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## BOOK REVIEW

Akoto Ampaw (Compiler and Editor), 2004, *Legislation on Media, Speech and Expression in Ghana – A Source Book*. Media Foundation for West Africa. 1193 pages. ISBN: 9988–7901–8–X; Price: ₵400,000 (circa USD 34)

Reviewed by Kofi Kumado\*

This book is an edited compilation of various pieces of legislation on the media and freedom of expression in Ghana. The book reflects the author's continuing interest in being useful and helpful to society and not to be content with his new status as one of the leading lights of the legal profession in Ghana.

For a growing and expanding media industry and a social institution at the core of the democratisation process, books of reference for the media, such as this, are needed. These are times when no one really knows what should be done with our media and how they should be managed. For example, recent events at the Ghana Broadcasting Corporation where the removal of the Board by the National Media Commission (NMC) raised concerns about the role of the Commission simply heighten the importance and urgency of such a quest. What is clear is that there are no easy solutions. Or, perhaps no solution is possible. It will remain a continuing quest.

The title of the book suggests that it is a 'source book.' To be specific, it is a publication for sourcing legislation relating to the media, speech and expression in Ghana. It is not a book on the law relating to these matters. It does not, for example, address judicial decisions. The contents are confined/limited to enacted (primary and subsidiary) law. In fact, they are thin on expression. The concentration is on legislation on the print cum electronic media and the wire services.

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Its title might mislead some people into thinking that it is a book for journalists and media practitioners only.

This will not be correct rather, it is a book for the ordinary person, with Ghanaians as the contextual audience. The individual who is contemplating the value and place of expression in society is a prime target. But a journalist, as a front-liner in the media business, will find this book a more than convenient companion. One should hasten to add, though, that while a journalist may find it useful, it may not be helpful to him/her; unless he or she has had some basic training in deciphering legal language. The value to the media practitioner, though, is so great that one wonders whether the NMC would not consider directing the governing bodies of the state-owned media establishments to procure a copy for each journalist working in those establishments.

The book lists 199 enactments; and the reader learns that 67 of these are still in operation. The prefatory pages have the table of contents, a rich foreword by the late Justice D. K. Afreh, Justice of the Supreme Court, a preface, and a very useful list of abbreviations.

The 1194 pages are organised into two parts. Part one is the introduction and is written by the author. It covers some 79 pages including five pages of a list of references. Upon reflection, the introduction is organised in a manner that makes it possible to consider the book as actually two books.

The introduction is not a commentary on the source materials. It is partly an advocacy for reform of the existing law, especially its alignment with the 1992 Constitution. It is also a critique of the existing law as it has evolved. Further, it is a lesson in the history of the media and governance in Ghana. In particular, the author demonstrates vividly how much continuity in outlook towards the media Ghana has had from various governments since the colonial times.

The author uses the Introduction to unburden some of his own views on the reader. It reads in part like a piece which got another lawyer, the editor, and publishers of the *Legon Observer* into trouble some years ago for contempt by prejudicing a fair trial. Times have changed such that this reviewer cannot contemplate the Ghanaian Attorney-General commencing contempt proceedings against the author for those views. These days he can sleep in relative safety. It seems, though, that the author could have been a little more sympathetic with the judges than he has been with respect to those judicial decisions he seems to disagree with. After all, it is the law one is dealing with. And one has to admit, that, in law, two honest minds can genuinely disagree, without necessarily labeling such a view as 'progressive' and 'conservative.'

Contained in the introduction is a fair amount of comparative material. The laws of the US, Canada, Australia, Nigeria, to mention a few, are discussed in relation to the practice in Ghana. However, it is unclear what the author wishes his reader to make out of the comparisons. For, as he himself states, the constitutional platform is different in each case. In this connection, one might add that the constant reference by the author to 'liberal democracy' may be seen as somewhat undermining the universalist message that he obviously advances with the comparative materials. After all, the book has a lot of relevance to the current robust democratisation process inside the African continent. Incorporated in that process is an expanding media space, the articulation and actualization of which, stand to benefit from the Ghanaian experience documented in the book.

The introduction seems to have been written a long time ago, in separate parts and then pieced together. It contains some inaccurate statements. For example, we learn on page 21 that the coup which brought the National Redemption Council into power occurred in February 1972. That coup actually took place on January 13, 1972. One remembers this because the 13th January man used to be "venerated". How times have changed!

The preceding comments, notwithstanding, the introduction is one of the reasons why readers should be grateful to the author and the publishers for this invaluable book. The introduction adds a value, which the source materials alone would not have provided. It establishes beyond any reasonable doubt that the author is an expert on speech law and practice, that he has been a keen follower of the governance process in Ghana and that his is indeed a powerful voice for human rights in Ghana.

Part two of the book records the actual source material and it includes legislation which is no longer in force. The decision to include this type of legislation will be welcomed by researchers, present and future. It would also be useful for those who seek to construct the historical progress of freedom of expression legislation in the country.

Part two actually brings together under one roof the relevant pieces of legislation. It thus enhances access to these primary materials. This accessibility would, in all probability, enhance the determination of the reform agenda as well as advocacy for reform. The accessibility produces some startling insights. For example, on the lighter side, the reviewer has noticed that the title of the legislation repealing criminal libel (Act 602) is almost as long as its substantive part!

In the best traditions of Oliver Twist, one would have wished that some indicator is used in the main text to separate the legislation which

is still in force from those that are not. Of course, this takes nothing away from the listing which is good.

This is a reference book. It is voluminous. Will this affect its usefulness? Probably not. Is a CD-ROM version needed? Definitely. And a 'pocket' edition? Absolutely.

The fact that the book does not contain juridical decisions, a learned commentary, or other sources of law may have been an issue of volume. Perhaps, the publishers would consider commissioning companion texts to complete this phenomenal work.

The details of the voluminous book are avoided here for want of space. The reviewer would not want to contest the huge size of the book.

Nothing written so far, is intended to detract from the invaluable service the author and the publishers have rendered to consolidating democracy in Ghana by the publication of this book. As the late Justice Afreh wrote in his foreword to the book, this book provides the 'raw material.' All who want to dig into, study, and understand the history and the evolution of law-making relating to the media and speech issues in Ghana will find this book a one-stop shop.

Protagonists and antagonists of freedom of expression both ought to be indebted to the author and the publisher. The book is commended to all Ghanaians, and indeed other Africans as well as others interested in the media in Ghana, as a 'must-have' in all homes and offices. The cost per copy might this, perhaps, less possible. However, any effort at procuring it would be worthwhile.

Indeed, the author of the book, Mr. Akoto Ampaw and the publishers, the Media Foundation for West Africa should be congratulated for a solid book.