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Power, Policy, and Digital Switchover: An Analysis of Communication Policy Making and its Challenges for Regulating Ghana's Digital Television Sector

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Power, Policy, and Digital Switchover

An Analysis of Communication Policy Making and its Challenges for Regulating Ghana's Digital Television Sector

Kobina Ano Bedu-Addo

A thesis submitted in partial fulfilment of the requirements of the University of Westminster for the degree of Doctor of Philosophy

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Dedication

I dedicate this thesis to my mother, Cecilia Ekua Tawiah Hammond, for her love, patience, understanding, and for giving her all to her children, and also to the memory of my late maternal grandmother, Hannah Ama Woarabae Sam, whose life, even with limited means, has been an enduring example of what hard work can achieve, to me, and also for taking me to school every day when I was young.

Acknowledgement

Author's Declaration

I declare that the materials contained in this thesis are from my own work.

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Name: Kobina Ano Bedu-Addo

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Abstract

This thesis examines communication policy making in Ghana during the country's digital switchover process launched in 2010. The thesis argues that Ghana's digital switchover policy making process was an opportunity to refashion policy and regulatory structures towards the public interest that went beyond the modernisation of broadcasting transmission infrastructure and the innovations digital switchover brought. The thesis investigates whether, and the extent to which, structural and institutional characteristics in the communication policy arena facilitated or hindered broadcasting policy making, and explains the persistence of the analogue era broadcasting regulatory regime in the digital multichannel television market. Ghana's return to Constitutional rule since 1992 led to the liberalisation of the broadcasting sector, permitting private ownership of broadcast media for the first time in the country's history, as well as the reconfiguration of the communication policy making arena (and the wider policy environment), with more actors engaged in policy making. Yet, the manner in which this was achieved sustained the capability of state policy actors in the communication sector to influence the shape, pace and direction of policy due to the concentration of power within the Executive that granted the government excessive power.

 The thesis draws on political science and sociological concepts and approaches to analyse original qualitative data based on extensive documentary analysis and elite interviews with policy actors, during Ghana's digital switchover policy making process from 2010. The study finds that political events during Ghana's transition to Constitutional rule in the early 1990s, after ten years of military autocratic rule was *the* critical juncture that laid the foundation for a path-dependent communication policy making trajectory. Overtime this has produced a fractured and uncoordinated broadcasting policy making context whereby policy makers act without much consideration for the wider interest of the sector, whilst non-state policy actors remain ineffective to sustain advocacy that would serve the public interest. This played out during Ghana's digital switchover process as the dominance of state-controlled policy actors ensured the framing of domestic digital switchover policy objectives along narrow externally set priorities at the expense of longstanding and pertinent broadcasting policy and regulatory concerns that could have been part of the country's digital switchover policy making agenda. The study maintains that as the full implications of the digital switchover process on Ghana's broadcasting sector becomes apparent, the continued lack of an adequate policy and regulatory framework for the new digital television broadcasting market, and, indeed the

larger broadcasting sector, does not serve the public interest and as such, it impoverishes the broadcasting service available to citizens.

List of Tables and Figures

List of Abbreviations

AFRC	Armed Forces Revolutionary Council
ARPS	Aborigines Rights Protection Society
ASO	Analogue Switch-off
ATSC	Advanced Television Systems Committee
ATU	African Telecommunication Union
BBC	British Broadcasting Corporation
CA	Communication Authority (of Kenya)
CTO	Commonwealth Telecommunication Organisation
CDTC	Central Digital Transmission Company
DVB T	Digital Video Broadcast Terrestrial
DSO	Digital Switchover
DTV	Digital Television
DTT	Digital Terrestrial Television
DVT	Digital Video Terrestrial
ECOWAS	Economic Community of West African States
EU	European Union
FCC	Federal Communication Commission
GBC	Ghana Broadcasting Corporation
GTV	Ghana Television
GASCNBL	Ghana Advocacy Steering Committee for a National Broadcasting Law
GBS	Ghana Broadcasting System
GCBS	Gold Coast Broadcasting System
GCRN	Ghana Community Radio Network
GE06	Geneva 2006
HD	High Definition
HDTV	High definition television
ICANN	Internet Corporation for Assigned Names and Numbers
ICASA	Independent Communications Authority of South Africa
IMF	International Monetary Fund
IITF	Information Infrastructure Task Force
ISDB	Integrated Services Digital Broadcasting
ITU	International Telecommunication Union
KBC	Kenya Broadcasting Corporation
KCC	Korean Communications Commission
MDBNL	Malawi Digital Broadcast Network Limited
MERCUSOR	Mercado Común del Sur
MoI	Ministry of Information
NAFTA	North American Free Trade Agreement
NCA	National Communication Authority
NCWA	National Congress of West Africa
NDC	National Democratic Congress

NII	National Information Infrastructure
NLM	National Liberation Movement
NMC	National Media Commission
NPP	New Patriotic Party
OFCOM	Office of Communication
NTA	Nigeria Television Authority
PSB	Public Service Broadcasting
PNDC	Provisional National Defence Committee
RTI	Right to Information
RRC-06	Regional Radio communication Conference 2006
RBA	Rwanda Broadcasting Agency
SABC	South Africa Broadcasting Corporation
ISDB-T	Sistema Brasilerio de Televisao Digital Terrestre
STB	Set-Top Box
TCRA	Tanzania Communications Regulatory Authority
UGCC	United Gold Coast Convention
USA	United States of America
WB	World Bank
WTO	World Trade Organization

Chapter 1

Thesis Introduction

1.1 Introduction

Digital Migration (DM) was the global policy to compulsorily abolish the conventional analogue television transmission system, and replace it with more efficient digital transmission systems (Starks, 2007a) as the development of digital television (DTV) became a communication policy issue from the 1980s onwards. For African countries however, migrating their television broadcasting transmission infrastructure has been a struggle since the International Telecommunication Union (ITU) mandated the global digital migration policy for Region 1 countries[1] at the Geneva Regional Radio Communication Conference (RRC-06) on the 16th of June 2006. Countries on the continent have struggled not only to fashion but also implement their domestic digital switchover policies, even as digital technologies continue to transform the broadcasting sector and raise new challenges for media policy and regulation. This thesis examines Ghana's policy making and implementation process following the Geneva Regional Radio Communication Conference in 2006. The thesis also investigated why the new television broadcasting market in the country continues to be regulated by the old analogue based regulatory regime. The thesis has established that Ghana's implementation of the International Telecommunication Union's digital migration policy exposed how despite the democratised communication policy making arena that emerged following the return to Constitutional rule in1992, determinative policy power has remained in the hands of a handful of state-controlled institutions. It further reveals that other non-state policy actors in the communication sector have been rendered weak and ineffective as advocates for policy reform, particularly on longstanding regulatory concerns in the broadcasting sector.

Communication technologies have seen a convergence - the blurring of once distinct telephony, broadcasting and computing - of industry by some estimates since the 1960's (Galperin, 2004). This has been possible because of industries based on electronics, research and policy activism. Digitalisation has permitted the rendering of data into compressed binary

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[1] Region 1 countries of the ITU cover Europe, Africa, and the Middle East with Iran

digits of "ones" and "zeros" corresponding to on-off electrical pulses. This has become the common "language" for the circulation of text, audio, pictures and video, or their storage across telecommunications, broadcasting and computing platforms with ease (McQuail and Siune, 2003).

Settled communication policy arenas such as found in the United States of America (USA) and the European Union (EU) have had to confront the policy questions raised by technological convergence and rethink its implications for the media and its regulation (Hills and Michalis, 1997). The experience of digital switchover policy making across the globe as discussed in this Chapter demonstrates how the state facilitated broadly market led processes of digital switchover using the promise digital technology offered to shape future economic prosperity based on the sharing and circulation of vast quantities of information. For example, as later sections show the digital switchover implementation process in the USA, UK and the EU was characterised by government activism in a race to use the development of digital television (DTV) to spur the modernisation and revival of their domestic electronics industries and also to take advantage of the promise of digital technologies to boost their economies and usher in a new information society (Galperin, 2004).

The African context, from where Ghana's experience has been conditioned is different. It relies largely on digital technologies coming from outside the continent, while it has also not put in place adequate communication policy structures over the years to deal with the challenges raised by new technologies. And yet the digital switchover process was expected to cover over 75 million households of the continent's television viewing population by 2021 after the switchover process has concluded (www.itwebafrica.com, 2017). This prospect forced policy actors and regulators to begin to grapple with the policy and regulatory implications of such technological transformations in the broadcasting sector.

For Ghana, the broadcasting regulatory regime was fashioned at a time when print media was dominant and broadcasting had only just been released from a long period of state monopoly, to enable private ownership for the first time in her history. As succeeding Chapters will show, even though civil society at the time advocated for an independent media regulatory system, perhaps the euphoria of finally getting a new plural broadcasting space no longer dominated by the state made actors and stakeholders to relax their calls for an adequate regulatory architecture for the emerging broadcasting space. Doing so could have helped fashion a system that would anticipate the impact new technologies would have on the media.

In the wake of the ITU's requirement in 2006 for Region 1 countries to migrate their broadcasting transmission systems, the struggle to adhere to the policy's requirement exposed such weakness embedded in the Ghanaian extant policy and regulatory architecture given the transformational nature of the digital switchover policy.

This Chapter has seven sections. After this introduction is the study's broad aim and research questions. This is followed by a section on the study's structure. In the fourth section there is a general discussion about communication and policy, and the difficulties encountered when trying to demarcate or define its boundaries in the context of technological transformations. Since the digital switchover process and its transformation of the Ghanaian television broadcasting sector has exposed the inadequacies of the country's broadcasting regulatory regime, the fifth section discusses regulation and how digitalisation affects it. The sixth section provides snapshots of country cases of digital switchover policy making from selected regions across the globe with the associated debates surrounding the region's switchover experience. The selection of countries has been based on a variety of reasons such as the complexities involved in undertaking the switchover process, early completion, and regional peculiarities. This enables the study to be positioned within the universe of global scholarship on the digital migration policy process. The seventh section ends with a Chapter conclusion.

1.2 Study Aim and Research Questions

This study aims to provide the critical examination and analysis that could explain the factors and dynamics that shaped communication policy making in Ghana during her digital terrestrial television (DTT) policy making process, and how the analogue based regulatory regime persists in the digital broadcasting era. The post 1992 4th Republic Constitutional period has witnessed many changes in the media environment particularly in broadcasting, with previously unheard of numbers in private ownership of radio and television. These changes however have not been accompanied by a proper policy and regulatory regime for broadcasting. The result has been a highly commercialised broadcasting market without proper safeguards. A particular concern has been the position of the state broadcaster, Ghana Broadcasting Corporation (GBC) whose future as a public service broadcaster (PSB) seems mired in confusion (Tayman, 2017) see also (Asafo-Agyei, 2010). Even as stakeholders lament this situation not much by way of reforms was proposed as the switchover policy making process unfolded. Competing interests by actors in the broadcasting sector have

ensured that the status quo has remained despite the enormous opportunity the digital switchover policy making process presented to introduce policy and regulatory reform. Therefore, understanding why and how policy actors have behaved the way they have in the Ghanaian context to continually determine and shape the policy and regulatory outcomes the way it has been opens the way to rethink how communication and media policy can be refashioned to meet the challenges brought about by the liberalised and now digital transformations in the broadcast media sector in the country.

The study condenses the post liberalisation broadcasting sector experience in Ghana into a broad aim to analyse communication policy making against the backdrop of the country's digital migration policy making and implementation process. This is to understand whether, and the extent to which structural and institutional factors in the communication policy arena following the return to Constitutional rule in 1992 facilitated or hindered the digital switchover policy making process. It further aims to examine why the analogue era regulatory regime has persisted in the new digital multichannel television market. This overarching objective is broken down into three specific research questions as follows:

1. To what extent did the restructured communication policy arena, following the return to Constitutional rule in 1992, facilitate, or hinder, Ghana's digital switchover policy making and implementation?
2. To what extent were policy actors influenced by external policy communities to base Ghana's domestic digital switchover policy objectives on internationally set frames and priorities at the expense of domestic policy concerns?
3. What factors explain the persistence of the broadcasting sector's analogue era regulatory regime in the new digital multi-channel television market despite many calls for broadcasting policy and regulatory reform?

1.3 Perspectives on Communication and Media Policy

This section continues the Chapter with a consideration of communication and media policy as an overarching category under which digital switchover falls, and its changing demarcations and boundaries over the years as technologies changed and continues with a discussion about what this has meant for the regulation of media.

1.3.1 Communication or Media Policy?

As John (2012) has stated, policy seeks to understand how the machinery of the state and political actors interact to produce public actions (John, 2012, p1). John has noted further that policy is public in the sense that it is not private but held for the common good, therefore, the study of public policy seeks to explain how policy makers working close to the machinery of government and other institutions produce public outcomes that are intended to have an impact outside the political system. Since policy problems occur differentially in sectors and not uniformly in society, studying policy sectors reveals all the elements of a political system in miniature, with identifiable participants, interest group representatives, bureaucrats, elected politicians, lobbyists, experts and the interested general public (John, 2012, pp1-3). Hogwood and Gunn (1984) have also explained the different ways policy can be understood, and go further to define it as "…the sum total of government action, from signals of intent to final outcomes" (Hogwood and Gunn, 1984, p13-19, as cited in Cairney, 2012, p5). To Parsons (1995) policy is "concerned with how issues and problems come to be defined and constructed and how they are placed on the political and policy agenda", all in an attempt to " structure a rational basis for action or inaction" (Parsons, 1995, xv, p14). When applied to the communication sector within the context of digital switchover, governments, regulators, commercial broadcasters, equipment manufacturers, consumer groups, legislators and the media, each with their own interests can be identified as part of the policy making system.

According to Iosifidis (2002) convergence, that is the delivery of similar, existing or new media, telephony and Internet services via the same transmission platform can be present at three different interrelated levels: the technological level; the structural level; and the services and markets level. In the communication sector, this phenomenon has been accelerated by advances such as digitalisation, compression, processing power and the Internet, which in turn, has influenced structural changes such as mergers and acquisitions of previously separated enterprises (Iosifidis, 2002, p28). This brought challenges to how the communication sectors were regulated because of the traditional sectoral approach to regulation in the sector (Jedrzejewski, 2014; Hills and Michalis, 1997).

The digital switchover process is a prominent feature of technological convergence, which according to Braman (2004) has raised definitional questions about what constitutes

communication and media policy, and also brought disputes among regulators as a result of overlaps between television and telecommunications regulation (Hills and Michalis, 1997, p221).

Furthermore, communication and media policy are used interchangeably in scholarship and according to Just and Puppis (2011) adding to this is the complexity of its multidisciplinary field, touching on political, economic, technological and cultural issues affecting the media (Just and Puppis, 2011, p9). Braman (2004) has thus referred to this challenge as the "definitional faces" of media policy (p175) and gone further to locate media policy as a distinct subfield of information policy dealing with those technologies, processes and content by which the public itself is mediated. The author then calls for a definition that is comprehensive, theoretically based, methodologically operationalizable and transferable (Braman, 2004, p153). van Cuilenburg and McQuail (2003) have approached the definitional issues of communication or media policy through three paradigms, namely:

> "(I) the phase of emerging communications industry policy, (II), the phase of public service media policy, and (III), the phase of a new communications policy paradigm"(van Cuilenburg and McQuail, 2003, p182)

Napoli (2001) has also observed how communication policy in the USA has been based on a technologically particularistic approach in its formulation and regulation that separated out broadcasting, for its mass messaging to diverse audiences, from telecommunications with its structure of one to one communication (Napoli, 2001, p1). However, as Braman (2004) has argued that technological changes brought about by convergence problematizes the definition of media policy because of this historical treatment of the field differentially as distinct products, services and industries. Puppis and Van den Bulck (2019) try to reflect this as they take both the historicity and current dynamics of the media field into account when they conceptualise media policy as:

> "the broader field in which competing ideas and assumptions about the desirable structure, conduct, and performance of media systems circulate". (Puppis and Van den Bulck, 2019, p6)

In this thesis, communication and media policy are used interchangeably to as Michalis (2022) has noted also denote the digitization and the evolving convergence of previously identifiable separate sectors, in addition to broadcasting policy making. According to Michalis (2022) policy is a field of contestation that tries to address various issues

simultaneously on the basis of limited knowledge. This can result in unintended consequences as one line of (in)action can create new – or aggravate existing – problems (Michalis, 2022, p69). In other words, each actor in the policy space come with their vested interests to secure and maintain their influence, which ensures a constant battle for control of the policy space. Freedman (2008) reflects policy contestation, when he conceptualises media policy as the:

> "systematic attempt to foster certain types of media structures and behaviour and to suppress alternative modes of structure and behaviour". (Freedman, 2008, p1)

For African countries, the promise offered by the digital switchover process as communication technologies have converged asks of the continent's policy makers communication policies that account for the totality of technology's implications and impact on the media space from who owns and controls their distribution, to who gets to receive content and under what terms. As Freedman (2014) has argued, media policy matters because it "shapes and is shaped by contextual factors: Are media industries designed to make money for advertisers, to massage the ego of a particular administration, or to help produce informed, active, independently-minded citizens? What are the connections between state elites and media elites" (Freedman, 2014, p13). This adds to the call by Michalis (2022) for media policy research to aim to explain "how policy works, how choices are made and with what effect, why societies get the media they get, with what implications and in doing so identify possible opportunities for reform". (Michalis, 2022, p68)

The analyses provided in the Chapters in this thesis respond to this call with the examination of Ghana's communication policy making during the digital switchover process in the context of the country's inadequate policy and regulatory measures, even as the digitalisation process has brought about a new digital multichannel television market.

1.3.2 Regulation in a Digital Television Space

Hill (2003) has noted the weak broadcasting regulatory environment in Africa. With the policy making associated with the global digital migration policy, Berger (2010) also noted how the ITU's 2006 requirement for the migration of television broadcasting systems to digital in Africa exposed weak pre-existing policy environments to handle the complexities associated with the policy (Berger, 2010, p26). Despite this, how the broadcasting sector will be regulated post the digital switchover process never achieved the policy prominence it

should have as part of the policy making even though it is an integral part of media policy. According to Freedman (2008):

> "If media policy suggests the broader field where a variety of ideas and assumptions about desirable structure and behaviour circulate, then regulation points to the specific institutional mechanisms for realising these aims". (Freedman, 2008,p13)

This narrow instrumental end of communication policy is deployed to achieve specified policy goals (Puppis and Van den Bulck, 2019, p7) and as Napoli has suggested, there is always a tension between the economic and social objectives in the task of regulating the communication space (Napoli, 2001, p17). The tension between economic and social objectives of regulation has been characterised as "a means of the distribution of costs and benefits between market participants" (Hills and Michalis, 1997,p236). This, however, does not make apparent who bears what costs and who receives the benefits of regulation. The Ghanaian case examined in subsequent Chapters in this thesis demonstrates how the structures for regulating the broadcasting market has not served the public interest due to the institutional and structural characteristics of the communication policy arena created since the return to Constitutional rule in 1992. As Van Cuilenburg and McQuail suggest, regulation must be seen as always involving the potential intervention in on-going activities to serve not just the needs of the market for reasons of technical efficiency, but also stated public interest (van Cuilenburg and McQuail, 2003).

The technological transformation in broadcasting brought about by digitalisation called for a rethink in regulatory approaches for the sector. Arguing the UK experience, Collins for example, observed how this posed a challenge to the regulatory regime organised around historically distinct media and communication technologies like television and telephony in the United Kingdom. "Jurisdictional jealousies" among separate regulators were part of the drivers for the government to consider merging the regulators (Collins, 1998, p385). Similarly Lehtisaari et al (2012; see also Nieminen, 2013) have also discussed the importance of regulatory interventions in dealing with the implications of convergence for the Finnish media industry, noting the highly influential role played by regulatory regimes of supra national regulatory bodies such as the European Commission (EC) and the World Trade Organisation (WTO) for Europe.

In Africa, there is no comparable continent-wide communication policy regime such as found in the EU. The African Union (AU), the continental political grouping provides a diplomatic

forum for governments to share experiences and set agendas without the power of policy strictures wielded by the European Commission in Europe. Rather, as examined in Chapter six, during the digital switchover policy making process the ITU worked through, and with other global and continental communication policy bodies such as the Commonwealth Telecommunication Organisation (CTO) and the African Telecommunication Union (ATU) to provide the knowledge and expertise required to fashion digital switchover policies. The knowledge, however, only addressed the very technical aspects of the digital migration policy, such as the coordination of the frequency plans by member states and questions regarding switchover timetables without addressing the wider policy and regulatory implications of the digital technologies for the broadcasting sector. This highlights Berger's argument about how the global digital migration policy exposed African countries lack of "policy and strategy" with at best narrow preliminary technical work (Berger, 2010,p26).

The scale of changes digital switchover has brought to the television sector in Ghana has not been seen since the switch from black and white to colour television. Yet, there is no available study to analyse these changes. With a population of over 30 million[2], Ghana had 4.5 million analogue households out of a total household population of 5.8 million to be migrated (Digital Terrestrial Television (DTT) Broadcasting Policy, 2016). While the communication policy arena has changed post the 1992 4th Republic Constitution with the emergence of more policy actors, policy making especially on the regulatory regime for broadcasting has not kept pace with the technological changes in the broadcasting sector. This parallels the UK case noted by Hills and Michalis (1997) when the country had to deal with convergence, with national regulatory institutions and their concomitant regimes reliant on specific legislation with outmoded definitions of technology and regulatory delineations of markets (Hills and Michalis, 1997, p219). According to the authors this situation persisted for a while even in the face of the convergence of television and telecommunications technologies and the growth of multichannel digital television without any policy considerations for strengthening the institutional base of regulation (p, 236). Twelve years after the launch of Ghana's digital switchover policy process, striking parallels between the earlier UK experience and Ghana's experience can be observed, with mere rhetorical but not active considerations for the necessary regulatory reforms. This is unlike the experiences from Chile (García Leiva, 2010) and South Africa (Armstrong and Collins, 2011) where both

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[2] The 2021 National Population Census by the Statistical Service of Ghana, put the figure at 30 million, 8 hundred thousand Ghanaians

countries either used the digital switchover process as an opportunity to reform their broadcasting sector or had embarked on substantial policy and regulatory reform prior to the digital switchover process. As Napoli has noted, media organisations not only generate economic surplus for their owners or influence and shape public opinion, but are also able to influence government policy through their messages (1997a, p207 in Napoli, 2001, p17). This thesis argues that in Ghana the post 1992 communication sector has seen the emergence of powerful commercial media actors in the policy making game whose influence, has ironically combined with that of state institutions to sustain the status quo in the broadcasting sector's policy and regulatory regime at the expense of the public interest.

The next section tracks the origins of the digital migration policy from its beginning as the competition among the USA, Japan and Europe in the development of a high-definition digital television system (HDTV) to its metamorphosis into the ITU's global requirement for broadcasting to be migrated from analogue to digital transmission systems across the world.

1.4 From Digital Television (DTV) to Digital Migration (DM)

This section continues with a brief discussion of how competition to create a new television system resulted in the global policy for countries to migrate their television transmission systems to digital, after which, the focus turns to give snapshots of experiences from selected countries in regions around the world beginning with the USA, the UK, and the EU, followed by examples from Asia, South America and finally Africa.

The Japanese innovation of analogue high-definition television (HDTV) in the 1980s triggered a race to save the European and the US electronics industries from domination, in addition to creating jobs by developing alternatives (Galperin, 2004). The end result was digital television (DTV). DTV offers better picture and sound quality to audiences but uses only a fraction of the frequencies available to analogue television. As Wheeler (2016) has pointed out, in the case of Europe the development of digital television had been an on-going process since the early 1980s and there has since been an exponential growth in the take up of digital terrestrial television (DTT), digital satellite television (DST) and digital cable television (DCT) in those markets (Wheeler, 2016, p119). The policy response to these developments was to mandate the transition from analogue to digital television transmission at the global level. Starks (2007) defines digital migration as:

> "...the compulsory abolition of the conventional analogue television system, to which every household became accustomed in the twentieth century, and its replacement by digital television." (Starks, 2007, ix)

Berger (2010) has stated that digital migration was made to affect the television end of broadcasting because it is the one big area where massive amounts of spectrum could be harvested back and resold to telecommunication companies to provide the enhancements in the information provision envisioned by the digital switchover policy. Therefore, the major policy challenge for success was in persuading millions of households used to their analogue television sets to switch to digital as well as to analogue broadcasters, due to the costs to be incurred in changing their transmission systems. Governments and policy makers thus became preoccupied with the practical measures needed to achieve this objective without incurring the wrath of the public and broadcasters suddenly being told to change their analogue broadcast transmission equipment or television sets for digital ones. This meant the enactment of policies to incentivise as well as pressure large populations and broadcasters across the globe to adopt new digital transmission equipment and television sets (DTV), or set-top boxes (STB) to convert analogue television signals within times frames set by the ITU and governments. According to García Leiva, Starks and Tambini, (2006):

> "policy interventions by governments and regulators involve[d] cajoling, facilitating industry bodies, formalising standard-setting, licensing new spectrum allocations, planning the practicalities of switchover and protecting the interests of the consumer."

> (García Leiva, Starks and Tambini, 2006,p44)

In Europe, Starks (2007) has noted the Netherlands to be the first country to switch off her analogue transmission system in 2006. Finland and Sweden followed soon after. The task, he argues was made easier because of the advanced penetration of DTV use and the minor importance of terrestrial broadcasting in those markets (Starks, 2007b, p174). Wheeler has argued that a motivation that drove policy makers to settle on an early switch-off date in Europe was the desire of many governments to realise the economic rewards to be derived by the early release of spectrum for interactive broadband services envisioned under the digital migration policy (Wheeler, 2016; see also Näränen, 2005).

For Africa, the "compulsory abolition" of analogue television transmission meant countries on the continent had to commit to migrate their broadcasting transmission systems in the ultra-high frequency (470-862 MHz UHF Band IV & V) and very high frequency (174-230

MHz VHF Band III) bands by the 17th of June 2015 (O'Leary, Puigrefagut and Sami, 2006) with 30 African countries given a further 5 year extension to the 17th of June 2020 to complete their migration in the VHF band. Yoon (2014) has stated that a fundamental test of switchover feasibility was the question "why consumers should wish to buy digital receivers?" and this ensured that the critical element of public information for any switchover implementation became a central feature for many switchover plans to accommodate the transition beyond simple adaptation of technology (Yoon, 2014, p550).

In this thesis, later Chapters argue that the formulation and implementation of digital switchover policies in Ghana exposed the inadequacies of the policy structures as well as the contradictions in extant frameworks governing communications and media. Ghana's post 1992 4th Republic Constitution broadcasting market witnessed an explosion in broadcast media with private ownership permitted for the first time. However, overtime this has not been matched by an effective regulatory system and with the transformation of the television sector into a digital multichannel market which has followed the digital switchover process, the adequacy of the sector's regulatory regime has assumed even greater importance. The next section provides snapshots of the experience of digital switchover policy making and rollout from specific regions of the world. As García Leiva et al have noted, this is necessary to understand how:

> "countries experiencing similar transitions can provide information about technical performance, market take-up, and consumer behaviour. Policy dilemmas and trade-offs experienced may be similar, in which case one can examine how and why have they been resolved differently, and whether a best-practice consensus is emerging". (García Leiva et al, 2006, p32)

1.4.1 United States of America (USA): Innovation and Policy Gridlock

This section discusses the experience of digital switchover policy making and rollout in the USA showing some of the challenges encountered by the country in that process.

As stated earlier, the invention by the Japanese of an analogue high-definition television (HDTV) system in the 1980s was the spur for the US government to begin the process that led to the innovation of digital television, and the subsequent requirement to migrate broadcasting transmission systems to digital. According to Galperin (2004) three factors combined to create this government activism in industrial policy:

1. "…a broad agenda of creating an information society with government support for the development of digital television (DTV) with all the efficiencies and improvements over analogue technologies it brought, and the modernisation of broadcasting which would now be part of the emerging information infrastructure…". (2004.p3)

2. "The weakening position of… American electronics manufacturers-and fears that such decline was symptomatic of a more generalised crisis of industrial competitiveness in the West". (2004.p35)

3: "The spectrum crunch of the late 1990's…encouraging governments to implement policies to accelerate the switch-off of analogue stations and the subsequent recovery of spectrum". (2004.p49)

In this view, the innovation of DTV went beyond the provision of the two-way interactive communication it promised. Investing in a national information infrastructure would in addition be expected to drive innovations such as video compression microprocessors, broadband telecommunication networks and high-resolution displays. These coupled with the expected high demand for larger bandwidths for the transmission of high-definition television (HDTV) would stimulate investments in fibre optics and other high-bandwidth telecommunications networks, and thus serve as the means to create jobs to boost the economy (Galperin, 2004, pp33-34).

Therefore, according to Galperin digital broadcasting came to be seen as the "silver bullet" to accomplish a "diverse array of fiscal and industrial policy goals such as revitalising the electronics sector, combating trade and budget deficits, securing long term economic growth and social inclusion, as well as leading ...into the information revolution age" (2004, p51).

This agenda was set rolling when the Clinton Administration in 1993 set up an Information Infrastructure Task Force (IITF) with the former Vice President, Al Gore at its helm and charged with articulating the Administration's vision of an "information superhighway" built on a national information infrastructure (NII) which would allow companies, government and citizens to use and share information at a speed and scale never before imagined, and with the wide availability of television sets in American homes seen as the platform from which to initiate the digital television revolution. The IITF report stated thus:

"Digital video will be a major driver towards universal NII access. Without interoperability, traditional broadcasting could become an increasingly isolated industry, able to deliver entertainment products in essentially a single direction but lacking the capability to participate in two-way information transfer or interactive

video applications envisioned by NII futurists. This prospect is a serious concern because it is an important part of the economy and a crucial communications medium with more television in US homes than telephones". (IITF,1995:1 as cited in Galperin, 2004, p39)

The communication policy space in the USA had a diverse cast of actors including the Federal Communication Commission (FCC) the regulator, the United States Congress specifically the House of Representatives' Subcommittee on Telecommunications and Internet, the Senate Commerce Committee, the White House Executive branch and a host of industry stakeholders including equipment manufacturers, broadcasters, consumer advocacy groups and even the Information Technology (IT) lobby (Cotlar, 2005,p280). However, according to Galperin (2002) actualising the vision of an information society was hampered by the fragmentation of authority among the Congress, the FCC, different Executive Agencies and the Courts leading to an "uncoordinated implementation of multiple policy instruments aggravating already existing coordination problems" (Galperin, 2002, pp11-12) which created incentives for market actors to retard the pace of the transition.

According to Cotlar (2005) there were 108.4 million television households in the United States to be migrated at the beginning of her transition. The television market makeup was composed of cable, satellite and free-on-air television delivery platforms, with the vast majority of lower income demographics using analogue television devices (Cotlar, 2005, p302).

This mix of platforms raised policy questions around technical standards championed by the diverse interests in the policy space regarding the adoption of digital television and the speed of migration (Cotlar 2005, Hart 2010). For instance, broadcasters in the USA generally owned and controlled their own transmission facilities and operated them locally, except in cases where local management agreements were in effect and thus would have little incentive to change these systems if the market could not support them (Cotlar, 2005, p295).

According to Hart (2010) the initial effort to develop a digital version of high definition television (HDTV) switched to digital television (DTV) because of disagreements over technical standards by different industry players. The recognition of the feasibility of a unified approach, and consideration of the implications of digital television for the future of the American broadcasting and electronics manufacturing industries was also a factor in the switch. This brought the realisation of the advantages of an all-digital television system over the initial Japanese analogue HDTV, meaning a television set with computer-like features

and a capability to compress signals in standard definition format in a single channel, and thus pave the way to offer programmes and provide greater diversity of programming through what came to be called "multicasting" (Hart, 2010, pp180-181). Broadcasters had also had issues with the costs for converting to HDTV transmission, choosing between NTSC multicasting and HDTV and the regulatory structure that would come with digital broadcasting (Hart, 2010, p15).

For her switchover implementation, the USA adopted a "fade to black" approach whereby analogue service would be shut off on a rolling geographic or market basis. This was based on a law passed by the Congress that mandated the FCC to rollout the transition. The mandate given was for broadcasters to build digital facilities and this came with penalties for non-compliance, the creation of service rules for digital broadcasts and a stipulation for analogue transmission to end by the end of 2006. The USA rollout involved market by market extensions in areas where 15% or more of households could not receive digital signals from over-air-stations, and also included a complex plan to allocate an additional 6 MHz channel to nearly all full-power broadcasters to begin digital broadcasts, with a proviso they would return their analogue frequencies upon the completion of the transition (Cotlar, 2005, pp272-273).

However, as Cotlar (2005) has stated, during the implementation many stations faced circumstances beyond their control, such as limited availability of tower crews, commercial tower disputes, adverse weather, zoning issues, FCC delays in issuing construction permits, financial problems and other factors (Cotlar, 2005, p275).

Another challenge encountered was the cost to consumers particularly those from lower income brackets who relied exclusively on analogue television. For them to have continued access to television programmes after digital switchover required a policy of subsidised set top box acquisition. According to Hart (2010) the rationale behind the offer of free additional spectrum to incumbent broadcasters for digital transmission, to be returned post analogue switch-off (ASO) was to use the broadcasters to drive the up-take of digital television (Hart, 2010, p19). However, this became a challenge because of the lack of agreement on the interoperability of set-top boxes (STB) leading to a "chicken and egg" situation whereby because the base of TV sets capable of receiving digital programming was small it did not provide broadcasters the incentives to produce and distribute digital programming, which in turn did not give consumers the incentives to upgrade their television receivers (Galperin,

2004, p5; Galperin, 2002). The policy response from the FCC was to mandate the manufacturing and availability of integrated television receivers by July 1st 2007 and a subsidy scheme for low income households to purchase set-top-boxes (STB) that would convert digital signals for their analogue television sets (Cotlar, 2005, p277).

The challenges encountered in the USA switchover process, initially set to be completed by 31st December 2006 resulted in its extension by the Obama Administration with the passage of the DTV Delay Act of 2009 to tackle challenges related to the converter-box coupon programme and insufficient support for low income, rural, and elderly Americans (Hart, 2010, p25)

From the foregoing, it is clear the role played by actors and stakeholders in the switchover policy process in the USA. The particular context of the country's strong electronics manufacturing industry gave voice to manufacturing interests to help shape the direction of digital switchover policy. From the state side, actors such as the Executive Branch, the Congress and the FCC also saw the opportunity to use the digital switchover process to revitalise the country's flagging economy as a means to create the envisioned information society. The state and market actors thus played roles in the USA's digital switchover policy process that sometimes facilitated and other times inhibited the pace of the process. In the next section, the experience of switchover policy making from the United Kingdom and the European Union are considered.

1.4.2 European Union (EU) and United Kingdom (UK): Harmonisation, Market Variety and Public Service Broadcasting

Similar to the experience from the USA, the European Union (EU) also saw in DTV the opportunity for a "digital revolution" that could be used to create a "knowledge based economy" and digital citizens. In other words, Europe also wanted to revitalise the continental economy through a knowledge-based digital economy. This vision was spelt out when the European Commission (EC) released its Bangemann Report in 1994 (Galperin, 2004). Promoting digitalisation of networks and services in the EU would create an "Information Society" of open and competitive internal market for media based on high speed rich content, interoperability of networks and services and security of platforms, create jobs and bring economic prosperity to European citizens (Rashid, 2015, p46). The key to realising this would be the early release of the "digital dividend" - the savings in spectrum

after switchover - to enable the telecommunications industry offer the enhanced interactive services such as high speed internet and mobile television via broadband systems (Wheeler 2016; Näränen,2005). Näränen, has argued that for the EU, DTV policy was:

> "…formulated, intertwined and in interaction with policy in many other fields… audiovisual policy, telecommunications policy, Information Society policy, competition policy and standardisation policy". (Näränen, 2005, p37).

So just as in the USA, digital migration in Europe was more than the mere changing of television technology. The early release of spectrum for enhanced services also motivated the EU's acceleration of the digital transition process to achieve its industrial and political vision, and also to increase the internal market opportunities for mobile telecommunication such as 3G mobile telephony (Galperin, 2004, pp48-49; Rashid, 2015, p49).

Compared to the USA digital switchover experience Cotlar (2005) has argued that the lessons from Europe suggests that the successful early switch-off in Berlin, Germany, for example was because it had a high cable penetration with a targeted over-the-air converter box subsidy, coupled with effective public relations and an attractive suite of free programme offerings, whilst in Britain, there was a heavy reliance on over-the-air television and a market-oriented approach encouraging the distribution of over-the air converter boxes which proved appropriate and effective (Cotlar, 2005, p296). What this demonstrates is that in the digital switchover process, the television market context was a very important determinant of success. Nonetheless, Cotlar's suggestion belies the struggles encountered in the European transition from analogue to digital television. This is because though industrialised the continent presented a wide variation in terms of their television market make up.

According to Iosifidis (2007) the adoption of digital television across Europe was slow and not smooth sailing, not helped in the early years by the collapse of early experiments in digital television services in Spain and Britain, countries with sizable markets in cable and satellite television services (Iosifidis, 2007, p15). Each country in the EU also started their transition at different times for different reasons and set their own analogue switch-off date within the broad time frame set by the European Commission based on internal market dynamics (Iosifidis, 2007, p30).

As Wheeler (2016) has observed, the challenge for Europe was the variation in digital television take-up across Northern, Southern, and Eastern Europe. Countries in Western Europe - United Kingdom, France, Germany - for example, had a more advanced digital

television infrastructure compared to those in Eastern Europe. Furthermore, in Nordic countries such as Sweden, Finland and Norway, citizens relied more on digital cable and satellite systems than terrestrial transmission systems, while in the Mediterranean countries like Greece, Italy and Spain had a mixed picture. The practical effect of this mix of satellite, cable and terrestrial delivery platforms for digital switchover was that 43% of the population across different markets in the EU received their television services through analogue terrestrial transmission and this would make a uniform switchover across the continent difficult given these market realities (Wheeler, 2016, p119).

There was also a differentiated governmental framework and regulatory structure in the EU, particularly for those in Eastern Europe and this raised the potential for market failure during the digital migration process. A market failure would be whereby the broadcast market could be shaped according to how each country's market took up digital terrestrial television leaving some countries with high percentages of digital television take-up and others with little (Wheeler, 2016, p119). With an objective for the early release of spectrum, such a scenario would unduly delay the policy to realise enhanced broadband services on the continent. The EC set the end of 2012 as the date to complete switchover across the EU, however given the context and desire, this required a level of harmonisation and continental coordination between governments, regulatory bodies, broadcasters, and television manufacturers and retailers for the purposes of standard-setting at the outset through to the practicalities of implementing switchover (García Leiva, Starks and Tambini, 2006) prompting the Commission to require member states to furnish it with their plans for switchover in 2003 (Cotlar, 2005, p282).

The EU switchover process also encountered a strong public service broadcasting (PSB) tradition on the continent with large population segments dependant on their terrestrial television services. Public broadcasters in Europe had been supported by an audience levy, however, consistent neo-liberal policies over the years had introduced market competition to these PSBs and eroded their dominant market share as new commercial broadcasters came in with the ability to outbid public broadcasters for the rights to major sporting events like the World Cup and Premier league. Iosifidis (2007) has argued that changing audience habits, the Internet, and digital technologies enabling programme encryption for paying customers threatened the viability of PSB systems in Europe. According to Wheeler (2016) in the context of digital switchover, this prompted calls for EU state subsidies as a way to ensure the take up of digital terrestrial television (DTT) across the EU market. State subsidies are

essentially public assistance in the market to be used to "enhance specific social outcomes". However, due to EU competition rules its use varied and could only be justified depending on which part of the EU television broadcast market it was applied to. While western Europe - Germany, Italy and Spain - for example had difficulties justifying its use, it was generally easy to justify in Eastern European countries for various political, technological and financial reasons (Wheeler, 2016, pp122-123).

Across Europe, the Netherlands was the first to achieve ASO in 2006 having launched their Digitenne service in 2003. This feat was due to the minor importance of terrestrial reception in the country and 92 per cent of their 6.7 million households already subscribing to cable (Starks 2007). Finland and Sweden, two other heavily cabled countries in Europe aimed for a 2008 switchover but encountered problems with initial high cost of acquiring decoders without popular programme offerings, which led to a slow uptake of DTT services after it launched in April 1999 (Iosifidis, Steemers and Wheller, 2005, p108; see also Iosifidis, 2007). Italy, Belgium and Switzerland, each, also created effective subsidies to ensure the success of their digital roll-outs (Cotlar, 2005, p293).

 In the UK, Galperin (2002) has argued that the British tradition of arm's length government and the legacy of the country's pro-competitive reforms adopted in the British telecommunications sector since 1982 was decisive. According to the author, this served as a readily available normative model providing administrative tools on the approach to questions raised by the transition to digital TV (Galperin, 2002, p12). Cotlar (2005) has also argued that while the British Broadcasting Corporation (BBC), and the new media regulator, Office of Communication (OFCOM) were involved in the initial planning with regular planning papers, updates and consultation documents on the switchover process, the process itself was largely market driven. Thus, the transition was helped by the UK's sizable television market with digital satellite offered by BskyB as well as the number of terrestrial channels in the broadcast market (Iosifidis, Steemers and Wheeler, 2005, p114). Audiences were therefore enticed to switch to digital television or acquire set top boxes (STB) with expanded programme offerings and add-ons like internet and phone connections via broadband by television companies (Cotlar, 2005, p292).

In Germany, even though the German state of Berlin-Brandenburg became the first region in the world to replace her analogue with an all-digital transmission infrastructure on 4th August 2003 aided by a massive publicity programme, the larger German nation faced the challenge

of existing popular public broadcasting service channels and equally popular cable television channels which audiences were paying for, and therefore created a disincentive for audiences to acquire digital television services (Cotlar, 2005, p286; Iosifidis, Steemers and Wheeler 2005. p115).

In France, Galperin has argued that the centralisation of rulemaking was decisive and influenced how the country's digital switchover policy process was shaped. This was based on a handful of powerful ministries like the Ministry of Economy, Finance and Industry, in combination with a cohesive elite bureaucracy with tight working and personal relations with industry leaders and alongside a weak parliament with limited subsidiary delegation of powers to industry regulators (Galperin, 2002, p12).

Iosifidis has argued that on Europe's experience, policies for digital television switchover were largely determined by markets and political contexts of the various member states (Iosifidis, 2011, p16) resulting in a set of varied experiences in different European countries. This was the result of the different market sizes, the balance between platforms, the pattern of competition, the availability of terrestrial frequencies, the strength of the desire to safeguard public broadcasting and/or to foster broadcasting pluralism, and the degree of focus on re-using released analogue spectrum for other purposes (García Leiva, Starks and Tambini, 2006, p38).

The discussion above is important in its illustration of the varied factors that challenged the European digital switchover policy making process. The variety of television delivery platforms and market characteristics, the strong tradition of public service broadcasting and the political contexts in the various countries in Europe influenced the shape, pace and participation of actors in the switchover policy process. Thus, while governments led by facilitating the policy process to achieve industrial reform, job creation and entering into the "information society", powerful market players also created market dynamics that was decisive as drivers in some cases. The continental scale of the process also drove a need for harmonisation, even though in the end countries pursued the switchover process based on national political and market imperatives. In the next section the discussion continues with consideration of digital switchover policy making in three Asian countries.

1.4.3 Asia: High Tech, Low Policy

It has been noted earlier that the Japanese bid in the 1980s for her analogue HDTV invention to be recognised as the basis for a new global standard triggered the rival digital television (DTV) initiatives in Europe and the USA, and resulted in the move to migrate broadcasting systems worldwide. And just as in the EU and USA, the motivations that drove the digital switchover process in Asia were to be abreast with changing television and telecommunications technology and also take advantage of the opportunities offered by the release and reuse of scarce spectrum to boost the economy (García Leiva, Starks and Tambini, 2006, p35).

In Japan, the government formed a national council to promote terrestrial digital broadcasting in 2001 that involved terrestrial broadcasters, receiver manufacturers, cable companies, local government and other stakeholders. This council issued annual action plans based primarily on using the 2006 World Cup in Germany and the 2008 Beijing Olympics as milestones to drive take up of digital television (García Leiva, Starks and Tambini, 2006, p37). With a high-tech growth and high percentage use in computers, the Internet and mobile telephony, Japan was well positioned to embrace new technology. However, the country had the formidable challenge to persuade its densely populated citizens from 48 million households split evenly between terrestrial and cable television use, and with high levels of communal viewing to convert their 100 million television sets. The Japanese television market was made up of Nippon Hōsō Kyōkai (NHK) the Public Broadcaster, and a host of commercial competitors. Digital terrestrial licences were awarded to them with the expectation that they would make the needed investments in digital production and transmission to achieve the completion of the country's switchover set for the 24th of July 2011(2006, pp36-37).

The Japanese television transmission standard, the Integrated Services Digital Broadcasting (ISDB) became one of the three transmission standards that was in competition for adoption by countries in South America (García Leiva, 2010) and Africa (Armstrong and Collins, 2011).

In South Korea, the responsibility to lead switchover for her citizens fell on three institutions: KCC, the Korean Communications Commission; (KBC) the governmental organisation responsible for both policy making and regulation in broadcasting and communications; RAPA, for technical support, as well as DTV Korea, the organisation created to promote digital switchover implementation (Yoon, 2014,p544).

According to Yoon, South Korea faced a particular challenge of having to convert 10 million households with analogue cable to digital cable. South Korea had seen years of deregulation and Americanisation of her media, making the television market very competitive but with the goals of public service broadcasting. The country also had a high tech industry with a high penetration of mobile telephony and social media use (Yoon, 2014, pp544-548).

