalism not always is objective. A broader democracy perspective would also make it more understandable that facts are not independent, that they can be set in different contexts. Hence, a better media oriented democracy would create more cautious and less pretentious journalism.[4] Thus the Western interpretation of democracy cannot fully be applied to the African discourse. Behaviours normal to Africans might in the Western world be interpreted as impediment to democracy. With the narrow definition of democracy it is not surprising that there is an ulterior belief that Africa is beyond democratization.[5] Democracy can be a key to good government when the public opinion is correctly informed. Citizens are empowered to make better choices at the voting polls. To maintain an updated audience, citizens, it is crucial that journalists provide them with the necessary information.[6] As Peter J. Anderson says: *"High-quality, independent news journalism which provides accurate and thoughtful information and analysis about current events is crucial to the creation of an enlightened citizenry that is able to participate meaningfully in society and politics."*[7]

1.5 The Criminal Libel Law

The criminal libel legislation originates from the English offence of *scandalum magnatum* that was designed to protect "the great men of the realm" against hearsay that damaged them. The purpose of it was to obstruct the trust for the government.[8] The law can be perceived as a balance between the public's right to information, the publisher's interest and people's reputation. The *onus probandi* lies on the prosecuted. He or she faces conviction regardless if there are reasonable arguments to believe that the matter was true or of public interest.

[4] Ibid., p. 250.
[5] Nyamnjoh, p. 251.
[6] Wahl & Hanitzsch, p. 239.
[7] Ibid.
[8] Anku_Tsede, Olivia. *The Media and the Offence of Criminal Libel in Ghana: Sankofa.* (Accra: University of Ghana Business school, 2013), p. 27.

The prohibition concerns speech in permanent form, publication, and defamatory nature of the allegation, negligence or with the intent to defame.[9] Publication of libel is achieved by reproducing the libel by making it known to the defamed or any other person. Thus, the libel must be renounced to a third part.

Violating the law by negligent or with intention results in punishable offenses. The grade of the punishment varies though. Negligent libel is punishable by a fine while intentional libel is punishable on a misdemeanour.[10] There is an exception, privileges, from the criminal libel. This privilege is of two types- absolute and conditional.

Absolut privilege; There must underlay a public interest in the question even if the information is true. It is not relevant if the information is true or false and what intention the person who made it had. [11]

Conditional privilege[12] regards publisher's good faith. It regards when the matter is published for proper reasons and where it was not excessive prosecuted.

When defining good faith, the information itself, circumstances regarding the publication or motivation for the publication are taken into consideration. However, good faith is disregarded if there is proof showing the matter was:

a) untrue and the prosecuted did not believe it to be true; or
b) untrue, and the prosecuted published it without having taken reasonable care to ascertain whether it was true or false.[13]

The presumption of good faith can in these cases not be pleaded.

2.0 Media landscape in Ghana

Royal Gold Coast Gazette, the first newspaper in Ghana, was launched 1822 by General Sir Charles MacCarthy, the country's first crown Governor. The newspaper was a duplicate of Sierra Leone's *Royal Gazette*, founded in 1801. The papers, a tool for the

[9] Karikari, p. 101.
[10] Section 113, Criminal Code 1960 act 29.
[11] Karikari, p. 103.
[12] Section 118 a,b,d,e,f,g, Criminal Code 1960 act 29.
[13] Section 113, Criminal Code 1960 act 29.

British authority and a consolidation for their influence in West Africa, circulated until December 1823.[14]

A Book and Newspaper Registration Ordinance, passed in 1887, was one of the first media laws in Ghana. The law required that the newspaper editor sent information about the newspaper to the colonial secretary. It was also demanded of the printer to put his name on the first and last pages of the newspaper. The law made it easier for authorities to locate publishers. The Criminal Code (Amendment) Ordinance from 1934, was also passed by the colonial rule. The law was practiced to control the uprising and threatening Ghanaian nationalist press.[15] Political leaders would further on, despite of several power transitions, continue to control the media. After the death of MacCarthy and his newspaper, Ghana remained without a newspaper for 35 years. The long vacuum was broken with the launch of *Accra Herald,* later renamed to *West African Herald*.[16] The newspaper was launched 1857 by two African brothers, Charles and Edmund Bannerman.[17] The first issues were handwritten due to bad printing facilities. The *Herald* was distributed until 1873-74. In conjunction with its cessation the *Gold Coast Times*, was established. It was Ghana's first African-owned-and produced newspaper. The newspaper lasted till November 1885.[18]

2.1 The 20th Century

The *Gold Coast Leader* was the paper of the 20th century. The paper lasted from 1857 until the early 1930's. The identity of the editor was unknown but the newspaper was throughout its existence associated with Casey Hayford. Hayford was one of the prominent leaders in West Africa. He was also an early advocate for a movement later identified as Pan-Africanism. He preached on race-consciousness already on the very first issue of the newspaper.[19]

[14] Jones-Quartey, K.A.B. *A Summary History of the Ghana Press 1822-1960.* (The Ghana Information Services Department. 1974), p. 2.
[15] Tamba M'Bayo, Ritchard., et al. *Press and Politics in Africa.* (New York: The Edwin Mellen Press, 2000), p. 244.
[16] Jones-Quartey, p. 4.
[17] Tamba M'Bayo, p. 237.
[18] Ibid., p. 6.
[19] Ibid., p. 18-19.

1890-1930 was characterized by an upswing in political leadership and journalism. 1930 not only marks the death of Casey Hayford but also a change in the press era. The coming years meant an end for what newspapers referred to as "quality press", as an era of commercialized newspaper was introduced. Overall, 1932-1937 were turbulent years in the Ghanaian press history. The political environment became afterwards quieter with the departures of prominent newspapermen.[20] The leading newspaper at this time was *West African Times* (renamed to *Times of West Africa*) launched 1931 by Dr. J.B Danquah, lawyer and nationalistic activist.[21] Another significant paper was *African Morning Post* whose owner, Alfred J. Ocansey, a wealthy businessman, imported the country's first private press machine.[22]

Most of the practising writers at this time were not professional journalists.[23] With the establishment of the *Ghana Graphic Company* 1950 writers became more distinguished, thus emerging journalists as a profession. By 1959-60 journalists had achieve a professional status.[24]

Throughout the 19th century Ghana's press had few foreign owned- or controlled newspapers. Press magnate Cecil King's Graphic Company was the first significant foreign press establishment. It remained from 1950 without any great competition until the founding of the governmental Guinea Press Limited. Ghana had by this time achieved its independency.

2.2 Nkrumah

The Ghanaian government, two major foreign companies and private Ghanaian businessmen owned the press in 1959-60. Its owner reflected the newspaper content. The government had political intentions with its papers, the foreign-owned press were economically driven and the private African press was mainly patriotic.[25] Nkrumah's governmental rule reached from colonialized Ghana and through its independency.

[20] Ibid., p.22-24.
[21] Tamba M'Bayo, p. 238.
[22] Jones-Quartey, p. 22-24.
[23] Jones-Quartey, p. 37.
[24] Ibid., p. 38.
[25] Ibid., p. 28-29.

Nkrumah managed 1951-1966 to get through positive reforms in the country. The new government invested in better infrastructure and housing projects.[26] Nevertheless, critics accused Nkrumah for being too flattered by the British press.[27] By early 1957 eleven newspapers, amongst them *Daily Graphic* and *Sunday Mirror,* were in print. Around 32 other African newspapers had been launched during the same period, only five represented Africa[28].

Tough media laws were not repealed with Ghana's independency. Nkrumah's, on the contrary, applied tougher censorship on the media. He established the Preventive Detention Act (PDA) in 1958 solely to intimidate critics towards the government. The Newspaper Licensing Act, which required the newspaper to annually renew its right to publish, made it even more possible to control the press. It is not surprising that the press during this period shared Nkrumah's political view.[29] Nkrumah used newspapers as a government propaganda tool. He thought of newspapers as a *"collective organizer, a collective instrument of mobilization a collective educator- a weapon, first and foremost, to overthrow colonialism and imperialism and to assist total African independency and unity".*[30] However, journalists questioning Nkrumah and his colleagues risked to be banned, jailed or, in cases for foreign journalists, deported. The media in Ghana was nevertheless regarded as one of the best in the continent.[31]

2.3 Busia

Nkrumah becoming more and more draconian in his ruling faced a coup d'état 1966 by *The National Liberation Council* (NLC) setting Dr. Kofi Busia as prime minister. The NLC government proclaimed to support free media and Busia's government was probably Ghana's freest since the independence. The new policy makers, a military regime, withdrew the censorship on outgoing press messages and ban on correspondents.