According to Yoon, the South Korean government having witnessed the dramatic increase in the illegal disposal of analogue television sets in the years leading up to Japan's digital switchover process, became keen on an early switch off and was equally motivated for an early switch off also because of the promise of what an early release of spectrum would bring (Yoon, 2014, p540). By adopting the USA's Advanced Television Systems Committee (ATSC) transmission standard, however, South Korea's digital switchover process generated controversy, with commercial broadcasters claiming the standard had technical deficiencies with interoperability unlike the European DVB-T standard (Yoon, 2014, p542).

In South Korea, digital switchover initiatives began in the late 1990s. The initial target was in the metropolitan areas, building up region by region over a five-year period. There was an obligation on existing terrestrial broadcasters to simulcast in HDTV- until 2006, and a target of 95 per cent adoption by the population to achieve analogue switch-off. However, disappointing take up of digital television and low sales in digital-capable receivers and digital cable set top boxes by September 2005 left the 2011 switch-off target impossible to achieve (Yoon, 2014b, p542–547).

Yoon has argued that the South Korean approach to digital switchover reflects trade-offs between competitor services that would either sustain a viable public service broadcasting model or an expansion of commercial services, with a shrunken public service broadcasting sector (Yoon 2014, p549).

In Mongolia, a small country in terms of population in Asia, their switchover like most countries was motivated by the need to free up radio frequencies for more advanced

telecommunications services. The key legislative instruments, the Media Freedom Law of 1998, the Communications Law of 2001 and the Law of Public Service Broadcasting of 2005 governed the operations of television stations in Mongolia (Baasanjav, 2016). However, according to Baasanjav, the country went into the digital migration process without a clear understanding of its implications for the media environment and left some big questions unanswered such as "Who will be given the freed digital dividend" (690-780MHz), "how will they be used?" and "Who will control the multiplex" (Baasanjav, 2016, p19). Baasanjav attributes this to the country's socialist past and the ruling factions at the time that ensured that the transition process was opaque. According to the author, newly emerged commercial television stations in the country's media had witnessed accelerated concentration with a growing number of them becoming politically affiliated and yet, the country entered digital migration without any laws to govern the activities of new television stations, minimum standards for content, programming practices and no public service obligations on broadcasters (Baasanjav, 2016, p14).

The Asian digital switchover policy making experience sketched above demonstrates the influence of market actors in the policy making process. It also illustrates the importance of structural and political factors such as seen in the Mongolian case. While the state always aimed to play a facilitating role to enable the early release of spectrum for enhanced telecommunication services, policy actors vied to secure their interests in the policy making exercise. As the discussions in the empirical Chapters in this thesis explain, some of these experiences were reflected in the Ghanaian experience of digital switchover policy making, particularly in the Mongolian example. The next section considers the South American experience of digital switchover policy making.

1.4.4 South America: Standards, Regional Competition and Trade Agreements

The DTT switchover experience in South America was influenced by the region's audio visual history and national policies of the various countries on the one hand and by agreements within and between regional blocks on the other, as regional trade agreements such as MERCOSUR, Andean Community, CARICOM, and NAFTA, and even arrangements with the EU exerted significant influence (García Leiva, 2010,p23). According to García Leiva, the terrestrial television market in the South American region was significant as a provider of information and entertainment for audiences. Thus, the digital switchover

process was a unique opportunity for the region to either achieve important reforms or to favour existing industry arrangements over change (García Leiva, 2010, p3). The priorities and goals established in official programmes and reports, however, showed a discursive dominance of economic-industrial logics that side-stepped the social, cultural and educative concerns. This privileged achieving technological and industrial development and its economic advantages over building balanced public policies for the audio-visual sector and promoting social inclusion and cultural diversity as the drivers of digital terrestrial television policy making (García Leiva, 2010, pp21-27). Efforts at full-scale harmonisation of DTT policy making in the region vanished as a result as each country started adopting their own policies for economic and industrial development based on the promise of spectrum to be released as well as the necessity to upgrade broadcasting transmission equipment (García Leiva, 2010, p23).

García Leiva observed that the choice of a technical standard for digital transmission in the South American region was the subject of intense lobbying among the USA's Advanced Television Systems Committee (ATSC) system, the European Digital Video Broadcast (DVB) System, the Japanese Integrated Services Digital Broadcasting (ISDB) system, and even the Chinese DMB-T system. The eventual choice of different standards by different countries in the region was as a result of a combination of this intense lobbying and the complex web of trade agreements and trading block arrangements in the region, as well as financial and techno-industrial motivations (García Leiva, 2010, p19). Political factors such as changes in government during the period also had their effect. The election of new governments in Brazil, Argentina, and Chile, for example, influenced the choice of technical standard in those countries. Venezuela, also for ideological reasons, ruled out the ATSC standard from the USA from the very beginning, while Argentina, the first in the region to adopt that standard, dropped it for the European DVB following a change in government.

Brazil initiated her DTT planning process from 2013 motivated by a desire to set up its own standard. The country eventually adapted the Japanese ISDB system as the basis of her own standard called SBTD-T (Sistema Brasilerio de Televisao Digital Terrestre). This standard was integrated into existing infrastructure by introducing the Ginga middleware - a layer of software that allowed for interactivity, portability and interoperability between the different patterns of digital television - and capable of transmitting low bit rate video programmes to mobile handheld devices (Calderón, Calderín and Castro 2015, p30; see also García Leiva, 2010).

For her digital switchover process, the Mexican government formed a government/industry group, the Comité Consultivo de Tecnologías Digitales para la Radiodifusión in 1999 to define by 2002 the regulatory and technical framework for the country's DTT implementation. According to García Leiva, Mexico's choice of the USA ATSC standard was also influenced by her commercial alignment with her powerful neighbour, the USA, as well as the "natural" outcome of being part of the NAFTA arrangement (García Leiva, 2010, p17).

In Chile, a country with a trade agreement with the USA, the switchover plan involved six phases over a three-year period that extended into 2021. Chile's digital switchover plan also included a parallel programme of regulatory reform of her audio visual sector affecting radio, television, public service broadcasting and just as with examples from the USA and EU, frequencies that were allocated to enable dual-illumination were to be returned after the digital switchover process had concluded (García Leiva, 2010, pp10-16).

What the foregoing discussion shows is that just as in the USA and Europe, the South American digital switchover policy making experience also exhibited market and political influence, as ideological politics and domestic broadcasting actor interests combined to shape the region's digital switchover policy choices. The peculiarity of the region's trade agreements as well as trading-blocks equally served as structural facilitators or inhibitors in policy choices. The experience also reveals the strong influence of external commercial interests on the choice of digital transmission standards. Thus, as García Leiva has suggested, economic-industrial logics triumphed over social and public interest objectives in fashioning digital switchover policies across the South American continent. As the discussions in Chapters five, six and seven show, Ghana's experience in some instances was also subject to external influence in setting policy objectives due to internal structural weaknesses among policy actors. The next section considers the African experience of digital switchover policy making and the challenges the process encountered.

1.4.5 Africa: External Policy Imposition, China's Star Times, Policy Vacuum and Litigation
Figure 1: DSO Status in sub-Saharan Africa as at June 2018

DSO status in Sub-Saharan Africa as of June 2018
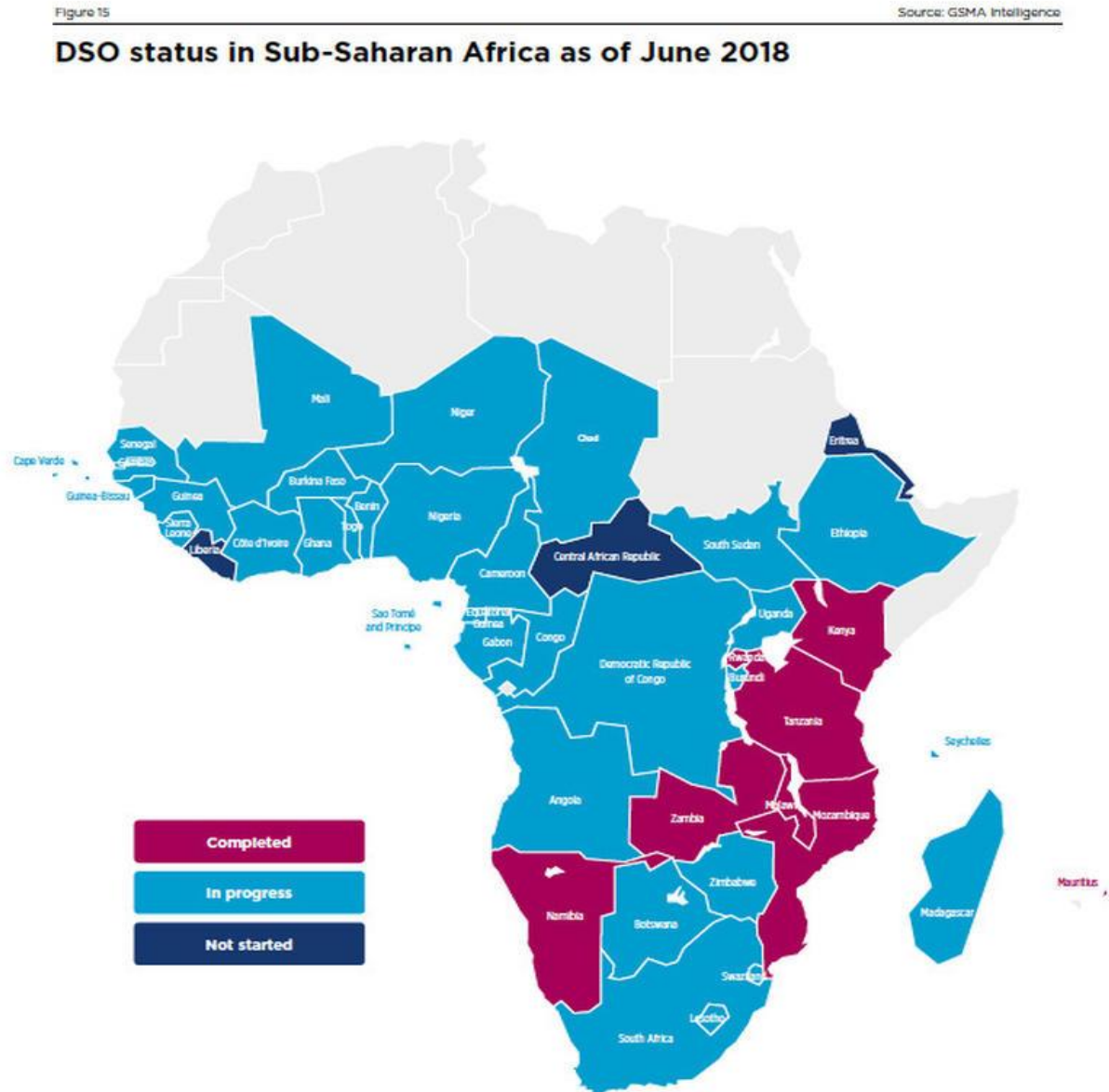
Source: GSMA Intelligence 2018

Jakubowicz (2007) has observed how post-Communist Central and Eastern European
countries were confronted with having to "telescope" four centuries of media law and policy
making, ranging from freedom of speech to issues of the Information Society into a couple of
decades, and in the context of digital switchover grappled with its economic and
telecommunications objectives to catch up on decades of media market development

(Jakubowicz, 2007, p22). This observation echoes Berger's (2010) observation about the inadequacies in the communication policy environment in Africa as the continent prepared to migrate television transmission systems due to international pressure and as will be examined in the succeeding Chapters, Ghana's particular struggle.

The ITU's 2006 conference (GE 06) that mandated the completion of digital switchover by the 17th of June 2015, also had an extension to mid-June 2020 for 30 African countries to complete their migration in the UHF band. Michalis (2016) has argued that due to its utility as a core input in many communication services, the management of the radio spectrum has acquired high economic and political significance, with the terrestrial platform being critical to the delivery of public service broadcasting (PSB) in the European context, even as according to the author, digital terrestrial network operators have come under increasing pressure to relinquish more frequencies to the wireless broadband (WBB) sector due to a projected spectrum crunch (Michalis, 2016, p348). In the case of Africa, however, Berger (2010) argued that there was no burning scarcity of frequencies, given that the television industry hardly even had enough quality content to fill up existing opportunities in analogue broadcasting. The five year extension to 2020 for some 30 African countries, even though short of the originally intended 2030 deadline for the completion of all digital switchover processes, came about because of the powerful influence of the EC in its common negotiating position at the Geneva conference to align the ITU's Region 1 country's switch-off deadline date close to the EU's internal 2012 deadline (Rashid, 2015, p49; Wheeler, 2016). Based on Michalis' argument, such a position benefited the EU's arrangement for an early release of spectrum for her telecommunications industry for enhanced and interactive services.

Thus, from the outset Berger (2010) wondered the necessity for African countries to migrate their broadcasting systems:

> "it may be asked why this quest to free up the airwaves is relevant to Africa. After all this is a continent where TV broadcast industries are generally weak, and often don't even have enough quality content to fill up existing opportunities for analogue broadcasting. The answer is a harsh one, freeing up airwaves is actually not of urgent relevance in Africa. There is not a burning scarcity of frequencies on the continent. However, the driver of digital migration internationally is not the conditions and needs in Africa. It is, instead, the way that developed country agendas impact on globalisation, international regulation and aspirational trends". (Berger, 2010, p18)

Berger further argued that since the benefits of digital migration for Africa were not simple or clear cut the financial resources committed for the process could have been used for other projects that brought audiences on the continent access to other digital or broadcast services (2010, p25)

From this, it is apparent how African countries became caught up in a policy dilemma: whether to embrace the digital migration policy to reap its promised benefits or abandon the policy and be "left behind" in the march towards the modernisation in broadcasting. They chose the former. However, as discussed in subsequent sections and Chapters in this thesis the pressure brought on by the need to migrate also exposed the inadequacies of policy and regulatory structures in the communications sector of many countries on the continent resulting in litigation and many delays in the digital switchover process.

A remarkable feature of the African switchover experience was the "invasion" of StarTimes, a media company aligned to the Chinese government, in the broadcasting policy activities of many countries on the continent. For example, in Ghana, Kenya, Nigeria and Zambia. StarTimes' involvement in the African digital switchover process came as part of the much broader Chinese policy of soft power "largesse" (see The Forum on China Africa Cooperation, no date) in terms of loans and grants, scholarships and the funding of some infrastructure needs of countries on the continent. Regarding the communication space, there was the general lack of or inadequate media policies to meet the complexities and challenges brought about by digital technologies in the broadcasting sector. Nonetheless, for many African countries, the promise of better picture and sound quality, interactive opportunities and increased programme choices for viewers as well as the efficiency and savings in the frequency spectrum usage offered by digital switchover, represented a big opportunity to grasp so as to modernise their communication infrastructure and thus "not be left behind" in the march towards development. This then set off a race among African countries to achieve analogue switch-off (ASO) by the ITU's original June 2015 deadline. As it turned out however, in many cases this became rather too ambitious and many countries struggled as a result to raise the financial resources needed to construct their digital transmission infrastructure. China's StarTimes took advantage of this to offer financial and technological assistance so as to get involved in the continent's digital switchover policy making and implementation process (https://edition.cnn.com/2019/07/23/business, Jenni Marsh).The company's president, Pang Xin Xing stated as much at a conference of African Communication Ministers and broadcasters:

"More African countries are seeking to achieve a complete digital switch but have faced challenges in terms of technology, infrastructure and financing," "Star Times has established an enormous network system which is able to provide service to tens of millions of subscribers". (The Punch, June 2017)

However, StarTimes' involvement in Kenya, Ghana, and Nigeria for example, generated controversy and litigation. In Nigeria, where StarTimes was the dominant provider of satellite television services, the company's involvement in the digital switchover process raised conflict of interest issues (Abikanlu, 2020). In Kenya just as in Ghana, their involvement ended up in the courts and the litigation delayed the process. StarTimes had premised its involvement on the ability to secure Chinese government grants for the construction of Ghana's digital transmission infrastructure. On this point Berger (2010) has argued that in Africa the digital migration happened when in many cases there was neither policy nor strategy, at best preliminary technical work within particular state ministries.

This makes it apparent that the communication policy arena in Africa unlike the European Union or in the United States of America context did not have a well-established and well contoured communication policy making architecture. The nature of policy making has been such that, actors in the space mainly governments but also increasingly commercial broadcast owners and civil society actors have not been known to leave identifiable trails of policy artefacts in their policy deliberations.

At the time of writing (July 2022) just about 18 out of 54 countries on the continent had completed their digital switchover process as many more have struggled to complete their migration sixteen years after the ITU mandated the completion of ASO by June 2015.

The 54 countries on the African continent vary in size and location with important national particularities, but share a similarity in socio-economic conditions. The next section provides snapshots of country digital switchover policy making cases based on rough criteria of the time the country completed, the scale of challenges encountered, or unique features the digital switchover policy making process revealed.

Tanzania

Tanzania became the first African country to complete her digital switchover when she began to switch off her analogue transmission from 31st December 2012, adopting a phased approach (Kisaka, 2015). This was the culmination of a process that had been managed by

the Tanzania Communications Regulatory Authority (TCRA) as part of its roadmap since 2010 and involving the enactment of a new piece of legislation, the Electronic and Postal Communications Act, 2010, licensing of three multiplex operators to provide digital signal distribution, tax exemptions for the cheap supply of set-top-boxes, and an aggressive public education campaign using various media and involving the president of the country (Kisaka, 2015, pp12-22).

According to Kisaka, Tanzania's success notwithstanding, the country's process exposed a policy vacuum to deal with issues of piracy and copy right brought about by the increased capacity and innovation of using digital technologies and a regulatory framework for local content and content across platforms (Kisaka, 2015, p25).

Rwanda

According to Mutabazi (2015), Rwanda's digital switchover process was managed by the Rwanda Broadcasting Agency[3]. Beginning with a national digital migration task force and a broadcasting policy in 2010, Rwanda's digital switchover process adopted the European DVB-T standard with a policy objective targeted at the construction of digital transmitters to provide 95% coverage of the country by 2011. The policy also provided for two licensed multiplexes the same year, as well as specifications for the importation of set top boxes into the country in 2012. Prior to switchover, the Rwandan television broadcasting market was served by 3 broadcasters: StarAfrica Media; TELE10 Group, a satellite service with links to the South African pay TV giant DSTV; and the public broadcaster RBA, with 50% of total television coverage being analogue (Mutabazi, 2015, pp3-5).

The Rwandan roll out plan had a dual illumination - the period of transmitting in both analogue and digital signals - that began from March 2013 with a phased switch-off of analogue transmitters beginning in July that same year and ending on the 31st of December 2013. However, this failed due in part to the lack of STB's on the market, their costs where they were even available, and programme offerings to entice audiences to switch. A new plan took off in August 2014 with a phased regional switch-off, a better publicity campaign and improved programme offerings for the digital channels as well as more and cheaper STB's on the market. Rwanda also upgraded to the DVB-T2 technical standard (Mutabazi, 2015, pp6-9).

Kenya

Kenya's digital switchover rollout strategy began in 2007 and was led by the Digital Transition Committee[4] with a mandate to end analogue transmission in 2012. When this failed, it was extended to 2013 and then 2014, before finally on the 17th June 2015 (Obam, no date,p2). The Communications Authority of Kenya (CAK) mandated the Kenyan Broadcasting Corporation[5] and a newly licensed signal company, PANG, to provide digital transmission services. To allow more players on the market CAK's policy also liberalised the supply of set top boxes by waiving the vendor registration fees and revising the minimum specifications. This rendered Conditional Access optional for free-to-air use. A comprehensive consumer awareness and education campaign was also implemented to prepare Kenyans for the analogue TV switch-off with a broad emphasis on job creation, more choice and programme diversity, plurality, innovation and the "digital dividend" (p3). Kenya adopted a three phased approach to analogue switch-off, first beginning from October to December 2013, then to January to March 2014, December 2014 to February 2015 and finally, February to March 2015.

Even though Kenya's process officially began on the 9th of December 2009 with wide consultations among actors and stakeholders, litigation played a major role in the delay the process encountered till its conclusion on the 17th of June 2015. The Consumers Federation of Kenya and 3 media houses raised legal issues in relation to consumer education, the dates for analogue switch-off and the issuance of a signal distribution license to PANG, a company associated with StarTimes of China. A final Kenyan Supreme Court decision on 13th February 2015 cleared the way for the country's analogue switch-off (Obam, no date, pp5-9; see also, Telecommunications Management Group, 2017; *An Outline Assessment of the Growth of the Broadcast Market in Sub-Saharan Africa and its Implications for Spectrum Allocation,* 2015).

Malawi

Malawi's digital switchover policy and implementation was handled by her Ministry of ICT and Civic Education. From 2010, a consultative process to address the policy, technical, communication, legal, content, procurement and financial aspects of the country's migration

began (Munthali, no date, p4). From 2014 the government set up the Malawi Digital Broadcast Network Limited (MDBNL) as a public signal distributor and officially started its operations in July 2015. Malawi also adopted a phased analogue switch off and began with two cities in 2015 with final switch off set for the 30th of June 2016 by MACRA, the country's communications regulator.

Part of the policy steps taken to implement digital switchover included a revision of their Communications Act to include digital migration and the liberalisation of the importation of set top boxes. A content licensing framework also required 60 per cent of programming to come from local sources (p20). Overall Malawi's switchover brought 20 digital channels to audiences. As the June 2016 ASO date drew closer Malawi reinvigorated her switchover implementation with an April 2016 awareness campaign imploring the citizens to buy the STB's, informed audiences about the advantages of the digital migration and also persuaded content service providers to produce good local content (Munthali, no date, pp8-20).

South Africa

At the time of writing (July 2022) South Africa's transition to digital television which began in 2008 had still not been completed. The country had 9 million television households out of which 2 million were already on digital satellite pay-TV and served by the advertising-financed e.tv and the largely subscription-financed M-Net/Multi Choice. The remaining 7 million were on analogue terrestrial transmission with many from low-income demographics. This was the challenge the country's digital switchover process had to overcome. The main analogue free-to-air terrestrial programme offerings came from the three channels from SABC, the public broadcaster, e.tv free-to-air, and some metropolitan and community TV channels (Armstrong and Collins, 2011, p5).

The sub-regional grouping, the Southern African Development Community (SADC) had earlier agreed to adopt the European digital video broadcast terrestrial DVB-T standard. However, according to Armstrong and Collins (2011) in South Africa's case, high politics and powerful lobbying resulted in a reconsideration of the earlier choice of the European DVB-T standard of transmission for an active consideration of the Japanese ISDT-T standard on account of new political and trade relations the country was developing with Brazil, India and China, the so-called BASIC group (Armstrong and Collins, 2011, pp2-9). South Africa also opted for digital terrestrial over satellite transmission based on considerations of national security and poverty levels in some households. Furthermore, the country banked on her

notable IT sector of reasonable size and sophistication to be able to manufacture digital set-top-boxes on a scale that would make it cheaper for the population and also boost her electronics industry. Duncan (2017) has argued that as experienced elsewhere, when audiences were to be persuaded to buy new set top boxes, there also needed to be relevant multichannel offerings that spoke to the country's news, informational and entertainment needs and interests on a mass scale. This and the fact that 4.5 million of television households came from low-income backgrounds presented a massive challenge in encouraging voluntary take-up (Duncan, 2017, p622). Duncan further observed that from the very beginning, the South Africa government through ICASA, the communications regulator and the Department of Communication rather than market forces led the policy, driving its implementation. The concurrent development of a new legislative foundation for SABC, the public broadcaster, as well as a legislative reformulation of ICASA also became entangled with policy developments concerning digital switchover thus contributing to delays to the South African digital switchover process (Armstrong and Collins, 2011, p4). The South African digital switchover process has therefore missed many switch off deadlines due to ambitious targets for digital switchover of television from the country's original 1st November 2011 ASO target date, and has also been dogged by allegations of corruption, infighting among stakeholders, drawn out court cases, constant switching of standards and fighting over encryption and conditional access system issues (Duncan, 2017, p613; News 24.com 2018).

Nigeria

In response to the global digital migration programme, the Nigerian government set up the Presidential Advisory Committee (PAC) in 2008 and later the Digiteam, under the Nigerian Broadcasting Commission (NBC) to drive the country's switchover policy (Abikanlu, 2020). Nigeria had a daunting estimated 44m television-viewing household mostly analogue to migrate, even though recent years had seen a steadily growing number of predominantly foreign-owned satellite television firms enter the television market such as Multichoice, the South African organisation that operates the Digital Satellite Television DStv pay service, and NTA Star TV, a joint venture between the state-controlled Nigerian Television Authority (NTA) and StarTimes, the Chinese digital pay television broadcaster. The size of the Nigerian analogue television market however necessitated a DTT policy objective to manufacture locally and distribute subsidised set-top boxes (Oxford Business Group 2015).

As noted earlier, StarTimes' involvement in the African broadcasting market came as part of increasing capital investments on the continent by China with an expanding Africa–China relationship. The company, depending on the African country in question operated either as a full spectrum broadcaster or communications equipment contractor (Abikanlu, 2020, p3).

Among the early policy interventions Nigeria took was a new licencing regime splitting the transmission of broadcast signals from content provision. With this policy, no broadcaster was expected to be issued with both licenses with the first broadcast signal distributor licence going to ITS, a state-owned digital signal distribution service company. However, financial difficulties associated with the construction of the digital infrastructure forced ITS to partner StarTimes based on its existing digital facilities across the country to drive the switchover process. This went against the earlier policy of splitting signal distribution from content provision both of which were normal business domains for StarTimes and this raised a lot of controversy and accusations of conflict of interest (Abikanlu, 2020, p6).

Abikanlu has argued that the Nigerian switchover process was motivated by the projected revenues to the economy from operational licences, sale of the released analogue spectrum, job creation and collection of entertainment tax to embark on their digital switchover (2020, p4). However, the transition encountered many challenges. Apart from the lack of policy clarity between signal transmission and content provision noted above and the financial difficulties, the envisaged manufacture of subsidised STB's did not materialise creating shortages. This was due to the lack of incentives for manufacturers to increase production on the market. Where STB's were available, their specifications were exclusively reserved for Freeview Television channels, a different company and incompatible with the STBs of StarTimes and DStv (Abikanlu, 2020b, p4–6).

The Nigerian ASO date, originally set for June and then December 2012 shifted to 17th June 2015 and when this proved difficult, to the 17th June 2017 (Abikanlu, 2020, pp5-7). At the time of writing in July 2022 the country's digital switchover process had still not concluded.

As the subsequent Chapters show, this thesis provides a critical examination of Ghana's case and extends the limited but growing literature on the African digital switchover policy making experience from Nigeria (Abikanlu, 2018) and Zimbabwe (Chirume, 2015). Beyond this, the thesis also departs from the dominant utilisation of a developmentalist analytical framework in the analysis of African media systems, which primarily sees the media as adjuncts to the developmental needs of the continent with the adoption of a structuralist/

institutionalist analytical framework for the analysis of communication policy making in the Ghanaian context. This it is argued offers a better approach to understand how the reconfiguration of the communication policy arena following the country's return to Constitutional rule has shaped media and communication policy making and regulation in the era of digital technologies.

At the time of writing in July 2022, not much had changed in the switchover status of the countries discussed above as indicated in the table below.

Table 1: Status of completion of Digital switchover in selected African countries (As at July 2022)

Country	Launch Year	DSO	ASO
Ghana	2010	2016	Not Completed (not confirmed)*
Kenya	2009		Completed 2015
Malawi	2010		Completed 2016
Nigeria	2009		Not Completed (December 7, 2022)
Rwanda	2010	2013	Completed 2015
South Africa	2008		Not Completed
Tanzania	2010		Completed 2012

Source: Various country policy documents and online news reports, * there has been simulcasting since 2016, but new channels broadcast exclusively on digital

As Berger (2010) argued, a majority of African countries were not using up much of the analogue TV broadcasting spectrum prior to the digital migration process and therefore did not occupy much in the band 790-862MHz and 694-826MHz. With the advent of the digital switchover process and multichannel television, policies were needed to address the opening gap in local content provision on television (Berger, 2010, p23). The continent has largely adopted many of the measures utilised in the successful European and USA switchovers, such as the "fade to black" with the gradual cessation of analogue service across regions (Cotlar 2005). African digital switchover policy has also largely instituted subsidy measures for the acquisition of set-top boxes, either through a liberalised regime of imports or local manufacturing to address the social consequence of the economically disadvantaged households being denied access to television services after the transition (Cotlar, 2005, p301). As Cotlar has argued, the European experience of digital switchover demonstrates that a

simple replacement of analogue technology with digital technology will not be successful without giving consumers something more than what they had previously and without significant costs (Cotlar, 2005, p273). The author has suggested further that a successful transition to digital broadcasting should involve additional policy measures such as the widespread distribution of digital programming content, an effective means by which digital programming content is protected against illegal copying and distribution, the inclusion of over-the air receivers in all DTV sets or related devices, standards for the connection of "cable ready" sets to cable systems, the conversion of low power and translator stations to digital operation, carriage of local broadcast DTV signals by multichannel video programming distributors, and adequate publicity concerning the DTV transition itself (Cotlar, 2005, p278).

The experience of digital switchover policy making in Africa has been one of the policy failings, evident in the lack of a strong communication policy formulation system addressing the broad media and regulatory implications of the switchover policy that resulted in litigation and delays. Unlike in wealthy democratic countries whose transitions had been a combination of state facilitation and market reliance driven by consumer choices (Hart, 2010, p27) in African countries, the transition has been state run central operations with the consumer interests largely ignored or marginalised. This has implications for the kinds of television service African broadcasters will offer in the digital multichannel television sector on the continent. For Africa, this requires a rethink of its communication policy making architecture and broadcasting regulatory regimes, long recognised as deficient (Hills, 2003). Reforms are needed to accommodate the challenges brought by digital technologies in broadcasting.

It is apparent from the African experience of digital switchover policy making and implementation how the state-led approach enabled the definition of a narrow set of digital switchover policy objectives based on the ITU's framing rather than the consideration of the broader implications of the digital switchover policy on the television sector. This illustrates the weakness among many domestic African communication policy actors and stakeholders and the limited influence they had on the overall digital switchover policy making process. The discussion presented in Chapters five, six, and seven, highlight the structural and institutional characteristics in Ghana's communication policy arena that enabled state actors, despite the agency of other policy stakeholders to dominate and shape Ghana's digital

switchover policy based on internationally set frames and objectives at the expense of long standing broadcasting policy and regulatory concerns.

1.5 Thesis Structure

This thesis is divided into 8 Chapters. In this Chapter, the study has been introduced and its aims and research questions also provided. The study is then positioned within the universe of scholarship on digital switchover policy making globally. Chapter two then outlines and justifies the theoretical and conceptual frameworks guiding the analysis provided in this study with the discussion of two theories and four concepts. In Chapter three the methodological approach adopted for the study and the methods used to collect data and analyse them are also discussed. The next Chapter, Chapter four sets the context for the study by providing a brief political history of Ghana noting the institutions, actors, and events that have set the trajectory for the way communication and broadcasting policy has been fashioned in the country. Chapters five to seven are the empirical Chapters in this thesis and take a specific research question in turn and based on the data analysis presented in Chapter three of this study, provide an examination of policy making during Ghana's digital switchover process. Finally, Chapter eight provides a discussion of the implications of the analyses in the study within the theoretical and conceptual frameworks used. Based on this discussion, the Chapter then offers the study's contribution to knowledge and note its limitations with suggestions for possible further lines of inquiry and future scholarship in such contexts and a conclusion ending the final Chapter.

1.6 Chapter Conclusion

This Chapter introduced the topic of digital switchover policy making globally and the challenges and experiences recorded from various regions of the world. The Chapter first discussed communication policy and the definitional difficulties that come up as a result of the impact of new technologies in the communication sector as well as the conceptual challenges this has created in distinguishing between communication and media policy. The Chapter also discussed regulation in the light of these technological transformations and then traced the origins of the digital migration policy to the Japanese development of an analogue high definition television (HDTV) system that triggered the race to develop digital television

(DTV). With the promise of better picture and sound quality and savings in spectrum use to be used for enhanced interactive applications, Western nations took this opportunity to revive the downward trend in their electronic industries and economies and pushed for the global implementation of the digital migration policy through the ITU. The Chapter then provided snapshots of the digital switchover policy making experience from across the regions of the globe to illustrate country cases for their particular approach to the digital switchover process, peculiar contexts and motivations. It considered the African experience as part of this, showing the continent's weak communication policy environment and how countries came to be pressured by international actors to migrate their television broadcasting systems but without adequate consideration for the post digital switchover broadcasting market. This then resulted in many countries on the continent encountering policy struggles and litigation while fashioning their digital switchover policies. By doing this the study was positioned within the universe of scholarship offering its merits and the contributions to knowledge it would make. In the next Chapter, the theoretical and conceptual framework adopted for the study are outlined and discussed noting the particular central claims of each and their utility as frameworks for the analysis provided in the thesis.

Chapter 2

Theoretical and Conceptual Frameworks

2.1 Introduction

In this Chapter, the discussion is focused on the study's theoretical and conceptual framework. According to Dunleavy (1980, p131, cited Rhodes, 1990, p309) research is theoretically based. Inspired by this observation, the Chapter outlines and discusses the combination of theories and concepts that were utilised as analytical frameworks in this thesis. The Chapter has nine sections, with each section focused on the discussion of a particular theory or concept as well as providing highlights of the central claims and utility of the theory or concept. The next section after this introduction engages with a broader discussion of the challenges of media and communication policy making in the African context due to the continent's post-colonial difficulties with efforts to democratise. This is followed by a brief discussion on the different understandings of "theory" and "concept", before the third section on the political economy of communication (Mosco, 1996, 2009; Garnham,1990; Hardy, 2014) noting the theory's explanatory power in the analysis of the communication and media systems in Western contexts. The fourth section provides a discussion on structuration theory (Giddens, 1984; Mosco, 2009; Dowding, 2008; Hay and Wincott, 1998), while in the fifth section, the concept of power (Dahl, 1957; Bachrach and Baratz, 1962; Lukes, 2005 [1979]) and the many faces and dimensions it manifests in policy making is discussed. The sixth section is a discussion of the concept of historical institutionalism (Steinmo, 2008; Hall and Taylor, 1996) noting in particular the significance of the notions of critical junctures and path-dependence (Pierson, 2000;Peters, et al., 2005) trajectories in the Ghanaian policy making context. In the seventh section, a discussion on another concept, epistemic communities (Haas, 1992; Cross, 2013, 2015) is provided while the eighth section is focused on the advocacy coalitions framework (ACF) (Sabatier, 1988; Jenkins-Smith and Sabatier, 1994). The final section is the Chapter conclusion.

2.1.2 The analysis of Ghana's post-colonial democratic challenge and its impact on media and communication policy making

The theories and concepts outlined in this Chapter provide an original framework to examine media and communication policy making in Ghana's context during her digital switchover process. The themes that have influenced how communication policy has been made as examined in this thesis, have been conditioned within a context of globalisation and its impact on sub-Sahara Africa's broader struggle to democratise during the post-colonial period. Therefore, the analysis in this thesis should be seen as contributing to the literature on media and communication policy making in Africa.

Abraham Lincoln, the Civil War era president of the United States of America famously stated that democracy is government of the people, for the people, by the people. In modern democracies, institutions such as legislatures, courts, political parties and interest groups have pursued the task of reaching agreements on policies and rules aimed for the broad participation in government by citizens (Lijphart, 2012, pp1–2). This is far removed from democracy's Athenian origins and its direct form of engagement with citizens. According to Lijphart (2012) the Westminster model of democracy has been exported worldwide. This is particularly true for sub-Sahara Africa, where Britain used to be a Colonial power in many countries on the continent. However, democracy as practiced across the world presents variations. Furthermore, it has not always been easily accepted, particularly in sub-Sahara Africa. On this, Nyamnjoh (2014) has argued that the implementation of liberal democracy on the African continent has been forced, and goes further to claim that the historical difficulty of implementing liberal democracy in Africa has been as the result of a clash of values, as well as ignoring the African cultural realities that could enrich and domesticate liberal democracy towards a greater relevance for the continent (Nyamjoh, 2014, pp14–15). Nyamnjoh's position offer some explanation for sub-Sahara Africa's post-colonial challenge to democratise artificially constructed nation-states, as countries were created out of diverse ethnic groupings with some having historical animosities between them. In many instances, the post-independence political story of sub-Sahara Africa has been rule by "strongmen". As a result of this, democratisation in many countries on the continent has witnessed institutions of state acting on the dictates of their rulers, rather than in the interests of citizens. This perhaps informed another famous comment by a former president of the United States of America, Barak Obama, when he said Africa does not need strong men but strong institutions

(www.sundaytimes.lk, "Africa doesn't need strongmen, it needs strong institutions": July 12, 2009)

As the discussion in Chapter four of this thesis demonstrates, Ghana's post-independence political history has been chequered and has seen a consistent central and powerful role played by the Executive – whether civilian or military - at the expense of civil society and other actors. This is an inheritance from the country's Colonial past, but maintained by successive governments throughout the post-independence period as the state dominated and directed decisions affecting the military, civil service, education and even the media. For democracy to truly flourish in the country and indeed in much of sub-Sahara Africa required a level of openness and flexibility that most governments have been unwilling to cede. However, globalisation with its unprecedented international connectivity (Steger and James, 2014) brought with it renewed pressure on African countries to democratise and adopt neo-liberal measures to open up their economies. According to Boafo-Authur (1999) many African governments came under heavy pressure to implement political reform as a condition to receive Western aid from donors such as the IMF and the World Bank (Boafo-Arthur, 1999, p2). This was particularly evident from the late 1980s into the early 1990s, during which period a wind of democracy swept across sub-Sahara Africa and saw the institution of measures for the reintroduction of important democratic values such as a free press. According to Lichtentenberg (1990) such a value is a necessary safeguard in any democratic society (Lichtenberg 1990, p1). Ungar (1990) has also pointed out that the fact that the press has traditionally been one of the first to be deprived of their liberties under totalitarian governments demonstrates their significance and power, but a free press in a democracy is important to serve as an important warning light, identifying early problems that demand solution if political stability is to be maintained (Ungar 1990, pp 369-372). The analysis in Chapter four shows that in Ghana, the media had been controlled and manipulated by successive governments during much of the country's post-independence history, with its treatment particularly harsh under the military regime during the 1980s. However, within the context of globalisation and the intensification of trading and communication relationships across the world, this period also saw pressure on the military government to democratise. As Ninsin (2007) has observed, sustained local agitations combined with such external pressure increased after almost a decade of authoritarian rule in Ghana to demand political reforms and enhanced citizen participation in public life.

The demand for political reform also came with a call to liberalise economies to expand the market and the space for civil society at the expense of the state (Ninsin, 2007, pp86-87). Commenting on the spread of liberalisation to Eastern Europe, Sparks (1998) characterised it as the promise of privatised solutions to all economic and social problems (Sparks, 1998, p143). Thus, as noted above the pressure from international institutions like the IMF and the World Bank on African governments during the early 1990s to democratise as a condition for receiving economic aid can be seen as also designed to ensure a similar realisation of liberalisation across Africa, which consequently led to deregulation and privatisation of state industries. In Ghana, this was coded in the 1992 Constitution, as media liberalisation came as part of broader deregulatory and market liberalisation measures, imposed on the country by the IMF and the World Bank as part of conditionalities for Western Aid. This resulted in an opened media space, particularly in the broadcasting sector to private participation. In Chapter four, the analysis shows that from 1993 onwards, Ghanaians could therefore look forward to a plural media space with a diversity of programme offerings from media not controlled by the government, unlike the experience in the ten years prior. To the extent that there are now large numbers of private broadcast stations in Ghana offering different programmes for public consumption, a plural broadcast media market with diversified out-put can be said to be exist. However, the opening up of the media space to private operators has over time led to intense commercialisation and strengthened economic voices in the broadcasting sector. The nature of this plural broadcasting market has also raised questions about the quality and diversity of its programme offerings, and further questions about what public interests such programmes serve, and indeed, who serves the public interests in such a commercialised media market. The question of who serves the public's interest in the commercialised broadcasting sector has become especially important because of the state and status of the country's national broadcaster, Ghana Broadcasting Corporation (GBC). Since the broadcasting sector's liberalisation, policy incoherence and a weak broadcasting regulatory regime has led to a weak and marginalised state broadcaster. In Ghana and perhaps other African countries, the public interest has traditionally been what the state has determined it to be. As Feintuck (2009) has observed, too often the "public interest" has meant nothing or something, but generally inadequately specified with the consequence of it being vulnerable to capture or over-turning by organized interest groups generally (Feintuck, 2009, p64). By the time Ghana was implementing her digital switchover policy, the country had experienced over twenty-eight years of a commodified broadcasting sector without adequate regulatory measures. As the examination in the thesis show, given that the

switchover policy would lead to a digital multichannel television market, the continued lack of policy clarity and adequate regulatory measures for the broadcasting sector was not in the public interest. However, the analysis in Chapter seven of this thesis demonstrates how the Executive – with powers available to it under the 1992 Constitution - has been eager and able to utilise its enormous powers to frustrate or stall policy measures that could result in a loss of influence or control the state has over the media and communication sector, but at the expense of the public interest of a better regulated broadcasting sector. This has ensured the persistence of the broadcasting regulatory regime, developed for the analogue era, in the digital multichannel television (and broadcasting) market. Chapter five in this thesis provides analysis that explains the reasons for the diminished importance of the public interest in seeing an effective regulatory regime, as fragmentary and uncoordinated media and communication policy making has prevailed despite the plurality of media witnessed since the 1992 Constitution came into force.

The utilisation of the analytical framework outlined below also shows the weakness in Ghana's public sphere and citizen engagement. In his original formulation, Habermas (1989) envisaged a public sphere predicated on a rational-critical dialogue of citizens. However, in articulating its implications for the media, Garnham (1990) recognised the conflicting tensions between the economic and political value systems that the media support. This is formulated in terms of a concurrent definition of the individual as a citizen with rights and responsibilities in a democratic setting, and as a consumer with purchasing and consumption rights in the economy (Garnham, 1990, p110). Citizenship, according to Held (1991) rests on rights, duties and participation in the activities of a community without the risk of arbitrary or unjust political interference (Held, 1991, pp20–21). Thus, as Garnham argues, citizens require equal access to and opportunities to participate in the debates from which political decisions flow (Garnham, 1990, p104). As examined in succeeding Chapters in this thesis, Ghana's creation of a plural media space following the return to Constitutional rule in 1992 resulted in an overly commercialised broadcasting sector such that, it can be argued the over provision of entertainment programming to secure advertising revenue has encouraged consumerism as a normative value, impoverished the country's public sphere, and discouraged or minimised the type of rational-critical debates envisaged by Habermas in his original formulation of his theory of the public sphere. This situation can be argued to have been brought about by the weak media and communication policy and regulatory arrangement that has been created since the return to Constitutional rule in 1992 and

sustained by vested political and economic interests even after the transformations in the broadcasting sector following the digital switchover process.

The analysis provided in the Chapters that follow address in more detail the questions raised in the discussion in this section.

2.2 Theory, Concept

Bryman (2012) has stated that theory is "an explanation of observed regularities" that serve as the "backcloth and rationale" for research (Bryman, 2012, p21). Theory thus can guide and influence the collection of data for research (p24). Bryman, citing Merton has distinguished further between:

> "grand theories, with a higher level of abstraction and therefore offering few indications to researchers on how they might guide inquiry, and middle range theories which are "intermediate to general theories of social systems which are too remote from particular classes of social behaviour, organisation and change to account for what is observed and to those detailed orderly descriptions of that are not generalizable at all". (Merton, 1967, p 39, cited in Bryman, 2012, p19)

The theories selected as analytical frameworks for this study have been developed from Western contexts, unlike the context they have been applied to in this study. However, they fall within Merton's "middle range" classification on account of their general utility as the guide for the study's organisation and reading of data.

While theories provide explanations of "observed regularities", concepts are its building blocks. They are the "categories for the organisation of ideas and observations" (Blumer, 1984, p 43, cited in Bryman, 2016, p151). A concept will therefore not just help shape the conduct of research but bring the discipline required in its organisation (p8). Blumer (1984) distinguishes between "definitive" and "sensitizing" concepts. Definitive concepts are typified by fixed elaboration of indicators and entail the application of a straightjacket on the social world, while sensitizing concepts provide a "general sense of reference and guidance in approaching empirical instances" (Blumer, 1984, p7, cited in Bryman, 2012, p388). In discussing concepts in relation to mediatisation theory, Jensen, (2014) has argued that there has been an overemphasis on definitive approaches in the literature. The author distinguished between concepts and conceptions, and defined conceptualization "as an intellectual operation that is oriented toward an explicit analytical purpose or goal, anticipating

conclusions and actions" (Jensen, 2014, p204). The approach adopted for the utilisation of the concepts in this thesis follows Blumer's "sensitizing" application of concepts, as the succeeding Chapters in the thesis show. The next section begins the discussion of theories with a consideration of the political economy of communication and its utility as a framework for the Ghanaian context.

2.3 Political Economy of Communication

This section outlines and explains the theory of political economy of communication. Political economy of communication enjoys widespread and robust application in the media and communication field (Mosco,1996; Garnham,1990; Hardy, 2014; Fuchs, 2014).