[26] Gocking, S. Roger. *The History of Ghana.* (Westport: Greenwood. 2005), p. 100.
[27] Daily Graphic, March 7, 1951
[28] Jones-Quartey, p. 27-28.
[29] Tamba M'Bayo, p. 244.
[30] Karikari, Kwame., & Kumado, Kofi. *The Law and the Media in Ghana*, (Print: School of Communication Studies, University of Ghana 2000), p. 22.
[31] Tamba M'Bayo, p. 253.

However, strict media laws still existed.[32] The coup 1966 failed to, as Stoke pointed out, change media's behaviour much. *"The day after the coup, the Ghanaian mass media had switched their loyalties to the new rulers, with only small changes of the staff, mainly at the top level".* [33] Pro-Nkrumahist press ceased in publication and many of the publications were burnt.[34] Busia changed key figures in the national media. For example, *Daily Graphic's* editor Cameron Duodu was replaced after criticizing Busia's stand on the apartheid system in South Africa.[35]

In October 1966 a law, *Prohibition of Rumors Decree NLC Decree No.92*, criminalized all statements that risked harming the NLC, the police or the armed forces. The law was meant to prevent defamation. Moreover, the state-owned press was legally protected against defamation lawsuits. The *Daily Graphic*, the *Ghanaian Times*, *The Evening News*, the *Weekly Spectator*, the *Sunday Punch*, the *Daily Gazette*, The *Spark* and *L'Enticele* and its editors could not be prosecuted for defamation based on published statements from the Busia government. The decree would later be expanded to also apply newspapers owner and publishers. The only possibility to sue a government-owned paper was with given authorization of the attorney general that was complying with the NLC government.[36]

2.4 Acheampong

The following party, *The National Redemption Council* (NRC), managed to restore a bit of stability by for example reducing its foreign debt. Despite of the achievement discontent towards NRC escalated.

The NRC, established in May 1972 a *Defamation by Newspaper Decree* forbidding supporters of Busia to file suits against government-owned papers (due to defamation). In July 1972 the government regulated the National Redemption Council's Control of Publication Decree. The decree banned publication, distribution and selling of the

[32] Ibid., p. 246 and 254.
[33] Ibid., p. 253.
[34] Ibid., p. 245.
[35] Ibid., p. 255.
[36] Tamba M'Bayo, p. 245.

Pioneer and the *Echo*, both private newspapers. The decree was nevertheless short lived and lasted till September same year.[37]

2.5 Rawlings

NRC's refusal to hand back the power to civilians resulted 1972 in another military coup by the *Armed Forces Revolutionary Council* (AFRC), led by Lieutenant Jerry Rawlings. The new government, Ghana's third Republic, struggled with high inflation and budget deficit. A replica of Nkrumah's *National Licensing Act* was legislated in March 1973. A licence was required for printing, publishing or circulating a newspaper, magazine or journal. The punishment was a fine and maximum 12 months of imprisonment. As a result of the law, *Legon Obsever* and the *Echo* (after republishing again) ceased in publication.[38]

Dr. Hilla Limannn took power 1979. He was however deposed in a coup again led by Rawlings, now running the *Provisional National Defense Council* (PNDC), Ghana's 15th government since Nkrumah's.[39] Rawlings used the media as a political tool to launch his revolution. Editors were set to retire or resign. Although he censored the press, critics also claim that editors are to be blamed.[40]

"The state-owned media do not appear to recognize the fact that they are not extensions of the regime of Rawlings; the state-owned press does not appear to give a dime about presenting a balanced picture of events in the country", a critic from The Private Newspaper Publishers Association of Ghana claimed. [41]

It was also believed that it was better to hide some truths, for the sake of the public. During this period, many newspapers were confiscated or put out of business. Rawlings nationalized newspapers very critical towards him. [42] Furthermore, he would 1992 run as leader for the then called *National Democratic Congress* (NDC). His party won the

[37] Ibid., p. 246.
[38] Ibid., p. 247.
[39] Gocking, p. 13.
[40] Tamba M'Bayo, p. 240
[41] Ibid.
[42] Ibid., p. 258.

election and also the following election in 1996. However, in the latter the opponent won almost half of the seats. Their success combined with a more independent media forced NDC to be more responsive to people's wishes.

2.6 Modern time

The election in 2001 resulted in a victory for John Agyekum Kufour's *New Patriotic Party* (NPP) which was NDC's biggest opponent. The following election in December 2005, resulted was once again to NPP's favour.[43] Nevertheless, the 2009 election resulted in John Evans Atta Mills and NDC's victory. His sudden death in 2012 led to vice president John Dramani Mahama becoming elected president. After more than a decade of violation on media's freedom it was necessary to constitutionally protect media. Articles 162-173 of chapter's 12 in the 1992 constitution regulate media freedom and independence and forbid censorship. As a response to the former *Newspaper Licensing Law* it became forbidden to legislate laws that, for establishment of the private press or media, required a license to operate.[44] Ghana's constitution and the Act of Parliament enable to direct complaints to either the Commission or at court. The Commission also chooses the chairperson and other members managing the official media.[45]

The only state owned dailies today are *Daily Graphic* and the *Ghanaian Time.* [46] The majority of Ghanaians newspapers are privately owned. There are two prenominal groups that the private weeklies can be categorized in. One group is characterized by sensationalism. The other group contains of political newspapers that are critical to the government. Newspapers in the latter are such as *The Ghanaian Chronicle*, *The Free Press, The Statesman*, *The Voice*, *The Independent*, *The Guide* and *The Weekly Insight*.[47] There is no existing and independent reliable source of the circulation figures of newspapers in Ghana but according to Research International *Daily Graphic* is the biggest newspaper in Ghana.

[43] Gocking , p.14.
[44] Tamba M'Bayo, p. 250
[45] Tamba M'Bayo p. 249.
[46] Ibid., p. 239.
[47] Ibid., p. 240.

2.7 Media laws

Generally journalism law, hence media or mass communication laws, find its motive in the freedom of the press which is often associated with the freedom of speech. However, the freedom of the press is excluded from the freedom of speech. The former regards *"institutional press freedom from government control"* and the latter the individuals' right to speak and publish without any governmental interference. [48]

When discussing media law it is also important to take into account the journalistic developments. Journalism, the reporting, editing and news structure is changing in its structure and practice. Internet has changed the production of journalism and nowadays anyone with an Internet connection can communicate globally. Hence, Internet transcends the traditional journalistic borders and challenges the "old" journalism and its law. [49] Furthermore, a country's journalism law is an indicator of how of the relationship between its political and sociocultural stand towards press freedom. Regardless of the legal form of the law, media laws hinge on *"the political philosophy that underlies it."* [50]

Despite that the freedom of speech and expression makes a fundamental part of Ghana's 1992 constitute the exceptions are so vague in its description that it is hard to distinguish what is prohibited to express.[51] The law stipulates: *"Teaching or propagation of a doctrine which exhibits or encourages disrespect for the nationhood of Ghana, the national symbols and emblems or incites hatred against other members of the community"*[52] The vague restriction makes it important to define exactly what is forbidden to express. The absence of a constitutional definition of doctrine deduce to an etymological interpretation. Doctrine is therefore defined as a "body of instruction or teaching; the ground true for religion, politics or science"[53]

3.0 The press in Ghana

[48] Wahl & Hanitzsch, p. 279.
[49] Ibid., p. 280.
[50] Ibid., p. 279.
[51] Karikari, p. 91.
[52] 1992 Constitution of Ghana. Freedom of speech and freedom of expression. Article 21 (e)
[53] Karikari, p. 92.

In many African countries the state still holds the role of a gatekeeper, controlling what news will go through. The "free" media remains in this way shackled. Nevertheless, nearly all countries in Africa have now gained a significant increased number of newspapers associated with a more liberated democracy.[54]

As stated above, the media in Ghana is one of the freest in Africa. The media's freedom and independence is a part of the country's constitution and holds theoretically a strong juridical status. However, the freedom of speech has, as shown, been subject for restriction during political incertitude and severe state control. Furthermore, there are reports indicating that there is a difference between state owned and private newspapers due to the first being controlled by the state. Nevertheless, the Ghanaian media is today perceived as free[55] and the Reporters Without Borders evaluate the situation as satisfied[56].

Even after the fall of the colonial rule most Africans countries continued to experience a controlled press. Many African despots inherited the colonial repression on media. The tyranny was also reflected on the media ownership with the government as both paymaster and gatekeeper of the news flow.[57] The postcolonial press during the 1960-80 curved of governmental pressure and reduced its role as a watchdog. Remnant from colonial legislation was used to govern the press.