According to Mosco (1996) political economy examines the:

> "social relations, particularly the power relations, that mutually constitute the production, distribution and consumption of resources". (Mosco, 1996, p25)

Golding and Murdock (1991) have also stated that the political economy approach has four characteristics, namely that: (1) it is holistic; (2) it is historical; (3) it is concerned with the balance between capitalist enterprise and public intervention; and (4) it engages with moral questions of justice, equity and the public good (Golding and Murdock, 1991, cited in Wasko, 2005, p27)

Mosco (1996) has characterised communication as a social product of exchange whose product is the mark or embodiment of a social relationship, and has argued that the political economy of communication approach places its subject within the wider social totality (Mosco, 1996, pp71-72). Hardy (2014) has also observed that when applied to communication, political economy "… describes all forms of enquiry into the political and economic dimensions of communication" (Hardy, 2014,p3). This encompasses the processes that converge to produce, reproduce distribute and consume communication products. According to Wasko (2005) the central purpose for applying political economy to communication is to evaluate the effects of communication agencies in terms of the policies by which they are organized and operated. This is to study the structure and policies of communication institutions in their societal settings (Wasko, 2005, p28). The media in industrial capitalist societies are the major source of information about and explanation of

social and political processes, but also play a key role in determining the forms of consciousness and the modes of expression and action which are made available to people. To quote Garnham (1990): "when we buy a newspaper we participate simultaneously in an economic exchange, in subjection to or reaction against an ideological formation, and often in a quite specific act of political identification" (Garnham, 1990, p30). This ideological power of the media, according to Murdock and Golding (1973) gives the media its importance and centrality, which then requires an approach to studying the media that can demonstrate how ideology is produced in concrete practice (Murdock and Golding, 1973, pp205-207).

Hardy (2014) has argued that the application of critical political economy to the analysis of the media industry's production and circulation of meaning has had three main implications for studying media: (1) a focus on the ownership, finance and support mechanisms as well as policies and actions by government; (2) the organisation of cultural production and different ways of organising media, namely commercial, state and public; and (3) the relationship between media content and communication systems and the broader structure of society (Hardy, 2014, p9). As new communication technologies have created economic and technological convergence in the media sector, once distinct sectors of broadcasting, telecommunications and computing have converged. This has raised questions for the analysis of the structural conditions that have enabled such transformations. Kellner (2009, as cited in Hardy 2014) has therefore noted that "to understand any specific media form requires addressing how it is produced and distributed in a given society, and how it is situated in relation to the dominant social structure" (Kellner, 2009, p96, cited in Hardy 2014, p9). Thus, with the introduction of commercialism in broadcasting for example, Mosco (1996) has argued that the pressures of privatisation have meant an increasing involvement of the state as both policy maker and regulator to mediate the competing rivalries ensuing as a result of these pressures (Mosco,1996, p75). Fuchs (2014) has argued for a better grounding of the application of the political economy of communication in Marxist theory. In his application of the theory to the WikiLeaks controversy, Fuchs argued that WikiLeaks overly focuses on governments and misses the important fact of corporations "being centrally owned by a class of private owners that exploits the labour power of workers and employees in order to accumulate profit that becomes the private property of the owner class. Thus, questions concerning class and exploitation are left out"(Fuchs, 2014, p2726).

As noted above, much of the application of the political economy of communication approach in media and communication has been situated within Western contexts.

Nonetheless, globalisation and the impact of the convergence of technologies on the communication sector in the African context provides an inviting justification to test the utility of the theory as a framework in this thesis.

2.3.1 Political Economy Theory and Communication Policy Making in Ghana

In Chapter four of this thesis, the historical and political context in Ghana that has shaped how the broadcasting sector developed and has continued to influence policy making has been laid out. From this basis, the discussions in Chapters five and seven highlight the utility of the political economy approach in the thesis. As noted, the return to Constitutional rule in 1992 reconfigured the communication arena with the introduction of new and more actors and stakeholders in policy making, but still favoured state-controlled policy actors in terms of influence. The process also saw the liberalisation of the media sector. Overtime, this has resulted in intense commercialisation of the broadcasting sector and strengthened economic voices against policies that would see to regulatory reform. At the same time, the state as the dominant policy maker has been reluctant to initiate broadcasting reform that could lead to a diminution in the influence it has over the sector. The discussions in the empirical Chapters mentioned will show that these have been as a result of the manner in which the transition to Constitutional rule was managed by the then military PNDC government. This has made structural and institutional characteristics favouring state-controlled policy actors determinative and influential in policy making. Thus, prior to and even after the conclusion of the digital switchover policy making and implementation process, the broadcasting sector is without the necessary policies and regulatory measures adequate for the new digital broadcasting market. As actors have vied to protect their policy domains, the utility of the political economy approach in this thesis can be seen in the question of the missing public interest in broadcasting policy making especially because of the transformations brought about by digital technologies. The detailed discussion on these themes is provided in the succeeding Chapters. The next section discusses structuration theory and its significance to the study's analysis.

2.4 Giddens, Structuration Theory, and Policy Capabilities

This section continues the discussion of the theoretical framework with a consideration of structuration theory.

According to Giddens (1984) the "fundamental constraints upon action are associated with the causal influences of the body and the material world" (Giddens, 1984,p 172). Structural sociologists, Giddens continues, have therefore encouraged the idea that the structural properties of society form constraining influences over action. As he puts it, structural properties of social systems:

> "are like the walls of a room from which an individual cannot escape but inside which he or she is able to move around at whim". (p174)

These constraints are the objective existence of structural properties in society which the individual agent will not be able to change (p176).

Following from this logic, Dowding (2008) has also emphasised that individual interests are caused by the social structure, that is, the agent's choices are determined by the possibilities enabled by the structure in that social system (Dowding, 2008, p24). This raises the question of agency and its associated power. For Giddens (1984):

> "agency refers not to the intentions people have in doing things but to their capability of doing those things in the first place". (Giddens,1984, p9)

Understood from within the structural sociological perspective that Giddens refers to, the "capability" or power available to agents to act is determined and limited by that very social system's structural properties. Giddens (1984) contrasts this understanding of action and choices that are structurally determined in structural sociology in his saturation theory. In structuration theory, structure is always both enabling and constraining. Structure is seen as the rules and resources and a property of social systems carried in reproduced practices embedded in time and space (Giddens, 1984, pp169-p170). Structuration theory thus offers a bigger scope for action by agents because human agency acts in human societies not to create social systems but reproduce or transform them (p171). The individual is the perpetrator of agency. Agency also concerns events of which the individual could at any phase in a given sequence of conduct have acted differently (p 9). If action depends on the capability of the individual to "make a difference" to a pre-existing state of affairs or course of events (p14),

then agency being the capability to do under structuration theory sees power at the very origin of the capabilities of agents to bring about intended outcomes of action (p173).

Structuration theory suggests that for change to happen in any social system, agency or the capability to take action is fundamental to that process. This raises the question of how free agents are to exercise their own actions. Dowding (2008) distinguishes how this might work between structuralist thinking and structuration theory when he explains that in structuralist thinking, the freedom of agents to act has been circumscribed by the structure, thus, power is predicated to the structure for it is the structure that both constrains and enables the options available to agents and the individual's interests are caused by the social structure (Dowding,2008, p24). Whereas in structuration theory, structure is the reproduction of that structure enabled by the capability afforded agents. Structure is implicated in the very freedom of action agents possess, and the result of the agents' exercise of power reproduced through space and time (Giddens, 1984, p174). As Mosco (2009), put it, "society and individual create one another, we are the product of structures that our social action or agency produces"(Mosco, 2009, p186).

In this thesis, the discussions in Chapters five, six, and seven, illustrate structuration theory's explanatory power as a framework. Chapter five shows the nature of the policy making arena following the return to Constitutional rule in 1992. Given the unequal policy power capability among the newly created actors and stakeholders in the communication sector, this has affected the ability of non-state actors compared to state controlled policy actors to shape and influence policy as witnessed during the digital switchover policy making process. Thus, in this context this structural and institutional reconfiguration in policy making since 1992 has always made policy change a battle between state-controlled actors on one hand and their non-state counterparts on the other, with little overall change if at all over time. The state has continuously been able to "reproduce" the policy making arena in its favour. This raises the question of power and how it is exercised. This concept is discussed in the next section.

2.5 Power and its Many Faces

This section discusses power by giving an explanation of the central claims of the concept, and its utility as a framework in this thesis.

Power, according to Lukes (2005[1974]) is a dispositional concept identifying an ability or capacity (Lukes, 2005, p109). Dahl (1957) has argued that the determination of power in such a relationship can be seen in the extent to which an actor, A, can get another actor, B, to do something that B would not otherwise do (Dahl, 1957, pp202-203). The author explains further that an actor's power consists of resource opportunities, acts, [and] objects that are exploited in order to influence the behaviour of others (p 203).

Dahl's formulation of power rests on the direct and visible exercise of power, what Bachrach and Baratz (1962) have characterised as the exercise of power based on "concrete decisions". Bachrach and Baratz offer a formulation of power that extends Dahl's conceptualisation. Actors can limit decision making to relatively non-controversial matters by influencing community values and political procedures and rituals despite the presence of conflicts. By doing so, an actor would have consciously or unconsciously created or reinforced the barriers to the public airing of policy conflicts. In other words, when A succeeds in preventing B from bringing to the fore issues that might be detrimental to A's interests and preferences, A has exercised power (Bachrach and Baratz, 1962b, pp948-949). This can have the effect of confining the scope of decision-making to relatively "safe" issues, according to the authors. Thus, the Bachrach and Baratz formulation of power recognises the less apparent but extremely important face of power, in addition to its concrete manifestation.

Returning to Lukes (2005 [1974]) the author extends still further the concept of power. Lukes argues that power can induce or encourage failures of rationality by being deployed to block or impair its subjects' capacity to reason well, by instilling and sustaining misleading or illusory ideas of what is "natural", and by stunting or blunting their capacity for rational judgment (Lukes, 2005,[1974] p115). Lukes further argues that power can be exercised even when the actor may not have a specific intension. As he puts it, "if others can further my interests without my either intending or intervening to bring this about, I maintain that such cases may be among the most effective and sometimes the most insidious forms of power, and this can be secured through ways of averting both conflict and grievance and through the securing of consent (Lukes, 2005,[1974] pp110-111). In other words, "inaction" may be a form of exercising power. Applying Lukes' conceptualisation of power to a number of media policy making issues, Freedman (2010) has argued that "policy silence… does not mean "doing nothing" and "negative policy" does not suggest a lack of energy on the part of policy makers or a reluctance in principle to intervene. Rather, it refers to a strategic decision that

the best way to promote hegemonic interests and to naturalize foundational values is through a particular role for the state as policy maker" (Freedman, 2010, p355).

These conceptualisations of power provide different ways of examining how it can be exercised in policy making, as the discussions in Chapters five and seven in particular illustrate the nature and exercise of power available to policy actors under Constitutional rule in broadcasting policy making in Ghana. As Chapter five has discussed, the 1992 Constitution's reconfiguration of the communication policy arena concentrated policy power within state controlled institutions. This new structural and institutional characteristic effectively made the state a "policy monopoly" thus able to perpetuate its interests over other actor's interests. This can be seen reflected in the decision for example to give the National Communication Authority, rather than the National Media Commission, the mandate to authorize broadcast frequency allocations noted in Chapter four. The state has also exercised a form "non-decision" policy power when it has ignored calls for broadcasting regulatory reform, despite the efforts of civil society actors that resulted in the submission of proposals for the passing of a broadcasting law. The detailed examination of these issues are presented in Chapters five and seven as mentioned earlier. In the next section, I discuss historical institutionalism and its utility as a framework in this thesis.

2.6 Historical Institutionalism: Critical Juncture and Path Dependency

This section now outlines and discusses the utility of the historical institutionalism concept as an analytical framework in this thesis. It focuses, particularly, on the features of critical juncture and path dependence of the concept, and their explanatory power in analysing the Ghanaian digital switchover policy making process.

2.6.1 Historical Institutionalism and Critical Junctures

According to Steinmo (2008) "… institutions define the rules of the political game and as such they define who can play and how they play" (Stienmo, 2008, p2). John (1998) also states that institutions "… create a forum within which pressure groups can legitimately argue their point of view, and they are a means to reconcile the conflicting interests in society" (John, 1998, p40). Such perspectives derive from an institutionalism discourse that emphasized an understanding of policy making concentrated on "party systems, the rules of electoral competition, government bureaucracies, parliaments, constitutions, the judicial

system, as well as large institutional complexes made up of the government and the gamut of public institutions we call the state" (Bell, nd, p1). New institutionalism, from which historical institutionalism derives on the other hand, examines the policy making process beyond the "bricks-and mortar" arena emphasised in institutionalism discourse, to include the patterns of behaviour and the rules, norms, practices and relationships that influence such behaviour (Cairney, 2012, p69). This gives a more expansive approach to analysing policy. This shift in emphasis also goes beyond the view of policy making only found within formal structures. This emphasis is carried within historical institutionalism, which analyses policy making from its "…historical orientation and its attention to the ways in which institutions structure and shape political behaviour and outcomes" (Steinmo, 2008, p1). In keeping with its new institutionalism orientation, an historical institutionalism approach to policy analysis also sees institutions as "formal or informal procedures, routines, norms and conventions embedded in the organizational structure of the polity or political economy" (Hall and Taylor, 1996, p938). Therefore, the historical institutionalism approach to policy analysis examines formal rules and procedures as well as informal influences on the policy process such as norms, routines, and conventions, and how historically created structures have a determining influence on current behaviour and choices.

Historical Institutionalism rests on three planks, namely: historical contingency; critical junctures; and path dependence. This thesis emphasizes critical juncture and path dependency in its analysis of Ghanaian communication policy making. Critical junctures are watershed moments which give directions for change and foreclose others (Collier and Collier, 1991). According to Collier and Collier, a critical juncture is "a period of significant change… hypothesized to produce different legacies" (p29). They are the defining moments for the formation of the "antecedent conditions" or a "baseline". One direction or another may be taken which when viewed against the base line become legacies of the "critical juncture" (p30). As "Lock in" occurs this creates incentives for actors who benefit from the status quo to maintain such (Cairney, 2012, p76). Any future change thus becomes a "sensitive dependence on initial conditions" produced out of those societal cleavages or crises that led to the critical junctures. It is this situation that then makes policy change slow, incremental and therefore path dependent (Collier and Collier, 1991, p 27, Cairney, 2012, p76).

2.6.2 Path Dependence

According to Levi (1997, as cited in Pierson, 2000) with path dependence "… once a country or region has started down a track, the costs of reversal are very high. There will be other choice points, but the entrenchments of certain institutional arrangements obstruct an easy reversal of the initial choice…" (Margaret Levi,1997,p 28, cited in Pierson, 2000, p252). Path dependence thus emphasizes the fact that once particular courses of action have been adopted they become almost impossible to reverse. It thus becomes clear from this how actors, having made an initial investment in a particular policy outcome become "winners" in the policy game and overtime become invested in maintaining that status quo to continue enjoying the benefits this brings. As March and Olsen (1989) put it, "policies once adopted are embedded into institutions and are associated with rules, expectations and commitments. By affecting attention and aspirations they affect the future search behaviour of political participants" (March and Olsen, 1989, p165).

In this thesis, Chapter four has presented the historical and political context in Ghana that continues to shape how broadcasting policy is made. The discussions in Chapters five, six and seven, also demonstrate the utility of the historical institutionalism concept. The analysis in Chapter five argues that the period of transition to Constitutional rule was *the* critical juncture that set the trajectory for path dependent communication policy making. This has been achieved through a democratised and yet lop-sided reconfiguration of the policy making arena in which determinative policy power is held by the institutions the state controls. This has resulted in uncoordinated policy making in the broadcasting sector, as well as turf battles between the state controlled National Communication Authority (NCA) the telecommunication regulator, and the independent National Media Commission (NMC) the media regulator, especially regarding the rightful institution to control broadcast frequency authorisations. The consequence of all this has been at best inertia regarding proposals for policy reform. Chapters five and seven provide detailed examination of these issues. In the next section, the concept of epistemic communities is considered.

2.7 Epistemic Communities and Policy Making

This section considers Haas' (1992) concept of epistemic communities in policy making. It highlights the essential elements of the concept and provide a case for its utility in the thesis.

According to Haas (1992) an epistemic community is "… a network of professionals with recognised expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue area" (Haas, 1992, p3). Haas further states that epistemic communities share normative and principled beliefs derived from analyses of particular policy domains, and shared notions of validity that leads to a common policy enterprise, that drives the impulse to influence policy in the wider society (p3). While Haas' formulation of the concept envisages a close knit scientific community bound by their shared expertise and knowledge, Cross (2013) on the other hand, expands on the notion and argues that epistemic communities can be either governmental or non-governmental, scientific or non-scientific (Cross, 2013, p10). The ability of epistemic communities to influence, largely depends on their degree of internal cohesion and professionalism, according to the author. A key reason for governments to turn to epistemic communities for advice is widespread uncertainty. As Haas (1992) has argued, growing technical uncertainties and complexities of global problems have made policy coordination not only necessary but difficult, with decision makers lacking the technical understanding to resolve specific problems (Haas, 1992, p1). Cross (2013) has for example, argued that many uncertain global issues such as on nuclear proliferation and climate change have provided rationales for governments to seek technical advice from epistemic communities when crafting policies (Cross, 2013, pp14-16). Therefore, according to Cogburn (2005) globalizing forces have bound states together through regional and international organizations to coordinate the formulation of policies due to the complexities of technical uncertainties. This has also meant that countries have become increasingly interdependent in multifaceted ways (Cross, 2015; Haas, 1992). In the domain of communication policy Cogburn (2005) has argued that global institutions such as the World Trade Organization (WTO), International Telecommunication Union (ITU), and ICANN have had a major impact on the ability of states to formulate national policy (Cogburn, 2005, p61). For developing countries however, the impact has been to adopt policy objectives made elsewhere. For example, Dzidonu and Quaynor (2002) have suggested that in global ICT policy formulation policy decisions affecting African and other developing countries are often taken by such global institutions in faraway capitals. Cross (2013) makes a similar argument about how transnational policy communities come up with many rules that legislators vote on after they have already been presented as fully-formed laws (Cross, 2013, p139). These demonstrate the power of external epistemic and policy communities over the policy making process in developing countries.

As communication and media technologies have advanced, the necessary changes in policy and regulatory measures have lagged behind or in some cases been non-existent in many African countries. Chapter six in this thesis examines how in Ghana, external epistemic and policy communities influenced the country's domestic digital switchover policy objectives. The regulatory architecture for the broadcasting sector since the media space was liberalised had not changed. Furthermore, there was a lack of relevant policy expertise among especially non-state policy actors with the advent of digital switchover process, that contributed to the extensive reliance on global bodies such as the International Telecommunication Union (ITU) and the Commonwealth Telecommunication Organisation (CTO) for the needed technical direction. This then became the avenue through which international epistemic communities exerted their influence over the country's domestic digital switchover policy. While the ITU may strictly not fit Haas' original formulation of an epistemic community, the organization through its global competence and expertise over the years in the domain of telecommunication policy has nonetheless demonstrated its possession of the kind of knowledge that African countries, faced with having to fashion and implement an uncertain domestic switchover policy turned to for guidance and direction. This then illustrates what Cross (2013) has described as the "scope conditions" for epistemic community influence. Thus, as a result of the uncertainties created by the complexity and technical scale of fashioning and implementing digital switchover policy, the ITU and other external policy communities such as the CTO and the ATU could lay claim to meeting Cross's criteria for epistemic communities - authoritative knowledge, legitimacy, and authority - as seen in their ability to influence domestic African switchover policies (Cross, 2013, p19).

The analysis in Chapter five has provided the context within which the democratised communication policy arena was reconfigured following Ghana's return to Constitutional rule in 1992. Despite the introduction of new actors in the policy arena, state controlled institutions have still dominated and held determinative power in policy making, unlike their non-state counterparts. During the digital switchover policy making process, the effect of this dominance could be seen in how state controlled institutions combined with external epistemic communities like the ITU, ATU, and CTO, to define a narrow technical focus for the country's digital switchover policy objectives, and in the process relegated longstanding broadcasting policy and regulatory concerns that could have been made part of the policy objectives to the background. As noted earlier, the utility of the epistemic community concept in this thesis has been demonstrated in the examination provided in Chapter six. The next

section considers the relevance of the advocacy coalition framework as an analytical framework in this thesis.

2.8 Sabatier's Advocacy Coalition Framework

What follows in this section is the presentation of Sabatier's Advocacy Coalition Framework (ACF) and its utility in the analysis provided in the thesis.

Sabatier (1988) has argued that the Advocacy Coalition Framework (ACF) for policy analysis goes beyond the traditional notion of "iron triangles" to include actors at various levels of government active in policy formulation and implementation, as well as journalists, researchers, and policy analysts who play important roles in the generation, dissemination, and evaluation of policy ideas (Sabatier, 1988, p132). These actors can be found within a policy "subsystem" of a society and within the subsystem, actors can be aggregated into a number of "advocacy coalitions", each composed of actors from various governmental and private organisations who share both a set of normative and causal beliefs and also engage in non-trivial degree of co-ordinated activity. The concept further argues that most coalitions include not only interest group leaders but also agency officials, legislators from multiple levels of government, researchers and even journalists. The subsystem will also usually contain a number of individuals and organizations un-associated with any coalition but over time most either leave or are incorporated into one of the coalitions (Sabatier, 1998, p103). The policy subsystem is the location for interaction among actors from different institutions interested in a policy area. Actors aggregate into advocacy coalitions at any point in time based on sets of normative and causal beliefs and often act in concert based on a strategy to further their policy objectives. When there are conflicting strategies from various coalitions, a different actor the "policy brokers", have the principal concern to find a reasonable compromise which will reduce intense conflict (Sabatier, 1988, p133).

Sabatier further argues that belief systems of coalitions are organized into a hierarchical tripartite structure with the highest level known as the "deep core". The deep core contains the basic ontological and normative beliefs shared within a coalition, and this gives the "glue" binding coalitions and therefore resistant to change (Sabatier, 1998, pp103-104). Sabatier's formulation also includes what he refers to as "policy-oriented learning", the "relatively enduring alterations of thought or behavioural intentions which result from

experience and which are concerned with the attainment or revision of policy" (Sabatier, 1988, p133).

The ACF is in contrast to Rhodes and Marsh's (1992) "policy networks", a concept focused on linkages between the centre and sub-central political and governmental organisations. Policy networks range in continuum from highly integrated to loosely linked "issue" networks (Rhodes and Marsh, 1992, p182). Within policy networks, policy communities are "actors and potential actors who share interest in a particular industry and who interact with one another exchanging resources in order to balance and optimise their mutual relationship" (Wilks and Wrights 1988a, p606, as cited in Rhodes and Marsh, 1992,p185).

In their application of the concept to Flemish public service broadcasting policy making, Van den Bulck and Donders (2014) argued for the concepts usefulness as a tool to identify crucial positions and relationships between stakeholders. Osei-Kojo et al. (2022) have also provided a recent overview of the ACF's application to African policy analysis. In this thesis, the ACF has been used to explain the efforts of non-state actors and stakeholders to achieve policy and regulatory reform in the broadcasting sector. As Chapters six and seven have examined, a key question that came up when considering the Ghana case during the digital switchover policy making process was how much agency non-state and independent actors were able to exercise to influence the direction of the country's digital switchover policy making process. The analysis in Chapter five notes how the Ghanaian communication policy arena became democratised following the return to Constitutional rule in 1992. However, unlike state controlled institutions, non-state policy actors were rendered weak and ineffective as a result of the structural and institutional characteristics bequeath in the communication policy arena following the country's return to Constitutional rule. The analysis in Chapter seven in particular demonstrates how calls by civil society actors for broadcasting policy and regulatory reform have not resulted in concrete policy, and how during Ghana's digital switchover policy making process non-state actors missed or failed to grasp the opportunity to advocate for a comprehensive agenda for reform in the broadcasting sector as part of the country's switchover process. This highlights the nature of the coalitions among non-state actors and their effectiveness in advocating for policy change in the broadcasting sector.

The theories and concepts discussed in this Chapter provide an original framework for the analysis of Ghana's policy making process during the digital switchover exercise. The Chapters that follow provide detailed discussions on their application in this thesis.

2.9 Chapter Conclusion

This Chapter has considered the two theories and four conceptual frameworks utilised in the thesis as analytical frameworks. It began with political economy of communication, explaining its origins and stating its central claims and strengths. This was then related to the Ghanaian context to demonstrate its explanatory power. The post 1992 Constitutional period in Ghana has witnessed a liberalised media space and many more policy actors involved in policy making. With a highly commercialised broadcasting sector but without the necessary policy and regulatory safeguards, subsequent Chapters demonstrate how policy making has become a fight among actor's interests, relegating the public interest to the background. The Chapter then considered structuration theory, laying out its features and central claims. The reconfigured policy making arena following the return to Constitutional rule retained determinative policy powers within state controlled institutions thus giving governments enormous influence over the shape and direction of policy over the broadcasting sector. This has affected the ability of non-state actors to decisively influence policy changes. This leads to the question of power, the next concept discussed in the Chapter. Power has been shown to have many faces and dimensions. These perspectives enable a thorough examination of its visible and invisible influence in policy making. The Chapter also discussed historical institutionalism, noting the particular significance of critical junctures and path dependence in the analysis. The events associated with Ghana's return to Constitutional rule in 1992, resulted in structures and institutions whose earlier trajectory have been decisive during the country's digital switchover policy making process. The discussion about epistemic and external policy communities which followed the section on historical institutionalism also set out the explanatory framework for how Ghana's domestic policy actors have been susceptible to external influence when fashioning digital switchover policy objectives. The final concept discussed in this Chapter was the advocacy coalition frame. This concept illustrates the weakness among non-state policy actors in sustaining their calls for policy and regulatory reform. The combination of theories and concepts discussed above provide a rich analytical framework for the discussions in the empirical Chapters of this thesis.

In the next Chapter, the study's methodological approach and the methods used for data collection and its analysis are presented.

Chapter 3

Methodology

Data Collection and Analysis of Ghana's Communication Policy Making Context

3.1 Introduction

This Chapter lays out the methodological approach for the study and discusses the methods used for data collection and its analysis. The Chapter is divided into three parts. After this introduction, the first part discusses the choice of a qualitative methodological approach for this study and the strategy of triangulation adopted under the approach. This is then followed by a section on the methods deployed to collect data, and the analytical approach selected for each data collection method. In the second part, the discussion details how the two data collection methods - elite interviews and document analysis - were used to collect data, and how these were analysed using thematic analysis and qualitative content analysis. The third part presents the results of the analysis from both the elite interviews and document data using the analytical approaches mentioned, as well as a reflective summary of the conduct of the data collection exercise in the Ghanaian context using the methods mentioned. Overall, there are twelve sections with the conclusion ending the Chapter.

Part 1

3.2 Qualitative Methodology in Communication Policy Research

This study adopted a qualitative methodological approach to examine whether and the extent to which the structural reconfiguration of the Ghanaian communication sector, following the country's return to Constitutional rule facilitated or hindered broadcasting policy making during the digital switchover process. The choice of a qualitative approach was based on its offer of a less systematic but more constructivist approach, whereby the researcher can rely on their judgement in the interpretation of the multiple perspectives that is the subject of inquiry (Ritchie and Lewis, 2003). According to Denzin and Lincoln (2000) qualitative research is:

"… a situated activity that locates the observer in the world…qualitative research involves an interpretive, naturalistic approach to the world. This means that qualitative researchers study things in their natural settings, attempting to make sense of, or to interpret, phenomena in terms of the meanings people bring to them". (Denzin and Lincoln, 2000, p3)

Applied to Ghana's communication policy making context, the qualitative methodology provided the orientation to understand policy making in its "natural setting", that is, how actors and stakeholders understood and acted during the country's digital switchover process taking account of the deep and diverse perspectives and experiences among actors and stakeholders, their interests, motivations, and the overall structures within which the digital switchover policy process occurred. Anders, et al (1998) have described such settings as the " relationships between interested parties, connections between events, and the context within which all this takes place" (1998, p68). Such an ontology does not assume a static and homogenous phenomenon of policy making that lends easily to generalizable quantitative explanations which a quantitative methodological approach would have emphasised. The Quantitative methodology's focus on a systematic and "scientific" mode of inquiry that reduces phenomena into quantifiable indices, with explanations based on statistical analysis or mathematical logic, objectivity and measurement (Lindlof, 1995) would miss the nuances and meaning-making subjectivities that the qualitative immersion in the context offers. Therefore, the choice of a qualitative epistemology for this study acknowledges the dynamic process of interaction and engagement of actors inherent in the policy making process. The complexities of such a multi-dimensional and multi-faceted process of communication policy making thus required an examination beyond what mere aggregations of frequency of occurrence would have explained, to an analysis that showed how meaning was created and shaped in this multi-faceted interactional process (Hughes and Sharrock,1997). As Flick (2009) suggests, the diversity of perspectives in the policy making process is exactly what reflexivity in qualitative methodological approaches are capable of interpreting for meaning making, and this places the inquirer within the naturalistic space of the phenomenon to make knowledge claims based primarily on constructivist perspectives (Creswell, 2003, p18). According to Just and Puppis (2011) the field of communication policy making is "…affected by sociocultural, political, economic and technological forces that determine the overall framework for communication policy and regulation…" (Just and Puppis, 2011, p2). Thus, to analyse the Ghanaian communication policy arena, the qualitative methodology proved a flexible and potent tool in the examination of how these multiple influences interacted to

shape the country's media and communication policy during the digital switchover process. This was also important to understand beyond the visible and public manifestations of policy making to include its invisible "closed off" parts which are as decisive if not more in policy making.

3.2.1 Triangulation as the Qualitative Research Strategy for Communication Policy Research

Triangulation was the selected strategy under the qualitative approach to meet the study's aim and answer the research questions. Triangulation has its roots in geo-navigational methods using two landmarks to locate a position on a map. Its application in the social sciences has been used to enhance the validity of research findings through the use of multiple methods to offset their individual biases (Jonsen and Jehn, 2009; Fielding and Fielding,1986; Mathieson, 1988; Hammersley, 2008). According to Carter et al. (2014) there are four types of triangulation, namely: method triangulation - using multiple method for data collection; investigator triangulation - which involves the deployment of two or more investigators in the research process; theoretical triangulation - the use of different theories to analyze and interpret data; and finally data source triangulation - which involves the collection of data from different types of people (Carter et al., 2014; Mathieson, 1988,p14). Hammersley (2008) has also identified four distinct interpretations using triangulation: for validity checking or checking the validity of an interpretation; for indefinite triangulation, or to collect accounts of the same event from several people to give a physical, temporal and biographical perspective; for triangulation as epistemological dialogue or juxtaposition, or with the objective to constitute the world in different ways through varying kinds of information; and finally triangulation as seeking complementary information (Erzberger and Kelle 2003, p461 as cited in Hammersley, 2008, pp23-29).

According to Erzberger and Kelle (2003) the use of triangulation to provide complementary data for analysis is akin to:

> "comparing the examination of a physical object from two different viewpoints or angles. Both viewpoints provide different pictures of the object that might not be useful to validate each other but that might yield a fuller and more complete picture of the phenomenon concerned if brought together… and that the empirical research results obtained with different methods with such an understanding are like the pieces of a jigsaw puzzle that provide a full image of a certain object if put together in the correct way". (Erzberger and Kelle 2003:461, cited in Hammersley, 2008, p27)

As noted earlier, communication policy making in Ghana is conducted by a multiplicity of actors, some very active others peripheral, with a diverse range of perspectives and also differential capability and power to influence the policy process. Mathieson, (1988) has suggested that utilizing a triangulation strategy offers the ability to capture these divergent perspectives embedded in the policy arena to provide the rich and complex picture of policy making that can be convergent, inconsistent, or contradictory (1988, p15). The author stated further stated that:

> "Practicing researchers and evaluators know that the image of data converging upon a single proposition about a social phenomenon is a phantom image. More realistically, we end up with data that occasionally converge, but frequently are inconsistent and even contradictory. And we do not throw our hands up in despair… rather, we attempt to make sense of what we find and that often requires embedding the empirical data at hand with a holistic understanding of the specific situation and general background knowledge about this class of social phenomena". (Mathieson, 1988, p17)

This study adopted the methodological triangulation approach with its utilization of different data sources about the same phenomenon to, as suggested by Erzberger and Kelle complement the understanding of Ghanaian communication policy making from the perspectives of the data sources. This is presented in the figure below.

Figure 2. Triangulation of data and study research question:
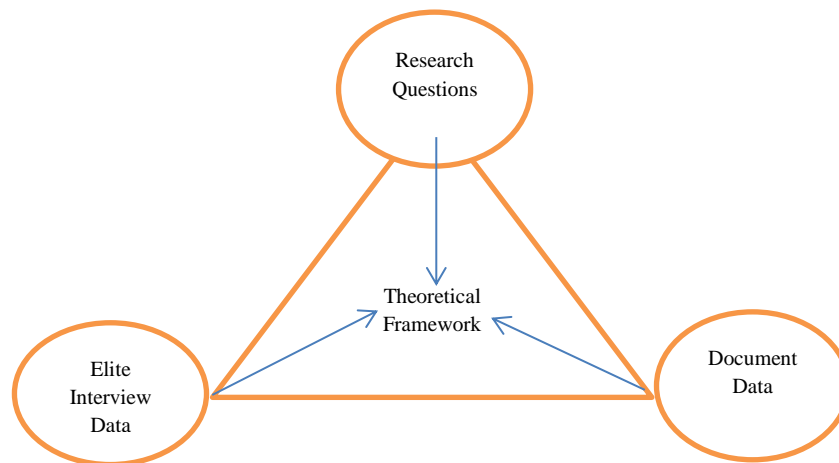
Source: Researcher adaptation of triangulation concept for study

In the empirical Chapters - Chapters five, six, and seven - in this thesis, Mathieson's statement served as the guide for the analysis and discussion provided. The triangulation approach in this thesis is based on the data from the elite interviews and documentary sources, discussed against the study's theoretical framework and objectives. In the next part of this Chapter the utilisation of elite interviews and documents as data collection methods and their analysis combining thematic analysis and qualitative content analysis have been discussed.

Part 2:

3.3 Collecting and Analysing Data- Elite Interviews and Thematic Analysis

In this part of the Chapter, the discussion is focused on the use of the two methods - elite interviews and documents as data collection methods, and the respective analytical approach-thematic analysis and qualitative content analysis - used for the analysis.

3.3.1 Elite Interviews

Lindlof (1995), has stated that:

> "In qualitative research, one interviews people to understand their perspectives on the scene, to retrieve experiences from the past, to gain expert insight or information, to obtain descriptions of events or scenes that are normally unavailable for observation, to foster trust, to understand a sensitive or intimate relationship, or to analyse certain kinds of discourse". (Lindlof, 1995, p5)

Elite interviews are essentially semi-structured interviews. Robson (1993) has explained that the semi-structured interview has flexibility, giving "greater freedom in the sequencing of questions, in their exact wording, and in the amount of time and attention given to different topics" (Robson, 1993, p237). Semi-structured interviews are therefore useful for hearing the views and experiences of interviewees in their own words, and its flexibility offers respondents to set the direction of the interview, and for the researcher to gain rich and detailed answers in the process (Bryman, 2012). According to Seidman (2006) semi-structured interviews also provide access to "the context of people's behaviour" and thereby provides researchers with a way to understand the meaning of that behaviour (2006, p10).

Elite interviews thus permit access to the views and experiences of powerful and highly placed actors. Van Audenhove and Donders illustrate the complexity of meaning attached to the word "elite" when they state that:

> "… according to Welch, Marschan-Piekkari, Penttinen, and Tahvanainen (2002), an "elite interviewee is '(…) an informant (…) who occupies a senior or middle management position, has functional responsibility in an area which enjoys high status (…)". (Van Audenhove and Donders, 2019, p.180)

The authors further distinguish between elite interviews in which "power", "status" and "position" are central, and expert interviews where "knowledge" and "position" are central (Van Audenhove and Donders 2019, p.181). This makes a unified understanding of the word "elite" elusive with no definitive answer (Richards, 1996; Harvey, 2010). Van Audenhove and Donders (2019) also suggest that an investigator conducting elite interviews should be willing to let the interviewee teach them what the problem, the question, the situation is. In this study, the selection of elite actors for interviews encompassed the distinctions outlined by Van Audenhove and Donders. This is because their varied backgrounds and experience they offered to understand the policy making experience in Ghana derived from a diversity of interactions due to their expert knowledge, power, status and the position they occupied within the communication policy making arena. Elite actors for the interviews were purposively selected from a general target of actors and stakeholders involved in communication policy. As Bryman (2012) has stated, purposive sampling in qualitative research does not aim to generalise to a population but rather units are selected taking into consideration their relevance to the research questions posed (Bryman, 2012, p418). Thus, the list for interview targets was selected from actors in the communication policy arena such as the media regulator National Media Commission (NMC), the telecommunication regulator National Communication Authority (NCA), the commercial broadcasting lobby group Ghana Independent Broadcasters Association (GIBA), the Ministries of Communication and Digitalisation (MoCD), and Information (MoI), state ministries responsible for telecommunication and broadcasting policy respectively, the state broadcaster Ghana Broadcasting Corporation (GBC), members of Parliament on the select Committee on Communication, as well as academics, lawyers and media practitioners who had been actively involved in media and broadcasting policy advocacy issues.

3.3.2 Preparing and Conducting the Elite Interviews

In this section the process for conducting the elite interviews are elaborated. It further explains the process for analysing the interview data using the thematic analysis approach.

The preparations for the interviews began when fifty letters and synopses were sent to potential interviewees in the Ghanaian policy space in October 2019, two clear months before the intended date for the interviews. Goldstein (2002) and Harvey (2010) have emphasised how these are necessary preparatory steps to introduce a study and its aims to interviewees, and to also open up possibilities to gain their consent to be interviewed. During the intervening period some responses came through from those interview targets asking for further details, such as when the interviews would be conducted, and when I would come to Ghana to begin the interviews. This opened up an opportunity to negotiate suitable times to be interviewed and also to provide further details about the study before my arrival in the country.

A good number had not responded by the time I arrived in Ghana to begin the interviews and I found out that many had only given the letters and synopses a cursory reading while waiting for my physical presence before they would give their response. I therefore used my presence in the country from December 2019 to re-establish contacts with those interview targets and to re explain the study's purpose and objectives to these actors, even though the letters and synopses had given a good explanation of the study, its objectives and why their views and experience in policy making were being sought. This suggests that while the letters had been a useful introduction to the study, my physical presence and further explanations made it much more tangible and easy for them to visualize their role in the study.

I knew some of the interview targets personally through previous engagements and having already sent them letters they became the ones I approached initially for the interviews while I worked on the others in many follow-ups. Some expressed their reluctance to be interviewed because they felt they had not actively participated in the policy process and thus, felt they could not offer much information, however they suggested other names they felt I could approach for interviews because they could share a better experience. Others said they felt uncomfortable having their views recorded. The letters sent to the actors had explained that the interviews would be recorded. Van Audenhove and Donders (2019)

suggest the importance of taking such a decision early during the preparatory stage. Recording an interview is preferable because it allows the interviewer to focus on the flow of the interview, to think about follow up questions, and to keep eye contact and build up rapport with the interviewee (p192). In this instance, an overwhelming majority agreed for their interviews to be face-to-face and recorded. In a couple of cases, one interviewee agreed to be interviewed only on condition that it was not recorded, another asked for the list of question to be sent by email to answer because he was too busy to find the time to sit through a recorded interview. These reactions are quite normal when seeking interviews and the ethical and methodological issue they raised are discussed in part 3 of this Chapter. As has been observed by Van Audenhove and Donders (2019) when preparing for interviews, it is important for interviewers to:

> "gain the trust of their respondents in order to collect high quality data. This building up of trust starts from the moment the researcher takes up contact with the experts. The keyword here is informed consent: the interviewee needs to be informed about and agree to all aspects of the interview and about how information will be handled". (Van Audenhove and Donders, 2019, p190)

In all cases verbal consent to be interviewed was given in principle by interviewees, either through regular direct phone calls, whatsApp messages, and even in their offices, during the negotiation period when the study was explained to them. Some personal assistants of the interviewee targets were very helpful in providing the best times to call or visit the offices to agree new dates and times for the interviews to be done because agreeing on the most convenient time to be interviewed proved a big challenge as earlier agreed dates and times for the interviews changed regularly. This is not a unique experience to Ghana when trying to secure elite interviews. Van Audenhove and Donders caution that even the best preparations for an elite interview cannot rule out interviewees having you wait, rescheduling at the last minute, or even completely forgetting an appointment. The authors advise interviewers facing such circumstances to remain professional (2019, p192).

Some interview targets had been sent soft copies of University of Westminster consent forms as part of the interaction to get a suitable date for interviews, nonetheless, and despite their earlier verbal consent, each interview began with interviewees given hard copies of the University consent forms to go through again and append their signatures to the document. These forms explained the interviewee's right to refuse to answer questions they were not comfortable with, stop the interview at any time during the course of being interviewed, and

also how their information would be treated. This added to the seriousness and transparency of the interview exercise and established the trust needed between interviewer and interviewee.

The interviews were conducted during an 8-week period from mid-December 2019 to mid-February 2020. This period was chosen to avoid the distraction a 2020 fieldwork exercise would have suffered given that 2020 was going to be an election year. It was also chosen because the government had earlier rescheduled the date for the analogue switch-off from December 2018 to the 31st of December 2019, and thus, would raise the issue in the media. In the event, this earlier timing for conducting the interview exercise and other activities proved very beneficial for the study as the Covid-19 pandemic struck and brought restrictions in human movement and close contact a few weeks after the interviews were completed.

Most of the interviews were conducted in the interviewee's offices, with a small number conducted at public places but quiet and convenient enough to be recorded. In those cases, this was a pragmatic choice since for those particular interviewees, that was the best way to get them to be interviewed because of their very busy schedules and regular changes to agreed times for the interviews.

Since the interviews were semi-structured a list of 10 standard questions covering particular themes in the study was drawn up. The questions were also guided by the broad aim of the study. The flexibility offered by the semi-structured interview then gave the latitude to add or reduce these questions depending on each interviewee's perspective and particular experience of the switchover policy making process. This helped to interrogate further unanticipated angles and emerging themes. On average, each interview lasted for 40 minutes. Some notes were taken during the interview, however this could not be sustained in all cases because of the need to concentrate on the responses being given, and also think about the most appropriate follow up questions. It could also not be sustained because of the reaction of interviewees to this practice as some took glances at my note-taking, suggesting they were curious about what was being written. Thus to remove any possible suspicion I stopped the note-taking, however immediately after each interview and away from the interviewees sight, a written record of impressions gathered during the interview was recorded in my notebook. In the case of the interviewee who did not want to be recorded, longhand notes were taken throughout the duration of the interview because that was what he was comfortable with. At the end of the interviews some interviewees were interested in the final outcome of the study.

These casual conversations about the project and its merits for the policy space generated nuggets of further insights for the study and these also became part of the longhand record of impressions recorded in my note book. Van Audenhove and Donders have argued that such informal engagements after interviews are not only important for feedback but strategically creates a win-win situation for both parties (2019, p 194).

At the end of the two month duration, twenty one interviews had been conducted and a number of documents also collected for later analysis.

3.3.3 Using the Thematic Analysis Approach to Understand the Elite Interview Data

In keeping with the study's interpretative approach, thematic analysis was applied to analyse the interview data. Jupp and Norris (1993) have stated that an interpretative approach to data analysis "…holds the basic assumption that social phenomena are of an essentially different order from natural ones… not objective, external and preordained but socially constructed by individuals". (Jupp and Norris, 1993, p42)

The thematic analysis of elite interview data was conducted manually over several months, beginning with the "reading" or the intensive listening through of all twenty-one interviews conducted, before transcribing each of them. While this was a laborious process, it nonetheless opened up understandings not immediately apparent during the interview process, or even listening through them. Zhang and Widemuth (nd) have suggested that any process of transcribing should consider the questions about whether:

> " (1) all the questions of the interviewer or only the main questions from the interview guide should be transcribed; (2) the verbalizations should be transcribed literally or only in a summary; and (3) observations during the interview (e.g., sounds, pauses, and other audible behaviours) should be transcribed or not". (Zhang and Wildemuth, no date, p3)

This informed the choice of the selective protocol system, one of Mayring's (2014) transcription systems. Mayring has described transcription as a process of transforming spoken language into text that requires a transcription system, and lists 7 different transcription systems. The selective protocol used in this study was chosen because it allows the researcher to define those parts of the interview which are relevant for the research questions (Mayring, 2014, p45). After the transcription exercise, one hundred and twenty-one (121) pages of interview text was generated, giving a tangible and visual chronology, context and clarity to the responses provided by the interviewees. These were then reread against the recording to ensure that the transcription had been faithful to the words spoken in the recording. As Herzog et al (2019) have observed, the process of collecting primary data and analysing using thematic analysis has an in-built iterative mechanism, whereby the researcher can go back and forth until meaning is arrived at, and that when reporting results of the analysis the underlying assumption of the study, options available to the researcher and why priorities were set should be explained by the researcher (Herzog, Handke and Hitters, 2019, pp391-392).

Thus, these processes formed part of immersing one's self in the data to identify the themes relevant to the study aim and research questions.

A theme, according to DeSantis & Ugarriza (2000) is an:

> "an abstract entity that brings meaning and identity to a recurrent experience and its variant manifestations… it captures and unifies the nature or basis of the experience into a meaningful whole…and have to be carefully and thoughtfully extracted by the researcher". (DeSantis and Ugarriza, 2000, p362)

To be able to identify relevant themes in a data set also required an understanding of the theoretical basis and objectives of the study. According to Herzog et. al (2019) thematic analysis is a flexible tool, at the heart of which lies a process called coding. This is the gradual development of labels and their application to segments of potentially relevant data, which makes it suitable for the analyses of experiences, perceptions and understandings, and helps researchers to establish what participants consider important and how they categorize experiences and perceptions, what related attitudes they hold and how various categories are associated with each other (Herzog, Handke and Hitters, 2019, pp385-388).