Free media is essential to achieve a democratic society. Media is generally believed to have played a crucial role in a country's political structure and development.[58] With the repealing of the Criminal Libel Law 2001 the media landscape has flourished. It is not an underestimation that free media has contributed to the country's stabilization. However, the accusations of sensationalism in free media remain. [59] As mentioned above, media practisers have perceived themselves and have been considered as a proponent for democracy. However, research results indicate that media have not handled the

[54] Nyamnjoh, p. 54.
[55] Karlerkar Deutch, Karen & Dunham, Jennifer, p. 14
[56] en.rsr.org/ghana.html
[57] Nyamnjoh, p. 42.
[58] Tamba M'Bayo, p. 236.
[59] Boafo-Arthur *Ghana: One decade of the Liberal State - Africa in the New Millenium.* (2007, London: Zed Books), p. 49.

assignment satisfyingly. For instance, independent private press and radio have failed in showing their standpoint to government friendly groups as well. Even worse, media have been accused of irresponsibly having fuelled intolerance, fanaticism and extremism. The media have often fuelled conflicts on sometime uninformed speculations.[60] Furthermore, a strong bias standpoint in ethnic, religious and regional interest can be interpreted to be associated with professionalism in the journalistic Africa.[61]

3.1 The fourth estate

Journalists could contribute to maintain democracy with its role as the watchdog. Journalists become in this way the Fourth Estate in which they question and analyse the power-holders. In this context, journalism inspects the government on our behalf.[62] However, African journalists are often accused of being insidious in their profession. The press in West Africa inculpated of lacking journalistic professionalism.[63] Important to note, press freedom can be differentiated from journalistic freedom. The latter regards the journalist's own autonomy, in controlling their work.[64] Freedom of the press, according to the Marxian ideology, does not per se exist. The freedom is just a false assumption to mask the system that exploits and oppresses the population. Media is thought to be biased and will not report fairly on matters that risk collapsing the social order of capitalism. Objectivity and independence from the state are thus shallow repetitions. Journalism tends to preserve the establishment, according to Marx and Engel.[65] Chomsky and Herman, like-minded critics, claim that (political) journalism is a means to maintain a false illusion. Journalism is not, as it claims to be, a democratic control and scrutiny of governmental rulers.[66]

4.0 Media ethics and professionalism

There is no country in the world with total freedom of expression. Almost all states have regulated legislative on communication and the media. Thus the ideal of a free press, especially as presented in the West is not reality based. This idealism of the free media

[60] Nyamnjoh, p. 56.
[61] Ibid., p. 7.
[62] Wahl & Hanitzsch, p. 239.
[63] Nyamnjoh, p. 58.
[64] Wahl & Hanitzsch, p. 279.
[65] Wahl & Hanitzsch, p. 240.
[66] Ibid., p. 241.

deceptively indicates that its media operates in an environment of total freedom of expression.[67] Nevertheless, governmental regulation on the press will always result in limiting press freedom.[68] Furthermore, studies on African journalism are limited. Most of the knowledge in ethical codes derives from the West. Where this does not necessary have to be a problem, most of the ethical code focuses mainly on stances relevant to Western media.[69]

To increase freedom of the press it is required by the journalists in this field to follow professional guidelines regardless if they practice in the state-owned or private sector. They should adopt the same ethical standards.[70] African governments have legislated media laws aimed to silent the press by using national security as an excuse.[71] Cecil Blake thought that print media were in need of clear guidelines that were not *"governmentally influenced or structured".* Professional representing the private and public sectors in collaboration with relevant associations would set up the guidelines.[72] According to Mayer, *"journalists as individual persons need a framework of laws and collective agreements which concretely and in detail guarantee the conditions to fulfil their task and work under reasonable terms"*[73] It is hence necessary for African journalists to be united to best invigorate their standpoint towards libel laws but also to counteract legal costs used to dilute the press.[74] Furthermore, professionalism and ethical behaviour enable for the media to reacquire trust from the public. The two factors also promote accountability and tolerance in media.[75] The attempt for a common ethic code has been practiced through different associations, though with little success.[76] The National Media Commission and Ghana's Journalists' Association work to maintain professionalism in journalism but also to protect the rights of journalists.

[67] Nyamnjoh, p. 257.
[68] Boafo-Arthur, p. 268.
[69] Nyamnjoh, p. 87.
[70] Ibid., p. 270.
[71] Ibid., p. 254.
[72] Ibid., p. 270.
[73] Ibid., p. 73.
[74] Nyamnjoh, p. 73.
[75] Ibid., p. 99.
[76] Ibid., p. 84.

4.1 The National Media Commission

To ensure media freedom, the National Media Commission was founded. Its existence and purpose is fundamental in Ghana's constitutional law. The Commission was created to liberate the state-owned media from governmental control and promote press freedom and preserve professional journalistic standards. A membership in the association, for practicing journalism, is though not required. Its main function is "*promote and ensure the freedom and independence of the media for mass communication or information"*[77].

4.2 The Ghana Journalist Association

The Ghana Journalists Association was founded in August 1949 and is the biggest umbrella organization representing Ghana's journalists. The association is recognized by Ghana's constitution that lists it as a part of the National Media Commission's organs. However, an association uniting journalists is difficult to maintain since journalists are not united amongst themselves. State-employed journalists battle over administrative positions whereas journalists in the private press are faced to survival on best means. The unions and association have thus little impact. Nevertheless, one must not separate media from the rest of the society. The behaviour amongst journalists and the society is on the contrary cohesive. Journalistic ethics is a mirage of the moral in the country. It is hence important to put into context what environment journalists have to work in. A corrupted society will certainly not produce integral journalism.[78]

4.3 Journalism education in Ghana

There are two leading institutions of journalism education in the country: the School of Communication Studies at the University of Ghana and the Ghana Institute of Journalism (GIJ). The former was founded in 1972 and has gone from merely focusing on journalism to becoming more general in communication.[79] GIJ was established in 1958 and a

[77] Chapter 12, Freedom and independence of the Media. The Constitution of the Republic of Ghana.
[78] Nyamnjoh, p. 86.
[79] Tamba M'Bayo, p. 243.

majority, 80 per cent, of the country's journalists have obtained their education from the institution.[80]

Due to Ghana's background as an ex colonial state, class differences in the country are merely based on educational qualifications. Many journalists are often in contact with elite professionals with higher education degrees. Being dependent to these elites for source information influences their journalistic work. It is common for sources to buy loyalty from journalists using gifts, or to subdue them thanks to superior knowledge.[81]

4.4 Ghanaian journalists

Ghanaian media is mainly shaped by its journalists. The journalists' class status, origin of region, gender identities and age are some central factors of who chooses to become a journalist.[82] When analysing the role of journalists and media it is important to put both factors in context with the democratic definition applied to the theory. In a liberal democracy, where all citizen are thought to share a national belief and culture, the media is ought to be unbiased and fair in its reporting. This is because all citizens share the same human rights. Following this logic means that journalists have no reason to act biase.d.[83]Hence, if a democracy is characterized by colliding cultural solidarities and interdependence, media have to clearly manifest their standpoint by being biased in its reporting. Media and journalists can therefore apply an unbalanced position towards liberal democracies where the state in de facto still is sovereign in its ruling. The same behaviour can be reflected on journalists that act two-sided or in some cases adapt different identities.[84] Job insecurity, low salaries and bad working conditions are also other incentives to biased journalism. Low salaries have furthermore resulted in high-qualified journalists to seek other job opportunities. Low salaries have also made journalists more pervious to compromises, bribery and corruption.[85] Furthermore, the path into journalism is for many practisers a secondary choice- being denied to their

[80] Ibid.
[81] Hasty, p. 18.
[82] Ibid., p. 17.
[83] Nyamnjoh, p. 38.
[84] Ibid., p. 39.
[85] Ibid., p. 74.

primary choice of university studies.[86] Since many journalists perceive their profession as a stop to a better career, loyalty to employer is essential for an eventual coming career. The relationship with the elite and politicians can thus be a way for other career possibilities. Hence, journalistic work is stamped as unprofessional and journalists are perceived as charlatans.[87]

5.0 The state owned- and the private owned press

The governmental structure does still not facilitate neither state-owned nor private press when handing out information. It is common that journalists in state owned media are sanctioned when not practising a pro-state attitude.[88] On the other side, the private press was during the 1990's accused of being too biased in its reporting of political matters[89]. Both state- and private owned journalists participate in the same political logic patterned by African experience of authority, political legitimacy, sociality and discourse. Journalists in both fields thus play in the same discourse, resulting in them sharing the same structure in their work.[90]

5.1 The public press

State journalism is according to Jennifer Hasty, based on the discourse of national development. State-employed journalists are proud over dealing with what they perceive as important matters and tend to adopt the state's ideology in their profession as journalists.[91] Governments have managed to curb journalists to obedience and loyalty by making them a part of the governmental administration. Not being regarded as a separate institution puts these journalists in the same place as other officials. Employed by the government requires thus loyalty and obedience to the state which hamper the practice of free journalism.[92] Thus state-employed journalists often find themselves in an ambiguous position. The attempt to conform to the government's expectancy collides often with their professional ethics. Consequently many journalists either feel forced to

[86] Hasty, p. 17.
[87] Ibid., p. 18.
[88] Ibid., p. 66.
[89] Nyamnjoh, p. 60.
[90] Ibid., p. 69.
[91] Hasty, p. 33.
[92] Nyamnjoh, p. 69.

quit their jobs or they take on a double-sided character. The latter means that they publicly defend governmental stances while secretly criticizing it.

5.2 The private press

Private press journalists may identify themselves as objective watchdogs in service for the public interest, but their everyday practice shows a more complex structure. For example, political legitimacy is by both groups perceived as a strong head of state that is also able to improve the public's interest while not falling in temptation for corruption and interest in egoist power. As state-owned media uses this logic to praise policymakers the private press uses it to denude the president.[93]

"The stories I wrote in solidarity with the opposition were generally well received by the managing editor (and published), while the more neutral or ambivalent stories I wrote were ignored or rejected. I was tempted to conclude that our private newspaper was primarily a mouthpiece of the opposition, just as many claimed the state media was a mouthpiece of the government", a journalist in the Ghanaian press said. [94]*.*

Critics towards the private press regard the unjustified methods used to solely gain publicity. The private press' critics towards government sympathizer is perceived as too selective and opprobrium. As for the private press, it is hard retrieving information from the government, which drives them to rely on secondary sources.[95] Thus, the private press are accused of idolising the opposition as flawless.[96] The pertinacious position as a political oppositional has thus drawn media in the vicious game of politics. This has amongst other ventured the professionalism in journalism. Furthermore, it has justified governmental restriction of freedom of expression and democratisation.[97] The private press have also been accused of not differing between commentary and fact. Due to financial problems, censorship and being understaffed the press struggle with news releases. This has led to commentary being presented as news despite the failure of a

[93] Hasty, p. 12.
[94] Ibid., p. 13.
[95] Nyamnjoh, p. 69
[96] Hasty, p. 58.
[97] Ibid., p. 59.

proper background check.[98] Another critic is the private press' use of sensationalism.[99] One of the consisting critics is the press being one-sided, not investigating several sources, before publication.[100] West African journalists are amongst them to be viewed as courier in governmental mission or for other interests. Putting these interests before the journalistic objectivity contradicts with a fair reporting in matters. [101]

6.0 Theory and previous research

Given Ghana's history and background it is obvious that journalism has been a tool for the authority and as well for nation building. The theory of development journalism is therefore suitable to apply in this essay. Development journalism should not to be perceived as another media theory; it is rather also a way of producing news. It derives from the 1960's Philippines. According to the theory, journalism as such has an important role in strengthening and nourishing the national growth. Development journalism was purposed to be at the service of the masses, the ordinary people and not the elite class[102]. Its primary purpose is to engage and empower the masses to get involved in matters of economic, cultural and political development.[103]

The theory is practiced in a vast geographical area; Asia, Africa and Latin America, development journalism has taken myriad forms. The socio-economic status, the urge for economic improvement and nation building in Africa created a fertile environment for development journalism. Ironically, the elite class has favoured mostly of development journalism since governments often used and still use it as a tool to affirm authorization. Even if it cannot be denied that media has had an important part in educating and informing the population, it has also been a great tool for oppression.[104]

Countries where development journalism is practiced have had significant social, economic and political changes since the 1980s. These changes have also made impact in

[98] Ibid., p. 59.
[99] Ibid., p. 58.
[100] Nyamnjoh, p. 60.
[101] Ibid., p. 69.
[102] The term ordinary people refer to the less fortunate like women, children, the elderly, etc.
[103] Wahl & Hanitzsch, p. 357.
[104] Wahl & Hanitzsch, p. 359.

the principles and practice of development journalism. Researcher Angela Romano categorised perspectives of development journalism:

Journalists as Nation Builders: The aim when reporting news is to maintain social stability, peace and to fortify the nation's economy. Furthermore, news should focus on solutions rather than sensationalism.

Journalists as Government Partners: Press freedom should be in relation to the national social interests, economic and political development priorities.

Journalists as Agents of Empowerment: Journalism should be a tool for empowering the ordinary people, not the elite, into nation building.

Journalists as Watchdogs and Guardians of Transparency: Journalism should scrutinize the government and its practice in order to attain civil liberties, good governance and development in the economy.[105]

6.1 Previous research

Media has without doubt played a key role in democratic processes in Africa. However, media is also accused of irresponsibility and its non-educational *manière de faire*.[106] According to Lush it can be due to the lack of professionalism.[107]

Many African countries found themselves shackled despite of gained independence. Journalists were forced to publish news that depicted the government in a positive image. Truthful news and news that promoted people's autonomy were censored. Development journalism was, until the 1990's used to promote the government's work.[108] The press in West Africa was criticized for being *"light, frivolous, and full of shortcomings, and of using invective to gain cheap publicity"*[109]

[105] Ibid., p. 362
[106] Hydén, Göran, et al. "Media and Democracy in Africa." *Africa, 2011, Vol.74(03): pp.483-485*.
[107] Nyamnjoh, p. 56.
[108] Ibid., p. *48.*
[109] Ibid., p. *58.*

Journalists' agenda tend to vary depending on work areas. Furthermore, bribed journalists are a problem. Journalist Francis B. Nyamnjoh claims that private media are, compared to state owned equivalents, more independent. The former tend also to be more critical of the government. The private press has however been accused for being biased and selective in its reporting. As for the private press, it was during 1990 heavily criticized for only publishing one-sided news. The trust for journalists is low and a common public opinion in West Africa is that journalists are politicians' marionettes.[110]

Research shows that the journalistic content is not professionalized and that journalists fabricate stories[111]. A publication covering the 2004 election supports the research. According to the study the political coverage of the election was highly unbalanced. State-owned newspapers were for example more biased in reporting of other parties whereas the private press adapted an almost lynching attitude towards the sitting party, thus raising the opposition.[112] Needless to say, a challenge for Ghanaian newspaper is to decrease the discrepancy in political reports between state-owned and private media[113]. Furthermore, the repealing of the Criminal Libel Law is a promotion for human rights. Since it generates media freedom, journalists are likely to work more professionally. This will result in journalism better protecting and promoting human rights.[114] However, even if Ghanaian media is preserved to be fairly independent, media laws still exist. It is still difficult for journalists to be openly critical in their reporting.

Nyamnjoh believes that journalism ethics and moral needs to improve so that development journalism can serve its initial purpose.

"Development journalism, which most African states have endorsed, 'needs strong, courageous, socially engaged people willing to make sacrifices and able to stand conflicts,

[110] Ibid., p. 60.
[111] Kafewo, Samuel. *Ghana: research findings and conclusions.* (London: BBC World Service Trust, 2006), p. 58.
[112] Ibid., p.13.
[113] Ibid., p. 23.
[114] Boafo, Kwame Arthur. *Ghana: One decade of the Liberal State (Africa in the New Millenium). (*London: Zed Books, 2007), p. 40.

because development journalism is irreconcilable with servile government-say-so journalism."[115]

7.0 Method and material

The theoretical part was prepared prior arrival to Ghana. Editors were contacted in advance. They gave their consent although actual dates for meetings were never scheduled due to the long time remaining before any physical contact could be established.

Both quantitative and qualitative methods are applied in this essay. The questionnaire begins with closed-ended questions followed by open-ended questions. Weaver clarifies that open-ended questions take longer time to analyse but that they often fill unclear gaps that could not have been anticipated in advance.[116] Furthermore, the research was conducted on a randomly selected sample of the journalistic population. Thus, a random selecting method was applied; there was no demand that a certain person had to participate.[117] To participate it was only required that the respondent was a journalist and working in the paper in question.

7.1 Quantitative method

The quantitative method was carried out as a survey that was handed to journalists resulting in 24 respondents. The survey was designed to achieve an understanding of journalists' opinion in the matter. Surveys, according to Ekström and Larsson provide a general insight of attitudes, perception and experience in the larger population group as well.[118]

The survey was conducted in Google Forms' Google Drive. The survey was then embedded in a password protected website. Everyone was given the same password, partly due to the difficulty of creating new passwords for each participant but also to

[115] Nyamnjoh,. p. 98.

[116] Löffelholz & Weaver. *Global journalism Research: Theories, methods, findings, future*. (Oxford: Blackwell, 2008), p. 113, 109

[117] Ekström, Mats & Larsson, Lars-Åke. *Metoder I kommunikationsvetenskap*. (Lund: Studentlitteratur, 2000), p. 84.

[118] Ibid., p. 16.

maintain anonymity. Google Drive and Microsoft Excel were used to graphically summarize collected data. Google Forms was used to visualize the data.