Saldana (2016) has defined a code in qualitative inquiry as:

> "most often a word or short phrase that symbolically assigns a summative, salient, essence-capturing, and/or evocative attribute for a portion of language-based or visual data". (Saldana, 2016b, p4)

In thematic analysis, codes can be derived from a study's research focus and developed into categories by the researcher, which then provide a basis for the theoretical understanding of the data (Bryman, 2012, p580). Flick (2009) has described this as "thematic coding" and outlined a multi-stage procedure involving case description, creating a thematic structure out of the emerged categories and comparing cases (Flick, 2009, p35). A coding scheme with criteria for identifying relevant text references based on the study's aim and research questions was developed. The initial round generated one hundred codes from the data. This was based on a loose deductive process with a pre-prescribed criteria for inclusion. This came about from reading through the transcripts with the specific research questions of the study in mind, as well as criteria for which segments of responses to note, with tentative labels to bracket off as having relevance to the study's objectives. However, the process was also inductive, as many themes were coded based only on responses without prior prescription.

This was possible because of the flexibility in the qualitative methodological approach, meaning the study could go beyond its preconceived ideas about what was pertinent to answer the study's questions and also capture the complexity of perspectives reflected in the data. This experience fits what Herzog et al (2019) have described about codes as labels applied to segments of data which are likely to be relevant in the context of the research question(s) (Herzog, Handke and Hitters, 2019, p393). In this regard, Braun and Clarke (2006) have also suggested that a researcher's judgement is necessary to determine what a theme is, making themes actively crafted or reflecting the interpretative choices of the researcher (Braun and Clarke, 2006, p82). The interpretative process in thematic analysis also eschews quantification and requires a relatively large degree of individual judgement in the analyses of verbal expressions to deduce meaning in an informal process that capture nuance in long sequences of text (Herzog, Handke and Hitters, 2019, pp388-389).

The first cycle of the data analysis generated over one hundred deductive and inductive codes. These were refined in a second, and then a third cycle. According to Saldana (2016) this cyclical process in data analysis is normal and leads to categorisation. Saldana has characterised this as "synthesizing the collective not to arrive at a reduced answer but to move toward consolidated meaning which may take the symbolic form of a category" (Saldana, 2016b, pp12-13). Categorising therefore required identifying patterns, linkages and salience within the coded references, not just in terms of their prominence but also their uniqueness. At the end of this process, thirty categories derived from both deductive and inductive approaches had been generated. These were refined further to arrive at the final themes.

In the three tables below, an example of the coding definitions used in the thematic analysis is provided. They also illustrate the codes derived from both deductive and inductive approaches and the final themes arrived at from both deductive and inductive approaches in the analysis.

Table 2: Deductive Coding: Code definitions and categories generated based on the study's focus and object

Data Text Examples	Data Text Examples	Data Text Examples	Deductive Codes	Category
"if at the end we realise that the ministry is not listening to us we will go to court but we are not going to go to court as a first step"	*"the ministry is not even talking to the parliamentary select committee so ministry is not talking to parliament is not talking to GIBA is not talking to any of the stake holders"*	*"the conditional access that has come has rendered all the STB's on the market of no use"*	Facts, and events, that stall or halt the DTT policy process in any way	Digital switchover inhibitors
" Our understanding of the policy was that we wanted to optimise the use of the spectrum and provide better picture and sound and reception and take advantage of "	*"the commission believed and I believe still believes that the digital migration is a media issue is not just a question of technology "*	*"we welcome wholeheartedly the digitisation and the benefits it brings but at the same time we believe that at the same time for us to derive the maximum benefit from digitisation then there should be"*	Actors understanding of the DTT's broadcast policy implications	DTT as broadcasting modernisation
"We have made representation to parliament special budget committee we made and they have assured us the NMC will have the state media budgets and not the ministry of information"	*"The NMC's powers in terms of its ability to sanction and regulate the space for me is wanting"*	*"at times most of its decisions go unheeded people don't mind about whatever it tells them so we find the NMC to be a toothless bull dog in a way and to even advocate that it must be restructured"*	The NMC's structural weakness, DM exposes NMC's weaknesses further	Institutional Weakness

Source: Elite Interview data 2020

Table 3: Inductive Coding: Categories generated from elite interview data based on their relevance to study objectives

Data Text Examples	Data Text Examples	Data Text Examples	Inductive Code	Category
"there were issues about government owning the infrastructure Some members[GIBA] were vehemently against government owing or government building the infrastructure they had the view that government should allow and license every media house to build their own infrastructure"	*"this new infrastructure that they have it can be a very dangerous system of state control if all the information I mean the broadcast thing is controlled by one operator and that operator is subservient to the government of the day and there are no provisions guaranteeing its independence"*	*"Government was putting in some 86 million dollars, there is no government anywhere in the world even in the united states that will put in that amount of money in some infrastructure and not want some level of control over what happens"*	The media's independence from government	Concerns about state influence and control over media
"we could educate whole classrooms of people using radio we could educate farmers using the same media or if necessary mobile phones so why don't we encourage this technology in order to improve the welfare of our citizens"	*"I am of the strong view that the developmental gap is a digital gap I am of the strong view that we could stand on the digital gap to bridge the developmental gap it is the reason why I think it is important that we are doing the migration at this particular time"*	*"Once mobile technology was becoming readily available most Africa countries found it sensible to allow this technology which had more positives than negatives"*	Digital technology offering broad progress	Opportunity for development
"as far as the committee is concerned there is no official digital migration policy before us"	*"the ministry is not even talking to the parliamentary select committee so ministry is not talking to parliament is not tailing to GIBA is not talking to any of the stake holders"*	*"So the question is who is the ministry engaging and how is the ministry arriving at these decisions"*	Lack of proper consultation	Mistrust among stakeholders

Source: Elite Interview data 2020

The final themes were based on abstractions from the categories. These are presented in table four below.

Table 4: Results of the thematic analysis

Data Text Example	Data Text Example	Code: Deductive	Code: Inductive	Category	Theme
" Our understanding of the policy was that we wanted to optimise the use of the spectrum and provide better picture and sound and reception and take advantage of "	*"the commission believed and I believe still believes that the digital migration is a media issue its not just a question of technology"*	Actors understanding of the DTT's broadcast policy implications		Modernisation	Digital switchover as modernising broadcasting
"I am of the strong view that the developmental gap is a digital gap I am of the strong view that we could stand on the digital gap to bridge the developmental gap it is the reason why I think it is important that we are doing the migration at this particular time"	*"we could educate whole classrooms of people using radio we could educate farmers using the same media or if necessary mobile phones so why don't we encourage this technology in order to improve the welfare of our citizens"*		Digital technology offering broad progress	Opportunity for development	Digital switchover as a development and progress opportunity
"there were issues about government owning the infrastructure Some members[GIBA] were vehemently against government owing or government building the infrastructure they had the view that government should allow and license every media house to build their own infrastructure"	*"one needs to be careful given our history and given what is known about the tendency of power to creep into an empty space, we need to be very careful what structures we establish to deal with information media expression and so on and so on so as not to circumvent the provisions of the constitution"*		The media's independence from government	Concerns about state influence and control over media	The need to protect the media's independence from interference
"bills do not just run through parliament especially when they are not in the interest of government and when i say interest of government I mean economic or political interests"	*"the constitution gives too much power to the President to the extent that if he wants to manipulate any institution including the media in the country he can do it"*	State manipulation		Government influence	Executive power
"the ministry is not even talking to the parliamentary select committee so ministry is not talking to	*"the commission's position is that until the ministry is willing to be very very open in the deliberations the*		Lack of proper consultation	Mistrust among stakeholders	Lack of Transparency and Mistrust

parliament is not tailing to GIBA is not talking to any of the stake holders"	*commission will not involve itself in rubber stamping what decisions they have already taken"*				
"The NMC's powers in terms of its ability to sanction and regulate the space for me is wanting"	*"We have made representation to parliament special budget committee we made and they have assured us the NMC will have the state media budgets and not the ministry of information"*		NMC weaknesses		Structurally imposed institutional weakness

Source: Elite Interview data 2020

This part of the discussion has focused on the conduct of elite interviews and the analysis of the data using the thematic approach. It also presented examples of themes derived from the analysis in tabular form. The discussion continues with a look at the documents collected as a data source, and how qualitative content analysis was used to analyse and identify themes from that source.

3.4 Document Analysis

According to Scott (1990) a document can be regarded as "physically embodied texts, where the containment of text is the primary purpose of the physical medium" (Scott, 1990, p.13). Altheide (1996) has also described documents as "any symbolic representation that can be recorded or retrieved" (Altheide, 1996, p2). Documents therefore have their material properties - books, pieces of paper and electronic recordings - as well as their discursive properties, the messages or texts embedded in them which can be interpreted (Bertrand and Hughes, 2005). The primary purpose for choosing documents as a data source was to "mine" the text embedded in them for analysis and meaning. Hay (2004) has observed that ideas and concepts embedded in documents provide "interpretative schemas" that limit the scope of policy making by defining the targets and goals of policy and delineating the range of instruments and settings that are considered legitimate (Hay, 2004,p504, cited in Karppinen and Moe, 2012,p14).

The understanding of documents suggested by Scott and Altheide has focused on documents as legal texts, background reports, position papers, meeting agendas, press releases, consultations and memos produced by public agencies or industry interest groups or other civil society organizations. Karppinen and Moe (2012; 2019) extend this to include audio-

visual sources of equal relevance such as parliamentary debates, official speeches, talks at business conferences, advertising or commercials, propaganda films, TV talk-show appearances, or radio news commentaries, pictures, videos and so forth. Modern technologies then make these easier to identify and gather because they are stable, easy to be stored, retrieved and copied and made easily available to give first-hand access to policy processes and stakeholder's positions. As suggested by Karppinnen and Moe's elastic definition (Karppinen and Moe, 2019, pp250-251) the documents selected as data sources for the analysis in this thesis fit a wide range and variety that capture communication policy making in Ghana, and provided an overview of the history, policy issues, and debates as well as the political and regulatory developments in the Ghanaian context. The range of material also laid bare the policy making options, institutions, actors, stakeholders and their positions and views.

Scott (1990) has provided a schema for assessing the quality of documents, based on; (1) its authenticity - the true origins of the document; (2), its credibility - checking for the document's errors, inaccuracies and its clarity; and (3) its representativeness - how representative or atypical the document is and meaning (Scott, 1990, pp6-8). Documents can also be distinguished between official and personal documents or between interests in documents as sources and as objects of study (p15). As official, documents can be seen as factual or contextual sources that reveal the interests and intentions of its authors or ways to uncover facts about the policy process. As personal, documents can be treated as meaningful social products or cultural artefacts that have independent consequences and are worth analysing in themselves (Karppinen and Moe, 2019, p251). This study took the understanding of documents as official and public that provide the trail of the policy making decision process. The Ghanaian context does not always display the publicness of the policy making process due to tendencies for official secrecy. Nonetheless, most of the documents selected for this analysis can be said to have been publicly available or emanated from credible official sources.

As Karppinen and Moe (2019) have observed, documents are "primary sources" that represent objective statements of facts, written by active participants in the policy process. Documents also reflect the process that has produced them, with their context of production and the social surrounding of the document key to their significance and meaning (Karppinen and Moe, 2012, p10). When attempting to reconstruct the policy process retrospectively on the basis of policy and industry documents however, there is a danger of what the authors

describe as "overestimating the rationality and linearity of the policy making process" since in practice, all policy and industry documents frame issues in a certain light and only present one possible construction of reality and one perspective into the issue and possible solutions (Karppinen and Moe, 2019b, p252). Documents for policy research, therefore, while reliable for factual information still carry biases and limitations because as social phenomena they are created under a set of circumstances for a specific purpose, by specific people, at a certain time and place, and thus have been influenced by the conditions of their production (Syvertsen, 1992, p. 54, cited in Karppinen and Moe, 2012, pp14-15).

3.4.1 Gathering Documents for Communication Policy Analysis

Karppinen and Moe (2019) have suggested that identifying and assembling relevant documents for analysis depends entirely on the aims of the study and this requires familiarisation of the political and cultural contexts in which the documents have been produced (Karppinen and Moe, 2019b, pp251-253). In this study, a prior understanding of the Ghanaian political and communication policy context and an interest in the country's digital switchover policy making process were influential in determining the sources and relevance of documents for the analysis.

As mentioned earlier, some documents were collected in the course of conducting the elite interviews as some interviewees either provided these to back up their perspectives, or suggested avenues to approach for documents. The interviewing period also coincided with some controversy about the country's digital switchover process and this raised the digital switchover agenda in the media which yielded relevant radio and television interviews and newspaper commentary for analysis. Other documents collected were press statements, policy documents on the digital switchover process and some court judgements. While these provided a good basis to start the document analysis, later travel restrictions as a result of the Covid-19 pandemic prevented an additional collection and analysis of some relevant parliamentary hansard, and Supreme Court documents that were only available in hard copy. More media interviews and online material were therefore sought and these added to the range and quality of data sources. As Karppinen and Moe (2019) have observed, different research questions imply different criteria of relevant documents. This therefore necessitated adopting the Scott schema mentioned earlier to subject all the documents gathered to further assessments to establish their relevance for the study, at the end of which the range and

number was whittled down to a total of seventeen different documents from media interviews, press publications, policy documents and public speeches.

3.4.2 Using the Qualitative Content Analysis Method to Understand data from Documentary Sources

Puppis (2019) has noted that qualitative content analysis begins once data collection has finished and the process offers a systematic, step-by-step approach to interpret interview transcripts, observation notes and documents (Puppis, 2019, p367). Qualitative content analysis was chosen because it gave the study a systematic and standardised method for analysing a diverse range of documents developed from different communicative contexts, and with different intended targets and objectives, while still retaining the flexibility offered by the qualitative methodological approaches. Altheide (1996) has defined qualitative content analysis as:

> "… an integrated and conceptually informed method, procedure and technique for locating, identifying retrieving, and analysing documents for their relevance, significance and meaning". (Altheide, 1996, p2)

Thus the process of deciding which documents had relevance to the study's focus and objectives can be considered part of doing qualitative content analysis. Karppinen and Moe (2012) have called this the "researcher interaction with documents" and argue that this helps to place specific statements in a context for analysis (Karppinen and Moe, 2012, p5). Mayring (2002) has suggested that qualitative content analysis is not only useful for investigating the manifest meaning of texts but also for analysing latent meanings, that is, what is omitted and the context of texts (Mayring, 2002, p4).

The study adopted Mayring's (2014) summarising qualitative content analysis approach to analyse the documents. The author has proposed three distinct approaches: explication -which clarifies text segments that are unintelligible by consulting additional material; structuring - which systematically extracts particular aspects from the text material for analysis; and the summarizing approach, which works by defining the exact portions of the documents to be analysed and after extensive reading, summarise and extract the relevant portions as data (Mayring, 2014, pp10-12). This was necessary to reduce the material to its essential content for the questions to be answered, and in order to create abstractions giving a comprehensive view of the base material which is still an image of it (Mayring, 2014, p64). In choosing Mayring's summarising option for qualitative content analysis, I also adapted the author's

general procedural model for conducting such analysis, presented in table five below, for my analysis.

Table 5: Procedural model for summarising qualitative content analysis

Step 1	Definition of the material(s)- Policy briefs, Public Speeches, and Radio interviews relating to the DTT policy process in Ghana
Step 2	Analysis of the situation of origin- Official Policy Briefs from state actors on the DTT switchover process, FM Radio interviews by policy actors given at a time of great controversy about the implementation of the DTT policy, Public speeches by policy actors explaining the DTT policy issues to various target audiences
Step 3	Formal characteristics of material- FM Radio interviews, audio, Soft copies of public speeches by policy actors, Soft copies of official policy positions on the DTT switchover policy
Step 4	Determination of techniques of analysis and establishment of concrete procedural model
Step 5	Definition of content analysis units: Audio document, and Soft copy of public speeches- The whole document, Policy Brief- Executive summary, Recommendation pages
Step 6	Analytical steps taken by means of the category system: Deductive coding, Summary/Inductive category formation
Step 7	Re-checking the category system by applying it to the theory and material
Step 8	Interpretation of the results in relation to the main problem and issue- As presented in Chapters 5,6, and 7

Source: Adapted from Mayring's (2014) general procedural summarising model

These systematic steps are a hangover from qualitative content analysis' quantitative origins, however the approach still offers flexibility, as steps can be skipped when it serves the interests of the inquiry, unlike its quantitative version (Mayring 2014).

Well into the thematic analysis I took part in a training workshop for NVivo software use for qualitative analysis. This made it possible to use the NVivo software for the analysis of documents, unlike the manual thematic analysis conducted earlier with the elite interviews. Richards (1999) has stated that the NVivo software is a toolkit and not a methodology. This means that while the software can help in the better organisation and retrieval of documents, as well as display of results, the interpretive choices and the assumptions behind them still remain that of the researcher (Richards, 1999, p421). In this sense, the experience of doing manually the thematic analysis and making interpretive choices about the relevance of interview data was helpful once I began to use the NVivo software for the qualitative content analysis.

The task of conducting qualitative content analysis shifts to its examination and interpretation to elicit meaning, gain understanding and develop empirical knowledge once data has been prepared (Bowen, 2009, p27). As already noted, one such practical example of preparing for the analysis and making interpretive choices was purposely identifying and then evaluating

which documents would be useful for analysis, before importing them onto the NVivo software for analysis. Karppinen and Moe (2019) have observed that it can be difficult to contextualise and interpret documents written to address different audiences and to serve different purposes to give a comprehensive picture of the policy process. This makes it important to initiate source criticisms (Karppinen and Moe, 2019, p253). Source criticism concerns critical questions about the nature of documents that are used for research in order to be able to contextualize them during interpretation (Puppis, 2019, p374). In this instance, my approach to source criticisms varied because of the different types of documents used. The media interviews, for example, were self-recorded during field work at a time of raging controversy over claims of surreptitious inclusion of Conditional Access provisions into the country's revised DTT policy. This therefore did not present much difficulty establishing their authenticity and credibility, while public statements and speeches were corroborated by looking at the reportage of Ghanaian online news portals of the same events. Doing this was also useful to establish what Mayring has called the "communicative context" of the documents for interpretation, that is, understanding the text in the light of their creation and purpose with the aim of making inferences beyond the text (Mayring, 2014, p39).

Once documents had been selected and imported onto the NVivo software, analysis proceeded by further reading through or listening again, in the case of the media interviews, and then coding segments of the documents into categories following a "a non-quantification process of pattern recognition" (Bowen, 2009). Doing analysis with the NVivo software was more organised that the manual thematic analysis, with the codes derived based on the study's research questions organised as folders in the software into which text extracts from documents were placed. Similar to the thematic analysis, predefined codes were used to begin the analysis as a deductive process, however, categories from the documents still emerged without any prior coding.

3.4.3 Results from using thematic analysis and qualitative content analysis of the data

The tables below illustrate how coding worked using both deductive and inductive approaches. The definitions for the coding were derived from the study's aim and research questions, whereas text segments from the analysis formed the basis of new categories without prior coding. As shown in table six below, each step shows the activity conducted while doing the analysis, and this was prepared prior to text segments being extracted from

the documents. The table show examples of the coding scheme with criteria definitions that guided the deductive process of analysis with extracted text data examples from the documents.

Table 6: Coding Scheme for Qualitative Content Analysis

Document Type	**Unit of Analysis** (The whole document, demarcated pages of relevance or portions of interviews)	**Context unit:** (The background surrounding the whole interview)	**Coding Unit**: (Clear semantic elements in the text)
Radio Interviews	Whole Interview	The controversies that resulted in the interviews	A comment of statement from responses that in its whole captures a position, action, or idea about the DTT policy-making process in line with the study's objectives
Policy Briefs	Executive Summary, Introduction and Recommendations	The timing and target of its production	A statement or paragraph that in its whole captures an position, action, or idea about the DTT policy-making process in line with the study's objectives
Public Speeches	Whole Document	The intended target and message	A sentence or statement that in its whole captures the thinking about the DTT policy-making process in line with the study's objectives

Source: Documentary Analysis 2020

Table 7: Coding and Category examples from Documents

Document Type	Coding Definition	Coded Example	Coding Category
Radio Interviews	An audio statement or comment that in its whole reflects a position relating to how DM is framed, facilitated, inhibited and the regulatory regime for broadcasting		
Policy Briefs	A statement indicating a position about the framing of DM, facilitating or inhibiting the policy process, and the sustenance of the regulatory regime	*"The free-to-air broadcast media service is a crucial need for the sustenance of our democracy. In Ghana the most pervasive means of television reception is the FREE-TO-AIR service that operates on the TERRESTRIAL platform. Unfortunately this is the very platform that was granted the monopoly to deliver free-to-air terrestrial television broadcasting for mass communication- the method of communication which has been guaranteed, the freedom and independence by the 1992 Constitution"*	Fight for Democracy and Free Expression
Public Speeches	A statement indicating a position about the framing of DM, facilitating or inhibiting the policy process, and the sustenance of the regulatory regime	*"The Government of Ghana under the able leadership of His Excellency President Nana Addo Dankwa Akufo-Addo, Co-Chair of the United Nations' Sustainable Development Goals Advocacy Group, is pursuing the Digital Ghana Agenda for a massive transformation of Ghana's economy through technology and broadband development"*	Political policy enablers

Source: Documentary Analysis 2020

The coding scheme designed prior to analysis derived codes based on the theoretical framework and the study's aim and research questions. This meant the analysis began as a deductive exercise, with the code definitions guiding the process from the beginning. However, as in the case with the thematic analysis, text segments were coded that did not fit any of these prior prescriptions and were used to form their own categories. The procedural steps in qualitative content analysis gives it a form similar to the quantitative variant, however its flexibility enables choices to be made that departs from the strict quantitative procedures when it suits the study's objectives. The paraphrasing and essence identification of text in documents, for example, is an inductive process of analysis, what Mayring calls inductive category assignment. Under the summarizing method, it aims to arrive at categories directly from the material itself. As Mayring (2014) has observed, category definitions serve to determine which relevant material fits into what group and need to be relevant, explicit and have some reference to the study's objectives and theoretical framework, and emphasizes that

even inductive category formation can be systematic (Mayring, 2014, p79) to create general abstracted summaries for analysis and interpretation (Flick, 2009, p32).

Following Patton's (2002) advice, the results of the qualitative data analysis are presented in the table eight below. When read together with the coding schemes and coded examples, they provide "sufficient description and interpretation" about the analysis process carried out (Patton, 2002, p503-504, cited in Zhang and Wildemuth, no date, p5).

Table 8: Themes and text data examples from the Qualitative Content Analysis

Coded References Deductive	Coded References Inductive	Theme
"The DTT platform is the new technology for broadcasting transmission. It is indeed part of broadcasting. It should therefore be treated as media to enable it benefit from all the freedoms guaranteed the media by the 1992 Constitution. Second, it is state-owned. Therefore, it must be covered by the constitutional provisions on the state owned media"		Media Independence
"The Government of Ghana under the able leadership of His Excellency President Nana Addo Dankwa Akufo-Addo, Co-Chair of the United Nations' Sustainable Development Goals Advocacy Group, is pursuing the Digital Ghana Agenda for a massive transformation of Ghana's economy through technology and broadband development"		Policy Enablers
	"Going digital will improve the country in education development, information dissemination, job creation as well as create new investment opportunities"	DM as Development opportunity
"Digital broadcasting offers an opportunity to overcome the challenge of poor infrastructure sharing in broadcasting, since one transmission network can carry multiple programme channels. Facility sharing is convenient, environmentally friendly, less hazardous and cost effective in the digital broadcasting domain"		Modernisation of Broadcasting
	"The Media Foundation for West Africa (MFWA) is extremely alarmed by the revelation that the Minister of Communications, Mrs. Ursula Owusu-Ekuful, has instructed the Ghana Broadcasting Corporation (GBC) to cede three of its six channels on the Digital Terrestrial Television (DTT) Platform"	Policy Hinders

As discussed in part 1, the study's analytical orientation was based on triangulating the study's different data sources with the aim and research questions, as well as the theoretical and conceptual framework to infer meaning. In that sense, the resulting data from both sets of analyses form the basis for the detailed discussions presented in Chapters five, six and seven in this thesis.

Part 3

Ethical Considerations and Methodological Reflections

In this part of the Chapter, the ethical challenges encountered and personal reflections of conducting the data collection exercise in the Ghanaian context are discussed**.**

3.5 General Ethical Issues

The field work exercise for data collection did not raise major ethical issues and was conducted according to strict University ethics guidance. Respondents were briefed in advance about the rationale for the study and why they had been approached to be interviewed. They were provided with consent forms that explained their right not to answer specific questions, to pull out of the interviews at any time during the exercise, and how their information would be treated. They were also given the opportunity before each interview, to confirm their consent by filling out the form. The wishes of those who did not want their interviews to be recorded were respected. These notwithstanding, some dilemmas arose. Some target interviewees who declined to be interviewed were still quite happy to have long face-to-face chats about the subject, providing rich insights about the DTT process. While these were not recorded such encounters occupy a grey area in terms of the propriety of their use in the analysis considering that such insights gave a better understanding and context of the issues even though they could not be quoted. In others, the regular follow-ups to secure consent and suitable dates for interviews appeared to be pressuring interviewees to agree to be interviewed. These were occasioned by the interviewees themselves asking to be reminded about the interview and the dates. The situation where the only choice available to secure such interviews was to regularly "remind" target interviewees about the interviews falls within Van Audenhove and Donders' (2019) preparatory stage for negotiations about the conduct of interviews. For the researcher, this nonetheless still raises questions about at what point they have to give up the pursuit of a potential interviewee. The dilemma here is that by giving up, it could give the impression of the researcher not being serious about the project, constant reminders on the other hand could also convey the sense of putting too much pressure on interview targets to secure interviews. In this event, my approach was to go with my instinct. I pursued interview targets where I felt the delay to nail down a firm date for an interview was only due to the person's busy schedule and not an unexpressed unwillingness

to be interviewed. In others I abandoned such pursuits because I felt further reminders could amount to harassment, even though they had in principle agreed to be interviewed.

Generally though, the experience of conducting elite interviews in Ghana corresponded with Liu (2018) and Gokah's (2006) experiences of interviewing elites in their data collection exercise. Gaining access to the respondents was not a huge problem for a number of reasons. By sending out letters and synopses two clear months before the interviewing began, it served as a useful ice breaker in the instances where the interviewees were not personally known to me and became the reference point for follow-up discussions upon reaching the country to begin the interviews. The most visible experience when interviewing elites in Ghana is how busy they are with their time. This is not unique to interviewing Ghanaian elites as Liu (2018) narrates from her experience in China. However, my observation was that this meant many had not really read the synopsis for the interviews and rather relied on the verbal explanations given about the project during negotiations. While this shows the importance of face-to-face interactions as a persuasion device in securing consent for interviews, it also confirms the observation about how many interviewees, while elites in the sense of having powerful or influential roles in policy making, did not necessarily see themselves as the knowledgeable policy experts envisaged by the study's design (Van Audenhove and Donders,2019). That is not to say they did not have perspectives to share, rather, that mind-set induced a caution to be "right" in the perspectives they shared, given that the interviews were for an academic purpose and therefore rather perceived the researcher as the more knowledgeable person on the subject. This raises the issue of the kind of power relations that exists between interviewer and interviewee in the sense of who carries more knowledge.

In addition to this, Ghana's political context produced its own inhibitions on interview targets. Since the 1992 Constitution came into force, the two main political parties, the NPP and NDC, whenever they have been the party in government have ruled with enormous Executive and Parliamentary power and this has crowded out many independent voices. With few exceptions, policy actors have learnt to be careful about expressing their views for fear these could end up in the "wrong" hands to be manipulated. This can be particularly acute when having to deal with civil servants, as Gokah (2006) encountered during his attempts to secure interviews for a project. In his case, the academic exercise he was undertaking was nonetheless framed as a journalist seeking information, because of his previous work as a journalist. In the data collection exercise for this study, this manifested in the instances where interview targets were either reluctant to be recorded, or declined to be interviewed

altogether. For some actors, a distorted comment in the media or the "wrong" hands, depending on their own political leanings and which political party happens to be in power could be the difference between further access to government departments or even winning contracts. As a result of weak journalistic practices without strong regulatory interventions over the years, there is a general preference for live interviews to recorded ones, based on the assumption that the more people hear their comments live the more this reduces or eliminates the chances of such comments being manipulated for political ends. This makes securing consent a tortious process of explanations and assurance. From the interviews conducted, the impression gained was that the combination of the novelty of the study, being an "insider" in the sense of my association with the Ghana Institute of journalism, as well as an "outsider" in the sense of conducting this study with the imprimatur of the University of Westminster, carried a lot of weight during the negotiation and consent seeking process and was important in swaying minds.

Access to hard-copy documents on the policy process was a challenge. Generally, policy documents while announced are not routinely "published" in the sense of releasing them to the public. Tracking the policy process largely means following the news reportage, discussion shows and press statements and opinion pieces in newspaper publications. Civil society actors occasionally have their policy positions available in softcopies online. Access to hard-copy documents depends much on personal contact, except in few instances such as Parliamentary reports and those in the national archives. It is only recently that the right to information law was passed, with its guidelines and implementation trickling through the system. Thus information holders still exercise wide discretion when it comes to when and how to release information. The field work gained some documents as a by-product of interactions with interviewees, supplemented by those collected from online sources and personally recorded radio interviews and media discussions. With the Covid-19 pandemic and restrictions on travel, trying to collect hard-copy documents through third parties was difficult. What this also means is that too much reliance on formal processes for gathering documents could frustrate research endeavours, and that given the context, informal and personal contacts could be equally considered as also yielding fruitful searches.

The data collection experience shows that despite the many possible factors that might make interviewees decline interviews, academic research is well regarded once target interviewees become convinced about a project and would be willing to offer as much help as they can to make it succeed.

3.6 Chapter Conclusion

This Chapter has considered the qualitative methodological approach for the study. The qualitative methodology was noted for its flexibility and utility to help in examining the diverse perspectives in Ghana's communication policy making arena. Under this, triangulation was discussed as the strategy for achieving the study's broad aim, noting its utility for the study and with a diagram, illustrated how the different data and study research questions were triangulated to make judgements about the policy making process during Ghana's digital switchover process.

The Chapter also discussed the methods for data collection and its analysis, with the first being elite interviews and analysed using thematic analysis. The process for conducting the interviews and collecting the data using the thematic approach was explained with examples of the analysis illustrated with tables.

The second method - documentary analysis - and its analytical approach using qualitative content analysis was also discussed, explaining the steps followed in conducting the analysis, and similar to the first method, also, illustrated with examples of the analysis with tables.

The Chapter finally provided a personal reflection of the experience of conducting the exercise using the methods and analytical approaches noted above and also the ethical issues that came up during the exercise and how these were resolved.

In the next Chapter, a brief political history of Ghana since her independence and the particular events, issues and personalities, whose actions have combined to lay the foundation for communication policy making in the country have been discussed.

Chapter 4

Ghana: A Brief History and Broadcasting Policy Trajectories

Figure 3: Map of Ghana Showing Administrative Regions

Source: Ghana United Nations Mission, New York, 2020

4.1 Introduction

This Chapter provides a brief political history of Ghana and sets the broad foundational context that has continued to influence policy making in the country. The Chapter highlights the particular events, issues and personalities that have contributed to shape the character and structure of the country's media, particularly for the broadcasting sector since the return to Constitutional rule in 1992. The Chapter has eight sections. Following this introduction, the next section summarises Ghana's political history, from the Colonial period through independence and the different Constitutional and military regimes, to the final adoption of the 4th Republic 1992 Constitution. The section after that is then focused on the media generally, and the development of the values that formed the basis for broadcasting policy during the period under discussion. The fourth section discusses how those values shaped the broadcasting landscape into the liberalised media sector from 1992 onwards, while the fifth section discusses the regulatory and policy vacuum created as a result of the media's liberalisation without adequate policy and regulatory measures. In the sixth section, the country's television market during her digital switchover policy making is analysed together with the challenges the process encountered during its implementation, while the seventh section is a discussion of the current broadcasting context, with a brief portrait of Ghana's digital switchover policy making and implementation process. The eighth section concludes the Chapter by providing a summary of the main issues raised for further examination in the subsequent Chapters in the thesis.

4.2 Four Phases of Nationhood: Colonialism, Independence, Military and Constitutional Rule

In 1431, the Portuguese were the first to arrive at the southern coastal town called Edina in Ghana, later named Elmina[6]. This first incursion began a long association between the Colony and other European nations - the Dutch, Danes, Germans, and eventually British - and culminated into formal Colonialism by 1901. Due to the abundance of the gold mineral, the early settlers found in the Colony they named it the Gold Coast and expanded trade into other commodities such as salt, diamonds, timber bauxite and human slaves.

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[6] Named the "mine" by the Colonists

After the British took over, the Gold Coast became part of the British Empire administered by a Governor appointed by the King in London to oversee the monarch's interests, as well as provide administrative support for trading activities of other expatriates. The British controlled what is now Ghana, Nigeria, Sierra Leone and the Gambia along the West African coast. Overtime, agitations for self-rule increased. First, through the Aborigines Rights Protection Society (ARPS). This soon spread across the sub-region with the formation of the National Congress of West Africa (NCWA). The NCWA was led by Casely Hayford, editor of the newspaper *The Gold Coast Leader*. The NCWA had as its thrust a West African Union and appealed to African nationalism and racial pride (Awoonor,1990, p.120, cited in Dzisah, 2008, p78). Indeed, as Hachen (1971) has argued, newspaper publications in English and the vernaculars were very instrumental in igniting and nurturing agitations for self-rule in the Colonies. According to Hachen, British West Africa by the 20th century had assumed its present boundaries with a continuous series of newspaper supported anti-colonial protests (Hachen, 1971, p.146, cited in Dzisah, 2008, p81). These protests resulted in a massive clampdown on the private press. As Asante (1996) has also observed, because the newspapers had deviated from their traditional role of informing, educating and entertaining to become nationalist mouthpieces, it prompted the Colonial government to pass the first press law - the Newspaper Registration Ordinance of 1893 (Asante, 1996, p3 cited in Dzisah, 2008, p77). As later sections in this Chapter show, such clampdowns by the State, and the antagonistic relationship it engendered between government and the press became a recurring feature throughout Ghana's political history and even into the early years of the country's 4th Republic.

After the Second World War, agitations for self-rule grew bigger and louder culminating in the formation of the United Gold Coast Convention (UGCC) in 1947 to demand for independence. The leadership of the UGCC were professionals such as lawyers, academics, businessmen, and doctors, and as such had little time to organise and mobilise the population behind the cause. This gap was filled by Dr Kwame Nkrumah, who was invited from Manchester to become the full time Secretary General to coordinate the activities of the UGCC. However, differences in the approach and strategy to achieve independence soon opened up between the UGCC leadership on one side and Dr Nkrumah on the other. While the leadership favoured a gradualist approach for independence within the shortest possible time, Dr Nkrumah wanted independence now. During his sojourn in the United States of America and later United Kingdom, Dr Nkrumah had been part of groups agitating for black

emancipation and wasted little time in injecting some of that radicalism into the fight for independence. Dr Nkrumah broke away from the UGCC to form his own political party, the Convention Peoples Party (CPP), and mobilised the population behind his radical demands for independence now. After many protests, detentions, bloodshed and deaths, the Gold Coast gained her independence from the British on the 6th of March 1957, and the new country's name changed to Ghana, with Dr Kwame Nkrumah as the country's first Prime Minister.

Independence came at the height of the Cold War and Dr Nkrumah professed a non-aligned policy for Ghana but had a socialist vision for the new country. His opponents in the UGCC, now the United Party (UP) formed the opposition party and professed a market led liberal ideology with respect for human rights. Dr Nkrumah set about on a massive infrastructure programme as well as an industrialisation drive that saw the building of many factories. In 1960, Ghana changed the Westminster political system it had adopted at independence for a Presidential system and thus became a Republic under a new constitution. The 1960 Constitution made Dr Nkrumah President. The 1st Republic Constitution gave the President wide powers, making his government autocratic and dictatorial. This included powers to sack Judges. As a result, many opponents of the regime were either detained or fled into exile. By 1964, Ghana had become a one-party state with the CPP in total control of all institutions in the country. When Dr Nkrumah travelled outside the country on a foreign mission, his government was overthrown in the country's first military coup d'état on the 24th of February 1966, led by General Ankrah. The new military government called itself the National Liberation Movement (NLM) and released political prisoners jailed under Dr Nkrumah's government, reversed many of his socialist policies and set up a framework to return the country to multiparty democratic rule. The aftermath of a failed coup attempt against the NLM government saw leadership changes, with General Akwasi Afrifa replacing General Ankrah as leader of the NLM. Later political developments saw the return to Constitutional rule under the 2nd Republic following elections won by the United Party, adherents of the UGCC ideology. The 2nd Republic returned the country to the Westminster system of government, and the return of Dr Kofi Busia, the opposition leader who had fled to exile in London during Dr Nkrumah's regime, as Prime Minister, and also a former Chief Justice of the country, Edward Akuffo Addo[7] as the ceremonial President. Dr Busia's UP government were free market liberals and maintained many of the initiatives introduced by the NLM government (see Omari, 1970). However, Dr Busia's government lasted for only twenty-

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[7] Edward Akuffo Addo was the current President's father

seven (27) months before it was overthrown by Colonel Ignatius Kutu Acheampong's military coup d'état on the 13th of January 1972. The new military government first formed the Supreme Military Council (SMC) 1, and later, SMC 2. Colonel (later General) Acheampong justified his overthrow of the Busia government with accusations of corruption, ignoring the needs of the military and departing from Dr Nkrumah's vision for the country. Overtime General Acheampong attempted to perpetuate his stay in power with the idea of a "Union Government". According to this formulation, the country would be governed by one united political party without the competition and ethnic divisions stoked by multiparty democracy. General Acheampong's "Union Government" idea was rejected in a referendum, following many demonstrations and strikes by civil servants and professionals like doctors. General Acheampong was later removed in a Palace coup by his own military colleagues led by the Chief of Defence staff, General F. W. K. Akuffo in 1978 (Asante 1996, cited in Dzisah p98). General Akuffo's military government formed the National Redemption Council (NRC) and set about preparing the country for a return to multiparty democracy. However, barely a year into the NRC regime, the government was also overthrown in yet another coup d'état by junior ranks in the military on June 4 1979, who went on to release Flight Lieutenant Jerry John Rawlings from military cells[8] to become the leader and formed the Armed Forces Revolutionary Council (AFRC).

What separates the military AFRC regime from the earlier ones was its bloody nature. The AFRC government justified their action as a "house cleaning" exercise to restore the lost respect for the military and to also end corruption. Eight top military chiefs, including three former military heads of state - Generals Afrifa, Acheampong and Akuffo - were executed. The AFRC however stuck to the time table for the return to Constitutional rule already in place, and after the general elections in September 1979 handed over power to a civilian government led by Dr Hilla Limann from the People's National Party (PNP) under the 3rd Republic. The PNP were an ideological reincarnation of Dr Nkrumah's CPP. Dr Limann's government also lasted a little over two years and four months before being overthrown in another military coup d'etat, led again, by Flight Lieutenant Jerry John Rawlings on the 31st December 1981, to form the Provisional National Defence Council (PNDC) government. The PNDC promised a Revolution to end public corruption and also reverse declining economic growth. Flight Lieutenant Rawlings took the title of Chairman of the PNDC. The PNDC

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[8] Flight Lieutenant Jerry John Rawlings had been incarcerated in military custody and being tried for attempting to overthrow the NRC government on 15th May 1979

government started out as revolutionary socialists with hostility towards the West, in particular the USA and institutions such as the World Bank (WB) and International Monetary Fund (IMF). The government found common cause with early friends such as Libya, Cuba, the Soviet Union and Nicaragua. The Revolution soon turned into a nightmare for some, with widespread human rights violations, deaths and economic stagnation. This forced a relaxation of the government's hostile stance towards the West and eventual embrace of the World Bank and IMF to seek financial support to inject much needed capital for infrastructure and other economic development. However, despite its ideological relaxation, the government's repressive grip remained.

Towards the end of the 1980s, local agitations for the return to Constitutional multiparty democracy, fuelled by a general wind of democratisation blowing across Africa, and pressure from the IMF and the World Bank for economic reform and liberalisation intensified and forced the PNDC government to set in motion the processes to return the country to Constitutional rule (Ninsin, 2007). In response, the actions the PNDC government took began with convening a constituent assembly to fashion a new Constitution, organising a referendum for its adoption, opening up the space after this for political party activities to begin for the first time in about 10 years, and finally, organising the general elections. The longevity of the PNDC government in power had entrenched its various "revolutionary" political structures from the grassroots to the national level and this proved useful when the PNDC formed a political party, the National Democratic Congress (NDC) to contest the 1992 general elections with Flight Lieutenant Rawlings as its presidential candidate.

 The NDC, controversially, won the 1992 elections making Flight Lieutenant Rawlings President. This led to the boycott of the parliamentary elections that had been scheduled some weeks later by the New Patriotic Party (NPP), the reincarnation of the United Party. The boycott handed the 200 member first parliament under the 4th Republic to the NDC with Mr Rawlings also as President, haven earlier won the presidential elections. However, in 1996 the NDC lost 60 of their parliamentarians to the NPP, but Mr Rawlings was re-elected to serve a second term. In the December 2000 general election, the NPP won making Mr John Kuffour president. Mr Kuffour was also re-elected to serve a second term in the 2004 general election. The NDC returned to power following the election in 2008 of Professor John Evans Atta Mills, however he died during his fourth year in office, and thus his Vice President John

Mahama, took over for the remainder of his term and subsequently, controversially[9] also won the 2012 election. Mr John Mahama lost the 2016 elections to Nana Akuffo Addo, who had served in Mr John Kuffour's government and had been contested for President since the 2008 election. His mandate was renewed in the 2020 election to serve his second and final term till 2024.

 Since the 4th Republic 1992 Constitution came into force, Ghana has enjoyed relative stability with seven general elections resulting in the peaceful transfer of power from one party to the other. Out of the more than 10 registered political parties in the country it is only the NPP and NDC that have won enough votes to form a government. Ideologically, the NPP claims to be centre-right, whilst the NDC claims a socialist centre-left ideology with Nkrumaist roots. When in government however, the policy evidence reveals a more pragmatic approach rather than a rigid adherence to ideology. The NPP, for example in the past and currently, have introduced social intervention policies such as its flagship "Free Senior High School Education Policy" that has made education in the public sector free up to the secondary level, whilst the NDC has embraced more pro-market policies like selling off struggling state Corporations to the private investors. The MoCD's 2016 draft DTT policy put the number of households in the country at 5.6 million, with 4.5 million out of that figure households dependant on analogue transmission to be migrated (Digital Terrestrial Television (DTT) Broadcasting Policy, 2016). This gives an idea of the scale of the challenge the digital switchover policy brought to policy makers even as the country's population grew to over thirty million following the 2021[10] nationwide population census (*Ghana 2021 Population and Housing Census*, 2021)

The foregoing illustrates the instability that has chequered Ghana's political growth since her independence. It also shows the ideological bent on policy making as successive alternating military and civilian governments brought erratic changes to policy measures. This led to economic decline and as is discussed in later sections opened the doors to the World Bank and IMF interventions for the country to liberalise her economy. It is within this context that the liberalisation of the media, discussed later occurred with its attendant policy contradictions.

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[9] The NPP and its presidential candidate Nana Akuffo Addo challenged the presidential results in an eight month legal battle at the country's Supreme Court and lost, an echo of the 2000 USA election challenge between Al Gore and George Bush

[10] The Covid-19 pandemic forced the rescheduling of Census originally scheduled to be conducted during the first quarter of 2020.

4.3 Ghana's Media Development: Laying the Foundations for Broadcasting Policy

The print media has been the foundation of media development in Ghana. During the Colonial era under Governor Sir Charles McCarthy, the authorities first set up the *Royal Gold Coast Gazette* and the *Commercial Intelligencer* in April 1822. There were other publications by Colonists such as *Liberation Herald* by Charles Force in 1826. However, the first indigenous publication was Charles Bannerman's *Accra Herald* and later *West African Herald* in 1857(Jones-Quartey,1975, p17, cited in Dzisah, 2008, pp50-51). Other influential indigenous Colonial era publications were the *Gold Coast Times*, the *Gold Coast Independent*, the *Gold Coast Chronicle*, the *Gold Coast People* and the *Gold Coast Express*, *Gold Coast Nation*, *Eastern Star*, *Akuapem Chronicle*, *The Voice of the People*, *Gold Coast Spectator*, and Casely-Hayford's *Gold Cost Leader* (Asante 1996, p3, cited in Dzisah, 2008, p78). These publications in various ways sought to mobilise local public opinion against the Colonial authorities. The attempts by the Colonial authorities to maintain their hold on power resulted in a number of decrees to control the press. According to Asante (1996) with most of the newspaper content emanating from the African press considered subversive, the Criminal Code Amendment Ordinance 1934 was passed to spell out how the Gold Coast press were to be prosecuted for raising discontent, printing, selling, or distributing seditious matter (Asante, 1996, p4, cited in Dzisah, 2008, p53). That notwithstanding, the author argues that private ownership of the print media proved resilient throughout the pre-independence period against the stiff resistance they faced and amid the promulgation of all sorts of inimical laws.

Closer to independence the *West African Times* was founded by Dr J. B. Danquah in 1931. Other publications involved in the fight for independence were Accra's first daily newspaper the *Gold Coast Spectator* founded in 1927, *Ashanti Pioneer*, established in 1939, and the *Ashanti Times* in 1947 (Jones-Quartey, 1979 p23, cited in Dzisah, 2008, p79). Dr Kwame Nkrumah founded the *Accra Evening News* in 1947, the *Morning Telegraph* in 1949, and the *Cape Coast Daily Mail*, as part of his demands for "self-government now" (Ainsle, 1966, p58, cited in Dzisah, 2008, p80). He later established the *Guinea Press* in 1956 with independence on the horizon, which was changed to the *Ghanaian Times* after independence by the CPP government in 1958 (Barton, 1979, cited in Dzisah, 2008, p80). The *Daily Graphic*, setup by private interests unaffiliated to the Colonial authorities before independence was also bought by the CPP government to become a state-owned newspaper (Hachten, 197, p147, cited in Dzisah, 2008, p93).