7.2 Qualitative method

A qualitative survey can be a good complement to a quantitative study that in this research will be accomplished with personal interviews. With a qualitative method the information handed in can be once again examined and thus provide a broader explanation of the result. [119] Interviews give a possibility to register unexpected answers and follow-ups.[120]

The qualitative method will be conducted after the guidelines of Steinar Kvale's: *"An interview whose purpose is to obtain descriptions of the interviewee's life-world in order to interpret the meaning of the described phenomena."*[121] The conducted interviews in this research were thus focused on the interviewee's own experience and thoughts in the matter. According to anthropologist Grant McCracken it is important to keep the interview small. The number of interviews should be conducted until a theoretical saturation is reached i.e. when no more relevant information can be extracted. With a well-planned selection 10 interviews (per relevant group/ category) is sufficient.[122]

A semi-structured interview technique was used. It allowed enough structure in the questions so that enough information was retrieved from the answers. However, it also left room for clarifications or for follow-up questions.

The interviewees were senior reporters Nii Apenteng[123] and Charles Takyi from the *Daily Guide.* Also interviewed was Philip Mensah, reporter at the *Daily Graphic.*

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[119] Esaiasson et al. *Metodpraktikan. Konsten att studera samhälle, individ och marknad*, (Stockholm: Nordstedt Juridik. 2012), p. 227.
[120] Esaiasson et al. *Metodpraktikan. Konsten att studera samhälle, individ och marknad*, (Stockholm: Nordstedt Juridik .2009), p. 284.
[121] Ibid., p. 286. (Free translation)
[122] Ibid., p. 292.
[123] Nii Apenteng is a fiction name since the interviewee wanted to keep his anonymity.

7.3 Ethical considerations

In order to present a trustworthy and valid result the study was to be conducted on four newspapers. Due to different reasons, mentioned below, only two newspapers participated. As a consequence, the validity of the research in its larger population is affected. However, some other ethical problems also occurred. Despite of the anonymity in the surveys the journalists might have felt obliged to answer as expected of them. The expectations vary of course between different editorial offices but a strong loyalty for the working place risks the validity of the survey. Furthermore, culture might also in this case have caused ethical problems. A eurocentric perception of journalism is necessary not shared with Ghanaian journalists. A different approach in the matter causes a barrier in a full understanding and creates thus an invalid result. It is hard as an outsider for a short period as this project was conducted to fully grasp the discourse in another country.

7.4 Critical discussion of method

Mainly the low number of participant in both the survey and the qualitative part has impinged the study's validity. Attempts have though been made to achieve validity.

7.5 The quantitative study

The survey should not be seen as a representation of reality. Instead it should be used as inspiration for aspects future research can focus on. Most of the questions on the survey were mandatory. Unanswered mandatory questions affected the validity of the survey. Esaiasson, Gilljam, Oscarsson & Wägneruds write that the different reply options have to be intentionally formulated. For this reason all the options of reply were clearly formulated. Only one question could be answered with "Don't remember". However, the authors stress that the respondents are more likely to give a not thought through reply when "Don't know" or similar replies are not given as alternatives.

7.6 The qualitative study

A qualitative method will possibly and hopefully result in a deeper understanding of the quantitative result. There is a risk that the answers in the qualitative survey will be affected by circumstances, for example if it is done in the office with a supervisor around.

7.7 Low participation

The initial thought was to investigate two state-owned and two private-owned newspapers. The states-owned were the Ghanaian Times and the Daily Graphic. The private- owned newspapers were The Ghanaian Chronicle and the Daily Guide. It became however quite clear that two of the editorials, the Ghanaian Times and the Ghanaian Chronicle were not interested in participating. It also became quite clear, after several reminders to the newspapers, that an Internet based survey was not the best alternative. The survey was therefore printed out and distributed to editorials. It is hard to get a response rate of 100 percentages. A representative selection is therefore often required.[124]

The combination of gender and age was in some cases enough to identify the respondent. Even if the question of sex was asked in the survey (it was presumed that more women would participate) it is not a part of the result. Whether the revelation has inhibited the few participating women to answer truthfully is unknown.

A total of three journalists agreed to participate in the qualitative study. Initially it was planned that 24 journalists, six from respective newspaper (two state and two private newspapers) would be interviewed. 21 journalists answered the quantitative survey. It was planned that 30 journalists would participate, 15 journalists from each newspaper Since the participants are from two types of newspapers the original plan- i.e journalists from two fields- is maintained. However, the fact that only three journalists participated in the qualitative study and that one of them requested to be anonymous does affect the validity of the study.

[124] Ekström & Larsson, p. 78.

No participation of non-intendant respondents, have occurred in this study. Since the contact person on the state-owned respective private-own paper were well informed about the target group the risk of case drops is most likely non-existing. However, the risk remains especially since the contact persons are only intermediaries and not in responsible of how the survey is conducted. However, non response occurred due to the low response rate.[125] The Chronicle did not participate at all, despite of promises given to do so. Furthermore, the collaboration from the Ghanaian Times was so weak that it was to be perceived as a lack of time or no interest to participate.

8.0 Result

Totally 24 journalists participated in the survey of how they perceive themselves as nation builders, government partners, agents of empowerment and also as watchdogs and guardians of transparency.

Three of the 24 journalists were excluded due to failing answering all the mandatory questions. As a consequence only 21 surveys were analysed of which eight were from the *Daily Guide* and the rest, 13, from the *Daily Graphic.*

Three journalists were interviewed for the qualitative study. All interviews were based on the survey handed to them before. However, as mentioned before, the questions in the interview were semi-structured since the journalists might have had own thoughts to share. The interviewees were the *Daily Guide's* senior reporters Nii Apenteng (whose real name is not revealed due to wishes of being anonymous) and Charles Takyi. Also interviewed is Philip Mensah, reporter at the *Daily Graphic.*

8.1 Journalists as nation builders

- What do you think is the general role of a journalist?

> **Nii Apenteng:** *I think my goal is just to communicate, you know, disseminate information as unbiased as much as possible. Not so many people are privileged to*

[125] Ibid. Extern dropouts occurs when surveys are not answered due to unwillingness, disinterest or lack of time. Included in the extern dropuouts is also natural dropuouts which no information could be extracted from.

the kind of information we have access to so you take the information to them in a very objective way. That's my mission. That's my objective as a journalist.

Charles Takyi- Boadu: *I think that role is clear-cut and has been defined already. The most important is information and shaping opinion. As it is now we are doing some but not the best. On a scale of hundred I would say we are doing about 20-30 per cent. It's quite unfortunate that, and I believe the situation is on media owners and things like that.*

They are those who are supposed to set the agenda. But we now allow the politicians to set the agenda and we all moving along with that which is not the best in terms of journalistic practice.

Philip Mensah: *To promote the development of his community, to promote balance and then to help to the advancement of the society. A third world country, we have so many problems. If we let our people be aware of the problems and then try to give them knowledge, to promote knowledge so that all of us will know where the problems come from, how to solve them, however difficult it would be.*

8.2 Journalists as government partners

All the interviewed journalists thought that Ghana had a free media and some even believed that it could not get better. There were even concerns that the media possibly was too free.

Do you think Ghana has a free media?

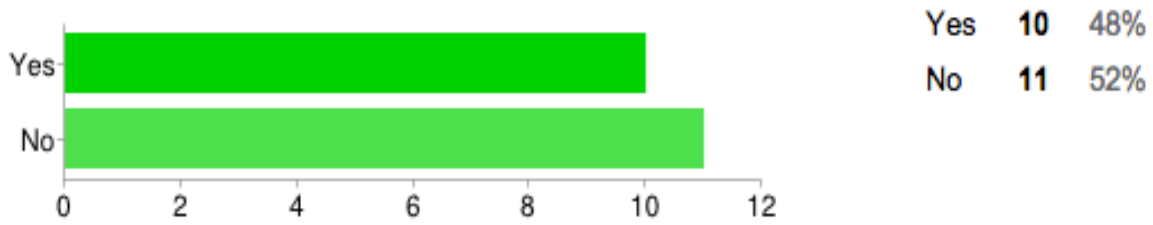
Nii Apenteng: *I think Ghana has a free media. I don't really know what we can do to improve free media in Ghana because I feel the media is free enough and they are free to the extent that they even getting to the excessive, if you like, you know. So I would rather be advocating for a stronger monitoring measures for Ghana media. But I feel Ghana's media is free enough.*

Charles Takyi- Boadu*: I believe we have a free media but there's nowhere in the world where you have an entirely free media. There are laws and restrictions. Your*

freedom ends where somebody's start and yours' starts where somebody's end. As we practice journalism day in and out we don't expect that the laws will be so relax and it goes that way. I don't think there would ever be a media freedom so, there will certainly be restrictions and we have a chance to improving on the kind of practice that we are doing here. I believe we can do more than we are doing as we stand now. It is not the best if you compare. When you travel outside to some certain countries. The practice there and the practice here, we seem so much concentrated about the politics. Non development- oriented theories.