By the time of independence, the state owned and controlled four major newspapers - the *Daily Graphic*, the *Ghanaian Times*, the *Weekly Spectator* and the *Mirror*. Many other privately owned newspapers such as the *Pioneer* and the *Catholic Standard* provided critique, and in some cases opposition to government policies.

According to Boafo (1988) there was an estimated 2.5 million transistorized radio sets and 64,000 wired boxes in Ghana during the mid-1980s, with two national daily newspapers, one tri-weekly and about 58 weekly newspapers, monthlies and other occasional publications registered in Ghana. However due to general socio-economic deterioration in addition to a lack of future-oriented policy which integrated expansion of media systems into overall development, many of such newspapers faded out of the print media scene (Boafo, 1988, p38–41). There are currently over 100 newspapers and magazines registered with the NMC. However, the print media market is dominated by the *Daily Graphic,* now partially state-owned, the private *Daily Guide* newspaper, owned by the chairman of the NPP and his wife, and the *Ghanaian Times*, with their weeklies the *Mirror* and *Spectator*.

Broadcasting's development and ownership has been different and can be traced to when the then Colonial Governor, Sir Arnold Hudson together with F.A.W Byron an engineer, successfully experimented with a wired radio broadcast system, later named Station ZOY on the 31st of July 1935. It was the occasion for the silver jubilee celebrations of King George the British monarch, and his speech was relayed from the British Broadcasting Corporation's (BBC) Empire Service to the European settlers, administrators and English speaking Africans in the Colony. An elated Governor Hudson introduced the broadcast with the following words:

> "Ladies and gentlemen in Accra, good evening. I have been looking forward to this occasion, that is the official opening of our broadcast service…"(Kugblenu, 1978, pp1)

According to Ansah (1985) Station ZOY was originally to provide for the information, cultural and entertainment needs of the European settler community and by the end of its first year of operation had 400 subscribers to its services, with a further 750 homes in Accra wired up to receive the broadcasts of the Empire Service by February the following year (Ansah, 1985, pP1). With time, educational and propaganda rationales for the new radio service was added by the Colonial authorities. Indeed, this served as the basis for them to seek more

support from London. Governor Hudson made his plea by stating to the Colonial office in London that:

> "…By means of this innovation, it will be possible to keep in direct touch with a widely scattered and influential body of teachers and with the adolescent boy and girl. I have no doubt that this broadcast will be successful so far as its immediate aim is concerned and that it will have a wholesome and substantial effect on the outlook of many members of the community, in addition to teachers and school children, whom it is intended to reach"(Ansah, 1985, pp2-3)

Station ZOY expanded with 16 relay stations in the Colony. With the outbreak of the Second World War in 1939, a new impetus for the station emerged. The Colonial authorities added propaganda as the means to mobilise the local population behind the war effort to recruit men to fight on the war front, as well as for the supply of food (Kugblenu, 1978; Thompson, 1995; Ansah,1985). According to Ansah (1985) the acquisition of new transmitters meant that Station ZOY's broadcasts could be heard in faraway places to the south of the continent such as Cape Town in South Africa, and Kenya to the East, where British and allied troops had been stationed. Programming was delivered using the widely spoken major local languages - Fante, Twi, Ga, Ewe and later Hausa (Ansah, 1985).

By 1952, Station ZOY was a sprawling network of transmitters with re-diffusion boxes and receivers across the Colony. It had been moved from the direct control of the Governor to be part of the Public Relations department of the Colonial government. Dr Kwame Nkrumah became leader of government business that year following constituent elections, and a Commission set up in 1953 to look into the future development of broadcasting in the Colony recommended among others, the establishment of a national station in Accra the capital city, with regional broadcast centres in Tamale, Kumasi, Sekondi-Takoradi and Ho, the other major urban and commercial centres. The Commission advised against introducing commercialism into broadcasting by taking advertising and also recommended a change of name from ZOY to the Gold Coast Broadcasting system (GCBS). They also recommended that the station should be made an independent department separate from the government Public Relations unit (Ansah, 1985; Kugblenu,1978).

As an agitator for independence, Dr Nkrumah had been a staunch advocate for free expression and against authoritarianism:

> "there was no sense in fighting for freedom from British authoritarianism, winning it, only to see it glide into another dictatorship… the imposition of any form of press

censorship…[is] an idea most repugnant to me, since it ran counter to everything I had always believed in… Freedom of expression had been one of the essential rights for which I had fought. I had gone to prison for daring to say things the Colonial administration had not liked" (Kwame Nkrumah,1960, p50 cited in Dzisah, 2008, pp82-86).

However, following independence Dr Nkrumah developed dictatorial instincts against the press. As Karikari (1998) has argued, the Nkrumah regime followed the path laid by the Colonial authorities by passing even more repressive legislation to control the press with various newspaper licensing laws and decrees enacted during the period of one-party rule (Karikari, 1998, p165, cited in Dzisah, 2008, p107). Subsequent chapters in this thesis show how this has formed part of the ingredients for the path dependent broadcasting policy making trajectory in the country that has influenced some actors in the communication arena.

Following independence, there was a name change to the Ghana Broadcasting System (GBS), in addition to the acceleration of an indigenisation policy, with the recruitment of more local personnel for the station, as well as an increase in the programming hours for local languages (Ansah, 1985). However, the idea of decentralisation and the commercialisation of broadcasting, first proposed by the 1953 Commission and rejected, was rejected again by Dr Nkrumah with what can be described as an ideological objection to a market-led media system by stating thus:

> "it is part of our revolutionary credo that within the competitive system of Capitalism, the press cannot function in accordance with a strict regard for the sacredness of facts and that it therefore should not remain in private hands". (Hachten 1971,p68, cited in Dzisah, 2008, p90)

 Beyond this, the core objection to a decentralised broadcasting system was based on the fear that such a system would be used to fan the flames of ethnic divisions and disintegrate an artificially composed nation made up of diverse ethnic groupings, some with historical animosities. Dr Nkrumah made clear his preference for the maintenance of a single unitary system of broadcasting with a national programing orientation:

> "In order to improve the standards of our national broadcasting services, the government has recently taken certain decisions which are to be put into effect immediately. First, all the existing three national networks of the Broadcasting Service will be converted into a single network, and all our national transmitters will carry the same programmes throughout the country". (Ansah, 1985, p34)

This was further amplified in a statement to the Parliament by Mr Kwaku Baako, the Minister for Education and Information when he informed the house about the acquisition of new transmitters:

> "I wish to stress that these new transmitters will relay the national programmes and there is no intention whatever of initiating regional programmes…The radio is a great unifying agency in our country. Through it people all over Ghana can appreciate that we are all of the same nation with the same ideas and aspirations…Ghana is a unity and in this small country there is no room for regional and tribal groups, each emphasizing their differences from the rest of the country at the expense of national unity". (Ansah, 1985, p33)

Dr Nkrumah's use of broadcasting went beyond the domestic achievement of national unity. With Ghana being the first black African country south of the Sahara to gain her independence, Pan-African solidarity became part of the objective of GBS programming to aid other African territories still under Colonial rule and fighting for their independence on the continent. As a result, Spanish, Portuguese and French, widely spoken across the continent in addition to the English language became part of the language of programme delivery. Inaugurating GBS's external service in 1961, Dr Nkrumah stated thus:

> "In this External Broadcasting System, we now have a voice which will boom and resound across the shores and over the mountains and valleys carrying with it a message of hope and encouragement to our beloved compatriots in our beloved continent. The voice of this service will not necessarily be the voice of Ghana; indeed it will be the voice of Africa… From this station will go out a force and power, based on goodwill which will generate a new confidence in the African especially those yet to free the shackles of Colonialism and imperialism". (Antwi-Danso, 2005, p9)

With the arrival of television in the country in 1965, it was fit within the principles of broadcasting policy already laid out from the Colonial era, and intensified during the post-independence period. Dr Nkrumah used the occasion to inaugurate GBS's first television service to reiterate his government's opposition to a commercialised broadcasting system:

> "Ghana's Television…will not cater for cheap entertainment, sensationalism and commercialism. Its paramount objective will be education in the broadest purest sense. It will supplement our educational programme and foster a lively interest in the world around us. Television must assist in our social transformations". (Ghartey-Tagoe 2010,cited in Tayman, 2017, p136)

From this it becomes apparent how the quest for national unity and the ideological objection to a market led broadcasting system were early instrumental foundation principles that

contributed to the centralisation and state control of Ghana's broadcasting system. The above also illustrates Alhassan's (2005) argument about how the state in post independent Africa considered radio (and later television) as the key media for national development. This was in part to curb what the author called a "crisis of identity" after independence in many African countries, as the newly independent countries had to contend with multiple ethnolinguistic groups and low literacy levels, thus the nature of radio and television broadcasting offered the ability to transcend the obstacle of low literacy to help with national integration (Alhassan, 2005, p211). Overtime, this approach however also became the ready-made justification for the central control of broadcasting. Boafo (1988) has argued that such centralisation, bureaucratization and autocratic controls of the media have rather hindered the development oriented functions of media systems in the country. The author stated that:

> "The centralized model of managing and operating media systems is non-participatory, hierarchical and non-conducive to the development needs of the country. As has often been evident in Ghana and elsewhere in sub-Saharan Africa, centralized media systems are susceptible to political manipulation and facilitate the utilization of communication resources and institutions much more for propaganda, indoctrination and trivia than for genuine socioeconomic development". (Boafo, 1988, p42)

Boafo further described such systems as "elitist and undemocratic" and suggested their decentralization, de-urbanization and democratization (Boafo,1988, p44).

Without a liberalised broadcasting culture until the post 1992 Constitutional period, the importance of radio and television can be seen in how GBC, the state broadcaster developed, and its role and impact on Ghana's development.

According to Ahmed (2012), Dr Nkrumah's government passed LI 4761 in 1965 to give the GBC a new legal footing. However, following his overthrow, the NLM government decreed NLCD 226 in 1968 to make the broadcaster a Corporation (Ahmed, 2012, p125). This, for the first time allowed advertising from local businesses on the station. Justifying this, the NLM Vice Chairman, Mr J WK Harlley, stated how important it was to: "give our business community and other individuals the chance of selling their goods and services through the fastest means available-radio and television…without being insensitive to the educational and cultural needs of the community" (Ansah, 1985, pp10-11). This position was seen as a disguised move by the new government to supplement its financial obligations to GBC with advertising revenue. The NLCD 226 also required GBC to offer news, information and entertainment of "national relevance". In this we see the NLM government's ideological

flexibility in its shift in policy concerning commercialism, if not active support for some form of market mechanism in broadcasting, even whilst retaining the earlier broadcasting principles based on education and cultural unity. We also see some clarity in the public service broadcaster role envisaged for GBC in the decree's emphasis on the cultural, educational and "development" uses of broadcasting nurtured from the time of Governor Hudson through to Dr Nkrumah's regime. Nonetheless, the NLM government still firmly controlled the broadcaster just as had been the case in the past. Even under the avowed market liberals of Dr Busia's government from 1969 to 1972, and after, GBC remained under the firm control of the state without any opportunity for privately run broadcasting. General Acheampong's regime decreed the Telecommunications Decree 1977, SMCD 71 that set up the Ghana Frequency Registration and Control Board (GFRCB) to be responsible for the management of the country's spectrum and allocation of frequencies. This was then managed by the military and security agencies. What is curious about these developments is that, even though there was no explicit prohibition of private broadcasting it nonetheless never flourished. This added to the importance of the state-owned broadcaster GBC as the only broadcasting service in the country for many years.

Thus, as Ansah observed GBC was so important to governments that its premises were always a heavily guarded military fortress with sandbags barbed wire fences, armoured cars and machine gun holding soldiers guarding the institution (Ansah,1985). The GBC's premises were the first target in all the failed and successful attempts to overthrow governments, from Dr Nkrumah's overthrow in 1966, that of Dr Busia in 1972, the Palace coup against General Acheampong in 1978, the Flight Lieutenant Jerry John Rawlings AFRC coup d'état in 1979, and his comeback with the PNDC in 1981 against Dr Liman's government. Hachen (1971) has described the unique political importance of radio in the African context in times of crisis thus:

> "The importance of radio is underlined by the role it often plays in political crisis. In almost all coups d'état - successful and unsuccessful - seizure of the radio transmitter is one of if not the primary goal". (Hachen, 1971, p18, cited in Dzisah, 2008, Appendix A2)

The importance of radio in Ghana's media mix has not changed and as has been discussed in later sections, the collapse of GBC's monopoly in broadcasting shifted audiences towards privately owned FM stations. Reliable figures are difficult to come by, however, according to a GBC audience study in the 1990s the radio ownership figure stood at 3.5 million radio sets

in 1995, with the potential radio audience at 12.5 million and actual radio audience at 10.1 million (Thompson, 1995, p4). Similarly, for television reliable figures are difficult to come by, however, it is generally accepted that since the introduction of colour television in the country during the 1980s the television market has grown. The table below gives an indication of television availability in Ghana.

Table 9: Television Availability in Ghana

Population (2021 Census)	30.8 Million
Total Household Population	5.8 Million
Households with TV Sets	4.6 Million
Television Coverage by Country Landmass	59.39%
Television Coverage by Population	79.50%
GBC's Coverage by Population	90%

Source: Digital Terrestrial Television (DTT) Broadcasting Policy 2016

Boafo (1988) has lamented the relevance of GBC's contribution to national development during the early1980s, stating that out of its 104 weekly programming hours only an hour was devoted to agricultural and health oriented development issues, with the remaining hours "taken up by news and current affairs, musical programmes, talk shows and other programmes of questionable relevance or significance for national development, especially at the rural community level" (Boafo, 1988, p43). This pattern of programming has hardly changed in the current commercialised broadcasting market with over four hundred radio stations and eighty television channels based on the NCA's first quarter 2021 figures.

This section's discussion has shown the development of media generally and broadcasting in particular and highlighted the formative ingredients for policy making for the sector. The contributory factors for the creation and sustenance of a state broadcasting monopoly and its centralisation dates from the country's pre independence era, as also was the animosities between the press and state officials that resulted in the passing of restrictive legislation to control the press. As later discussions in this thesis show, these provided the path for the state to subsequently develop an instinct to have an influence or even control over the media space through broadcasting policy. The next section continues the discussion on how the media particularly broadcasting suffered even more under military rule during the 1980s.

4.4 Press Freedom and the "Culture of Silence"

The military PNDC government that took power from December 1981 until the end of 1992 was noted for its widespread gruesome human rights abuses, including the suppression of freedom of expression and especially of the media (Ahmed, 2012, p124). Journalists, lawyers, Judges, students and academics were harassed, arrested, detained without trial and in some cases assassinated, and the government used all kinds of unorthodox modus operandi to silence dissenting opinion (Ahmed, 2012, p99). An early signal of the government's repressive instincts against the media came from the government's Information Secretary, Joyce Aryee:

> "I do not see the press as laying outside of the political institutions that we have. This is where I see that people ought to realise the role of the media differs from country to country. In a situation like ours when we need to conscientise people and where we have an illiteracy problem, you use institutions like the media to do the conscientisation". (African Contemporary Report, 1983-84, cited in Gadzekpo, 1995 p41)

This statement also echoed the developmentalist role expected of the media in the African context that had developed since independence and portended even more centralised control particularly of broadcasting. According to Agyeman Duah (1987) very early in the PNDC regime, the *Catholic Weekly Standard* was denied an import permit for newsprint, forcing the publication off the news stands for over a year after Catholic Bishops had condemned the regime's brutalities during 1982 to 1983 and called for the government to hand over power to an interim regime to prepare the country for democratic elections (Agyeman-Duah, 1987, p623). Dzisah (2008) has also observed that some publications, such as the *Ghanaian Voice*, and *The Echo*, in addition to the *Catholic Weekly Standard* were banned at different periods under the PNDC regime, but a few other independent publications were allowed to operate while others simply could not operate because of authoritarian laws against the press passed by the regime (Dzisah, 2008, p100). Karikari (1998) has classified the operation of the press under the PNDC regime under three broad categories:

> "(i) The authoritarian political environment (ii) The wide discretionary or interventionist powers of the office of the Secretary [Minister] of Information, and (iii) The Newspaper Licensing Law 1989, PNDC Law 211 (Karikari, 1998, cited in Dzisah, 2008, pp100-101).

It is the repression of media capable to provide an alternative interpretation of events that resulted in what Karikari described as a "private press dominated by tabloids that specialised in reporting quasi-pornographic stories, mysticism, superstition, sports and lottery as the only publishable issues" (Karikari, 1998, p171, cited in Dzisah, 2008, p101). The author further observed that the PNDC's media repression was built on legal instruments against the press dating from the Colonial period, and especially under Dr Nkrumah's one-party rule with a classic example being the 1963 Newspaper licensing law legalising state monopoly of media, which was repealed under Dr Busia's multi-party parliamentary regime, resurrected in 1973 under General Acheampong's SMC 1 regime, repealed again during the 3rd Republic under Dr Limann in 1979, and restored by the PNDC in 1985 (Karikari, 1998, p165,cited in Dzisah, 2008, p105). The PNDC also kept the preventive custody law under which anyone could be held without charge or trial if considered to be a threat to national security, in addition to the criminal libel law which fundamentally criminalized free expression and updated the Newspaper Licensing Law 1989, PNDC law 211, which required press publishers to obtain a license from the Information Secretary before publication with the Secretary invested with the power to revoke such licences when she or he found it necessary (Agyeman-Duah, 1987, p623). Such legal backing for press repression and the systematised arbitrariness inherent under the PNDC regime made it almost impossible for anyone deemed hostile to the government to run a media organisation.

Control of broadcasting was easier for the government given the already established centralised broadcasting system in the GBC, the only institution transmitting both radio and television on air. News bulletins and commentaries were full of praises for the achievements of the "Revolution", and the castigation of the "economic saboteurs" against the Revolution. Very little, if any media criticism of the government was tolerated. Some Journalists working for the state-owned media - GBC with one television and two radio stations, the two national daily newspapers, the *Daily Graphic* and the *Ghanaian Times*, and the weekend titles, the *Mirror*, and *Spectator* - who were brave enough to criticise the government, fled after such publications to self-imposed exile or found themselves transferred from their regular schedule to cover periphery events outside the capital or urban centres.

According to Agyeman Duah (1987) such was the repression under the PNDC regime that by the mid-1980s there was widespread disillusionment and general despondency by the people generating a strange aloofness towards the regime which seriously undercut belief in the regime's political efficacy. This compelled the Chairman of the PNDC, Mr Rawlings to

bemoan an emergent "culture of silence" which "has trapped the majority of Ghanaians"(Agyeman-Duah, 1987, pp624-625).

 Even though the Revolution was built on a Marxist-Leninist agenda, economic challenges forced the government to jettison its socialist rhetoric to embrace a neo-liberal agenda with a free market. This was also a period when African governments came under considerable pressure to implement reform policies that would expand the market and civil society at the expense of the state (Ninsin, 2007, pp86-87). Ninsin has further observed that domestically, the failure of the authoritarian state had also engendered widespread calls for greater political reforms and enhanced citizen participation in public affairs (Ninsin, 2007, p8). Thus towards the late 1980s the PNDC government was compelled to respond to pressure to return the country to democratic rule. According to Boafo-Authur (2007) this was due to the unanticipated changes in the international system that saw the imposition of political reform as a condition for aid from donors such as the IMF and the World Bank - who had been at the receiving end of revolutionary rhetoric in the earlier years of the PNDC regime (Boafo-Arthur, 2007, p2).

The PNDC government began to relax its grip on the media as the return to democratic rule approached. According to Karikari (1998) with the smell of freedom, the private print media launched a spate of scurrilous abuses against the PNDC government with nothing being sacred, and the tone and style of the press being polemical, aggressive and controversial, thus raising professional and ethical questions. This pushed the government's back to the wall (Karikari, 1998,p176, cited in Dzisah, 2008, p102).

Since the 1992 Constitution came into force, there a large number of free, privately owned media especially in radio broadcasting and operating in a vociferous and plural environment has developed. Chapter twelve of the 1992 Constitution has been devoted to the media and its freedom and independence. However, it was not until 2001 when the NPP came back to power after over 30 years in opposition, that the Criminal Libel law which the NDC government had maintained on the country's stature books was repealed. The NDC government had justified the law's retention as a way to check what they saw as "irresponsible journalism" (Dzisah, 2008, p103). Indeed, despite its new democratic veneer, Osei (2000) observed that the NDC government:

> "inherited [an] authoritarian mindset [that] undermined the democratic policy process. The government became a serious impediment to plural politics; it was not just

reluctant to open the policy process to broader participation it had also retained on the statute books such draconian laws as the Preventive Custody law 1982 (PNDCL4) and Habeas Corpus Amendment law (PNDCL 91) to punish those who held critical or dissenting views"(Osei, 2000, p265-6, cited in Ninsin, 2007, p93).

As the discussions in Chapters five, six, and seven show, the "authoritarian mind-set" was a big motivating factor in how the NDC government, with total control over the democratic process, went about structuring the communication policy making arena in a manner that retained enormous powers in government controlled institutions at the expense of non-state and independent policy actors.

4.5 The Broadcasting Sector under the 4th Republic: Media Policy and the Regulatory Vacuum

As noted earlier, the broadcasting sector has exploded with many radio and television stations since the return to Constitutional rule. Articles 162 through to 173 of the 4th Republic 1992 Constitution now frame the policy, legislative and regulatory regime for media in the country, giving a strong basis for free expression and free media. Under Article 166, the Constitution also sanctioned the National Media Commission to be set up within six months of it coming into force, and Parliament subsequently passed Act 449 in 1993 as the NMC's establishing legislation. With its passage, media policy making had been formally given to the NMC as an independent Constitutional body.

In the years after the NMC was set up, it published a National Media Policy with its core tenet that states among others that the media is:

> "…a public trust regardless of ownership. The strengthening of public service media is even more vital in a profit oriented operating environment. The difference in social responsibility expected of a commercial as opposed to a public service media operator should simply be a matter of degree". (National Media Policy, 2000, p20)

The policy's emphasis of the "public" and "social" purposes for broadcasting is the contemporary rendition of the educational and developmental elements in broadcasting nurtured since the Colonial era, and more so in the liberalised media space under the new Constitution. Regarding the policy instruments to regulate the media sector, the NMC has published its Guidelines for local language broadcasting (Guidelines for Local Language Broadcasting, 2009), Broadcasting Standards (Broadcasting Standards, 2002), and the Content Standards L.I. 2224 (Content Standards Regulations, 2015). As the examination in Chapter five shows, these notwithstanding, the broadcasting sector has developed without

coherent policy and regulatory guidance which overtime has strengthened economic and political alliances against effective broadcasting regulation. Papathanassopoulos (2014) has observed a similar situation in Greece, where the country's broadcasting sector witnessed rapid change following deregulatory measures in the country during the late 1980's, but left largely to market forces leading to weak regulation of the sector (Papathanassopoulos, 2014, p21).

In Ghana's particular context, the transformations in the broadcasting sector as a result of digital technologies has raised many questions about inadequacies in earlier policies. For example, GBC implemented a decentralisation policy which set up regional FM stations in the regions during the early years of democratic rule, however, this was not part of any overall government policy to reform the broadcaster to be a true public service broadcaster in the liberalised broadcasting market (see Heath, 2001). Sparks (1998) has observed how some former communist countries in eastern Europe enacted legislation that required their state and private broadcasters to provide news and current affairs coverage, as well as coverage of important public events, nationally and internationally, while anchoring their public broadcasters with legislation to sustain national cultures (Sparks, 1998, pp150-151). In Ghana's case, the media liberalisation occurred without consideration of the old legislation governing GBC's operations in the new market environment. Thus, despite GBC having a legal authorisation to levy a television licence fee dating from the 1960s, the station has still had to compete with her new commercial rivals for advertising revenue in the commercialised broadcasting market. This illustrates the poor policy planning about GBC's future in the liberalised media sector. This policy weakness was recognised in the World Bank study on the broadcasting sector:

> "The policy context for broadcasting in Ghana, since the dawn of independent broadcasting, has been rather unclear and this has contributed to the weaknesses currently seen in the provision of broadcasting services. There has been no explicit legislative and regulatory framework for the development of broadcasting and tensions among different public agencies on their perceived role have led to an obvious gap in policy making. There are widespread concerns that the present regulatory arrangements are not a sufficient guarantee of Constitutional commitments to freedom of expression and to the independence of the media, nor do they enable the effective development of broadcasting in the public interest". (World Bank, 2005, p5)

The reaction of the Minister of Communication and Digitalisation (at the time) to the report was to commit to undertake a "comprehensive review of current broadcasting policy and

legislation in Ghana with the objective of further expanding access to broadcast radio and television media for all citizens, providing for the greatest diversity of voice and languages and for the preservation and on-going creation of indigenous content"(Kan Dapaah World Bank, 2005, Foreword). A comprehensive review would have included reform of the NMC to better equip the media regulator for the challenges of regulating the commercial broadcasting sector especially, however the lofty aim contained in the Minster's statement did not materialise. Indeed as Ahmed (2012) has observed, successive governments have been apprehensive about supporting the NMC to be independent of government control in a real sense, and have used their control over resources to ensure the NMC's systematic neglect (Ahmed, 2012, p108). Thus, even though the NMC has been set up as the independent media regulator, it still has to the go to government for financial support and has been regularly starved of the funding needed to effectively run its operations. More germane to the broadcasting sector, the NMC has also not played any major role until recently in the determination of broadcasting frequency authorisations to prospective broadcasters. In the absence of a specific broadcasting law, the NMC has also lacked the capacity to enforce its many guidelines. Consequently, with a weak establishing legislation and the absence of a broadcasting law, the NMC has not been sufficiently empowered as a media regulator, but has rather been reduced to mediate disputes arising from media publications in the mould of an press ombudsman.

There is a clear demonstration from the observation in the World Bank report the extent to which the broadcasting sector developed without a coherent policy guiding it, and the regulatory vacuum this has created. As Chapter five has examined, this has been due to the manner in which the communication policy arena had been configured since the return to Constitutional rule.

As noted earlier, the responsibility for broadcast authorisations was given to the National Communications Authority under Act 542 1996 (later amended Act 769 2008). The NDC government, having only metamorphosed from a military to a civilian rule had not shed her instincts for media repression, and under Constitutional rule dithered in formalising guidelines for the acquisition of broadcast licences. This was partly also because of the uncharted territory in broadcasting policy making the country had entered into, raising some concerns among civil society actors:

"Because of the very technical nature of broadcasting, it has become necessary, even in the most democratic and open societies, to establish regulations on the operations of radio. Without this the airwaves will be full of cacophony and chaos. This is the only point at which the government should come in […] It is conceded that given the novelty of the situation, sometime will be needed to establish ground rules which must be absolutely minimal. That is as far as the Ministry of Information can go pending the establishment of the National Media Commission as per Article 163(3), Chapter 12 of the Constitution and not according to some wretched and fraudulent PNDC Law 299". (Ansah, 1996, pp173-174)

As uncertainty about which institution would be given the mandate to authorise broadcast frequencies grew, so did the applications from private individuals interested to begin broadcasting. However, without clear guidelines and procedures for acquiring an authorisation, confusion over the process grew and with that frustration among civil society actors who had been calling for frequency authorisations to be handled independently, as reflected in Ansah's statement:

"There seems to be a game of to-and-fro or hide-and-seek between the GFRCB and the Ministry of Information. They seem to be passing the buck to each other…At best all that the Ministry can do is to lay down broad principles for the issuance of a licence, then the principles can be discussed and approved by Parliament and allocation of frequencies routinely granted. We should avoid a situation in which frequencies will be allocated to those individuals and organs[sic] which serve the master's interests and play his tune or amplify his voice". (Ansah, 1996a, p174)

 The 1993 Conference on the privatisation of broadcasting had recommended that the NMC should be given the responsibility to issue broadcast authorisations based on the NMC's Constitutional independence from government and responsibilities to the media (Karikari, 1994). However, the NCA's establishment created controversy as the broadcast authorisation functions of the GFRCB were handed to the NCA instead of the NMC as called for by civil society actors. Indeed according to Wereko-Brobbey (2013) the NDC Minister of Information at the time promised Parliament that the reason there had been a delay in passing the NCA Act was to: " enable us[Government] incorporate an amendment that seeks to give the National Media Commission the responsibility for allocating frequencies for radio and TV once the frequencies available have been technically determined" (Kofi Totobi Quakyi, 1994

cited in Wereko-Brobby, 2013, pp167-168). However, inexplicably, this did not materialise when the NCA's establishing Act, Act 542, 1996 was finally passed by Parliament. The Act rather gave the NCA the exclusive mandate to grant broadcast authorisation. Unlike the NMC which is an independent institution, the NCA is an agency under the Ministry of Communications and Digitalisation. Its board is also appointed by the President. Thus, handing the broadcast authorisation mandate to the NCA raised questions about its independence from government and the transparency of its licence authorisation process. In structure and function, the NCA is similar to the erstwhile Ghana Frequency Registration and Control Board, albeit also the telecommunications regulator and an agency under the MoCD rather than the security services as the GFRCB was. The GFRCB had been responsible for the country's spectrum management but run by the military and security agencies under the General Acheampong regime. The NCA is also empowered to fine broadcasters and even withdraw licences under the Electronic Communications Act 2008, Act 775. A case in point was the NCA's shut down of over one hundred radio stations for their non-renewal of licences and thus operating without authorisation. This provoked wide controversy and accusations of a political vendetta by the Ministry of Communication and Digitalisation against opposition aligned radio stations, however the NCA maintained its stance and the issue ended up at the Electronic Communication Tribunal. In all this, the NMC ostensibly the media regulator, did not play any role and indeed has been powerless to act. The NCA in 2019 also introduced a policy to reduce the transmission range of FM stations from the initial 100 km radius granted in earlier broadcast authorisations to 45 km radius, a policy implemented without the involvement of the NMC. The Multimedia group have challenged the policy in court with an injunction placed on its implementation until a final judgement.

According to Ahmed (2012) a former director responsible for regulatory affairs at the NCA said there was no possibility of a merger with the NMC, however the NMC having representation on the NCA board was a better option and that "absolute independence from any form of control – political, private and corporate or commercial" was essential to the NCA in addition to the passing of a comprehensive broadcasting law to tackle the nagging questions about media ownership and its concentration of power (Interview with Joshua Peprah, 2010, Ahmed, 2012, pp113-118).

Thus, the NMC and the NCA are the two institutions superintending over the divided communications space, one for media the other for telecommunication, as regulators. When viewed against the lack of a specific broadcasting law and the NMC's weak constituting

statute as a media regulator, it explains why this architecture has incapacitated the NMC and created a regulatory vacuum. The NMC as the media regulator therefore has no power of sanction on broadcasters with the consequence that the broadcasting space has been left largely unregulated, especially on questions of content, market structure and ownership in a highly commercialised sector with a weak public broadcasting output. Jakubowicz (2007) has observed a similar situation in Central and Eastern Europe. Whereas broadcasting legislation was written without regard to technical, market and financial aspects of the sector (Jakubowicz, 2007, p22) in Ghana's case, the technical aspects of broadcasting were given to the NCA. However, no other policy or legislation addressed questions of media ownership, advertising, protections for minors or the position of the state broadcasters GBC as the expected public service broadcaster.

As Chapter seven in this thesis has examined, the structural and institutional characteristics in the communication policy arena post the 1992 Constitution has been a hindering factor in achieving broadcasting regulatory reform. The NCA has over the years been able to award broadcast licences without any content obligations on broadcasters, apart from the technical requirements associated with transmission equipment and broadcast ranges. Thus, without its involvement and any law backing the NMC's guidelines, broadcasters have sometimes acted with impunity in pursuit of their commercial interests. As noted earlier, the NMC's belated attempt to intervene in the situation when it passed its Content Standards legislative instrument (LI 2224) was challenged by GIBA, the commercial broadcast lobby association at the Supreme Court (see *Ghana Independent Broadcasters Association vs The Attorney-General and National Media Commission*, 2016). With that piece of legislation in abeyance due to the injunction placed on it, the status quo has remained. Indeed, the Ghana Supreme Court and other lower level courts have been noted for their interventions in major issues to do with the media such as the already mention suit between the NPP and GBC, and NCA vs *Radio Gold* and others at the Communication Tribunal, GIBA vs the NCA on the Conditional Access case at the Supreme Court, and the Montie FM case. Such cases suggest an unstable broadcasting policy and regulatory environment. This was recognised in the broadcasting sector study conducted by the World Bank:

> "The relationship between Constitutional provisions and guarantees and actual regulatory practice is not obvious. There is a need to rationalise present arrangements and to introduce new regulatory functions not currently provided for or not adequately provided. There is no doubt that Ghana has made considerable progress in enabling development of broadcasting but there are also clear signs that the present system is

reaching its limits and that the public interest in broadcasting requires an updated regulatory framework". (World Bank, 2005, p1)

Apart from the courts, other actors that have had some measure of influence on broadcasting policy and regulation have been the Ghana Independent Broadcasters Association (GIBA), the Media Foundation for West Africa (MFWA), the Ghana Journalists Association (GJA), and some other individual actors from Academia, Law, and Journalism. Civil society actors had since the early 2000s been advocating for a broadcasting law for the sector. A group, the Ghana Advocacy Steering Committee for a National Broadcasting Law (GASCNBL) was formed with representation from GIBA, GBC, the Ghana Community Radio Network (GCRN), another advocacy group for community broadcasting, Ghana Journalists Association and the Media Foundation for West Africa. They worked to submit their initial proposals for a broadcasting law in 2004, with revisions in 2007 and 2009. The final proposals were submitted to the Ministry of Information in 2014. However, since then nothing happened and a broadcasting law has still not been passed, even following the digital switchover process. A major concern in the proposals was the recognition that: "..there was an urgent need for the enactment of a comprehensive broadcasting law to regulate the media generally" (Apenteng, 2007, p2). In the final version submitted in 2014 it went further by stating that:

> "The only legislation that relate to broadcasting are the Ghana Broadcasting Corporation Act, 1968 (NLCD 226), National Media Commission Act, 1993 (Act 449) established in accordance with articles 166 and 167 of the Constitution, the National Communications Authority Act, 2008 (Act 769), the Electronic Communications Act 2008 (Act 775) and subsidiary legislation enacted under these laws. The National Communication Authority Act and the Electronic Communications Act which relate to the establishment of broadcasting services are limited to authorisation of the use of the radio frequency spectrum for broadcasting. The international best practice of using programme content as a key criterion for the authorisation and regulation of broadcasting services in the public interest is absent from our legislation. As a result, the country does not have clear, transparent and uniformly applied legal criteria for the grant of broadcasting authorisations. This lends the process to arbitrariness and patronage. At the same time, the regulatory overview of the content of programmes is virtually non-existent. This exposes the public and children in particular to non-edifying and sometimes harmful programmes. Furthermore, some sections of the media have on occasions carried inflammatory presentations with the potential to incite one section of the society against the other". (Apenteng, 2014, p2)

There has been the occasional rhetorical support for the passing of the broadcasting law by government officials, and during digital switchover process a call was made for government

to expedite its passage. However, no serious effort has been made to get the draft with the Ministry of Information to Parliament for that to happen. Thus, with these noted policy and regulatory challenges the implementation of digital switchover and its transformation of the broadcasting sector into a digital multichannel television market has complicated the requirements for regulating the broadcasting sector and renewed questions about the inadequacy of the regulatory architecture. The sector still relies on the legislative framework designed for GBC in 1968, NLCD 226, the NMC's Act 542, and the NCA's Act 769 among others. As Chapter seven in this thesis has examined, the inertia over completing broadcasting and regulatory reform has been due to the vested interests of policy actors who continue to benefit politically and commercially from this policy and regulatory vacuum.

4.6 The 1992 Constitution and Broadcast Media liberalisation

The process for Ghana's return to Constitutional rule as set out by the PNDC government included holding a referendum to adopt a new constitution on the 28th of April 1992, presidential elections on the 3rd of November 1992, and the inauguration of the new president on the 7th of January 1993 (Boafo-Arthur, 2007, p4). The presidential election was controversially won by the NDC's Jerry John Rawlings to form the first democratically elected government under the 4th Republic Constitution.

In terms of private involvement in broadcasting, two events are notable during that period. As noted earlier, the first was a conference organised by the University of Ghana's Communication's faculty in March 1993. This conference brought together legal, technical, advertising and programming experts to deliberate and fashion proposals for a policy on the imminent liberalisation of the broadcasting sector to permit private ownership of broadcasting. As Karikari (1994) observed this conference was important to:

> "Highlight the urgent demand for radio and television privatisation; to mobilize public opinion and support for the enactment of laws to support it; and to create awareness of the potential benefits of a private radio/tv system for socio-economic development and democracy". (Karikari, 1994, p119)

Among the recommendations to government was for the GFRCB to be set up as a sub-unit of the NMC and removed from under the control of the military and security services, a review of GBC's legislative instruments to positioned GBC properly as a public service broadcaster,

and clarification on its funding source, ethical standards for advertising and requirements for "public service programmes". (Karikari, 1994, p122–123)

The second notable event was GBC's new policy of decentralising FM radio to the regions[11]. Perhaps, anticipating the impending transformation in the broadcasting sector due to privatisation, GBC began a project to set up new regional FM stations and also rebranded its television section and called it Ghana Television *GTV* from 1993.

Akuffo-Anoff (2016) has argued that the 1992 Constitution directly guaranteed press and media freedom, unlike the 1969 and 1979 versions which framed press and media freedom as derivatives of general right to freedom of expression (Akuffo-Anoff, 2016, p185). In Chapter 12 Article 162(3) the 4th Republic 1992 Constitution states that:

> "There shall be no impediments to the establishment of private press or media; and in particular there shall be no law requiring any person to obtain a license as a prerequisite to the establishment or operation of a newspaper, journal or other media for mass communication or information" (Constitution of the Republic of Ghana 1992, sec162(3)p112)

This, coming after the media repression witnessed under the long military rule of the PNDC government can be seen as a repudiation of the newspaper licensing decree under that regime. The Constitution further created a National Media Commission (NMC) under article 166, and among others entrusted the organisation to:

> "promote and ensure the freedom and independence of the media for mass communication or information", "to take all appropriate measures to ensure the establishment and maintenance of the highest journalistic standards in the mass media, including the investigation, mediation and settlement of complaints made against or by the press or other mass media", and "to insulate the state-owned media from government control". (Constitution of the Republic of Ghana 1992, sec167 (a)(b)(c))

The Parliament had six months after the Constitution came into force to pass the NMC's establishing statute.

Whilst the print media has seen growth since the new Constitution, the real impact of the Constitution's provisions over the past thirty years has been in the broadcasting sector with the explosive growth in private ownership of broadcast media - both radio and television. However, as Chapters five and seven have examined, this growth occurred as a result of fragmentary and uncoordinated policy making due to the absence of a coherent policy and

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[11] At the time Ghana had 10 regions, however following a referendum held in 2019 there are now 16 regions.

regulatory framework in place for the sector. As noted earlier, the GFRCB had long been responsible for managing Ghana's frequency spectrum but under the new Constitution in the early years, it was not clear who had the responsibility to issue broadcast authorisations. Thus, even under Constitutional rule advocates for private broadcasting had to still fight, as noted by Ansah (1993) in the back and forth between the Ministry of Information and the GFRCB by applicants seeking broadcast authorisations. In the seeming uncertainty about which institution had the mandate to authorise broadcast frequency licences, an opposition politician and advocate for press freedom, Dr Charles Wereko-Brobbey and his partners took matters into his hands and set up a radio station, *Radio Eye* and began broadcasting without any authorisation. They justified their action based on their reading of Article 163(3) of the Constitution which says "There shall be no impediments to the establishment of private press or media; and in particular, there shall be no law requiring any person to obtain a licence as a prerequisite to the establishment or operation of a newspaper, journal or other media for mass communication or information". However, the NDC government took a different view and the issue ended up at the Supreme Court, which ruled that broadcasting stations required licence authorisation to begin their broadcasts. Soon after, three radio licences were awarded for independent broadcasting in 1995, first, *Joy FM* now part of the Multimedia group and the first commercial FM station to come on air, *Radio Gold* another commercial station, and finally, *Radio Universe* a campus radio station for the University of Ghana. At a time when the state owned GBC was viewed as nothing more than a propaganda megaphone for government, and with the immanent privatisation of the broadcasting sector the private print press were a key part of the intense fight for a return to Constitutional rule especially during the latter part of the PNDC government's regime, with freedom of expression a key demand. However, following the return to Constitutional rule that guaranteed press freedom and the opportunity to share alternative views in the private media, the euphoria this brought perhaps lulled advocates into not sustaining their demands for the required policy and regulatory structures needed for the new broadcasting space.

As noted above, the broadcasting market exploded with over 100 commercial FM stations in the country by 2005, just a decade after the first authorisation had been granted. Radio has a three tier category structure, public, commercial and community/campus. The public category are the stations under the GBC system, 10 regional FM stations and networked to give national news and current affairs. The commercial category is by far the biggest. By the third quarter of 2016, the NCA had authorised 452 FM radio stations with 352 operational (*List of*

Authorised VHF-FM Radio Stations in Ghana, 2016). As at December 2018, 554 radio licences had been authorised for private owners with 358 operating, 71Community radio stations, 22 Campus Radio Stations (FM Authorisation, National Communications Authority, 2018). The big radio stations in the country such as *Joy FM* and *Peace FM*, while issued with regional broadcast authorisations practically operate as national radio stations through the syndication of their popular programmes on other radio stations across the country.

With the television market there were two analogue commercial licences in 1998, *TV3* and *Metro TV*, but the number had increased a decade later to ten. The television delivery mix prior to the digital switchover process was analogue terrestrial, satellite, and digital terrestrial delivery platforms. As at mid-2016, the NCA had authorised a total of seventy five (75) television channels, with thirty four (34) on air: made up of fifteen (15) analogue terrestrial; ten (10) satellite free-to-air direct to home (DTH); three (3) satellite pay tv; five (5) digital terrestrial pay; and one (1) digital terrestrial pay television channels (*List of Authorised TV Broadcasting Stations in Ghana as at second quarter 2016*, 2016). These numbers have increased since then with the addition of regional television licences reaching a total of fifty (51) television stations operating by the third quarter of 2018(Authorised TV Stations Q3 2018, Sept 2018).

The major players in the analogue television market are the state owned *GTV*, and the advertising funded commercial stations *TV3* (Media General Group), *UTV* (Despite Media Group), *Joy News* (Multi-Media) *GHOne* (EIB Group), *TV Africa* (Ideal Group), *NET2* (Kencity Media), and *Crystal TV* (Crystal Group).The pattern of commercial television coverage follows the long established trend of broadcasters targeting the advertising rich urban centres like Accra, Kumasi, Sekondi-Takoradi, Ho, Koforidua or Tamale, where they can find sizable middle class and educated audiences from both the public and private sectors. As Tayman (2017) has observed, such over-concentration of media organisations in urban centres has brought competition for the limited advertising budget available, resulting in a squeeze in advertising revenues. Programming on analogue transmitted stations - radio and television - targets the mass audience in both rural and urban locations with a narrow mix of news and current affairs heavy on political discussions, sport, foreign telenovellas, in some cases dubbed into the widely spoken and understood local Twi language, to target the majority of the population, plus some local movies and series, whilst satellite pay-per television services target the middle to upper class in the urban cities with foreign movies and sport, documentaries, international news among others.

The biggest casualty in the liberalisation of the broadcasting sector has been GBC. Though NLCD 226 of 1968 had envisaged the station as a public service broadcaster, that has been more in rhetoric than in practice. On this Tayman has stated that "GBC[is] neither a PSB nor a state run operation in the true meanings of these terms" (Tayman, 2017, p135). A 2005 broadcasting study by the Ghana government and the World Bank recognised GBC's problem and called for the NMC to:

> "…commence a public consultation into the future of the Ghana Broadcasting Corporation (GBC) with the aim of developing a new statute for GBC with a clear and more detailed public service broadcasting mandate. The consultation should have particular regard to consulting on GBC's public service responsibilities and performance, its commercial activities, the development of GBC online and digital services, and its future funding". (World Bank, 2005, pp3-4)

However, despite this call nothing was done by the NMC (or government). The long years of centralised control and monopoly of GBC in the broadcasting sector had ensured that by the time the media space was liberalised, even though GBC had the best trained and experienced broadcasters and the widest coverage in the country, the station still lost much of its credibility, prestige, and authority, and with that a sizable portion of its audience as well especially among young people. Government still pays the salaries of GBC workers and journalists, plus the occasional capital expenditure for technical equipment, however GBC's programming is largely funded from its advertising revenue. GBC's transmission infrastructure across the country supports one national analogue channel, plus additional six digital channels allocated as part of the digital switchover process, a national radio service, plus ten regional FM stations. This makes the station the only broadcaster that can claim a nationwide coverage. This national reach has made the station very important for governments, serving as the best guarantee for public information to reach the vast majority of the population especially in rural communities.

Contributing factors to GBC's situation are many. As noted earlier, in the euphoria to be rid of the state monopoly in broadcasting, no discernible policy for the institution or indeed the whole sector was developed, despite the early attempts from the 1993 conference organised by the University of Ghana's School of Communication Studies. Furthermore, under the 4th Republic, GBC has been among the institutions listed as subvented under the Subvented Institutions Act of 2008 and supervised by the State Enterprises Commission and therefore obliged to enter into an annual performance contract and also to be weaned off state subvention (Ahmed, 2012). GBC has also had to channel its budget requests, mainly for staff

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salaries of workers and journalists, through the Ministries of Information and Finance for approval. According to Ahmed, even grants to support its operations provided by development partners have had to be channelled through the Ministry of Finance, which can then decide how the funds would be used and disbursed (Ahmed, 2012, pp126-134). These factors are at odds with the spirit of the Constitutional provisions designed to protect GBC's independence from government under the NMC. Another problem for GBC has been the mind-set of its workers. The 1992 repealed the old legislation that required the station to report to the Minster of Information, however as Ahmed has stated:

> "GBC has been sufficiently insulated from government control but the sad thing is that psychologically the people themselves do not think that they have been insulated. They always unfortunately look over their shoulders to see whether they are serving the government or stepping on the toes of others." (Ahmed, 2012, pp130-131)

A case in point was the refusal of the management of GBC in 1993 to accord the then main opposition party, the New Patriotic Party (NPP) the same platform on Ghana Television to subject the NDC government's national budget presentation to critical scrutiny by offering an alternative view on it. The NPP sued GBC at the Supreme Court for being denied their Constitutional right to comment on the budget and the Court ruled that under the Constitution GBC was obliged to afford "equal time" in their political coverage of political parties (Blay-Amihere and Alabi, pp54, cited in Dzisah, 2008, pA7; see also New Patriotic Party v. Ghana Broadcasting corporation [1993-94], 1994).

4.7 The Television Market and the Challenges with Digital Switchover

Ghana's digital switchover process formally began when the NDC government in January 2010 inaugurated a twenty four member National Digital Broadcast Migration Technical Committee (NDBMTC) to "consult widely, and present a credible and practical policy recommendations for the realisation of the objectives of digital broadcasting migration in Ghana" (www.ghananewsagency.org/, 2010). However, the Committee had barely started its work when the Minister for Communication and Digitalisation, Haruna Iddrissu set the date for digital switchover to begin: "I am mandating the Committee to commence digital broadcasting in Ghana as early as 2012, starting with all regional capitals with the broadcasting signals" (www.ghananewsagency.org/, 2010). Out of the twenty-four NDBMTC Committee members, eighteen came from telecommunication and engineering backgrounds and the remaining members with legal and media backgrounds. Not surprisingly

therefore, the Committee's recommendations, submitted in its report in August 2010 focused mainly on the technical requirements for completing the digital switchover process within the ITU's time frame, such as on the technical standards for digital terrestrial transmission (DTT), set-top box (STB) specifications, consumer awareness campaigns strategy, and a digital migration rollout road-map beginning with a January 2011 digital switchover (DSO) date and the analogue switch-off (ASO) date set for 31st December 2014(NDBMTC, 2010). In doing so, it also marginalised the longstanding broadcasting policy and regulatory concerns that could have been made part of the policy making process. Rozgonyi (2019) has observed how the EU digital switchover policy framing among others emphasised facilitating spectrum access through market mechanisms within the economic block (Rozgonyi, 2019, pp70-71). As Chapter six has examined, in Ghana, this was rendered as a focus on the technical aspects of the switchover policy for the country to achieve an early completion of her process, but at the expense of other broadcasting policy concerns due as much to internal weaknesses among domestic non-state actors as also to the influence of external epistemic communities such as the ITU.

The NDBMTC report had recommendations similar to those published in other African countries also implementing their digital switchover process, such as Nigeria, South Africa and Uganda: (see for example Broadcasting Digital Migration Policy for South Africa, 2012; Ministry Of Information and Communications Technology (ICT), 2011). Except South Africa, Ghana, like most other African countries does not have an electronics manufacturing industry. The report's recommendations therefore discussed using the provision of STB's as an opportunity to set up a manufacturing base for the country to create jobs and also to make the STB's affordable and easily accessible locally. This echoes the US and European approach of using digital television to boost not just a declining electronics manufacturing industry, but also to increase employment and trade balances (Galperin, 2004). The government adopted the report's recommendations, which served as the basis for the country's draft Digital Terrestrial Television (DTT) Broadcasting Policy, 2016. The policy settled on the European DVB-T2/MPEG-4 standard, offered free frequencies to existing broadcasters during the simulcast period but with the proviso that they would pay 75% standard tariffs during the second year and full tariffs in the third year and beyond. However, inactive or new licence holders would not benefit from this provision (Fianko, 2011; Digital Terrestrial Television (DTT) Broadcasting Policy, 2016, pp5-9; NDBMTC, 2010, p35).

Furthermore, the government set up the Digital Broadcasting Migration Committee (DBMC), to implement the country's digital switchover rollout (Fianko Yirenkyi, 2015, p9).

Challenges soon emerged, as StarTimes DTV ltd, the Chinese company awarded the contract to construct the transmission network infrastructure and a central head end for two multiplexes in 2012 failed to deliver, two years into signing the contract. The contract had been based on StarTimes' ability to secure a USD 100 million Chinese government grant for the construction of the infrastructure (Fianko Yirenkyi, 2015, p14). Indeed StarTimes' involvement in the digital switchover process in Africa had been predicated on the company offering African governments funding for digital migration technologies, as part of a broader Chinese government engagement in Africa (The Path Ahead: The 7th Forum on China-Africa Cooperation, 2018; The Forum on China Africa Cooperation, no date). The financial problem turned into a legal issue when the government abrogated the contract with StarTimes and re-awarded it to K-Net Limited, a local telecommunications engineering company in 2015 (Balancing Act - Africa, 2015). This resulted in a legal challenge by StarTimes and brought delays to the process. K-Net had proposed to government to sell part of the digital dividend to fund the building of the transmission infrastructure following which, the sale of lot 1 to MTN, the mobile telecommunications giant raised USD 67.5 million.

K-Net was able to complete the building of the transmission infrastructure by October 2016, however, the USD 67.5 million raised from the sale to MTN fell short of the overall projected USD 120 million needed to fund the entire construction.

Another difficulty the switchover process encountered was the unavailability of electric power to power the transmission equipment. Electricity had been in short supply since 2013 as the country had been going through a major national power crisis locally labelled "Dumsor[12]". This forced the rationing of electricity supply nationwide, and thus meant unstable and irregular supply of power to the transmitters. As a result, even after K-Net completed the construction of the transmission infrastructure in 2016, digital switch-on could not begin as planned, affecting the envisaged three year simulcast period to allow for the uptake of set-top boxes and digital television services before switch-off.

Political factors also interfered with the process. The NDC came back to power in January 2009 and were retained in the 2012 election. They faced another general election in

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[12] A Twi language term meaning off-on

December 2016. The period from January 2012 saw a new Minister of Communication, Dr Omane-Boamah who set about implementing some of the DTT policy provisions and also started a publicity campaign to encourage set-top box uptake for the first time since the 2010 inauguration of NDBMTC. However, as the December 2016 election approached the digital migration process became part of the campaign strategy for the government to win re-election with promises of 1 million set-top-boxes (STB) to poorer segments of the population (Allotey, 2016). This was different from the earlier policy recommendation for creating a liberalised regime of set-top box assembling in the country to make it affordable for the population. As the electioneering campaign intensified, the Ministry abandoned the switchover publicity campaign altogether to concentrate on winning the election, the NDC however lost the election.

With a new government in place came revelations of funding shortfalls in an update by the new Minister for Communication and Digitalisation, Mrs Ursula Owusu-Ekuful:

> "we had internally generated funding from the sale of national radio frequency spectrum…to enable Ghana meet international deadlines for digital migration…but we have been able to sell only one [Lot 1] so there's a funding gap [to be filled] to enable us provide the power for the masts and other essential needs". (GNA.com 2015)

The revelation also brought changes in the policy's scheduled implementation:

> "the draft DTT policy designated 21st September 2017 as the deadline for analogue switch-off. However, since the project implementation process has not followed the agreed schedules, I can announce that it will not happen on September 2017. We are not ready and it is not a process that we should rush into…Even in technologically advanced countries, they had issues with the digital migration process so we will make haste slowly and do it right. However, it is likely to happen next year 2018 and we will have a phased approach. But the dates and the timings of that will also be finalized in consultation with all stakeholders". (Allotey 2017)

The Minster provided more details about the status of the process since she took office:

> "By April 2016, the first phase of the project to build the network platform was completed and the head-end...became operational, transmissions at the 6 sites in Greater Accra and Ashanti Region were activated. 27 programme channels began transmitting on the DTT network platform. The second phase, involving 16 sites in the Volta, Upper East, Upper West and Northern Regions were completed in October 2016 but due to the unavailability of dedicated electrical power to the sites, they were shut down until the power issues are resolved by the Ministry." "The third phase covering 20 sites in Brong Ahafo, Eastern, Central and Western Regions were also

completed in February 2017… the Ministry is collaborating with the Ministry of Energy through ECG[13] and NEDCo[14] to provide the cost estimates for the provision of dedicated transformers to 38 sites nationwide. It is estimated that works would be completed by August 2017. Once this is done, the Ministry together with the independent engineer would conduct the national coverage test to ascertain any gaps and then optimize the network to achieve the 90% coverage of the population." (Allotey, July, 2017)

With further delays to the process, stakeholders and actors, especially GIBA became frustrated by the uncertainties as expressed by its president Andrew Danso-Aninkora:

"The Ministry should come out to be able to tell us the date…because you see again that the date has been changed and we are waiting for the new date… the one who is going out there to do business should know that the analogue is off… the one who is talking about getting clients onto his platform should know what percentage of the country we cover, what geographic area we cover, how many viewers we cover."(Citinewsroom.com, August 2018)

Beyond the earlier legal and financial problems, two other contentious issues emerged that pit the MoCD and NCA on one side, against mainly GIBA and the NMC on the other. The first was the question about which institution would control the new digital transmission infrastructure. The NDBTMC report had initially proposed an independent signal distribution entity under a Public Private Partnership arrangement as the "ideal", but recommended "at most two (2)" to "promote competition, market efficiencies and offer choice and/or redundancy to broadcasters" (NDBMTC, 2010, p38). In terms of the structure of the broadcasting process, this is a novelty because throughout Ghana's broadcasting history, programme production and transmission had always been vertically integrated within the same entity, leading to a chaotic situation of GBC and the other commercial broadcasters, each having their separate broadcast transmission equipment spread across the country, sometimes at the same location. The Government's 2016 DTT policy however settled on the Central Digital Transmission Company (CDTC) as the sole provider of signal transmission and multiplex services, and to be run as a commercial company. The initial proposal was for a board with representatives from the NCA, GBC, NMC, GIBA among others, with the President appointing its CEO (Digital Terrestrial Television (DTT) Broadcasting Policy, 2016, p9).

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[13] Electricity Corporation of Ghana
[14] Northern Electricity Development Corporation

GIBA complained, by accusing the government of wanting to be "judge and jury" and objected on a number of grounds. They first had issues with the entity's state ownership and argued that this exposed the institution to political control, and also expressed concerns about possible bias, discrimination or even sabotage against their members who might broadcast content critical of government. This fear from GIBA had its roots in the country's history of state centralisation and control of broadcasting, with GBC as the propaganda machine of government particularly under the PNDC regime. They further stated that the President should not be the appointing authority for the Chief Executive Officer (CEO) of the signal entity as proposed in the policy, but rather done by an independent body (GIBA Position on the Draft DTT Policy, 2018). This, again echoes the tussle over the NMC and NCA broadcast authorisation mandate seen in the early years of Constitutional rule discussed earlier in the Chapter. Moreover, the inclusion of the NCA and NMC representatives on the board, GIBA argued, while those institutions were the regulators, their expected role to adjudicate over the media and communication sector closed off any possibility of independent mediation by those regulators. GIBA was also not happy with their solitary representation on the board given the number of private commercial broadcast operators in the country (GIBA Position on the Draft DTT Policy, 2018.pp8-9).

The NMC's objections were founded on legal and Constitutional grounds, with the Commission chairman Kwesi Djan Apenteng expressing his view on the need for the signal distributor to be independent of government thus:

> "Proposing a company, under the direction of the Government, to determine what should be broadcast will undermine the freedom and independence of the media. We need an independent body to manage the infrastructure…this is not about the NMC seeking to take power, but it's about enjoining the provisions of the Constitution. Media freedom and independence grows directly to the heart of the freedom of a nation,". (www.ghanaweb.com, 25 Oct 2018)

The NMC saw the digital signal distribution company as "state media" and therefore as enjoined under article 167(c) of the 1992 Ghana Constitution to "insulate the state-owned media from governmental control" (Constitution of the Republic of Ghana, 1992, Article 167, (c)). More than just being under its control, the NMC also wanted to be the appointing authority for its CEO and went as far as to meet the President on the issue, as well as the Speaker of Parliament, and on the MoCD's policy also cautioned that the "way they were now would violate Article 168 of the 1992 Constitution, which vests the Commission with the power to appoint the members of the boards and the Chief Executive Officers of state-

owned media organisations, in consultation with the President" (Media Commission petitions Akufo-Addo over DTT platform, GhanaWeb, 24th Oct 2018). The NMC therefore threatened to take the matter to the Supreme Court if government went ahead to implement the policy, just as it had done in the early years of its establishment when the NDC government appointed its Executive Secretary even before the NMC Act had been passed by the Parliament. On that occasion, the Supreme Court of Ghana in NMC vs the Attorney-General ruled that the NMC, rather than the President, had the lawful authority under the 1992 Constitution to appoint members of the governing boards of state-owned media (Ampaw, 2007,p7).

While this remained unresolved, further complication to the process came when the MoCD ordered GBC and *Crystal TV* to return three and one channels, respectively, allocated earlier to them by the NCA. The Ministry's justification was that there was no available channel on the transmission system to cover for redundancy, besides these would be given back to the television stations once an additional infrastructure had been built. GBC had also on the basis of its expertise and wide transmission network in the country registered a company that it thought would run the transmission system, however this conflicted with the plans introduced by the new Minister and added to the already delayed switchover process.

Even more delays to the switchover process came when the draft 2016 DTT policy was revised in 2018 with the inclusion of Conditional Access requirements on the set top boxes. The earlier policy had been silent on this and indeed authorised a number of vendors to import and assemble the equipment in the country. GIBA's protests against this revision ended up in the courts with the Supreme Court ruling that the Ministry and the NCA had the legal mandate to make that policy revision. The Covid-19 pandemic also added to the delay in completing the process as the MoCD had announced that ASO would be done by June 2020.

Since 2016, there has not been any publicity campaigns on the digital switchover process and even though at the time of writing in July 2022, all the transmission systems are in place and working, a major obstacle to ending analogue transmission is deep public ignorance about the real implications of the policy and even access to STB's. Even though the Supreme Court gave the all-clear, there are no Conditional Access compliant STB's on the market, while the earlier ones sold have been rendered obsolete due to the policy revision. Television stations

have also not been active in offering programmes to attract audiences to switch to digital as seen in the United Kingdom and some European and even African countries.

As the empirical Chapters that follow examine, Ghana's digital switchover process has been state led. Given the context, the government was the only actor capable of raising the huge investments needed to build the digital transmission infrastructure, thereby placing much control over the policy in state institutions. This made it easy for the policy to be framed along the technical requirements that would enable an early completion of the switchover process, with objectives such as the standard of transmission to be adopted, construction of transmission infrastructure, STB specifications and assembly, and achieving the target 95% national broadcast coverage. What was largely missing in the policy deliberations were questions about the implications of a digital multichannel television space with the current broadcasting regulatory regime that was fashioned at a time of analogue technology dominance in broadcasting. As has been noted earlier, Zambia for example, used her switchover process not just to modernise the broadcasting equipment but also better position the state broadcaster Zambia Broadcasting Corporation (ZBC) in the new television market (Digital Migration Policy, 2014). Furthermore, in Kenya, Uganda and South Africa, despite their difficulties, there exists legislation clarifying the role played or to be played by their respective state broadcasters. Both the 2016 and 2018 versions of Ghana's DTT policy provide for "shall carry" obligations on digital pay television platforms to carry one channel of the national broadcaster, GBC. The policy also requires broadcasters to devote 70% of their prime time - defined as from 6:00am-9:00am and 6:30pm-9:30pm - for local productions and programmes (Digital Terrestrial Television (DTT) Broadcasting Policy, 2016). These are however not backed by any detailed policy guidelines or law. Thus, with an already unregulated influx of foreign television content, no effective guidelines or policy on advertising, children's programming and harmful content, Ghana entered a digital multichannel television market without reforming the broadcasting regulatory regime. As the provisions in the proposed broadcasting law in Ghana have stated, the National Communication Authority Act, 2008 (Act 769), and the Electronic Communications Act, 2008 (Act 775), do not give the NCA any powers to intervene on content issues, while the NMC has also never had the legal capability to offer any meaningful content regulation for the sector either. This contrasts with the Tanzanian, Kenyan and South African experience, where they either already had well developed content regulation policies, or developed them as part of their digital switchover process.

The above discussion shows the tortuous and acrimonious nature of Ghana's digital switchover process, conditioned by structural and institutional factors that have their roots from the country's Colonial years. The reconfigured communication policy arena since 1992 though democratised, still retained a powerful role for state controlled institutions involved in communication policy making and has created an out-dated broadcasting regulatory regime that has persisted into the digital multichannel television market. The discussion highlights the roots of communication policy making that continue to influence broadcasting policy making in the digital era. These issues are examined in more depth in the empirical Chapters that follow.

4.8 Chapter Conclusion

This Chapter has outlined and discussed Ghana's political history, highlighting the moments and personalities whose actions contributed to shaping the country's media environment. It looked at how the print media have been an integral instrument in the agitations for independence leading to the promulgation of repressive laws against the media. After independence, however, these laws were used under different guises to stifle and control the media. It is within this structural context that broadcasting, in the form of radio and later television, developed. The Chapter also discussed how broadcasting became a monopoly under centralised state control. However, with the liberalisation of the media under the 1992 Constitution this was broken with private ownership of broadcast media for the first time in the country's history. New policy actors and stakeholders now have a voice and opportunity to influence policy making in the sector. This situation however, is still conditioned by deep structural and institutional characteristics which render their actions largely ineffective as seen during the digital switchover policy making process when longstanding policy concerns became marginalised due to such weakness. The Chapter also discussed the growth in the broadcasting sector and the challenges the country encountered while fashioning her digital switchover policy. In the next three Chapters - Chapters five, six, and seven - the issues raised in the foregoing discussion are analysed in greater detail.

Chapter 5

Structural (Re) Formations in the Post 1992 Ghanaian Communication Policy Arena and Digital Switchover Policy-Making

5.1 Introduction

This Chapter is the first of the three empirical analyses of the thesis. Drawing on the triangulation approaches it presents an analysis based on the study's data collection as discussed within the theoretical framework provided in Chapter two. Communication policy making as it affected broadcasting during the immediate era prior to the return to Constitutional rule in 1992 and indeed much of the country's history, had been centralised through the Ministry for Information without any participation from civil society. The study therefore had as its first research question to find out the extent to which the restructured communication policy arena following Ghana's return to Constitutional rule in 1992, facilitated, or hindered, the country's digital switchover policy making and implementation. The Chapter has seven sections. Following this introduction, the next section examines how the period leading up to, and early into the new democratic dispensation in Ghana became the period that led to the reconfiguration of the policy making environment through a transition process controlled by a military turned civilian government wary about losing its control. This made the government shape institutions in a manner so that it could still control or manipulate under Constitutional rule. The third section is focused on the pre-existing and new institutional structures formed following the return to Constitutional rule and their varying capacities in communication policy making. In the fourth section, I assess how the reconfiguration from a military controlled to a democratic yet state dominated communication policy arena conditioned the development of fragmentary and uncoordinated broadcasting policy and how this feature persisted into the digital switchover policy making process. The fifth section then analyses how the structural and institutional make-up of the communication policy arena favoured a particular framing of the digital switchover policy, while it marginalised other salient broadcasting policy questions such as the long standing role of the state broadcaster GBC in a commercialised broadcasting market. The sixth section demonstrates how the same institutional and structural characteristics in policy making

conditioned the factors that hindered the policy making process. Finally, the conclusion summarises the main points and links them to the themes raised in the study's data analysis.

5.2 Democratic Return and Critical Junctures: Laying the Foundation for Path-dependant Policy Making

During the mid to late 1980's, the pressures from international institutions like the World Bank and the IMF, as well as local civil society activists from academia and the private print media, among others, on the military PNDC government to return the country to constitutional multiparty democratic rule, after a decade in power intensified (Ninsin, 2007) (Karikari, 1994). This period before the new Constitution came into force, also saw a relaxation in some of the severe restrictions on free expression and media freedoms that had characterised the PNDC government's rule during the 1980's, as discussed in Chapter four. As Karikari (1998, cited in Dzisah, 2008) observed, the private print press during that period launched scathing attacks on the PNDC government over questions of corruption, abuse of power, and thereby challenged its authority. This was a situation the PNDC government had not been used to during the earlier part of its rule as a military government. I argue that the PNDC government's desire to remain in power, having formed a political party, the NDC, to contest the imminent elections, and its apprehension about free, particularly, broadcast media, conditioned its handling of the transition to Constitutional rule, and that this period can be seen as *the* critical juncture that laid the foundation for future path-dependent (Pierson, 2000) policy making in Ghana. Even though the return to Constitutional rule saw a reconfigured communication space with many policy actors, the Executive still retained enormous policy making powers to shape and influence communication policy. This is tellingly demonstrated in the following comment from the chairman of the NMC:

> "… the flaw started with the process of passing the law [Act 442] … it was within six months and that meant it must be passed and the parliament at that time was a unitary parliament there was no… opposition yes no opposition, right, in the proper sense..." (Boadu-Ayeboafoh, 2020).

As Chapter four explained, the Constitution required the passing of the NMC's establishing legislation, Act 442 within six months of it coming into force. In the event, the boycott of the parliamentary elections by the NPP led to the NDC winning all the two hundred parliamentary seats, thus giving government total control over the legislative agenda in the

first parliament of the 4th Republic. With complete parliamentary control, it can be seen how the NDC government, already apprehensive about opening up the media space, would want to ensure it still retained if not strengthen its power and influence over the liberalised media through the structures it would create. As discussed later in this Chapter, Ayeboafoh's statement reflects the concentration of power within the Executive - a recurring theme from the data analysis- and demonstrates how successive governments have used that to influence and maintain their control over the communication policy agenda, with implications on institutional behaviour in the communication policy space.

The PNDC government's control over the process of transition to democratic rule can best be described as an umpire and a player. The government started by organising a consultative assembly to consider proposals for a new Constitution; held a referendum to adopt the Constitution; and after lifting the ban on political parties, formed a political party, the National Democratic Congress (NDC) and presented the PNDC chairman, Flt Lieutenant Jerry John Rawlings as the presidential candidate for the newly formed political party. This raised accusations from civil society and the private print media that the transition to democratic Constitutional rule had been manipulated to ensure the continuation in power of Mr Rawlings and his PNDC government albeit under a democratic guise. Thus, from the very beginning questions were raised about the government's democratic credentials. The resulting 1992 Constitution democratised policy making, with an apparent distribution of powers among the Executive, Legislature and Judiciary. The Constitution also created new institutional structures; an independent Electoral Commission; the National Commission for Civic Education; the Commission for Human Rights and Administrative Justice; and, as will be discussed in the next section, the National Media Commission (NMC). Crucially however, the Constitution concentrated substantial powers within the Executive giving enormous powers to any sitting President. Thus, even though the NMC is independent a President still has the power to appoint some Commissioners. The President also has powers under the Constitution to appoint the Electoral Commissioner; Judges of the Supreme Court; numerous Board and CEO positions in the state sector; Ambassadors and High Commissioners; and Regional Ministers and District Chief Executives. Moreover the Executive controls all public finances and is the sole initiator of legislation in the Parliament with the Constitution requiring the President to appoint more than half of the cabinet from Parliament (Constitution of the Republic of Ghana, 1992). The significance of these powers is that it has served to weaken the Parliament's oversight role as parliamentarians cannot initiate independent

legislation without the Executive's involvement[15]. This has been exacerbated by the fact that since the Constitution came into force from 1992 all the Parliaments have had majorities for the ruling party[16] creating a "winner takes all" convention, giving the party in power effective control over the whole public sector and state institutions in the country until the next election. This has given any party controlling the Executive the decisive power to shape the direction of policy and legislation. One parliamentarian who has been involved in communication policy making from both the Executive and the Legislature described the situation as follows:

> "bills do not just run through parliament especially when they are not in the interest of government and when I say interest of government I mean economic or political interest of government" (Interview, Nartey George, 2020).

 Thus, Executive influence on legislation and policy making as a result of the Constitution's power structures is overwhelming, and this made a legal practitioner with experience in media policy to comment:

> "looking at the Constitution itself it has given too much power to government to the extent that government has its hands almost everywhere so institutions that are supposed to be truly independent and to do independent work are not they rather do the bidding of government" (Interview, Adow, 2020).

These statements capture the extent of the Executive's power under the Constitution and how it has been able to use it to shape policy. This has been apparent during digital switchover policy making where, as analysed in Chapter six, the disproportionate power and influence of the government in broadcasting policy making has been evident in the roles played by the Ministry of Communication and Digitalisation (MoCD) and the National Communication Authority (NCA) in defining and setting the priorities of the switchover policy at the expense of pertinent domestic broadcasting policy concerns. In this regard the appearance of a multiplicity of institutions and actors in the new democratic environment following the return to Constitutional rule since 1992 belies where real policy making power has been concentrated and is exercised from.

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[15] The 7th Parliament in the 4th Republic in the year 2020, passed legislation allowing for private member bills in Parliament for the first time.

[16] The December 2020 general elections resulted in a split 137 137 for the government and opposition, with one independent member of parliament joining the government side to vote

What needs to be noted from this section is how Ghana's transition to Constitutional democratic rule served as *the* critical juncture for a reconfiguration of the communication policy making arena. The process was presided over by the (P)(NDC) government which had metamorphosed from a military to a civilian government with an intent to remain in power. The transition to democratic rule therefore was the PNDC's opportunity to manipulate the process to retain control over state policy making institutions. As Pierson (2000) has noted, such contingent events once introduced can be virtually impossible to reverse, as indeed it has been. This can be seen in the inability of successive NDC and NPP governments to reform the system despite persistent civil society calls for Constitutional reform with the most recent failure to reform the Constitution coming in 2014 after a nationwide consultative process to seek public views on ways to reform the Constitution under then NDC administration between 2009 and 2016. In Chapter seven below the discussion has elaborated on how the failure to reform the Constitution by successive NDC and NPP administrations has been a major factor behind the persistence of the broadcasting regulatory regime. The analogue era in broadcasting following the return to Constitutional rule in 1992 witnessed weak policy and regulatory measures for the sector. This benefitted state interests as governments consistently pointed to a "free and plural" media space even as it retained indirect control over the GBC, the national broadcaster. It also benefited commercial broadcasting interests represented by GIBA, due to the absence of clear and relevant broadcasting policy guidance and regulatory measures. Thus, calls for broadcasting regulatory reform such as passing the broadcasting law or empowering the NMC with stronger legislation has always faced resistance from commercial broadcasting interests and lethargy on the part of governments. The discussion demonstrates that the persistence of the analogue era broadcasting regulatory regime, despite the transformations of the television market into a digital multichannel sector has been as a result of the power structures and relations created following the return to Constitutional rule.

Clearly, the (P)NDC government's interests at the time of the transition to Constitutional rule was not just to remain in power but also to be able to control institutions in the manner it had been able to during the previous ten years as a military government. This is particularly true given the PNDC's own fraught history with the media during military rule and the freedoms and independence the new Constitution had provided for the media. Thus, by concentrating power within the Executive the government could still influence the shape and direction of policy through the state institutions it controlled involved in policy making for the

communication sector. In the next section the discussion is focused on the structural and institutional reconfiguration of the communication policy space under Constitutional rule and how this contributed to policy making during the digital switchover process.

5.3 Policy Stakeholders and Actors: New Institutions and Old Structures in the Communication Arena and Policy Making Capabilities

The 1992 4th Republican Constitution of Ghana in chapter 12 structures the media space and provides the principles on which policy can be made. Article 162(1) guarantees the media's freedom and independence, while Article 166(1), provides for the establishment of the National Media Commission (NMC) made up of institutional representatives to serve as the buffer between the government and the state-owned media and also to promote journalistic excellence. As noted above, the return to Constitutional rule led to a reconfiguration of the communication policy space. This thesis goes by an understanding of stakeholders and actors derived from Hutchinson (1999, as cited in Van den Bulck and Donders ,2014) identified on the basis of who they are or represent or belong to and their stake or visibility and impact or power within the policy domain. Thus, people, politicians, regulatory institutions, media organizations and citizens groups or organizations with a vested interest in the outcome of a particular policy (Hutchinson ,1999, p125-140 as cited in Van den Bulck and Donders, 2014,p88). Communication policy making under military rule and indeed throughout much of the country's post-independence history had been exclusively state run. However, with the return to Constitutional rule in 1992 many more policy actors and stakeholders could participate in the policy process for the media sector. This notwithstanding, the Executive still retained enormous policy making powers to shape and influence the direction of communication policy. Thus, in the communication policy arena under the 1992 Constitution, new institutions from civil society such as the Ghana Independent Broadcasters Association (GIBA), the Media Foundation for West Africa (MFWA), and the National Communication Authority (NCA), interacted with older policy actors like the Ministry of Communication and Digitalisation (MoCD) and Ministry of Information (MoI) in policy making. The other structures were a mix of old and new legislative instruments[17]. While this gave the impression of a democratised policy making arena in reality state controlled institutions like the NCA, rather than independent non-state actors such as the NMC and even GIBA, had

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[17] Ghana Broadcasting Corporation Instrument, 1965, Television Licensing Decree 1966, Ghana Broadcasting Corporation Decree, Television Licencing Regulations, 1991 National Media Commission Act 1993, The National Communications Authority Act, 1996,

actual influence in policy making for the sector. Civil society actors such as GIBA and the MFWA were effective when they used their rhetorical power in the media to set policy agendas however the overwhelming influence of the Ministry of Communication and Digitalisation or National Communication Authority for example, was enough to either stall, or extinguish the progress of policy if it was in the government's interests to do so. This policy making structure has laid the foundations for a path dependant broadcasting policy trajectory as successive governments have been unwilling to depart from it because of the influence and control this has brought the Executive over the sector since the return to Constitutional rule.

As discussed in Chapter four a key institution in the broadcasting sector has been the Ghana Broadcasting Corporation (GBC). The state broadcasting institution had grown to become a vertically integrated and hierarchical organisation throughout the country's post-independence era and also centrally controlled by governments through the Ministry of Information. With the return to Constitutional rule since 1992, its reporting line changed from the Ministry of Information to the newly established National Media Commission. The years of GBC as an agency under the control of the Ministry of Information had robbed it of the ability to act independently and influence broadcasting policy. Despite the change in GBC's reporting line from the Ministry of Information to the NMC under the 1992 Constitution however, GBC still remains tied to government through the state paying for the salaries of its staff and indeed still channels all its financial needs through the Ministry of Information as this statement from a senior executive at the Commission illustrates:

> "We have made representation to parliament's special budget committee, we made and they have assured us the NMC will have the state media budgets and not the Ministry of Information"(Interview, Bannerman, 2020).

Furthermore, most of the legislative structures[18] that govern GBC's operations such as its establishing decree date back to the 1960s, a time analogue broadcasting technologies prevailed but are still active legislation despite the transformations brought by digital technologies in the broadcasting sector. One important consequence has been that the reliance on these antiquated legislative structures in an intensely liberalised and commercialised broadcasting sector has further weakened the GBC's ability to effectively compete against

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[18] The Ghana Broadcasting Legislative Instrument 1965, LI 472, NLCD 226, later amended as GBC Amendment Decree 1975, NRCD 334, the Television Licencing Decree 1966, NLCD 89,

new commercial rivals despite its size and nationwide reach. This partly explains GBC's continued dependence on government for funding support such as purchases of capital equipment like studio cameras and transmission equipment among others[19] as well as for staff salaries.

The Constitution gives the National Media Commission the authority over GBC's policy direction. This is a departure from GBC's original 1965 instrument of incorporation in which the President had direct powers not only to appoint and dismiss GBC's chairman and board, but to also fix their tenure of office. Over the years, GBC has faced dwindling state subvention and even though it has a legal mandate to collect the television licence fee has not derived much revenue from it due to the poor and inconsistent arrangements for collection. This has thus forced GBC to compete for advertising revenue against her commercial rivals. Insufficient licence fees and commercial revenues have also forced GBC on numerous occasions, to by-pass the NMC and go directly to government through the Ministry of Information for financial bailouts to the irritation of the NMC. Former Director-Generals in interviews have rationalised this situation to be as the result of the NMC's own financial and logistical weakness and dependence on the Executive and foreign donors to fund its operations in the media sector (Interview: Don-Chebe, 2020, Akuffo Anoff, 2020). As discussed in later sections the democratisation of the policy making space has not necessarily empowered the NMC as an independent media regulator and policy maker but rather rendered the institution a weak and ineffective policy maker for the broadcasting sector.

Clearly the liberalisation of the media following the 1992 Constitution did not adequately, if at all, address GBC's position in a liberalised and commercialised broadcasting environment as the communication policy arena created after democratisation has deprived GBC of an independent ability to function as a public service broadcaster (PSB) as envisaged in its establishing legislation. As later sections in the Chapter explain GBC's response to the challenges it has faced in the commercialised broadcasting market following the return to Constitutional rule have been ad-hoc and unconnected to any broader policy for the broadcasting sector.

Another institution that has been influential in broadcasting over the years has been as already noted, the Ministry of Information, long the policy-maker for the media sector

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[19] GBC in 2019 appealed to the government to help it pay off its GHS 25 million debt, the equivalent of £3 million, owed to the country's Electricity Company.

throughout the post-independence era in Ghana. Under the PNDC government, the Ministry resurrected the tenets of an old broadcasting law from the Colonial era, the Wireless Telecommunications Ordinance of 1945 (Ordinance No. 30 of 1945) which made it illegal to operate or work a wireless telecommunication station within the Gold Coast "except under and in accordance with a licence granted by the Governor" (Ahmed, 2012, p64). The legislation gave the Minister the power to approve any private broadcasting service. Under earlier legislation passed in 1965 the Minister of Information had powers to give binding "general directions" to GBC. However, with the establishment of the NMC under the 1992 Constitution the Ministry's formal policy role diminished and with it the loss of a Minister's direct ability to steer the direction of media policy. For GBC, this has meant the Minister of Information's power, held throughout the post-independence era to appoint the boards and Chief Executive Officers of the state media and to also instruct on editorial matters have been abolished. Over time, the state-owned print media especially the *Daily Graphic* and *Mirror*, have undergone structural changes that have loosened further the government's control over its editorial stance which in the past was exercised especially over sensitive coverage of current affairs and biased in favour of government. The newspapers now have a more independent approach to public affairs coverage, unlike GBC's approach, despite the independence it enjoys under the 1992 Constitution. Broadcasting remained exclusively state operated, even during the early years of the return to Constitutional rule with GBC still controlled by the Ministry of Information until the monopoly was broken in 1994 when Dr Charles Wireko-Brobbey and his partners launched *Radio Eye*. As has been demonstrated, the Ministry of Information's influence over GBC and broadcasting policy generally is now indirect as GBC continues to channel its budgets through the Ministry for Cabinet and parliamentary approval.

In this connection the institution that has emerged as an influential policy actor for the broadcasting sector has been the Ministry of Communication and Digitalisation. Its incarnation as the erstwhile Ministry of Transport and Communication did not have much significance or role in the broadcasting sector. However, following the split that separated the Communication from the Transport functions the new Ministry has become the policy maker for the communication space. The restructuring coincided with the liberalisation of the telecommunications sector and the privatisation of the state monopoly Post and Telecommunication Corporation (P&T). Making the new Ministry the policy maker for the communication sector also gave the Executive a powerful backdoor role into broadcasting

policy making. When considered against the fact that the NMC, as the formal media regulator had been designed to serve as the buffer between the state-owned media and government, then policy making for the broadcasting sector should have been the preserve of the NMC. This could be argued to be the formal situation, however, informally at least, when considered within the context of technological convergence, the split had the effect of shifting the direct broadcasting policy making role of the Ministry of Information to an indirect one by the Ministry of Communication and Digitalisation. Through the NCA, an agency under the control of the Ministry, the state has been able to exercise enormous policy power over the broadcasting sector unlike the NMC, the independent institution mandated to do so under the 1992 Constitution.

5.4 The Making of a Powerful Policy Actor: The NCA

The liberalisation of the broadcast market allowed private broadcast stations for the first time in 1993 and raised the issue of which institution should allocate broadcast frequencies. As noted earlier the only institution responsible for spectrum management had been the Ghana Frequency Registration and Control Board (GFRCB) set up in 1977[20] during General Acheampong's regime and controlled by the military and intelligence services. In the run up to the NMC Act, civil society actors called for the functions of the GFRCB to be brought under the control of the NMC. This was based on a concern about the independence and transparency in the operations of the GFRCB.

However as was discussed in Chapter four, the NDC government eventually took a different view even though it had earlier signalled its agreement. The events that occurred during the policy vacuum between the passing of the NMC and NCA Acts in 1993 and 1996 respectively, thus, demonstrate the government's exercise of direct power as well as and non-decision making power (Bachrach and Baratz, 1962, Lukes, 2005). It also demonstrates the opportunities for agency in the new policy making arena (Giddens,1984). With private ownership of broadcast media permitted under the Constitution applications were submitted to the Ministry of Information but the Ministry would in turn redirect such applications to the GFRCB. Since there were no guidelines in place to guide such a process GFRCB would in turn claim they had to seek clarifications from the Ministry of Information. This resulted in an interminable merry-go-round prompting frustration among civil society actors and

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[20] Telecommunication Decree 1977

accusations against government of deliberating making the process for broadcast frequency acquisition difficult.

The continued uncertainty surrounding broadcast licence acquisition despite government lip service about putting in place the required guidelines forced a reaction from some who thought the government was deliberately manipulating the situation to favour its interests. An opposition politician, Dr Charles Wireko-Brobbey and his partners to set up a radio station, *Radio Eye*, without authorisation claiming the wording in the Constitution forbade state institutions the power to award broadcast licences in the first place. After a month of broadcasts *Radio Eye's* premises were raided by the authorities and their equipment confiscated. The issue ended up at the Supreme Court, which in its judgement ruled that the state had the authority to issue broadcast licences. After this judgement the government issued a number of radio broadcast licences through the Ministry of Information and the GFRCB before the NCA was finally established 1996 to regulate the telecommunication sector in addition to a mandate to award broadcast frequency authorisations. The NCA was also established as the technical agency under the Ministry of Communication and Digitalisation and in its legal architecture is essentially a reformed GFRCB (Ahmed, 2012). Compared to the NCA's establishing legislation, the NMC's legislation is weak especially as regards its influence over the broadcasting sector. This makes apparent the NDC government's intention not to make broadcast frequency allocation to private broadcasters an independent exercise under the NMC, as called for by civil society actors but rather maintain government control over the sector through control over frequency authorisations from the NCA, and with that, an indirect influence over the development of broadcasting policy. However, the NCA's lack of political independence and transparency in broadcast frequency authorisations was a major theme in the data analysis presented in Chapter three. This is encapsulated in the following statement from a media policy activist:

> "the NCA operates in an excessively opaque climate; you don't know how people get broadcast frequencies allocated to them; we tend to see that politicians are actively involved in setting up broadcast stations" (Interview, Ampaw, 2020).

As has become apparent in the discussion, the concern over the NCA's neutrality and its lack of transparency in broadcast frequency authorisations has its roots in the concerns expressed by civil society actors who advocated for the NMC rather than the NCA to be given the mandate to authorise broadcast frequencies. The NCA however continues to maintain that it

only has a "technical" regulatory mandate in the broadcasting sector, in the sense that its power is limited to ensure that the prescribed broadcast equipment is used and maintained in the sector. This notwithstanding, the fact that the NCA has authorised broadcast frequencies has given it wide influence over the broadcasting sector, much more than the NMC has been able to command and the NCA has thus jealously guarded this mandate particularly in its relationship with the NMC over the broadcasting sector. As is discussed in the next section, this became even more evident during the digital switchover policy making process when the NCA's lack of political independence was a big factor that gave the institution an influential role in the broadcasting space compared to the NMC. Once again, it becomes apparent how the (P)NDC government's control over the democratisation process served as the critical juncture that reshaped how communication policy was made under Constitutional rule but still maintained the Executive's ability to influence and control the direction of broadcasting policy without an overt challenge to the Constitutional role mandated for the NMC. It is this structure that continues to sustain the path-dependant communication policy making trail by the Ministry of Communication and Digitalisation and the NCA, regardless which political party happens to be in power in Ghana.

Returning to the National Media Commission, it was designed as the buffer between the state-owned media and government and also as the regulator to promote journalistic excellence in the media space. Akuffo-Anoff (2016) has argued that the National Media Commission Act 1993, as amended, is an improvement on the 1979 Constitution's Press Council legislation. Under the 1992 Constitution it is the NMC that makes appointments of the GBC's Director-Generals but in *consultation* with the President. The NMC came about as a result of strong civil society advocacy during the transition to get the government to stay off the media under Constitutional rule after many years of governments, especially, during the PNDC regime controlling the media through the Ministry of Information and giving government the ability to interfere in the operations of the GBC and other state media. The 1992 Constitution made the NMC an independent body with institutional representatives from the Ghana Bar Association (GBA), the Ghana Journalists Association (GJA), Parliament, Christian and Muslim associations among others serving as Commissioners. The President nonetheless appoints representatives to the NMC. The NMC's formal independence notwithstanding, it has been rendered weak and ineffective as a media regulator partly because it is dependent on government for all its financial and logistical needs. More than that its other weakness emanates from how its establishing legislation was structured. An

active media policy reform campaigner and lawyer in the country noted the effect of this weakness:

> "the law backing the NMC has deficits that sometimes disables them in terms of what they can do" (Interview, Ampaw, 2020).

What this means in essence is that the NMC's establishing legislation did not hand it any powers to sanction errant media, particularly in the broadcasting sector. As discussed in Chapter four, the NMC's legislative and institutional weakness can be traced back to the events surrounding its formation. The Constitution set a six-month window within which its establishing Act had to be passed, after it had come into force. While this was achieved, it came without sufficient empowering clauses to make the Commission an effective media regulator as called for by civil society actors, and envisaged by the Constitution. In the event, the NPP's absence in the first parliament of the 4th Republic handed the passage of the Act to the 200 strong NDC parliamentarians. This was because the NPP boycotted the 1992 parliamentary elections over accusations of electoral rigging by the PNDC government, which had controlled the electoral process, and was also a participant in the form of the NDC. This robbed the passage of the Act of proper scrutiny and debate in the parliament. I argue that given the NDC government's already noted apprehension about a free media under Constitutional rule, this, and the "winner takes all" convention noted in Chapter four combined to make it easy for the government to ignore civil society advocacy, and the Constitutional vision for an independent media regulator in the NMC.

Since it was set up the NMC has published a number of policy guidelines for the media. However, with a fast growing commercial and competitive broadcasting market the NMC's weak establishing legislation, and the absence of a broadcasting law, have meant those guidelines and instruments have had only limited effect at best and in most cases not worked at all since broadcast stations have not been under any legal obligation to follow the provisions in the guidelines. Thus the combined absence of a broadcasting law and the NMC's own weak legislation have been major factors that have made the NMC an ineffective regulator for the media especially the broadcasting market. The NMC has acted more like a press Ombudsman, reduced to dispute mediations between parties over media publications than the envisaged media regulator. As I discuss in the next section this lack of empowering legislation and weak policy making capability saw the NMC play a marginal role in the explosive growth of the broadcast sector with its inability to enforce its own policies and

guidelines. Thus, many of the policies and guidelines such as the National Media Policy 2000, and the Broadcasting Standards 2000, have not been effective as instruments for regulating the broadcasting sector, unlike those from the NCA.

The NMC, has however fought for its independence and has been a vocal champion on matters concerning the media's independence and protecting it from government interference. The NMC demonstrated early agency when it challenged the NDC government at the Supreme Court over its right to appoint the Executive Secretary for the Commission. Before the NMC Act was passed, the newly elected NDC government ostensibly actualising the sentiments expressed at the consultative assembly for a free and independent media had gone ahead to appoint the Executive Secretary for the yet-to-be established NMC. The Commission after it was established took the matter to the Supreme Court seeking interpretation over whether the government had the power under the Constitution to make such appointments for the role. The Court's judgement established that it was the Commission that rather had the proper authority under the Constitution to make such appointments to the state media institutions but, in *consultation,* with the President. During the switchover process the issue of whether it was NMC or the MoCD that had the rightful mandate to control the newly constructed digital transmission infrastructure came up and again the NMC threatened to seek Judicial interpretation at the Supreme Court.

As noted earlier new actors and communication policy stakeholders have emerged under the 1992 Constitution, such as the Parliamentary Select Committee on Communication, the Media Foundation for West Africa (MFWA), the Ghana Journalist Association (GJA), and the Ghana Independent Broadcasters Association (GIBA). However, their capacity to decisively shape policy in most cases has been rhetorical. The GJA and the NMC, for example, have been regular partners in advocacy for journalistic freedoms and the media's independence from governmental interference, while GIBA and the MFWA, during the digital switchover policy making process have challenged the Ministry of Communication and Digitalisation and the NCA over some of their policy proposals. There is no question however that given the new structural configuration and policy capacity it affords the Executive, governments hold the decisive power in the communication policy making arena.

The forgoing illustrates the fact that under Constitutional rule, there has been a seeming democratisation of the institutions and structures in communication policy making with the creation of organisations such as the NMC and NCA giving the impression of a pluralistic

policy framework. This democratisation, however, belies where real policy making power resides, which is in the Executive and has given government disproportionate influence through the state institutions it controls. The transition to Constitutional rule therefore demonstrates the moment of critical juncture that reshaped the communication policy making arena and concentrated such huge powers within the Executive. The result has been that the state has retained decisive influence and control over broadcasting policy making. One consequence of this has been to render the NMC an ineffective media regulator due to its weak establishing legislation. Even though the NMC, on occasion, has demonstrated agency such as when it challenged the government at the Supreme Court, the broader structural condition has still limited its ability to operate independently, such as its reliance on the government to approve its budgets and the consultation with the President before the appointment of the Director-Generals of GBC. The theme of policy and regulatory weakness identified in the data analysis explains this lopsided consequence of broadcasting policy capability since the return to Constitutional rule that has resulted in a fragmentary and uncoordinated policy making culture, even as the Ministry of Communication and Digitalisation and the NCA have dominated in the policy making process during the country's digital switchover policy making. These issues are discussed in detail in the next section.