Philip Mensah: *As for that, it is unrestraint. They can do whatever they want but sometimes the media is too free. Maybe it can also postpone. You see what we must do is to try to strive for the development of our country. The education of malaria, sickness, slums, good hospital, and the pavement for fair prices for our products we produce but sometimes we don't do those types of things. Too much freedom is bad but it's a free society. We have not reached the free media in the west but it's a global village so we are trying to be.*

There is a quite equal belief of whether or not work employment affects the work. 48 per cent thought that ownership of the newspaper affected their work whereas 52 per cent did not believe so was the case (see figure 1).



[Fig. 1]: Do you think you working in a state-owned or private owned newspaper affect your work?

8.3 Journalists as agents of empowerment

An interviewed said that he tried not to compromise with his objectivity since a compromise would affect his ability to work. Another interviewed respondent believed that that another law, the Freedom of Information Bill, has an influence in objectivity. One interview expresses on the matter of soli and what effect it can have on a journalist's objectivity. He believes that soli is soon history.

The matter of media laws

Charles Takyi- Boadu: *The need for the passage of the Freedom of Information Bill. I believe that if that law, on the freedom of information bill is passed. [---] I believe that if the law is passed it would give us some kind of edge and an ability to access a lot of information. Because as it stands now, government officials don't feel obliged to answer queries from media-men. They do it at will, as they want. They think your paper is anti-government and they don't feel obliged to answer. It prevents you to do a perfect work. Sometimes it pushes you to go and do a half-baked story, which is not the best.*

The matter of soli

Nii Apenteng: *I feel that I want to say something about the soli phenomenon in Ghana. It's not only in Ghana. I feel journalists would be confronted by some kind of monitoring influence in the course of their duties. It depends on the journalist to accept or not to accept. But it also depends on the environment. Journalists are a little bit underpaid. The condition of service is a little bit poor so it influences them stronger that way than in an environment where journalists are relatively self-sustained, where they don't have to depend on somebody's influence or somebody's money to do their job. So that phenomenon is here but I feel that, over the past couple of years that I have been working here the media is getting more and more enlightened. And if you like, the media owners are getting more and more enlighten to deploy or the need to boost human resource to plasticize of journalists so that they don't become depended on the outside world. I see changes, I see journalists rejecting soli and all that which wasn't the case a couple of years back. It's so easy to influence a journalist a couple years back; it's not that easy now anymore.*

- How do you balance your objectivity with what is required of you?

Nii Apenteng: *It's pretty much a very difficult thing to balance. Your professional objectivity, the pressure from your house acquirements and the environment. It's a very delicate balance for a journalist. . It's an individual thing the way you do the balancing. For me, I try as much as possible to stay within line, not to compromise with my objectivity. At the end of the day I wouldn't be able to, I wouldn't want to bend to all the influence, the external factors because it actually would affect my*

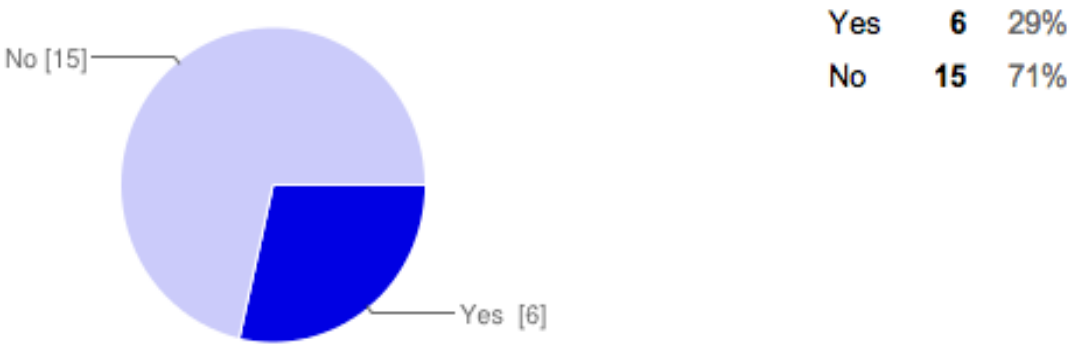
ability to do my work. I put that at the back of my mind. And it keeps me relatively within my assumption of objectivity.

Philip Mensah: *The two are the same but sometimes there's a little divergence. As I already said, you have to go to the market, to be on top of the market. Because there's not much control some take it for granted, that they can go overboard. Write everything they like. There must be some check and balances, professionalism and those types of thing.*

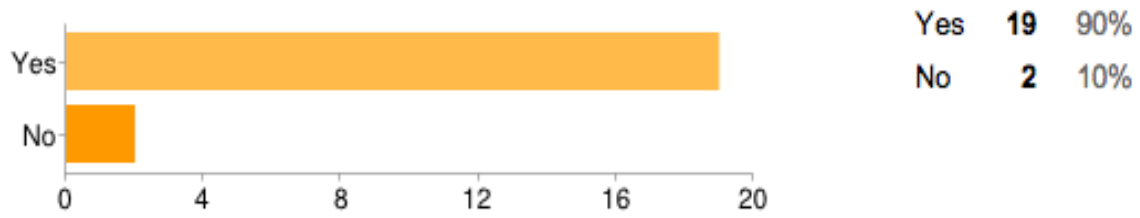
The quantitative survey showed that 29 per cent believed that media laws hindered their objectivity. 71 per cent did not think so was the case (see figure 2).

Furthermore, 90 per cent of the journalists have accepted soli or any other kind of payment (see figure 3). The latter is referred here as payment received in the work but from someone else than the employer or within the employment administration. Only 21 per cent think though that this payment or the soli has affected their objectivity. 79 per cent say that it has not affected their objectivity (see figure 4).

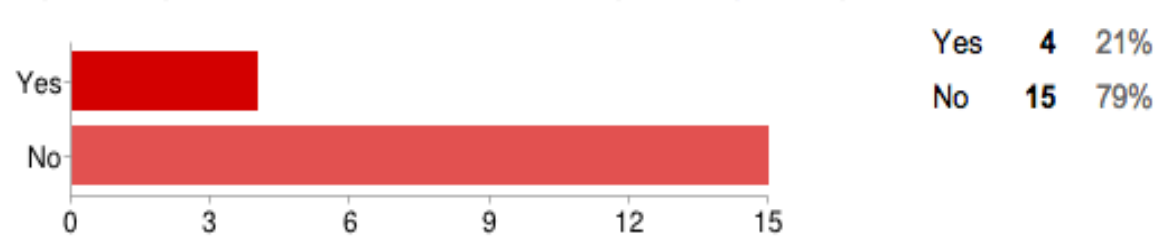
38 per cent think that their objectivity is hindered by other factors than those mentioned (see figure 5). The own personal affection or relationship in a story was a factor influencing their objectivity. Many respondent on the survey replied that the influence of the house as a factor hindering objectivity.



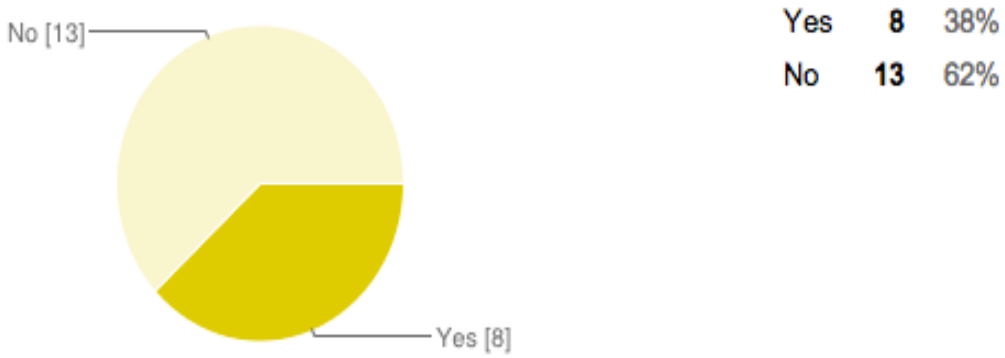
[Fig. 2]: Do you think that media laws hinder your objectivity?



[Fig. 3]: Have you ever received soli or any other kind of payment for a journalist work?



[Fig. 4]: If yes, do you think that it has affected your objectivity?



[Fig. 5]: Is your objectivity hindered by other factors?

8.4 Journalists as watchdogs and guardians of transparency

The interviewed journalists replied that informing the audience and promoting democracy were goals in their profession. They all expressed opinions of working in the interest of the readers.

- What is your professional goal as a journalist?

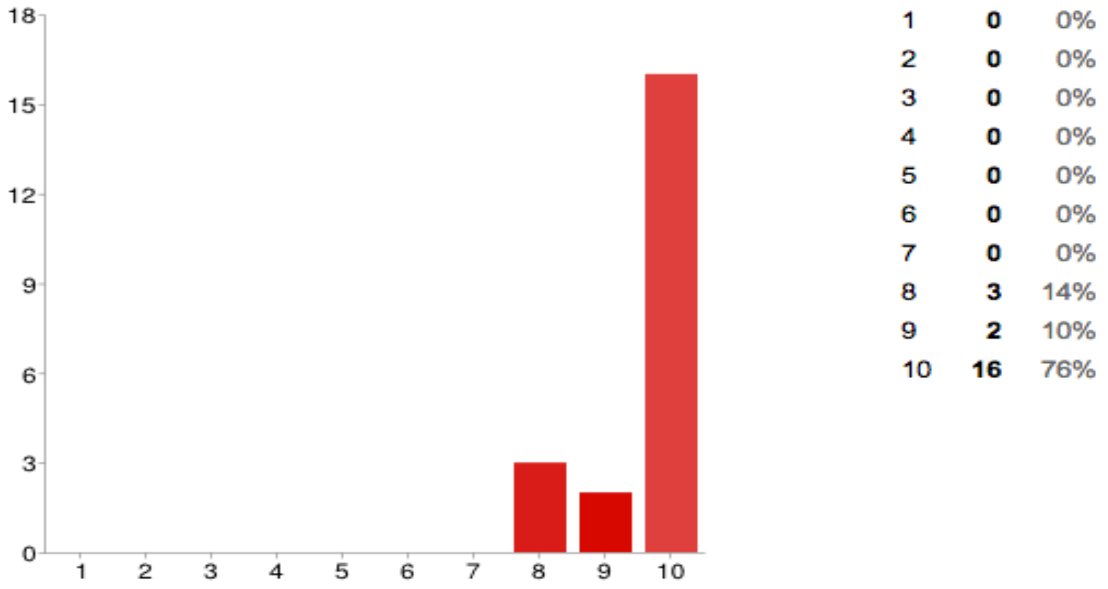
> **Nii Apenteng:** *I could just be theoretical and say I'm just being a gatekeeper, exposing the society to things they need to know. That's basically what I feel my role is. Exposing society to some of the information, not really educating, just informing them.*

Charles Takyi- Boadu: *I aspire to develop as a publisher where I would have my own newspaper and help shape the agenda as well. Not that kind of agenda that is set now. I want to set a development-oriented agenda. There's so much politics now that you don't get a serious development-oriented define of the country.*

I do political reporting. I believe my calling to this profession was formed by the fact that I wanted to help strengthen tended of democracy and the rule of law in our country. A couple of years ago the country was not having a feel of democracy. Everything was virtually determined by tyrants or illiterate dictators who did not give free hand for others. It was part of the reason that formed me to go into this profession.

Philip Mensah: *To serve society, to promote our democracy, to educate our people on the need to work hard and then help to sustain our democracy. To be aware of some of the pitfalls. To help educate them about maybe malaria, cleanness and then even some unfair aspect of work treat. Something like that.*

On a scale from 1-10 (number increasing with importance) of how important objectivity at work is 14 per cent gave an 8, 10 per cent gave a 9 and the majority, 76 per cent gave a ten in importance (see figure 6).



[Fig. 6]: How important do you think it is that you are objective in your work?

Do you know that the Criminal Libel Law was repealed in 2001?

90 per cent replied that they were familiar with the Criminal Libel Law whereas ten per cent were not familiar with the law. Furthermore, 95 per cent said that knew of its repealing 2001. The remaining 5 per cent did not know of its repealing in 2001 (see figure 7).

One of the interviewed journalists says that the repealing of the law has strengthened journalists' role as gatekeepers. One journalist points out that existence of the law did not necessarily mean that the plaintiff would win the case. Another journalist says that the Criminal Libel Law was deterrent but that the repealing has created room for sensationalism.

- What is your opinion about the Criminal Libel Law?

> **Nii Apenteng:** *I have a broad concept of what the criminal libel law is or what it should be. The criminal libel law was in existence before I came but I know that the criminal libel law kind of puts a lot of censorship on journalists. Especially about officials I would say.*

The repeal of that law has further enhanced our role as gatekeepers. We go out there to gather information without really feeling held down by some law that might criminalize whatever you write.

Charles Takyi- Boadu: *It is a law that many have said prohibits journalists from doing their duty. Much as I believe that it is not the best I believe that the court still leaves room for improvement. They could relax the law. As it stands now it gives politicians the leverage to do whatever they want and sometimes they get away freely. It seems to virtually criminalize speech and even thought still. If these laws weren't there, it would in a way improve if these laws didn't exist.*

I would wish, much as journalists sometimes infringe on people's individual rights, I believe that if the laws weren't there it would improve the delirium other than the criminal libel law.

I didn't care about the criminal libel law, I can tell you. If I am doing my story and I have my facts I'll go ahead. The fact that you bring me to court doesn't necessarily mean that you have won the case. It doesn't mean that you will win. So it doesn't in any way impure me from doing my work.

Philip Mensah: *I'm aware of the criminal libel law, that you should not defame anybody and those types of things. When you write about somebody you should give him the right to rounder. We try to do it. Even now, I'm trying to do a rounder for somebody we wrote something about.*

That law was a little bit of a deterrent but now, for a good share of the market our people go overboard. There's a lot of sensationalism. But I don't know what we can do about it. You have to put food on the table, so they go overboard. But it's to be expected.

Some critics want the law back, what do you think of it?

Nii Apenteng: *Critics think that journalists are getting out of bounce, if you like and there should be some kind of check-in on the assesses of journalists, the media. I*

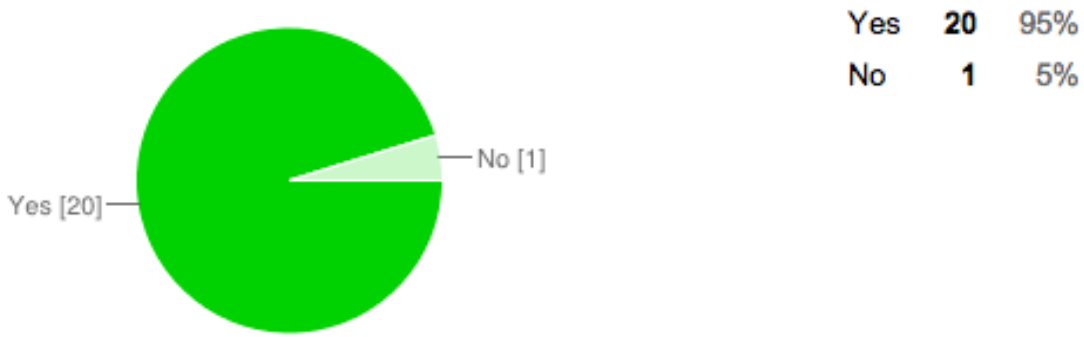
haven't really heard anybody advocate for the criminal libel law to come back but I have heard critics saying that there should be monitoring in the media and that role is being ceded to the media commission. You know, to get some more bite. When it comes down to business, nobody wants it.

- Do you think that the repealing of the law has de-professionalized journalism?

Charles Takyi- Boadu: *It is true. When it was there, there were journalists that were very brunt during those times although some went to jail because that period was not a democratic era so most of the journalists who went to jail felt they were freedom fighters and came back and were still fighting the system.*

But there have been lots of such leverages that have allowed journalists to go overboard. I know lots of these papers I choose to call crappy papers. They write everything, you can't even imagine. They would make wild allegations against people without even crosschecking and they would put it in there and they don't mind. They won't contact the person for his or her side of the story or even investigate who has attended the level of truth or otherwise.

There are other laws, apart from the criminal libel law, which have been repealed which still serves as checks to some of these instances. As for the criminal libel law it was a good riddance.



[Fig. 7]: Do you know that the Criminal Libel Law was repealed in 2001?

9.0 Analysis

Here follows an analysis of the quantitative and qualitative study. It focuses primarily on the role of journalists, the Criminal Libel law and how free Ghanaian media is.

9.1 The Criminal Libel Law

90 per cent of the respondents were familiar with the Criminal Libel Law and one third say that media laws in general hinder their objectivity. Such laws would prevent them from fully carry out their journalistic purpose. However, Charles Takyi- Boadu felt that the Criminal Libel Law did not bother him. He meant that he kept carrying on with a story if he had a strong case.

- *The fact that you bring me to court doesn't necessarily mean that you have won the case. It doesn't mean that you will win. So it doesn't in any way impure me from doing my work,* he says.