5.5 Uncoordinated and Fragmentary Broadcasting Policy Development: The Consequence of Liberalising the Media Space from 1993 to 2000

After decades of state monopoly in broadcasting and with commercial broadcasting a novelty, there had not been the opportunity for interested actors to participate consistently in broadcasting policy making. Nonetheless, civil society very early on carved out a space for their participation in communication policy making under the new Constitution and set an agenda around media freedom and the need for an independent regulator. The novelty of commercial broadcasting and the history of state repression of media fuelled this agenda, with calls for a review of the Ghana Broadcasting Corporation's (GBC) legislative mandate and with a PSB remit that could meet the challenges of the commercialised broadcasting sector. Civil society also called for broadcasting frequency allocation to be made an independent and transparent function of the National Media Commission (NMC) (Karikari, 1994). While civil society actors possessed rhetorical power to set this agenda, the very broad spread of institutions involved - from academia, advertising, law, engineering and programme

planning - and with each having their distinct understanding and interests about the implications of commercial broadcasting robbed them of internal cohesion and organisation to sustain their advocacy once the Constitution came into force from 1993. A sustained policy advocacy could have helped shape an early coherent policy framework for the liberalised broadcasting sector. In the event, the lack of sustained policy advocacy for the media contributed to creating a fragmentary and uncoordinated policy making culture and in the process also ceded the space to the interests of the more powerful policy actor, the Executive, and the various institutions under its control. The section below provides a detailed discussion on this issue.

Media liberalisation under the 1992 Constitution introduced for the first time in the country's history private ownership in broadcasting. This was a departure in broadcasting policy since Ghana gained her independence in 1957, as discussed in Chapter four. Even though the Constitution came into force in 1993, it was not until 1995 that the first FM radio broadcast licence was issued and finally broke GBC's monopoly in Ghana's broadcasting space. From then on the broadcasting sector witnessed the emergence of an intense commercial logic in broadcasting, with private broadcast media in a keen competition for audiences and advertising revenue. By the year 2000, there were over one hundred radio stations and four new television stations operating mainly in the major cities, in addition to Ghana Television *GTV*, the rebranded television service of GBC. By 2010, the numbers had jumped to over two hundred radio stations and ten television stations, many of which had extended their coverage across the country but still not providing anything close to national coverage.

Current figures from the NCA show that there are thirty six (36) digital terrestrial television programme channels broadcasting and forty eight (48) out of sixty three (63) satellite direct-to-home authorisations broadcasting as at May 2021(National Communication Authority List of Authorised TV Broadcasting Stations in Ghana as at First Quarter 2021). As already noted commercial broadcasters are over concentrated in the advertising lucrative major cities and urban centres, providing little services for villages and the hinterlands apart from the GBC's operations, which cover 59.39% of the land mass of Ghana and 79.50% of the population. In the radio broadcast market commercial broadcast licences are designed to cover a specific radius however the major players in that market- for example *Joy FM*, *Peace FM*, and *Citi FM*- have been able to extend their coverage to other profitable markets through syndication arrangements with stations in other regions thus contributing to a limited range of

programming on these smaller radio stations outside the major urban centres that serve local interests.

This situation illustrates the kind of broadcasting landscape the uncoordinated and fragmentary policy making has created since the broadcasting sector was liberalised. It also highlights what commercial radio dissident and opposition politician in the early 1990s Dr Charles Wereko-Brobby claimed. He argued that the 1992 Constitution liberated rather than liberalised the media (Akpabli, 2020). By this, he means that the liberalisation of the broadcasting sector developed without a coherent and well laid out policy about how to develop broadcasting following the media's pro-competitive market restructuring under the 1992 Constitution. As noted in Chapter four, Dr Brobby's actions had forced the issue of frequency authorisations onto the broadcasting policy agenda during the immediate period after the Constitution came into force by setting up *Radio Eye* with his partners. While early advocacy from civil society groups called for an independent media space without government interference, perhaps the euphoria upon seeing provisions in the new Constitution granting those freedoms also contributed to the lack of sustained interrogation about what an independent broadcasting sector should look like and the policies that would be needed to shape it, since the PNDC's repressive media laws had been repealed under the 1992 Constitution.

Against this background, it became normal for different actors to pursue different broadcasting policy objectives with each pushing the particular interests they thought would serve them best but without a system-wide coordination and coherence in those undertakings.

GBC, for example, began its broadcasting decentralisation policy by establishing FM stations across the country in the early 1990's along regional and linguistic lines (Heath, 2001).They also rebranded their television service into Ghana Television (*GTV*) giving it a national orientation where new entrants only covered regional centres. The station had since the Colonial days been subvented by the state with the provision of staff salaries and capital expenditures such as studio equipment and cameras, however, in the face of ever dwindling state support it had come to be very reliant on advertising revenue to supplement its finances. Akuffo-Anoff (2016) cites a former Director-General of GBC as saying that GBC in the days after the Constitution came into force was left to its own devices to develop its own policies. This, perhaps, reflects in the station's early policy response to the imminence of the broadcasting sector's commercialisation. A coherent and well-coordinated policy would have

also considered the reform of GBC's 1968 incorporating Decree, as had been recommended by civil society actors together with its decentralisation drive and positioned GBC properly as a public service broadcaster (PSB) with a clear definition of its sources of funding in a competitive commercialised broadcasting market. The effect of this laxity in policy for GBC has been that, despite a new broadcasting environment where the station reports to the NMC and not the Ministry of Information as pertained before, GBC is perceived as still politicised, with governments able to influence its journalism especially during national elections (see Sparks, 1998, for some similarities with the post-communist Eastern Europe).

GBC, was, thus set on a path dependent trajectory that has seen the station play multiple roles as a state broadcaster, a commercial broadcaster, as well as expected to be a public broadcaster in a commercialised broadcasting market, which emanated from the initial fragmentary and incoherent policy approach taken. It is also worth highlighting that given the context at the time unlike Akuffo Anoff's reflection, GBC could not have embarked on such a major policy without the knowledge, if not support at the very least, of the Ministry of Information. It is plausible to argue that government gave a quite but tacit endorsement of this piecemeal policy approach because of the changed broadcasting landscape with the presence of a nascent NMC and its Constitutional mandate to regulate the state-owned media. Such an action would therefore avoid any accusation of interference in the state-owned media on the part of government but still secure its interests of the continued influence over the state broadcaster with the imminent commercialisation of the broadcasting market and the promise of more broadcast media. Since a wholesale reform of GBC would make it more independent, this would hardly serve government interests. Thus, a good pretext would be to not be seen directly involved whilst still holding behind-the-scene influence. This fragmentary policy development in broadcasting has contributed to GBC's current institutional weakness as was reflected in its marginal role during the switchover policy making process.

Further evidence about uncoordinated broadcasting policy making can be seen in how the NCA was established. Unlike the NMC, whose establishment had been mandated by the 1992 Constitution, I argue that the NCA's creation came out of the NDC government's interest in having control, albeit indirect, over the emerging independent broadcasting landscape. It was noted above how the split in the erstwhile Transport and Communication Ministry created a new Ministry of Communication with policy responsibility over the telecommunication sector. The significance of this move should be seen in the context of technological convergence and the noted institutional weakness of the NMC, the formal media regulator.

Chapter four noted how the NDC government, in the face of civil society calls for an independent body to have the responsibility for broadcasting authorisations actively considered handing that mandate to the NMC with a statement by the then Minister for Information, Mr Kofi Totobi Kwakye in the Parliament. The government however reneged on that promise and passed the law establishing the NCA as the telecommunication sector's regulator and handed broadcasting frequency authorisations to the NCA but not the NMC, as civil society actors had called for. This U-turn is further illustration of the government's intention not to make broadcast frequency authorisation an independent activity. Had there been a coherent and coordinated policy guiding this process, clear guidelines on broadcast media ownership, obligations for broadcast media, GBC's place and funding, as well as on programming and other content issues would have been developed to accommodate the impact of digital technologies in broadcasting. However, by making the Ministry of Communication the policy maker and the NCA's its implementing agency, the state found an indirect route to influence and shape broadcasting policy when the NCA was given the mandate to authorise broadcast frequency licences.

The NCA regularly claim its mandate over the broadcasting market is only technical, with the NMC as the content regulator. Nonetheless its mandate to award broadcast authorisations has given it a disproportionate influence over the broadcasting market compared to the NMC and made the institution the *de facto* regulator for the broadcasting sector. Under the Electronic Communications Act, the NCA can fine broadcasters or even revoke their licences, giving it much more real power over the broadcast media than the NMC has. Thus the explosive growth in commercial broadcasting since the first licence was awarded in 1994 occurred due to the NCA going ahead to award broadcast licences with opaque licensing criteria and a narrow set of technical obligations on broadcasters (see National Communication Authority Schedule of Penalties, 2004) but without the NMC's involvement. The broadcasting market has thus developed as a plural sector but without standards for programme diversity, advertising, children's programming and programme quotas for example. Another effect has been the blurred distinction between commercial and community radio stations due to a lack of clear policy, with the capital-based stations, as noted earlier, able to syndicate their news and other popular programmes across other markets.

The uncoordinated sectoral policy making has regularly lead to turf battles, such as during the digital switchover process, when the Ministry of Communication and Digitalisation and the NCA, on one side, clashed with the Ghana Standards Board, the state agency responsible for

setting technical standards on the other, over which institution held the rightful mandate to determine the specifications for a Conditional Access system for set top boxes (STB) that had been introduced by the Ministry in the revised policy in 2018. Another was the requirement in the draft DTT policy from the Ministry for broadcasters to schedule seventy per cent local content in their programing without a definition of what "local content" meant and no consultation with the NMC. Thus, the tendency towards fragmentary policy making and the turf protection battles it exposes has been conditioned by the manner in which the communication space was structured during the transition to Constitutional rule and in many ways became the pattern during the digital switchover policy making process, as discussed in Chapter six.

With a weak establishing legislation and no mandate to authorise broadcast licences, the NMC's capability as an institution with policy influence over the broadcasting sector has been severely deficient as a result. Furthermore, its mandate to promote journalistic excellence, as well as be the buffer between the state-owned media and the government has not been backed by a broadcasting law. This absence, together with the NMC's financial and logistical challenges have weakened the institution such that the rapid development and commercialisation of the broadcasting sector occurred largely without much input from it, unlike the NCA. Where policy was enacted this rather came late and thus, had no effect on the sector due to the challenges mentioned above. For example, it took the NMC until the year 2000 to develop its National Communication Policy, and the Broadcasting Guidelines, six years after the first broadcast authorisation was granted. Moreover, because there had not been any coordination between the NCA and NMC when awarding broadcast licences, these policy measures have merely existed as isolated documents that have not been taken seriously by broadcast stations because they are not legally compelled to follow them. The NCA has thus awarded broadcast authorisations without obligations on the broadcast owners, except the technical requirements. Overtime, this lack of policy guiding the development of the broadcasting sector has created a competitive and highly commercialised broadcasting market, unaccustomed to regulatory requirements and without clear policies, where they even exist, to tackle the complexities associated with the influx of foreign programmes, inciting language on political talk shows, and GBC's future as a PSB in the commercialised broadcast market. Whilst the NMC has been regularly called upon to "sanitise" the broadcasting sector, the inadequacies noted above have not made its actions effective. Furthermore, the emergence of the Ghana Independent Broadcasters Association (GIBA), the powerful lobby

group for commercial broadcasting interests has compounded the NMC's inadequacies. Unused to regulatory interventions, GIBA has consistently challenged any effort to introduce better regulatory measures or reform in the courts to protect its member's interests. GIBA members, for example, used their broadcast outlets to wage a campaign against the NMC and GBC's proposals to reinvigorate the collection of the TV licence fees as a way of weaning GBC off state support to make the station more independent. Discussion programmes were used to whip up public sentiments against such collections with some commentaries questioning why audiences had to pay a TV licence fee when GBC offered poor programming. GIBA also challenged the NMC's proposals for content guidelines at the Supreme Court over what they argued to be a legislative instrument designed to interfere with their editorial freedom granted under the 1992 Constitution. Again during the digital switchover process, GIBA challenged the Ministry of Communication and Digitalisations's inclusion of Conditional Access (CA) requirements in the revised 2018 DTT policy at the Supreme Court. The longer these have persisted, the greater it has added to the problems created by the already fragmentary and uncoordinated policy making environment. For the broadcasting sector this has sustained the policy and regulatory vacuums that have been exploited by powerful actors like GIBA and the government. The above portrait to some extent parallels the Greek television experience following deregulation as observed by Papathanassopoulos (2014), with an unregulated terrestrial broadcasting structure characterised by a weak public broadcaster, patronage politics, cronyism and haphazard policies (Papathanassopoulos ,2014, p21), see also (Papathanassopoulos, 2007),(Psychogiopoulou, Casarosa and Kandyla, 2013).

This point is discussed in more detail in Chapter seven as it relates to the challenges of reforming the broadcasting regulatory regime.

The earlier discussion nonetheless noted the NMC's demonstrated agency when the regulator introduced the Content Standards Legislative instrument in 2015 as its response to growing calls to curb the excesses of broadcasters[21] and also its early fight to carve its independence from government interference and manipulation in the case *NMC vs Attorney-General* in 1993. During the digital switchover process, the NMC has publicly tussled with the Ministry of Communication and Digitalisation over which institution had the mandate, under the Constitution, to control the digital transmission infrastructure and threatened to seek judicial

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[21] The NMC has the power to enact subsidiary legislation through parliament's subsidiary legislation committee. This power, however, is limited compared to the process of passing a law, such as a broadcasting law

interpretation on the issue (www.Ghanaweb.com/Ghanahomepage news archive, no date). These illustrate the NMC's preoccupation with its own independence and the independence of the media from government control, but has produced contradictory effects in broadcasting policy making efforts. On the one hand, it has made government, formally at least, take a "hands off" stance, in relation to initiating policy such as regarding regulatory reform in broadcasting, but on the other hand the NMC still goes to government to seek financial and logistical support, such as in 2020 when it sought, through the Ministry of Information, support to initiate reforms for GBC, due to its own incapacity, thus, providing avenues for government to exert influence even as it claims to be fighting for media independence. This suggests how the policy making structure makes it impossible for effective agency without the Executive's involvement either directly or indirectly.

The discussion in this section has highlight how the post 1992 Constitutional environment engendered a turf protection culture which has resulted in fragmentary and uncoordinated communication policy making where different actors have pursued broadcasting policy without much consideration for its wider effect on the whole sector. Overtime, the end result has been ineffective policy, where it has existed, or absent altogether. In this context the dominance of the Executive in policy making as a result of the concentration of policy power within it has been the decisive factor that has shaped the direction of policy. Chapter six has discussed how this affected policy making during the country's digital switchover process, when actors could not come together to provide a coherent and sustained advocacy for making long-standing broadcasting policy concerns part of the digital switchover priorities of the country's digital terrestrial television (DTT) policy. The discussion highlights how the structure of the communication policy arena has favoured some state policy institutions such as the NCA, as seen in its relationship with the NMC over the broadcasting sector and their differing capacities to shape policy. It particularly, also, points to the limits of agency exercised by non-state and independent actors either as policy coalitions (Sabatier, 1988) or individually. These themes were highlighted in the data analysis presented in Chapter three and are discussed in more detail in the concluding Chapter in this thesis. In the next section, the discussion is focused on how the structural and institutional make-up of the policy arena enabled, as well as inhibited, digital switchover policy making in Ghana.

5.6   Structural Enablers and Inhibitors of Digital Switchover Policy Making

5.6.1: Enabling Factors for the Digital Switchover Policy Process

Executive dominance in policy making power had some benefits during digital switchover policy making. Despite the democratised policy space that enabled more actors, the nature and requirements involved in migrating the country's over four million analogue television households, to receive digital transmissions, required a level of policy leadership and the mobilisation of technical and financial resources that could only be handled by the state unlike the experience of switchover from the United States of America and Europe, where commercial operators could bid for and construct digital transmission infrastructure.

The main government concern driving digital switchover policy had been to complete switchover within the original ITU deadline of 15th June 2015. The immediate challenge therefore involved what technical standards to adopt, and how to migrate the four and half million analogue television households in the country without them losing access to television services. As discussed in Chapter six, this favoured the MoCD being the communications policy maker since the 1992 Constitution came into effect, with the NCA as its technical agency managing the country's spectrum as well as being the telecommunication sector's regulator. The leadership and credibility built over the years thus lent them the legitimacy to lead in fashioning digital switchover policy. A parliamentarian who had worked on the switchover policy under the previous NDC government put it this way:

> "…the NCA has played a lead role because the first phase of this policy was infrastructure…" (Nartey George, 2020).

With Executive power behind it, the technical prioritisation and framing of the switchover policy by global epistemic and policy communities also helped the MoCD lead the process with the mobilisation of technical experts and stakeholders to form a committee to fashion switchover policy and chart a roadmap for its implementation, since domestic non-state actors did not possess the expertise to lead such a process. Executive power also became evident in the sourcing of funding needed to construct the digital transmission infrastructure, when the government initially entered into an agreement with StarTimes of China to secure a Chinese government grant to build the digital transmission infrastructure. As discussed in Chapter four however, this failed, following which, a new arrangement was made with a local telecommunication company, K-Net, but this time funded from the auctioning of Lot 1 of the

country's digital dividend organised by the NCA. Earlier discussions had proposed a Public Private arrangement to construct the digital transmission infrastructure to make it independent of government as well as commercial interests. GBC also expressed its desire to build and manage the transmission system, leveraging its vast telecommunication engineering experience, expertise and footprint across the country and even went ahead to register a company for that purpose. GIBA objected to this, arguing that with GBC under state control, government could interfere in its operations, or being a competitor, such an arrangement raised the possibility of their members' broadcasts being sabotaged to their commercial disadvantage. In the event, the MoCD used its authority to get GBC to release her 42 transmission sites across the country to the NCA for the construction of the transmission infrastructure and thus, thwarted GBC's earlier intention to build and manage the transmission system itself. The huge financial costs involved in building the transmission system also meant it was only the state that could shoulder such a burden. It is fair to argue therefore that the concentration of power within the Executive which had given government powerful policy leadership enabled this process especially given the weak policy and financial position of non-state actors. In that sense, the centralised policy making structure in favour of the Executive can be seen to have been used to exercise power to mobilise actors and stakeholders behind the policy making process. Such exercise of power can also be seen in the manner state actors framed the digital switchover process as a national technical project, which ensured the marginalisation of the long standing broadcasting policy concerns, such as passing the broadcasting law and reforming the National Media Commission.

Switchover policy making, ironically, was also aided by the incoherent and fragmentary policy making culture as a result of weak institutional policy capacities that had characterised the broadcasting sector. The turf battles between the NCA and the NMC principally, and other institutions, had created specific fiefdoms over specific policy positions that each actor championed. The NMC, for example, had long been vocal about the need to protect the independence of the media as it was mandated to do by the Constitution. During switchover policy making, the institution played a marginal role with a sole representative on the MoCD's Committee. The NMC, however, came out strongly when the issue of which institution should manage the digital transmission infrastructure - after construction completed - became topical. Beyond this, the NMC did not play any other meaningful role during the process. Likewise, GIBA, had also fought against previous moves to bring more regulation to the broadcasting market, but their main concern during the switchover process

became the many postponements of the analogue switch off date until the MoCD introduced the Conditional Access (CA) requirements for set-top box (STB) manufacture in the revised 2018 DTT policy. This then became GIBA's main issue with the switchover process and as noted above, even challenged the NCA over the issue at the Supreme Court for judicial interpretation.

Institutional policy weakness also added to fragmentary and incoherent policy making in the broadcasting sector. As discussed already, the NCA had gone ahead to award radio and television broadcast licences without regard for the principles outlined in the NMC's National Communication Policy, and Broadcasting Guidelines. The broadcasting space therefore lacked a framework that could serve as the foundation for conceptualising the implications of a digital multichannel television market. Added to this, the long absence of a broadcasting law since the broadcasting space was liberalised had also had its effect. In the context of digital switchover policy, this highlighted the NMC's weakness as the so-called content regulator for the media space, raising questions about its institutional capacity as a regulator. As a legislator involved in communication policy put it:

> "If we can question the capacity of the NMC itself to manage the digital [transmission infrastructure], then it means if the NMC cannot manage the infrastructure, how do they regulate [the broadcast sector]." (Interview: Sam George, February 2020).

This partly explains the NMC's marginalisation during the switchover process since it had not developed the policy capability to participate meaningfully in the policy making process but rather confined itself to the narrow question of securing the media's independence from government interference. This weakness on the part of the NMC and the technical prioritisation and framing of the digital switchover policy, consequently, made it logical for state policy actors such as the MoCD and the NCA to take the lead role in the policy making process. Furthermore, the fragmentary and uncoordinated policy making culture that had characterised the arena also meant there was no dominant policy position from other actors to be considered together with the state's technical framing of the digital switchover policy, which emphasised the early completion of the digital switchover process in other for the country to enjoy the better picture and sound quality as well as interactive services promised by the policy, and also not be left behind in the march to modernise broadcasting.

5.6.2 Inhibiting Factors of the Digital Switchover Policy Process

Structures in the communication policy arena also inhibited the digital switchover policy making process. Since Ghana launched her DTT policy in 2010, analogue switch off had been rescheduled on many occasions and for legal and political reasons as examined in Chapter four. At the time of writing (July 2022) even though all the technical transmission systems had been completed with new and old channels broadcasting on the digital platform, the government had still not been able to announce a firm date for ASO.

An initial delay to the process came when the contract with StarTimes of China, signed in 2011 to build the digital transmission infrastructure ended up in court without the infrastructure being built. It took the government a further three years to exhaust that legal process. The government later appointed a local telecommunication engineering firm, K-Net, to restart the process, thus, making the original December 2014 ASO date redundant. With a new ASO date set for December 2015, financial and energy issues combined to delay further the completion of the process since the government needed additional funding to provide solar energy for the transmitters as the country went through a period of severe power shortages. This delay pushed the ASO date set for September 2016 to December that same year. However, the government abandoned this altogether to focus on its campaign for re-election in 2016, as campaigning intensified and despite its launch of a publicity campaign in early 2016. This illustrates how the state, with its near monopoly over the process, could slow down, speed up, or seek new ways of completing the process depending on how internal and external events affected its interests. It also suggests that unlike the experience from the USA and Europe, where the state rather played a facilitating role to help the market to drive the process, the exclusive dependence on the state to lead and drive the switchover process in Ghana and arguably other African countries was double edged. The state could enable, or as this experience show, slow down the pace of the switchover process, thus, giving it an overall inhibiting effect.

Another issue that held back the switchover process was the tussle, as yet unresolved at the time of writing in July 2022, between the MoCD and the NMC over who should control the digital transmission infrastructure. The two versions of the DTT policy, published in 2016 and 2018, had proposed a government board with representations from GIBA, the NMC, the NCA, and a Chief Executive appointed by the President. However, GIBA and the NMC

challenged this proposed composition. GIBA's objections were two-fold: first, about the presence of government appointees and regulators on the board, and second, the state's involvement which they feared could be used to censor critical broadcasters of government.

The NMC's objection, as noted earlier, was based on their reading of the Constitution which gave them the sole power to be the appointing authority for state media institutions. The Ministry of Communication and Digitalisation however went ahead to set up an independent company, the Central Digital Transmission Company (CDTC) and installed an acting Chief Executive Officer[22]. The Ministry also stated that it was working on a policy on charges for broadcasters using the multiplex. What is significant about these developments is that they occurred without the active involvement of the NMC and GIBA, two very significant actors to be consulted in any such endeavour. Top NMC and GIBA officials stated that the hard line stance of the MoCD was because of the posture of the current Minister of Communication and Digitalisation. They claimed the Minister's stewardship of the process had been characterised by mistrust, suspicion, and antagonism, unlike under the previous regime and this has driven all sides to adopt very entrenched positions with no clear sign about how the issue can be resolved. The chairman of the NMC stated the action the Commission would take should the situation persist:

> "if at the end we realise that the Ministry is not listening to us we will go to court but we are not going to go to court as a first step because you [cannot] go there[and] afterward then you go and do dialogue. We have to exhaust all avenues of dialogue before we go to court because going to court is on the cards we have told the President if they do not listen to us and they go ahead then we will go to court"(Interview: Boadu-Ayeboafoh, 2020).

The clear exercise of direct power can be seen in the actions by the MoCD even as other actors contemplate avenues for agency, with the net effect of slowing down the switchover process.

A further demonstration of structural inhibition of the digital switchover process can be seen in how the concentration of power within the Executive resulted in policy instability, especially after a change of government. The NPP and NDC, the two main political parties that have formed government in the 4th Republic have had different approaches to the

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[22] This person is a former Director-General of GBC

switchover process. The NDC, while in government adopted a broad consultative approach, albeit from among a largely technical and engineering stakeholder base. The resulting recommendations from those consultations formed the basis of the draft 2016 DTT policy, whose objectives largely reflected the priorities determined by international epistemic and policy communities as discussed in Chapter six. On the other hand, the Ministry of Communication and Digitalisation under the NPP government that took power from 2017 hired a consultant to advise on digital switchover policy. Even though the Ministry increased the number of stakeholders to include content producers, actual consultations were limited. GIBA's president for example expressed his frustration about how the Ministry used consultative meetings as a means to rubber stamp decisions already taken and sometimes even change earlier agreed on policy positions without the involvement of actors and stakeholders. As an example, he cites the MoCD announced policy decision that required GBC and *Crystal Television* to return what the Ministry termed "extra digital channels" that had been allocated by the NCA earlier under the NDC government. The Ministry justified its decision as necessary for redundancy on the Multiplex since all the available channels had been allocated. However, the Ministry was accused of bullying GBC and *Crystal Television* to claim the channels for government cronies. It took protests by civil society actors in the media and the NMC, which had not been consulted before the policy was announced, for the President to intervene and reverse the Ministry's decision (Akufo-Addo directs Communications Minister to suspend GBC DTT directive - MyJoyOnline.com, no date).

As noted above, the Ministry together with the NCA, also clashed with the Ghana Standards Authority (GSA) over standardisation and which institution had the mandate to determine the requirement for a Conditional Access (CA) system on all STB's as proposed in the revised 2018 DTT policy. The NCA had already approved and licenced a number of companies to provide STBs under a liberalised production regime in the 2016 DTT policy, as a way to bring down the cost of acquiring STB's by consumers. This was done without any CA requirement since the 2016 DTT policy was silent on this. With the revision of the DTT policy in 2018 however, Conditional Access was made a requirement on all STBs. According to an NCA official, by this measure all STB's already acquired during the earlier publicity campaign had been rendered obsolete, thus, creating the need for the whole STB regime under the policy to be revised. The Ministry justified this new CA policy on the grounds that it would help to collect the television licence fees to fund GBC's operations even though

there had not been any consultations about this with GIBA or the NMC. GIBA objected strongly against the introduction of CA as stated by its president:

> "there are so many things pointing to the fact that this conditional access system cannot work but it looks like it is the Minister's intension, in spite of all odds to make sure it goes through which we do not understand" (Interview: Danso-Aninkora, 2020).

GIBA argued that its objection against the CA policy was because it would affect the free-to-air television business model used by terrestrial broadcasters, by destroying their ability to raise revenue to fund programmes. The issue ended up at the Supreme Court, as GIBA challenged the Ministry of Communication and Digitalisation and the NCA, but the court ruled in favour of the government (citinewsroom.com/ June 23, 2020; citinewsroom.com/ June 24, 2020).

For the NMC, its concerns about CA had to do with the possibility of depriving audiences access to television services especially those from lower income backgrounds. This concern emanates from the Commission's general focus on the media's independence and free expression. By the time the CA issue came up the relationship between the NMC and the Ministry of Communication and Digitalisation had deteriorated to such a level that the Ministry had not been inviting the NMC (and GIBA) to a number of stakeholder meetings. This prompted the chairman of the NMC to comment that the media regulator would not be part of any process designed merely to "rubber stamp" decisions already taken by the Ministry. Clearly the solo policy making approach by the MoCD apart from departing from earlier policy positions or introducing new ones without consultations had generated a lot of mistrust between it and the NCA on one side, and other actors such as GIBA, the NMC and the MFWA on the other side. The Ministry has been accused of lack of transparency in its handling of the digital switchover process and also making policy changes to satisfy political and economic interests aligned with the government.

This policy mess has inhibited the digital switchover process and created huge uncertainties about how they could be resolved. After twelve years since Ghana's process was launched, perhaps the biggest inhibiting factor can be said to be ignorance about the switchover process among the public in terms of how the changes affects them and what they could do about it. This is because of the lack of any publicity campaign about the switchover process since the earlier one launched by the then NDC government but abandoned during the heat of the 2016 electioneering campaign. As a result, many citizens still do not understand how the changes

will affect their television viewing options and with the introduction of the CA policy, even where to purchase STB's.

The discussion above highlights how Executive power has been both a drag and an enabler of Ghana's digital switchover policy making process. This is consistent with themes from the data analysis presented in Chapter three. The NCA's lack of independence and the NMC's institutional weakness came up as significant themes in the Chapter. This has made the NMC an ineffective broadcasting policy maker and contributed to the weak policy and regulatory broadcasting environment and fuelled calls from civil society actors for regulatory reform. The ability of non-state actors to demonstrate agency has been shown to exist but limited, given the overwhelming policy power concentrated within the Executive. The implication of these factors for policy making in the Ghanaian context are discussed further in Chapter eight of this thesis.

5.7 Chapter Conclusion

The discussion in this Chapter has been based on the analysis of empirical data from the study's data collection as presented in Chapter three. The Chapter has discussed how the transition to Constitutional democratic rule served as a critical juncture that led to the reconfiguration of democratic institutions in Ghana. In that process, the communication arena was also affected with the seeming democratisation of policy making with many more policy actors and stakeholders. The reality, however, has been that actual policy influence has been overwhelmingly concentrated within the Executive. This has handed power to successive governments to enable them to shape the direction of communication policy to favour the state's interests above that of the non-state and independent actors. The Chapter has demonstrated how this became apparent during Ghana's digital switchover policy making process. The Chapter has also shown that the reconfigured policy arena following the return to Constitutional rule, has institutionalised a structure of policy making characterised by turf protection battles among policy actors leading to fragmentary and uncoordinated development of policy for the broadcasting sector. This was particularly evident during the digital switchover process as the Ministry of Communication and Digitalisation and the NCA dominated the policy making process and thus marginalised actors such as the NMC and GBC. The chapter discussed the opportunities for agency by GIBA and the NMC to protect their specific interests in the broadcasting sector but has shown how these have been limited,

and thus, not effective to achieve substantial changes in policy direction. In the next Chapter the analysis is focused on how the dominance of state policy actors was decisive in the shape, framing and prioritisation of Ghana's domestic digital switchover policy objectives while they marginalised salient broadcasting policy questions that could have been part of the country's DTT policy agenda. This has contributed to the sustenance of old broadcasting policy frameworks in the new digital multichannel television market.

Chapter 6

Setting the Domestic Digital Switchover Policy Agenda: The Power and Influence of International Epistemic Communities

6.1 Introduction

This Chapter continues the study's empirical discussion within the framework presented in Chapter two and based on the data collection and analysis presented in Chapter three. The analysis is focused on the role played by external epistemic and policy communities in shaping Ghana's digital switchover policy priorities. The study had as its second research question; to understand the extent to which policy actors in Ghana were influenced by international policy communities to base the country's domestic digital switchover policy objectives on externally set frames and priorities. In Chapter two of this thesis the concept of epistemic communities and its explanatory power in the analysis of policy making was discussed. The analysis in the Chapter also considers Berger's (2010) observation about African countries preparedness towards the implementation of the International Telecommunication Union's digital migration policy. Berger argued that many African countries had neither a policy nor a strategy as the continent mobilised to begin the digital switchover policy process. Such policy inadequacies had occurred even as technological convergence had transformed the broadcasting landscape. Due to the uncertain but transformative nature of the digital switchover policy the ITU's original global requirement for the policy's implementation to be completed on the 15th of June 2015 carried with it an urgency that created a fertile ground for African governments to seek support from external epistemic and policy communities such as the ITU and the Commonwealth Telecommunication Organisation (CTO) for guidance in their policy making. In Ghana's case, the expertise and experience offered by such global epistemic communities to shape domestic digital switchover policy also had the effect of aligning domestic switchover policy priorities with the globally set technical frames. This led to the marginalisation of longstanding domestic broadcasting policy concerns that could have also been part of the digital switchover policy considerations. I examine this further in Chapter seven where this marginalisation has resulted in the persistence of the old broadcasting regulatory regime in the new digital multichannel television market. In this Chapter I focus on the domestic factors that made it possible and easy for such decisive external epistemic community influence on domestic digital switchover policy objectives.

The Chapter has six sections. What follows this introduction is a sketch of how external epistemic communities went about setting the agenda for the digital migration policy on the African continent among policy makers and regulators. This is then followed by the third section which presents how domestic policy actors came to understand and approached digital switchover policy making, setting policy priorities that aligned with the objectives framed by external epistemic communities. The fourth section discusses the structural and institutional constraints on domestic policy actors that weakened their policy capabilities and made them susceptible to relegating domestic broadcasting policy concerns to the background while considering digital switchover policy. The fifth section explains the resulting marginalisation of pertinent broadcasting policy concerns due to the dominant influence of external epistemic communities as well as the weakness of domestic policy actors to articulate and influence the policy making process with an independent perspective. The conclusion which summarises the central points discussed is the last section in the Chapter.

6.2 Digital Switchover Policy Making in Africa: Prioritising and Framing Digital Switchover Objectives by International Epistemic and Policy communities

The International Telecommunication Union (ITU) set the agenda, direction and frame of digital switchover policy making in Africa following the Geneva 2006 (GE06) conference. Subsequent to the conference the ITU set a global agenda based on a narrow set of technical objectives and priorities of the policy (see for example Bozsóki 2012; Green 2011). The engagements were either direct or through other global intermediaries at a number of policy seminars, workshops and conferences on digital switchover policy making and preparation for regulators, Ministries of communication, and other communication policy stakeholders from the continent. The urgency associated with the original 15th June 2015 ITU deadline and its potential to affect the television viewing access of millions of African audiences, plus the technical nature of the digital switchover policy had created a policy gap that needed to be filled. Thus, the ITU and the other international institutions worked as knowledgeable experts to provide such technical assistance to equip African countries in their policy preparations for digital switchover implementation. With the digital migration policy's objectives already framed as technical it also set the parameters within which digital switchover policies would be fashioned and the need for harmonisation and coordination among regulators on the policy's implementation on the continent. In that sense the ITU and other external bodies

worked as epistemic communities (Cross 2013) to help governments and regulators shape their digital terrestrial television (DTT) policies for the switchover. The communication policy inadequacies in most African countries as observed by Berger (2010) combine with the complexity and the challenges associated with the digital switchover process to explain the extent to which the ITU and other external bodies were able to influence domestic switchover policy making in Africa.

The ITU's first order epistemic support influenced a second, led by global institutions such as the Commonwealth Telecommunication Organisation (CTO) and the African Telecommunication Union (ATU), the continental telecommunication body formed in 1977. The CTO and the ATU's activities either collaboratively or separately through sub-regional fora, workshops and seminars on the continent or outside the continent also targeted telecommunication regulators and communication policy actors (see for example Study on Harmonisation of Telecommunication, Information and Communication Technologies Policies and Regulation in Africa, 2008; 7th Conference of African Communication Regulatory Authorities (CACRA), 2013). In addition to these, other foreign consultancies and experts in engineering and telecommunication policy such as Analysis Mason, APC and Balancing Act, LS telcom AG / Colibrex GmbH, were active as technical experts offering their expertise and sharing the lessons of digital switchover experiences from other parts of the world where the process had been completed earlier to domestic stakeholders like broadcasters, the media and civil society organisations (Le Roux 2015; Soumaila no date; Schwab 2015).

 A common theme that run throughout these many and different seminars, workshops and fora on the digital switchover policy was the strong emphasis on the technological benefits notably the multiplication of television channels and the benefits of better picture and sound quality for television viewers associated with switching broadcasting transmission to digital, as well as the prospects for enhanced data services as a result of freed up spectrum, the so-called digital dividend. This vision of a diversified multichannel television market with better picture and sound quality had the in-built policy objective of achieving digital switchover within the ITU's deadline of 15th June 2015 before citizens could enjoy its benefits. In Ghana the technical urgency this carried "naturally" put the responsibility for fashioning the digital switchover policy in the hands of the Ministry of Communication and Digitalisation and the telecommunication regulator the NCA.

Since the benefits of digital switchover such as a multichannel television market with interactive applications became the discursive policy emphasis by external epistemic and policy communities, it also set off a race among African countries to achieve an early completion of their migration in order to (1), realise the promised benefits of migrating to digital transmission and (2), escape the danger associated with "being left behind", that is, becoming a dumping ground for obsolete television equipment.

As has been noted earlier, these rationales were amplified by continental and sub-regional bodies such as the African Telecommunication Union (ATU), the African Union (AU) and the Economic Community of West African States (ECOWAS). Most of the interventions from these continental and sub-regional bodies were also designed to assess country preparedness and formulate action plans to review progress on the policy's implementation or to harmonise policy making on digital switchover (see 4th SADC Digital Broadcasting Migration Forum 2012; Nwokike 2011; Mwale 2018). They all nonetheless fell within the technical frame defined by the ITU and other external consultancies such as Balancing Act and Analysis Mason (Southwood 2012; Schumann 2013).

However, as Berger has noted in the case of Africa there was no major pressure to strive for an early switchover to release spectrum, nor strong consumer electronics markets on the continent (Berger 2010, p20). This was because the supply of local television content had been inadequate to satisfy even existing analogue channels let alone a multichannel television market, even though African television screens were filled with mostly Western television imports. Thus, Berger's argument presents the stark policy dilemma faced by African countries: the choice between ignoring the international call to migrate their television broadcasting transmission systems to digital, or heed those calls and migrate the broadcasting transmission systems as fast as possible to digital. Migrating would come with the modernisation of the broadcasting infrastructure but as examined in the Chapter four, also, the challenges associated with the financial, legal, domestic policy and regulatory dimensions of implementing the policy, while a delay or not migrating would mean denying their citizens the benefits brought by digital television and perhaps more worrying for policymakers, "being left behind" and thus becoming a dumping ground for obsolete broadcasting technologies. That African governments opted for the former illustrates the powerful influence of international actors on the direction of domestic communication policy. It can also be argued from this that the power of external epistemic and policy communities to shape the global policy landscape had become such that domestic policy actors made policy

choices that favoured more the interests of external actors than domestic concerns. In this sense the "natural" choice made by domestic policy actors suggests the effect of the exercise of global epistemic and policy power to effectively structure the choices of less powerful developing countries like Ghana. While it may seem like those choices were made in the country's interests it also illustrates a case of international structural dependencies. For many countries in Africa therefore, fashioning and implementing switchover policies became a matter of meeting the ITU deadline with continental and sub-regional bodies such as the African Union and the Economic Community of West African States, for example, urging member countries to harmonise and speed up their switchover policy and implementation processes to meet the ITU deadline. This supports Wheeler (2016) who argued that the setting of an early switchover deadline for the ITU's region 1 was largely driven by European telecommunication and manufacturing interests a point also echoed by Berger (2010). African countries eventually adopted the European technical standard for digital broadcast transmission, the so-called digital video broadcast terrestrial (DVB T) and its later advanced versions. European manufacturing interests therefore stood to benefit from an early switchover completion, and thus, would want the process speeded up to benefit from the freed-up spectrum for its economic exploitation.

The breath and intensity of international epistemic actor engagement with African communication policy players outlined above demonstrates the complexity of digital switchover policy making and implementation and how the policy exposed the inadequacies in domestic African broadcasting policy, and thus, opening up the need for external policy guidance and support. The largely technical frame for the digital switchover policy emphasised by way of selling the policy's benefits to achieve an early completion on the continent then became the reference point around which African policy makers also fashioned their domestic switchover policies. In this Chapter, I argue that in Ghana's case the totality of such international epistemic community engagement with domestic policy actors influenced their understanding and subsequent articulation of the country's DTT policy priorities, but also due to the inherent weaknesses among policy actors and the contradictions in the communication policy arena that had resulted in fragmentary and uncoordinated policy making. I elaborate further on this in Chapter seven as it relates to how the manner of the country's digital switchover policy making process contributed to the marginalisation of broadcasting regulatory concerns. In the next section I discuss how domestic policy actors understanding and prioritisation of the country's digital

switchover objectives were influenced by an agenda set by external epistemic and policy communities.

6.3 Domestic Policy Actors and Digital Switchover Policy Making: Understanding, Framing and Setting Policy Objectives and the Influence of External Epistemic and Policy Communities

Prior to digital switchover, civil society policy actors had long advocated for the reform of the media regulator the NMC, the strengthening of the state broadcaster GBC with an adequate PSB remit in the liberalised broadcasting market as well as a broadcasting law. These were needed to "sanitise" the broadcasting sector after over two decades of the commercialisation of the broadcasting sector without a proper policy or effective regulatory regime. However, the structure of the communication arena that had concentrated power within the Executive had meant only government could actualise these policy concerns but successive governments had only paid only lip service to those calls. This is because to reform the broadcasting regulatory regime in the manner proposed by civil society would lead to the loss of influence and control government had over broadcasting policy making.

With digital switchover, a key policy objective for the country was how to migrate the country's 4.6 million analogue television households successfully to enjoy the claimed technological benefits (Digital Terrestrial Television (DTT) Broadcasting Policy 2016). Policy concerns regarding the longstanding need to reform the broadcasting sector's regulatory regime therefore became secondary. The fact that such an important broadcasting policy concern became secondary was as much because of the power of external epistemic communities and their internationally set agenda around the digital switchover policy as it was about the weaknesses among non-state domestic policy actors to articulate a digital switchover policy agenda that incorporated domestic policy concerns.

In marginalising pertinent domestic broadcasting policy concerns, policy actors articulated a range of perspectives about the digital migration policy that revealed how they had understood it. Some were very specific to broadcasting but nonetheless reflected international priorities such as from this parliamentarian who had had experience working on the policy during the NDC administration:

> "Digital broadcasting offers an opportunity to overcome the challenge of poor
> infrastructure sharing in broadcasting, since one transmission network can carry

multiple programme channels. Facility sharing is convenient, environmentally friendly, less hazardous and cost effective in the digital broadcasting domain" (Interview: Nartey George 2020).

Others saw the policy in much broader terms beyond entering a modernised era of broadcasting. These actors regarded it as a developmental opportunity with the aid of technology, in the sense of providing the technological wherewithal needed for the country to "catch-up" in her developmental drive in keeping with the general developmental context of Ghana and most other developing countries. This is encapsulated in this view from a former Minister for Communication:

 "Going digital will improve the country in education development, information dissemination, job creation as well as create new investment opportunities" (Interview: Spio-Garbrah 2020).

While a slight distinction can be drawn between these perspectives about the benefits of the digital switchover policy, they essentially flowed from the "modernisation" frame about the digital switchover process creating an "information society" that drove switchover policy in the United States of America and European contexts as discussed in Chapter one. Without a coherent domestically informed understanding of the implications of the digital switchover policy for the country's broadcasting sector that went beyond the promised benefits of audiences having access to multiple channels with crystal clear images and sound, as well as interactive applications, however, domestic policy actors became susceptible to understand and articulate the digital switchover policy within the priorities and frames set internationally, and thus, made those frames the reference point for defining their specific interests. In my analysis, GIBA, a non-state policy actor, for example, saw the switchover policy in terms of how it would affect their broadcasting business even though they articulated this commercial interest within a democratic frame. Equally, the Constitutionally independent NMC read the policy in terms of its specific mandate to protect media freedom and independence as guaranteed under the 1992 Constitution through having control over the digital transmission infrastructure. This was articulated by the Commission's Executive Secretary:

"Digital broadcasting… eliminates the need for the infrastructure that traditional television relies upon… all African countries are transitioning to an infrastructure model where there is only one platform for the distribution of content, which means that if somebody took hold of that one point then the totality of public expression

could be compromised. It's a choke point it is almost like holding somebody's neck and strangling the whole space for public expression…that is why I suggest that we need to develop policies and frameworks that take advantage of the diversity that digital migration allows, but also avoid the dangers it can present" (Forum Q&A: Defending Media Freedom During Ghana's Digital Migration, 2019, p2).

While these are important policy concerns on their specific terms, they also reveal the logical consequence domestically, of the priorities and objectives of the digital switchover policy that had been emphasised by external epistemic communities. The subsequent sections in this Chapter will discuss in more detail how this focus marginalised the wider and longstanding broadcasting policy concerns. In the event, this alignment in understanding among policy actors enabled the Ministry of Communication and Digitalisation to mobilise domestic policy actors behind achieving an early digital switchover with the construction of the digital transmission infrastructure being the top priority as the means to realise the benefits of digital television, for the benefit of the country and television audiences. The government was successful in this endeavour as much because of the international nature and complexity of the policy as also because of the configuration in the domestic communication arena that had concentrated policy making power in its hands and rendered other policy actors weak to the extent of not being able to set and sustain a coherent policy agenda to influence policy outcomes.