He also remarks on the fact that other media laws might have had a bigger impact than the Criminal Libel Law. Rather he believes that a passage of the Freedom of Information bill will have a greater effect than the repealing has had. The bill would give the public access to official information. Nevertheless, the passage of the bill has been delayed in the parliament the last six years, waiting to be approved.[126]

Interviewee Nii Apenteng believes that the repealing of the Criminal Libel Law has strengthened journalists' role as gatekeepers. However, the repealing of the law has also been problematic. Philip Mensah says that it has de-professionalised journalism.

- *That law was a little bit of a deterrent but now, for a good share of the market our people go overboard. There's a lot of sensationalism*, he says.

He believes that journalists tend to exaggerate in their reporting in order to sell stories. With no law deterring them it was, however, bound to happen according to him.

[126] http://www.newstimeafrica.com/archives/25848

9.2 Journalists as nation builders

Characteristic for journalists as nation builders is according to Romano the aim of maintaining social stability, peace and to fortify the nation's economy. Nii Apenteng thought that his role was to give other access to information and Charles Takyi- Boadu believes it is important to shape opinions after the practice of development journalism. Philip Mensah wanted to promote development and make the audience conscious of problems in the community so that they would be able to themselves also solve it.

9.3 Journalists as government partners

Half of the respondents believe that field- working for a state owned or private press- affects the work. The interviewees however believe that the media in Ghana is free. Rather is that the media may be too free even if there is room for improvement.

- *So I would rather be advocating for a stronger monitoring measures for Ghana media*, Nii Apenteng commented.

Philip Mensah believes that journalists tend to forget about their mission, to develop the country and inform the people due to the total freedom. Charles Takyi- Boadu shares the same view.

- *We seem so much concentrated about the politics. Non development- oriented theories,* he says.

Overall, there is a common worry that the free media in Ghana can be a threat to journalism. However, none of the journalists wish for stricter laws.

9.4 Journalists as agents of empowerment

29 per cent of the respondent believed that media laws hinder objectivity. However 38 per cent thought that objectivity was affected by other factors as well. One of the biggest factors was the house policy and the impact of the manager.

Soli

90 per cent had received soli and 21 per cent of them thought that it had affected their objectivity.

- *[---] it also depends on the environment. Journalists are a little bit underpaid. The condition of service is a little bit poor so it influences them stronger that way than in an environment where journalists are relatively self-sustain, where they don't have to depend on somebody's influence or somebody's money to do their job, says* Nii Artepang.

9.5 Journalists as watchdogs and guardians of transparency

The quantitative study shows that objectivity is given a high importance. 76 per cent of the respondents graded objectivity with a ten, on a scale from one to ten on which the importance increased with the number. The interviewees wanted to improve the democratic presence in the country and believed that this could be achieved by informing the people. The three shared a quite similar mission. They tend to want to work in the frames of development journalism. Charles Takyi- Boadu hopes further to have his own newspaper where development journalism will be in centre.

- *I want to set a development-oriented agenda. There's so much politics now that you don't get a serious development-oriented define of the country,* he says.

Their own goal as a journalist is much related to how they in general believe journalists should work. They interviewees all perceive journalism as a tool for democracy and to inform the population on events. Philip Mensah believes that journalists' objectivity is perturbed by anarchy of selling news. The lack of monitoring causes, according to him, journalists to sometimes act reckless.

10.0 Discussion

10.1 The journalists

The interviewed journalists share the same mission. They believe that by informing the population a better democracy society can be achieved. They perceive themselves as gatekeepers but also responsible to forward the information in the name of democracy.

Journalists in state-owned newspapers are perceived as more professional than their co-workers in the private press. I find this very interesting since different sources also claim that state-owned journalists are more controlled in their reporting in issues. Private-newspaper journalists are perceived as more independent but are accused of being too sensational and biased in their reporting. State journalists seem to per automatic support the government and the private press, even if being the antipode, also seem to practice by automatic. This leaves a void for objectivity to be fully carried, I believe.

However, it was interesting that the interviewed journalist strive for the same goal-development journalism, regardless of employment. It could be an indicator that journalists share the same vision in their work but that the vision is affected by other factors such as the house policy. Both the quantitative and qualitative study have shown that factors such as the Criminal Libel Law, other media laws and soli have had an impact on journalism objectivity. However, the impact was not as big as I thought. It seems rather that objectivity amongst journalism is highly practiced.

10.2 The Criminal Libel Law

The journalist in this study shared many common opinions. They were satisfied over the repealing of the criminal Libel Law but also remarked on the negative outcomes. They felt that journalism needed to be more monitored and professional. Nevertheless, none of them wished for a resurrection of the Criminal Libel Law. One of the interviewee felt that the law did not affect their work but they all agreed on that the law had a deterrent effect. But again, whereas the law caused self-censorship the repealing seem to have resulted in journalists becoming careless. A solution would therefore be monitoring journalism and stronger strive for development journalism. This could be achieved by an organisation such as the Ghana Journalist Association.

My hypothesis was that the repealing of the Criminal Libel Law would strongly professionalize journalism. Instead, journalists seem more reckless. It is alarming since they should know the impact of censorship and should better respect the new found freedom of expression. Exaggerated sensationalism and biased reporting risk, according

to me, favour voices for the return of the libel law which I believe is a serious and dangerous backlash for the democracy in Ghana.

10.3 Soli

90 per cent of the journalists have accepted soli but only 21 per cent believed that it affected their objectivity. My impression is that a system as soli without doubt must create a bond between the giver and the taker, the journalist. Journalist also becomes dependent to the giver, especially in cases where journalists' economic situation is frail. It was surprising that so few of the journalists thought themselves being affected by soli. I thought the numbers would be higher.

However, the matter of soli is sensitive. The editor in one of the non participating newspapers asked why I was so interested in the matter of soli and what the information would be used for. I strongly believe that soli was one of the biggest reasons why the two papers did not participate. It is therefore interesting that journalists seem to dismiss the importance of soli in the study but in reality do not wish to discuss it further.

However, it is therefore positive that the use of soli seems to decline.

- *I see changes, I see journalists rejecting soli and all that which wasn't the case a couple of years back. It so easy to influence a journalist a couple years back, it's not that easy now anymore, one of the journalists said in the interview*, Nii Apenteng said.

10.4 Future research

Further research could be on the practice of development journalism in Ghana and what affects or hinders it from fully being used. Furthermore, it would be interesting to measure what impact of the editorial house has on journalism. At last, research on the matter of soli could give another understanding in the Ghanaian media.

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12.0 Attachment

Survey

OBJECTIVITY AND MEDIA LAWS

My name is Sumbu Temo and I am a journalist student. This research is a part of my final exam project. I want with this research study the correlation between objective journalism and media law. The final study will be presented as a qualitative and quantitative study.
Media studies are crucial for a deeper understanding of journalistic practice and thus media freedom. Your voice is therefore critical to the discussion.

Please take a moment to complete this anonymous survey. To assure anonymity while taking the online survey, the access code number you have is not associated with you as an individual. It is used only to insure a valid online response. Furthermore, no specific information regarding you computer's IP address, time or location, is collected by our online data system.

If you want to share more than the survey space allows, please contact me.

Thank you so much for your participation.
Sincerely, Sumbu Temo

Sumbutemo@gmail.com

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* Required to answer

Sex *

- ○ Female
- ○ Male

Age *

- ○ 19 and under
- ○ 20-29
- ○ 30-39
- ○ 40-49
- ○ 50-59
- ○ 60-69
- ○ 70 and over

Employment *

- ○ The Ghanaian Chronicle
- ○ Daily Graphic
- ○ Daily Guide
- ○ The Ghanaian Times
- ○ Other

Do you think that it is important that you are objective in your work? *

Objectivity refers to non-partisanship and fairness i.e being neutral when reporting in matters.

- ○ Yes
- ○ No

How important do you think that it is that you are objective in your work? *

	1	2	3	4	5	6	7	8	9	10	
Not important at all	○	○	○	○	○	○	○	○	○	○	Very important

Are you aware of existing media laws? *

- Yes
- No

Do you know that the Criminal Libel laws were repealed in 2001?*

- Yes
- No

Were you familiar with the Criminal libel laws? *

- Yes
- No

Do you think objectivity is hindered by media laws? *

- Yes
- No

Have you ever received soli or any other kind of payment for a journalistic work? *

Soli or any other kind of payment refers here to payment from a source for example transportation or other facilities. This payment must have been received from others than your employer/ employment.

- Yes
- No

If yes, do you think that it has affected your objectivity? *

- Yes
- No

Is your objectivity hindered by other factors? *

- Yes
- No

If yes, by what?

Do you think your work is affected by you working in a state-owned or private newspaper? *

- Yes
- No

Was working as a journalist your first hand choice? *

- Yes
- No
- I don't remember

Do you have plans of changing career fields? *

- Yes
- No

If yes, in what field are you planning to work in? *