As the analysis in Chapter three has already documented, Ghanaian policy actors articulated an understanding of digital switchover policy within a "modernisation" and "developmental" frame that largely emanated from the priorities of the policy set by external epistemic communities. Such understanding of the digital switchover policy bears some similarity to Rozgonyi's (2019) observation of the EU framing of digital switchover as part of a broader policy to facilitate the continent's quest for an information society. The author conceptualised policy framing as " a matter of strategic classification and articulation, that reflects and signifies battles on who is in control and command on regulating media and communication" (Rozgonyi 2019, p69). In Ghana's case for example, the ITU's characterisation of the digital switchover process as providing the primary benefit of giving broadcasters greater control over channel performance as well as the ability of broadcasters to offer a greater range and diversity of services and applications (Bozsóki, 2012, pp6-7) had a huge impact as seen from how a domestic policy actor also understood and articulated the policy when talking about the importance of the digital transmission infrastructure:

"most of our analogue transmitters are so old that very soon even getting parts to repair them will not be available" (Interview: Alhassan, 2020).

The numerous external epistemic community workshops and seminars such as from the CTO and ATU for policy makers and regulators on the continent had also emphasised the dangers of a delayed switchover process which could lead to viewers switching to other platforms such as cable and satellite, against the prize of reaping the digital dividend with an early completion of the switchover process (Haeberlé, 2014). While this may not have been a realistic proposition for the Ghanaian case given the dominance of analogue transmission platforms over satellite especially it nonetheless would have added to the sense of urgency in prioritising an early digital switchover completion because of the pressure to harmonise among African countries to avoid being "left behind". The African Union called for an "acceleration of migration from analogue to digital broadcasting systems" on the continent (*Study on Harmonisation of Telecommunication, Information and Communication Technologies Policies and Regulation in Africa*, 2008, p8; see also Third Conference of African Ministries in charge of Communication and Information Technologies 2010; Oliver Tambo Declaration Johannesburg 2009) and this was reflected in other sub-regional engagements at the ECOWAS and SADAC levels with policy makers and regulators (Association for Progressive Communication and Balancing Act 2011; Southern African Development Community 2012). In Ghana this pressure to complete digital switchover on time to avoid "being left behind" and not become a dumping ground for obsolete television equipment saw the government set ambitious targets for her analogue switch-off (the first being December 31 2013, then to December 2014, September 2016, September 2017, December 2019, and December 2021) when many of the policy ingredients needed for a successful switchover completion were not in place. Even when digital switchover policy making considered "regulatory and policy" issues these were confined to the narrow policy objectives of setting the technical standards for set-top boxes, STB, and subsidies for the poor to be able to acquire the STB's to achieve universal access post switchover. While these were undoubtedly necessary to achieve a successful completion of the switchover process they nonetheless further demonstrate how domestic policy objectives became tied narrowly to the urgent technical prioritisation that external epistemic and policy communities such as the ITU had set. The extent of the influence by international policy and epistemic communities on domestic switchover policy making that resulted in the alignment of international and domestic switchover policy objectives can be seen in how the government went about

fashioning switchover policy. As noted in Chapter four, the Committee assembled by the government to submit proposals for switchover policy was largely from the state sector and dominated by experts with engineering backgrounds. It is therefore not surprising the narrow policy focus of their recommendations on the technical requirements of the policy designed to achieve an early completion of the digital switchover process and not necessarily to address the wider implications of the policy for the broadcasting sector in terms of policy and regulatory reform, which carried the potential to upset existing power relations within the sector. As already noted above, issues concerning the technical challenges associated with migrating the large analogue terrestrial television household audience, the determination of transmission and compression standards, constructing the digital transmission infrastructure, setting the specifications for set-top boxes, and the nature of subsidies to ensure the poor could still have access to television programmes after analogue switch-off, with a rollout plan, all flowed logically from the technical emphasis prioritised internationally and in the many engagements with policy makers and regulators on the continent.

The extent of such external epistemic community influence can also be seen in Ghana's (and the rest of Africa's) adoption of a technical standard for digital switchover. The ITU region 1 countries particularly in Europe which had completed or almost completed their switchover largely adopted the European Digital Video Broadcast Terrestrial (DVB-T) standard. Many of the ITU influenced workshops for African policy makers and regulators discussed the appropriate technical standards for digital television. In the end, countries on the continent adopted the European DVB-T and later the revised DVB-2 as their transmission standard for digital broadcasting. In Ghana, this happened despite earlier efforts by the Japanese, for example, to also introduce their ISDBT standard to the country's broadcasting sector. Armstrong and Collins (2011) have also observed that in South Africa, the country considered an adapted Brazilian standard even after the continent had largely agreed to adopt the European standard. Nonetheless, the fact that the majority of African countries settled on the European technical standard for digital transmission suggests two explanations. The first is that the adoption of the European technical standard by African countries came as part of a harmonised continental policy position and this could have been influenced by the intense engagement of European consultants with African regulators and policy makers. The second and perhaps more fundamental is that the long established political commercial and in some cases even cultural ties between European and African countries as a result of Colonialism also played a role in these considerations. Following from these observations it is reasonable

to argue that path dependent considerations (Pierson, 2000) on the part of African communication policy makers would have been a factor in the decision to settle for the European standard instead of going for the Japanese ISDBT or the US's ATSC standard.

The foregoing shows the power of external epistemic and policy communities not only to influence domestic switchover policy objectives to become aligned with global priorities, but also, influence the choice of technical standards in broadcasting equipment that would deliver the promised benefits of a modernised broadcasting infrastructure with path dependent considerations also paramount. This, thus supports Berger's argument that the digital switchover process in Africa was driven more by the agendas of international consultancies and experts than an urgent need on the continent to migrate to release spectrum for other interactive uses (Berger 2010, p18). The last section in this Chapter considers the effect the alignment of international and domestic switchover policy objectives had on the long standing broadcasting policy concerns. In the next section, I discuss how the structure of the policy making arena contributed to domestic policy actor's inability to articulate and sustain a broader policy agenda during the digital switchover policy making process in Ghana.

6.4 Domestic Actors and the Structural Factors that Accounted for their Susceptibility to International Influence in Communication Policy Making

During the decades of state monopoly in broadcasting policy making, there was little if any space for independent policy actors to operate. However as discussed in Chapter five, the return to Constitutional rule reconfigured communication policy making with the democratisation of the policy arena and the introduction of more actors that brought new voices to communication policy making. As a result, policy agendas could be initiated by or discussed with GIBA, the commercial broadcasting lobby group, the Parliamentary Select Committee on Communication, the National Media Commission, the media regulator, and other influential individual voices from academia, law, and civil society groups. Nonetheless, the concentration of power within the Executive meant the government and its institutions such as the Ministry of Communication and Digitalisation, the Ministry of Information, or the NCA, always had more power to initiate, slow down, or reject policy proposals. Within this structure, the plurality of non-state policy actors from civil society, academia, commercial broadcasting, and advertising, though possessing rhetorical power to raise policy issues could still not translate them into concrete policy or regulatory instruments on their own, because policy leadership had been vested in the hands of state agencies. GIBA, the commercial

broadcasting lobby for example, had grown to become an influential broadcasting policy actor using the law courts to challenge policy initiatives that they felt would harm their commercial interests. While this could be seen as an example of agency, these tended to be limited to the narrow set of concerns they felt threatened their operations and not to the wider development of the broadcasting sector per se. I develop this point in more detail in Chapter seven as it relates to GIBA's resistance to regulatory reform. Even for the NMC, an independent Constitutional body the reconfiguration of the communication policy arena meant it had a specific mandate to protect the media from governmental interference. This had been part of its design as the "content" regulator, mandating the institution to focus on media and journalistic practices. Furthermore, the NMC's reliance on the Executive to fund its mandate had resulted in government being able to restrict its ability to be an effective independent policy actor for the media. Over time, this limitation had disabled the NMC from acquiring the expertise and experience that would have put it in a stronger position as a media policy leader. This is reflected in the view expressed by a policy expert:

 "what the NMC requires is a very solid team of technical experts really solid who understand all the science, theory, technical issues about broadcasting, new media … technical personnel who will provide the necessary support...if government was ready to invest in that kind of infrastructure the NMC is more than capable of playing its role" (Interview: Ampaw, 2020).

With this incapacity in mind, the NMC had concentrated its energies and efforts in the protection of the media's independence from government interference through subsidiary legislation, or sometimes through the courts. Apart from GIBA, which had demonstrated some measure of power and influence in policy making through its use of members broadcast media to trumpet its policy concerns, the ability of many other new actors to effectively influence policy making was even more limited because unlike the NMC, they did not have the power to legislate, except to make rhetorical appeals with limited effect. Policy actors were further weakened by their lack of sustained cooperation on policy advocacy. These tended to be short-lived loose coalitions on specific policy concerns that would set an agenda and fissile out after a while due to a lack of internal cohesion, logistical and financial resources against the cohesive and well-resourced operations of state policy making institutions. This therefore encouraged the articulation of periodic and specific policy issues based on actors own interests with the occasional coalitions championing broad broadcasting concerns. Overtime this narrow focus by non-state policy actors limited their expertise and

experience in the broader policy questions surrounding technological convergence in broadcasting as their responses to the digital switchover policy process demonstrate. I examine this in detail in the next section.

The international scope and heavy technical and financial investments associated with the technical urgency to complete digital switchover within a certain period placed the responsibility on the state as the only actor capable to shoulder the burden. This also naturally meant its institutions, the MoCD and the NCA, were ready made to handle that responsibility. These are the institutions which had built their domestic technical policy expertise and competence over the years due to the structure of communication policy making after the media space was liberalised. In the many engagements with external epistemic communities on the preparations for the switchover process, the MoCD and NCA took the lead and were indeed in many cases the only domestic policy actors representing the country. This is where and how the digital switchover priorities set by external epistemic communities like the ITU came to be aligned with domestic policy objectives. For the government, its policy leadership on digital switchover policy was driven by the twin need to meet its international obligations to the ITU as well as the domestic political objective of ushering in a modernisation of the broadcasting sector to avoid "being left behind". Thus, for the NCA the state's lead technical agency in telecommunications, the digital switchover process became a very specific one as stated by a senior official:

> "it's a technology change process… we are adopting new technology to replace old technology that will make it more efficient" (Interview: Yirenkyi Fianko, 2020).

This comment coming from a senior executive at the NCA highlights not just the institution's understanding of the process but also the limits of government policy as far as formulating switchover policy was concerned. It discounts the wider implications of this "technology change process" on the broadcasting sector or at least did not see it as being a priority or within its remit. This is a consequence of the communication arena that had carved out specific roles for particular actors with the NCA being and perceived as the lead technical agency on telecommunication matters. The real effect of this understanding on the policy making process can be understood from an observation made by a former Director General of GBC who was also involved in the early stages of the digital switchover policy making process:

"at no point did the discussion take into account the impact of the technology on content generation and distribution, so far everybody you speak to speaks about technology as if technology is neutral" (Interview: Akuffo Anoff, 2020).

Such had been the widespread acceptance of the technical prioritisation of the switchover policy that its real implications for the broadcasting sector had been relegated to a secondary policy consideration at best, a perfect illustration of how the inherent weakness in the policy making structure had resulted in non-state actors to easily accept the technical prioritisation of the digital switchover policy as framed internationally. For non-state policy actors, this also shows their lack of broad policy capacity over the years beyond their immediate specific interests to be able to appreciate the consequences of marginalising the long standing broadcasting policy concerns. A telling comment regarding the importance of consideration of the longstanding broadcasting policy concerns as part of digital switchover policy making came from a senior official at the NMC when he stated thus:

"NMC is not too much into that[broadcasting policy concerns]; for now our concern is who manages the platform it's a media [institution] and if you look at the Constitution all the media are supposed to be under us so once the platform is a media platform that comes out with content to be regulated by the NMC it means the platform should be managed or be under the purview of the NMC" (Interview: Bannerman, 2020).

From this it is clear how considerations about the policy structures that would be needed to manage the sector post switchover were not a high priority for the Commission especially when viewed against the weakness in existing broadcasting policy and regulation.

It can thus be seen why the NMC's interests focused on its ability to control the new digital transmission infrastructure on the basis of the Constitutional mandate it carried. However, in doing so it seemed to assume such control would be adequate by itself to meet the challenges of the new digital broadcasting sector. Since the NMC and other non-state actors only saw the importance of the digital switchover policy from their very specific and narrow interests and not developed much technical policy experience and expertise over the years, the institution effectively limited its participation in the policy making process and ceded the space for the state to exclusively define the parameters for the digital switchover policy. From this, it becomes apparent how the policy structure had weakened the ability of non-state actors to effectively participate in broadcasting policy making. This explains why the state through its actors like the MoCD and NCA were able to mobilise policy actors behind the need to

achieve an early digital switchover. Thus, questions about the adequacy of policy and regulatory structures for the modernised television market that would be created after the policy was implemented became easy to relegate to the background with the focus more on the technical dimension of the digital switchover policy.

GIBA, the other main policy actor in the digital switchover process articulated its interests as a fight for free expression, democracy, and the freedom to operate unhindered by government:

> "the question we ask[ed] is, [is] there anything wrong with protecting our business?... when there is freedom of speech, freedom of expression, access to information then the people are well informed then our democracy thrives, [but] if it doesn't happen [then] there could be any form of attack on our democracy" (Interview Hiadzi 2020).

The NMC's insistence on having control over the digital transmission infrastructure to ward off government interference in the media, or GIBA's prioritisation of its interests for members were necessary in the digital switchover policy process. However, achieving these in themselves would not resolve the inadequacies in broadcasting policy and regulation, long identified and even acknowledged by those actors. Their focus on those policy positions therefore reflected the limitation in articulating beyond their specific policy interests.

6.5 The Effect of Weak Domestic Policy Actors Capability: The Marginalisation of Longstanding Broadcasting Policy Concerns in Digital Switchover Policy Making

I discussed the long-standing broadcasting policy concerns in the first section of this Chapter, where civil society policy actors had advocated for a law to properly regulate the highly commercialised broadcasting sector following its liberalisation in 1992. In connection with this, the calls also included reforming the NMC as the media regulator and GBC for a clearer and more up-to-date PSB remit in the liberalised broadcasting market. Without these reforms, the transformations brought by the digital switchover process would exacerbate the challenges already present in the regulation of the television (and) broadcasting market due to the weak policy and regulatory regime at the expense of the broader public interest of audiences and citizens.

Focusing on achieving a successful migration for the country's 4.6 million analogue television households was a logical consequence of the prioritisations and objectives of

digital switchover emphasised domestically and internationally. Nonetheless, this also raised legitimate questions about who could own the new digital channels, the kinds of content that would be available to audiences and how GBC will be positioned and funded in this new market set-up. Zambia, for example, used her switchover process not only to modernise the equipment of its national broadcaster, ZBC, but to also position the broadcaster to be the dominant digital terrestrial channel in the broadcasting sector (Nkaka, 2016). South Africa had already also embarked upon policy and regulatory reform in her communication sector from the early 2000s with the merging of its telecommunications and broadcasting regulators into the Independent Communication Authority of South Africa (ICASA). The country's policy actors also had a better appreciation of the implications of switchover for the broadcasting sector and articulated and advocated for those to be considered as part of digital switchover policy making (Submission by the National Association of Broadcasters in Response to the notice in respect of the draft Local and Digital Content Strategy, 2009; Media Development and Diversity Agency Act, 2002). These examples demonstrate the willingness by the governments and other policy actors in those countries to utilise the digital switchover policy to achieve broader objectives beyond the narrowly set technical priorities emphasised by external epistemic communities.

In Ghana, however, the concentration on achieving an early switchover had two effects on the digital switchover policy process. First, the immediate effect was to marginalise the concerns over GBC's remit already not clarified in a commercial broadcasting context, after digital switchover. In addition to this, the longstanding advocacy to reform the NMC and pass the broadcasting law became secondary at best in the policy formulation. As has already been documented, the government mobilised stakeholders behind achieving an early switchover completion, thus, even the NMC, the independent statutory champion for such media policy issues was prepared to see an early completion of switchover at the expense of those policy concerns as reflected in what a senior official from the institution expressed:

> "…you know there is a broadcasting bill coming up and the belief is it will take care of all these things" (Interview: Bannerman, 2020).

 Had there been an active parallel consideration of the broadcasting bill at the time of digital switchover policy making this view would have been valid. However, as explained in Chapter seven, that process had stalled since 2014. Moreover, there was no renewed advocacy for its consideration as part of or even as a follow up to the digital switchover

process. The investment in time and resources had been focussed on the technical objectives of switchover policy such as the determination of transmission and compression standards, constructing the digital transmission infrastructure, setting the specifications for set-top boxes, and the nature of subsidies to ensure the poor could still have access to television programmes after analogue switch-off and a rollout plan showing a clear path to completing digital switchover.

The second effect of this switchover policy focus was to obscure the connectedness between those outstanding broadcasting policy concerns and the transformations digital switchover would bring to the television broadcasting market. The liberalisation of the media space since 1992 had permitted private ownership of broadcasting for the first time in the country's history but the policy and regulatory arrangements for this development had been either weak or non-existent. Digital switchover held the potential to expand the television market and also to introduce many innovative televisual opportunities for audiences. However, without the right policies and regulatory framework in place this growth just as in the earlier growth in the broadcasting sector when the market was liberalised would occur without any guided direction. This is reflected in an observation from a policy actor who has several years of experience working in the broadcasting sector:

> "we are yet to think through the consequences and weigh the full implications of explosion in channel capacity as a result of digitalisation we are yet[to] and these stakeholders have been too slow in tackling this issue" (Interview: Ashibge, 2019).

Thus while the earlier experience in the broadcasting market had become well understood by policy makers their ease in relegating its connection to the implications of digital switchover demonstrates how the exercise of global power by external epistemic and policy communities combined with domestic state influence drove Ghana's policy actors, perhaps unwittingly, to accept the priorities of digital switchover set internationally. In doing so, some domestic political and commercial interests in the broadcasting sector benefited since maintaining the status quo of a weak policy and regulatory regime even after the digital switchover process served their narrow interests but not the public interest.

The cost of non-state policy actors buying into the promise of a multichannel television vision with better picture and sound quality and freed up spectrum and offering enhanced data and interactive services without connecting them to the longstanding domestic

broadcasting policy concerns can be measured in this statement from a parliamentarian with experience working on the digital switchover policy:

> "For us our belief was that the migration to digital should not have been because the ITU says so, it should have allowed us to carry certain reforms where we would have improved quality, made the NMC more proactive in ensuring that content is Ghanaian" (Interview: Sam George, 2020).

Given that digital switchover would transform the television market and further complicate these policy and regulatory issues they had become pertinent to any switchover policy consideration. Furthermore, given the history of the governments lethargy in initiating or concluding reform proposals in the media and communication sector, non-state actors' easy marginalisation of such broadcasting policy concerns played into the hands of the Executive which ultimately had the power to concretise any reform proposals in the broadcasting sector. Thus, just as there had not been any coherent policy guiding broadcasting development when the media space was liberalised in 1992, Ghana entered a digital multichannel television market without an adequate policy blueprint to guide its development. A path dependent tendency can be identified here in the sense that the Executive in 2010, just as in 1993 when the media space was liberalised controlled the policy process and had an interest to achieve an early completion of the digital switchover process without relinquishing its influence and control over the media sector.

The foregoing illustrates the extent to which the understanding of digital television by domestic policy actors was influenced by the power of external epistemic communities to align domestic switchover priorities with international agendas without a concurrent consideration for the domestic broadcasting policy concerns that would be made more challenging after digital switchover concluded. It shows how the domestic structural configuration in communication policy making had weakened especially non-state policy actor's ability to articulate policy positions that considered domestic broadcasting concerns. It also shows the power of external policy and epistemic communities to define and shape the priorities of global communication policies and the weaknesses in developing country communication policy capabilities that makes it easy for local policy actors to imbue and prioritise their domestic policies along the frames set by such international policy actors (Cogburn, 2003). In the next Chapter I examine the specific effect this marginalisation had on

the regulation of the multichannel television market that has resulted following the completion of the digital switchover process.

6.6 Chapter Conclusion

This chapter has discussed the power of international epistemic and policy communities to influence the understanding and prioritisation of domestic digital switchover policy objectives. Domestic policy actors came with an understanding of the digital switchover policy along the technical frames and priorities set internationally by external epistemic communities and went about setting Ghana's policy objectives along those priorities. This came at the expense of pertinent domestic broadcasting policy concerns such as on GBC's remit in a commercialised broadcasting sector, the reform of the NMC as well as the broader broadcasting regulatory regime. The structure of the communication policy arena since 1993 has concentrated policy power in the hands of the Executive thus, giving governments and its agencies like the NCA and the Ministry of Communication and Digitalisation the ability to develop expertise and experience in telecommunications policy making issues over the years. This made those agencies the natural institutions to lead the country's digital switchover policy making process and with this lead enabled the state to frame and shape domestic switchover policy along narrow technical objectives based on frames set internationally. For non-state policy actors their lack of technical expertise and inclination to be focused on their specific policy interests also weakened their ability to articulate an independent policy position that would have connected the push for an early digital switchover completion to robust broadcasting policy and regulation reform proposals to accommodate the challenges of a digital multichannel television market. In the next chapter I examine the implications of the marginalisation of these policy reform proposals on the regulation of the restructured television broadcasting market.

Regulatory Inertia: Digital Switchover and the Unchanging Broadcasting Regulatory Regime

7.1 Introduction

This Chapter is the last of the three empirical analyses in the thesis. The Chapter documents the continued efforts and challenges to reform the broadcasting regulatory regime long advocated for by civil society actors. The third research question for the study sought to understand the reasons for the persistence of broadcasting's analogue era regulatory regime in the new digital multichannel television market despite many calls for broadcasting policy and regulatory reform. The Chapter's central argument is that since the inadequacies of the broadcasting regulatory regime had been recognised since the time the media space was liberalised in 1992 the digital switchover policy making process offered yet another opportunity to reform the regulatory architecture. However, this opportunity was not grasped by policy makers. Chapter five noted how the reconfigured communication policy arena following the return to Constitutional rule from 1992 gave a semblance of democratised policy making despite the concentrated policy making power within the Executive. On the one hand, the decisive Executive power to determine the shape direction and pace of broadcasting policy has resulted in government not pursuing or initiating regulatory reform measures since these have not been in its interests. On the other hand, though not as powerful as government to shape broadcasting policy GIBA, representing commercial broadcasters, have resisted many attempts to introduce regulatory reform arguing that these threatened the Constitutional rights of its members while in truth, they have actually benefited from years of a lax and weak broadcasting regulatory regime that has given them a sense of entitlement. This ironic alliance between state political and commercial interests has been at the heart of the lack of any substantial regulatory reform in the broadcasting sector and for as long as the status quo remains the likelihood of seeing any meaningful regulatory reform is distant.

 Digital switchover has created a multichannel television broadcasting market with licences for existing and new television channels and opened up possibilities for different delivery options such as IPTV. Yet the regulatory context remains that of the old and weak regulatory regime designed for a broadcasting era when the print media was dominant and which also did not anticipate the implications of new technologies for the broadcasting sector. The

consequence of this short sighted policy has witnessed a commercially dynamic broadcasting sector which nonetheless, developed without any coherent policy nor regulation guiding it. The longstanding advocacy for reform by civil society groups over the years as discussed in Chapter four has thus far failed to yield the desired results and the opportunity offered by the digital switchover process to achieve these broadcasting regulatory reforms as seen elsewhere has also been missed. This portends a problematic future for the growth and quality of the country's television sector and whether the services that would be available to the citizenry would serve the public interest.

The Chapter has six sections. This introduction is followed by a sketch of the regulatory architecture highlighting its inadequacies in the liberalised broadcasting market. In the third section is a presentation of the structural and institutional constraints that have hindered the quest to reform the broadcasting regulatory regime, before moving to the efforts made by civil society groups to achieve regulatory reform and why the digital switchover process offered a good opportunity to achieve this in the fourth section. The fifth section then gives a portrait of the early challenges in regulating the digital multichannel television market due to the continued lack of broadcasting regulatory reform particularly with the absence of a broadcasting law. The sixth section is the conclusion and gives a summary highlighting the central points argued in the Chapter.

7.2 Regulating Broadcasting: The Foundations of the Broadcasting Regulatory Regime and its Weaknesses

The analysis in Chapter five presented the broadcasting regulatory regime as based on a bifurcated structure between the National Media Commission (NMC) and the National Communication Authority (NCA) and operative under different legislative instruments. The NCA was set up as the telecommunications regulator to regulate the country's frequency spectrum and also to issue broadcast frequency authorisations to the broadcasting sector (Acts 542, 1996, and 769, 2008). As far as broadcasting is concerned however the NCA sees itself only as a "technical" regulator intervening on matters of a "technical" nature concerning broadcasting such as setting the standards for the right broadcasting equipment and the determination of broadcast frequency range[23]. The Electronic Communications Regulations give the NCA a range of powers to fine, confiscate equipment and also revoke licences or

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[23] The Multi Media and other commercial broadcast interests have taken the NCA to court since 2018, for introducing a new radio broadcast radius policy reducing the range from 100km radius to 45km radius

shut down stations. However, these are not based on broadcast content. (Electronic Communications Regulations, 2011, L.I. 1991). Using this power the NCA in 2019 shut down a large number of radio stations for infractions mainly to do with their non-renewal of frequency authorisations (PeacefmOnline.com Oct 2021). This action however was controversial and brought accusations from some civil society actors that government was interfering in media freedoms (Citinewsonline, 2019).

The NMC on the other hand, is formally independent and draws its mandate from Chapter 12 clause 166(1) of the 1992 Constitution and its establishing Act 1998 (Act 561[24]) to "promote journalistic excellence" and also to serve as the buffer between the "state-owned media and governmental control". The inadequacy of the NMC as a regulatory authority for the broadcasting sector however stems from the total absence of specific provisions in Act 524 on broadcasting. The Act rather addresses the general requirements for the media space without any specific powers over the broadcasting market. As discussed in Chapter four this is the product of the circumstances under which the regulator was established without regard for the impact of technological changes on the broadcasting sector during the early policy making period following the country's return to Constitutional rule. With this inadequacy, the NMC until the Electronic Communications Act was amended in 2009 could not participate in the NCA's deliberations on broadcast frequency authorisations to broadcasting stations which had been a central demand by civil society actors. One policy activist who has been involved in civil society advocacy for regulatory reform over the years stated it thus:

> "the decision of allocating frequencies should be that of the NMC even if ultimately the NCA is the technical body that then does the actual assignment; the decision of allocating and not allocating should be that of the NMC so that the NMC will still be the body that will make the decision of withdrawing your licence or not withdrawing your licence". (Interview: Ampaw, 2020).

 If Ampaw's position had prevailed the NCA would still be the "technical" regulator but with a more active involvement from the NMC in broadcast frequency authorisations. This would have also given the NMC the influence as required from its mandate in the Constitution to shape the growth and development of the broadcasting sector. However, without this power the NMC has not had any clout over the broadcasting sector unlike the NCA which despite only being a "technical" regulator has been much more influential in the development of the

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[24] Act 561 came to amend the NMC's original enabling legislation, Act 449, 1993.

broadcasting sector. As noted above, until the Electronic Communications Act 2008 (Act 769) was passed the practice was that the NCA had the exclusive mandate to authorise broadcast frequencies. The new Act required the NCA to consult the NMC when determining broadcast frequencies. However, despite this not much changed. Even though the NMC now has representation on the NCA board the redesign has not changed the fundamental power differential between the two institutions that existed prior to the passage of the Act 769. A senior official from the NCA very supportive of the power differential between the NCA and NMC put it this way:

> "… it will be unwieldy, at least that is how the framers of the constitution imagined it, to combine this soft mandate with the hard mandate of managing say spectrum and awarding licences and authorisations [to] telecoms broadcasting and other entities Internet service providers satellite companies and so on and so forth", "from a political point of view and also considering our own history I think there is something to be said about this bifurcation because you know you don't want the entity that has the power to give and withdraw licences [have] the power to determine what is appropriate to broadcast". (Interview: Sakyi-Addo, 2020)

This statement from the NCA official essentially argues for the maintenance of the regulatory status quo despite how it contradicts the reality in the USA's long existing Federal Communication Commission (FCC) or the United Kingdom's merging of five sector specific communication regulators in the early 2000s to form the Office of Communication (OFCOM). It also contradicts the experience from South Africa which merged its once separate broadcasting and telecommunication regulatory functions into ICASA in response to technological convergence in communication.

 The statement rather illustrates the turf protection tendency embedded in the institutions of policy making as a result of the configuration of the communication policy area discussed in Chapter five. As a result, despite the recent collaborative efforts between the NCA and NMC on broadcasting issues the regulatory architecture still produces a tendency for each regulator to protect its respective territory even as technological convergence has posed policy and regulatory challenges for the sector and has continued to expose many regulatory grey areas that either regulator has been unwilling or incapable under the existing regime to intervene. Thus, even though the NMC has been set up as the "content" regulator and over the years demonstrated a willingness to intervene in the broadcast sector, this has not been effective

due to the paucity of policies for the NMC's supposed structural and content regulatory role and crucially the lack of a specific broadcasting law backing the enforcement of such policies where they are available.

To the extent that the NMC and even the NCA exist to superintend over the broadcasting sector a regulatory structure of sorts can be argued to exist. Nonetheless the two regulators have been designed and have worked with legislative mandates that do not easily cohere when it comes to the structural and content aspects of the broadcasting sector. On a wide range of regulatory issues covering media ownership, GBC and its PSB role, advertising and the protection of minors, for example, there is a regulatory vacuum. This vacuum has been filled by commercial broadcasters motivated by their economic interests. To that extent the regulatory structure such as it exists can be seen to be very weak and ineffective as an instrument to guide the growth of the broadcasting sector.

The regulatory status quo discussed above provides the context within which the digital multichannel television market has developed following the implementation of the digital switchover policy. A major policy hangover has been the continued absence of a specific broadcasting law to empower the NMC's available if inadequate policy guidelines for the broadcasting sector. Later sections in this Chapter examine the opportunity offered to reform this regulatory regime during the digital switchover policy making process and why it was missed thus, demonstrating the path dependent policy making trajectory turf protection and weaknesses in the policy and regulatory environment identified in the data analysis presented in Chapter three.

Two policies published by the NMC during the time of analogue technologies prevalence could be argued to have some relevance to a multichannel television (and radio) broadcasting market. The National Media Policy 2000 and the Broadcasting Guidelines 2000 clearly need revision to accommodate the new realities warranted by digital technologies in broadcasting. On structural regulation for example these policy guidelines say little about media ownership. Indicatively in the radio market the NCA awarded multiple licences to the same media company in the same regional market such as the Multimedia group's *Asempa FM* and *Adom FM*, both broadcasting in the Akan language[25] and competing in the Greater Accra Region,

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[25] The Akan Ethic group – Fante, Asante, Akwapim- represents the biggest ethic group in the country, and Asante and Akwapim "Twi" and "Fante" dialects, share many similarities in pronunciation. Since the broadcasting space was liberalised, it has become a commercial incentive for broadcast media to use "Twi" in their programming even in regions where that is not the native ethnic language

linguistically a Ga speaking region but the most commercially lucrative broadcasting market against the Despite Media group's *Peace FM*, *Okay FM*, and *Neat FM*, also broadcasting in the Akan language. Commercial radio broadcasters have in addition been over concentrated in the advertising rich urban centres with the GBC regional FM network being the only broadcasting stations received in some parts of the country. Furthermore, the policies and regulatory measures have not been able to do much if anything to address the growing consolidation in the broadcasting market in recent years. The initial explosion in diverse private ownership of broadcasting stations for both radio and television has now given way to the emergence of powerful media "groups" under ownership with interests in pharmaceuticals, food and beverages, waste management, banking, financial and leisure services. Parliamentarians as well as former and current minsters are also active owners of broadcasting stations. This ownership pattern involving powerful political and commercial interests that has emerged in the broadcasting sector over the years seems to have the sole apparent motive to promote their owner's commercial businesses and political interests. Taken together this has resulted in a broadcasting landscape characterised by a politicised and highly commercialised ethos but with weak PSB requirements if any (see Papathanassopoulos 2014, for a Greece parallel).

The NMC's incapacity despite its willingness to act and the NCA's plea as only being the "technical" regulator have combined to open the doors for the consolidation of broadcast media under larger commercial as well as political interests over the years since there has not been any policy or regulatory measures to guide these developments. Therefore, it becomes clear that even where a policy exists such as with the NMC's Broadcasting Standards code published in 2000, the lack of legislation enforcing its provisions on advertising standards, protection of minors from harmful content and local content quotas has rendered such policies ineffective. This is principally due to the absence of a broadcasting law which would have ensured that the public interest was maintained in the processes discussed above. As a policy activist stated:

> "in the absence of a parent Act you cannot make regulations, you can only make guidelines and guidelines are voluntary and not compulsory…". (Interview: Ampaw, 2020)

This brings home the importance of having a broadcasting law which absence has given commercial broadcasting stations an unfettered reign since they have not been under any

legal obligation to follow the provisions in the policy more so since the NCA also limits broadcast licence authorisation obligations to technical issues. The absence has created a free-range broadcasting environment where especially commercial broadcasters programming has been motivated solely by the size of the audience they can attract for their programmes. Ampaw's statement thus captures the weakness in the regulatory regime that has enabled broadcasters to operate without rules and underscores how the availability of a broadcasting law to back broadcasting policy guidelines would have ensured that the public interest was considered in the processes discussed above. In the radio market for example the big players such as the Despite and Multimedia groups have been able to leverage their popular programmes across other regional markets either through "sister" stations or affiliates in those regions thereby suffocating the smaller regional and district stations. In the case of television programming is dominated by foreign mainly Western programmes and formats as well as Latin American Telenovelas popular among women audiences. In this competitive environment for big audiences, even *GTV* the television channel for GBC has been forced to participate to gain big audiences for its programmes. Even though there are some popular locally produced programmes on television such as "Ghana's Most Beautiful" on *TV3* and "Di Asa[26]" on *Atinka TV* the 50% local content requirement in the NMC's Broadcasting Standards document has hardly been the yardstick for television stations to screen their programmes and without the broadcasting law television stations have been free to screen any content at any time to maximise audience numbers and their advertising revenues based solely on the dictates of the market.

When broadcasting stations have erred the NCA has maintained its stance as being only the "technical" regulator and therefore unable to act since that would be acting outside its mandate. The NMC on the other hand while eager to demonstrate its relevance as a regulator for the media has not been effective either due to the lack of a specific legislation on broadcasting it can fall on to intervene on such occasions. This regulatory problem is well recognised among civil society actors and has been part of the basis for the calls to reform the broadcasting regime as articulated by one policy actor:

> "I think that critically the space requires a lot of analysis and a lot of intervention in terms of both [sic] law, in terms of policy, in terms of public education". (Interview: Ashibge, 2019)

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[26] Dance in Twi

This portrait of the regulatory status quo prior to digital switchover demonstrates further the lack of anticipation of what technological changes could bring to the sector while fashioning the earlier policies and regulatory regime. Chapter 5 discussed how policy making for broadcasting was incoherent and fragmentary following the liberalisation of the media space under the 1992 Constitution. This led to gaps in policy and regulatory measures which over time has become entrenched with the beneficiaries of the status quo resisting change. Thus, GIBA for example, has challenged in the courts any attempt to introduce regulatory measures that in their view would interfere with their right to "editorial independence" as they claim is guaranteed them under the 1992 Constitution. An example of this was when GIBA sought interpretation at the Supreme Court over the NMC's publication of the Content Standards Regulations in 2015 to help sanitise the broadcasting sector.

The status quo has also exposed the effect of the policy neglect of GBC's public service broadcasting mandate in a highly commercialised broadcasting market. The reasons for the continued absence of a broadcasting law and how this absence has been exploited by commercial broadcasters encouraged by a sense of entitlement are discussed in more detail in subsequent sections in this Chapter.

As digital switchover has brought transformation to the television market the need for a more relevant regulatory regime to meet the old and new challenges of the broadcasting sector has become even more urgent however, some industry actors remain sceptical about seeing reform any time soon:

> "we are ready to be able to deliver the service, is the regulator ready to regulate us?, I'm not too sure about that". (Interview: Ashibge,2019)

This section has discussed the creation and weaknesses of the broadcasting regulatory regime in Ghana's broadcasting sector. It has established the NMC's challenges as the content regulator for the broadcasting sector due to its weak establishing legislation and the absence of a broadcasting law to regulate the sector unlike the NCA's. These highlight themes of weak policy and regulation in broadcasting and the NCA's lack of political independence as noted in Chapter three. The discussion also raised public interest concerns in policy making as a result of the commercialised broadcasting environment and weak non-state policy institutions. In Chapter eight of this thesis these issues are discussed further. The next section looks at the structural constraints that contributed to the missed opportunity to reform the broadcasting regulatory regime during the digital switchover process.

7.3 Missing the opportunity to Reform Broadcasting's Regulatory Regime during the Digital Switchover Policy Making Process: The Structural and Institutional Causes.

Chapter five discussed the critical juncture that laid the foundation for policy making to follow a path dependent trajectory in the country since the return to Constitutional rule in 1992. With the concentration of policy and legislative power within the Executive, successive governments have been very reluctant to institute policy that would dilute those powers. Commenting on the effect of this on the NMC, this is how one policy actor summarised it:

> "in my view I think that the government is quite happy, or governments our governments have been quite happy about this NMC more or less weaknesses, then it makes a case for why we should have the NCA which they control". (Interview: Ampaw, 2020)

This explains why successive governments as actors and beneficiaries of the privileges and power given under the 1992 Constitution have continually resisted regulatory reform to maintain the status quo. This situation has laid the foundation for three main factors that constrain attempts to reform the broadcasting regulatory regime.

As noted, the first factor is because of the concentration of Executive power that gives government control over the NCA through the Ministry of Communication and Digitalisation. This means an indirect but powerful influence over the broadcasting sector. Passing a broadcasting law however would lead to a shift in power from the NCA to the NMC and thus the loss of such influence. Governments have therefore been very reluctant to initiate the process that would result in losing their influence or power over the sector. This is very telling given government's sole legislative power. To overcome this requires powerful and sustained advocacy which non-state broadcasting policy actors have been unable to achieve. An example of this can be seen in how long it took to eventually pass the Right to Information law (RtI) 2020, Act 989. That effort took over twenty years and passed through three different governments from its first presentation before the Parliament. The RtI advocacy was well organised and received huge publicity in the commercial broadcast media. Part of its eventual success can be explained by the manner the issue was framed in the media as an anti-corruption instrument. Anti-corruption issues had consistently received huge public support over the years in the fight against perceived corruption by politicians and government officials. Thus such framing enabled easy public understanding and backing. Despite this

public domestic backing and even from some international open society activists it still took over twenty years to eventually get the law passed in the Parliament in 2020. This is because different governments dithered and raised different technical issues about particular clauses in the bill at different stages. On the contrary, broadcast regulatory reform has not received that level of widespread public and sustained advocacy. It has had support from a few committed but limited civil society actors and individuals passionate about the proper regulation for the broadcasting sector. Furthermore, broadcasting regulatory issues even when they have been raised have been discussed in rather technical terms, unlike the easily digestible framing of the RtI advocacy for the public as an anti-corruption issue that made it easily understood to win public backing. Commercial broadcasters have also not been particularly enthusiastic about discussing issues of media regulatory reform compared to the role they played in raising the discussions about the RtI law, and have also consistently associated discussions about media regulation with the notion of "government interference". This has easily resurrected the spectre of state repression of media - a sensitive issue in the country's media history as discussed in Chapter four- in the public's mind. These have thus contributed to a continued lack of public understanding and interest about the urgency to properly regulate the media, especially with the transformations witnessed following the digital switchover process. Clearly, it has not been in the interests of commercial broadcasters to champion broadcasting regulatory reform because they benefit from the status quo. The experience of the eventual passage of the RtI law with the Executive's overwhelming control over the policy and the legislative agenda, and its prerogative to initiate the process for any reform demonstrate the possibilities but also limits that non-state agency will have to confront before broadcasting regulatory reform can be achieved. In this context, governments have paid the occasional lip service about the need to reform the broadcasting regulatory regime but have ignored the actual work needed to achieve those reforms. This can be seen clearly in Ministry of Information's inertia since the last proposals for the broadcasting law were submitted in 2014. It is reasonable therefore to conclude that this silence over the passing of the broadcasting law since 2014 is an example of non-decision policy-making by the Executive (Freedman, 2008, Lukes, 2005[1979])

A second constraint to achieving broadcasting regulatory reform has been the resistance the proposals for a broadcasting law encountered from political and commercial interests. The earlier provisions proposed restrictions on politicians owning broadcasting stations. It is a known fact that many politicians own particularly FM radio stations in the districts, which

have been used to propagate their electioneering campaigns in the various constituencies. Some of these politicians are current or past members of parliament or ministers in the present or previous governments, the very people called upon to reform a broadcasting regime they have benefitted from. They have naturally seen the prospects of a new broadcasting regulatory regime as a threat to their political interests and resisted.

Allied to this has been the powerful influence of GIBA as the commercial broadcasting lobby group. As discussed earlier, the broadcasting sector developed without much if any regulatory obligations on broadcasters. This situation has meant broadcasting stations have had a practically unfettered reign as far as regulation is concerned. GIBA have therefore found the prospect of broadcasting regulation being introduced to be unwelcome. GIBA have founded their resistance to regulatory reform mainly on their interpretation of the Constitutional provisions in Article's 162(2) which states that "…there shall be no censorship in Ghana" and 162(3) which among others states that "there shall be no impediments to the establishment of private press or media…" (Constitution of the Republic of Ghana, 1992, p112). Such resistance to regulation has echoes with the experience from the United States. According to Harvey (2004) the previous interventionist approach to regulating broadcasting in the country based on the recognition of the medium's cultural significance as well as Judgments by the U.S Supreme Court gave way to claims about the policy's "chilling effect" on Journalists in their practice and also, its contravention of the free speech rights of media owners in the particular context of the country's Constitution (Harvey, 2004, p202). As has been noted earlier and further illustrated below, GIBA or some of its individual members have also challenged policy proposals in the courts. A case in point was its successful Supreme Court writ against the NMC's belated effort to introduced some regulatory measures with its Content Standards Regulations of 2015 (Content Standards Regulations, 2015). GIBA also challenged the Ministry of Communication and Digitization's introduction of Conditional Access requirements in the revised 2018 DTT policy but were unsuccessful on that occasion at the Supreme Court[27]. Some GIBA members are also still in the courts challenging the NCA's policy on the reclassification of radio broadcast radius ranges. The cumulative effect of these legal challenges for the television market against the backdrop of an already weak broadcasting regulatory framework has been to stall any prospect for an immediate reform and ensure the continuation of the status quo even as the broadcasting landscape has changed as a result of the introduction of digital technologies. GIBA, has thus

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[27] GIBA vs NCA 2020

perversely found common cause with some politicians to resist calls for regulatory reform, framing their objections as a fight to secure the media's independence and democracy, with its implied suggestion that measures to regulate the media is an interference with democratic rights permitted under the 1992 Constitution. An official from GIBA put it this way:

> "the question we asked is: is there anything wrong with protecting our business because aside the protection of our business, it is also the protection of Ghana's democracy because when there is freedom of speech, freedom of expression, access to information, then the people are well informed then our democracy thrives, but if it doesn't happen like that there could be any form of attack on our democracy and we feel that alone is a threat to the government itself". (Interview: Hiadzi 2020; see also Harvey 2004)

The reality however is that GIBA's resistance aids the economic and political interests of its members. What is also ironic to note is that GIBA was extensively consulted as part of the process leading to the proposals for the broadcasting bill.

The final constraint has been the NMC's own conflicting stance as its manner of framing the need for proper media regulation has been a constraint to achieving regulatory reform. The institution's legislative and organisational weakness have been discussed earlier, however senior figures at the NMC reflect contradictory views about the need for regulation as reflected in the two positions below:

> "we should not proceed on the assumption that something is so terribly wrong with our media that we need stronger regulatory approaches". (Interview: Sarpong, 2020)

This statement coming from the Executive Secretary of the NMC does not seem to recognise the challenges the NMC has encountered regulating the broadcasting sector but rather comfortable with the status quo and yet from the same institution there is recognition for and a strong call to make broadcasting regulatory reform go beyond the mere passing of a broadcasting law to include an amendment to the NMC's establishing legislation to better empower the NMC to act, as the following statement from the NMC's chairman illustrates:

> "the broadcasting bill…is about defining what must go into the programming and all that you know…they are attempting to introduce some authority for the media commission…we are saying that in that case they should remove it from the

broadcasting bill…and make amendment in the media commission Act itself ".
(Boadu-Ayeboafoh, 2020)

From this there is a clear reflection of an ambivalent posture of the NMC towards regulatory reform that contributes to continually disable it to act in a consistent and clear manner to champion such calls. More than that, the NMC's overwhelming focus has been on securing the media's independence from government interference as noted above and during the digital switchover policy making process this was highlighted in connection with its tussle with the MoCD and the NCA over which institution had the mandate to control the digital transmission infrastructure. On this the Commission's chairman made a forceful case about the NMC's concerns about which institution controls the digital transmission system:

> "when it comes to content the NMC is our regulator… because we are having this infrastructure which is going to churn out content we believe that the infrastructure per se will have to come under the NMC, because the NCA is an extension of the Executive and so if the technical infrastructure sits under the NCA, the NCA at any point in time can instruct the operators of the infrastructure to do anything to the content and our argument is that since…the National Media Commission is the guarantor of press freedom and independence as enunciated in the Constitution then we should oversee that process so that it will not be abused because you see the moment another government comes to power that board will go but the boards appointed by the NMC… they all overlap governments they don't automatically [go with exiting administrations] the government has no right to dissolve them when a new party assumes government, so the same in our opinion should be with the digital[transmission] company but the moment you form it by the ministry that means it becomes a government appointed board, it violates the Constitution number one, number two, it politicises the process and therefore consequently every government that comes is going to change the board and all that and so we go back to the status quo ante 1992 so therefore in our view its unwise". (Ayeboafoh, 2020)

The long quotation from the NMC chairman reflects the lingering apprehension among policy actors about losing the gains made in media freedoms under the Constitution. This is an understandable sentiment given the country's media history noted in Chapter four when the media suffered excessive censorship and repression especially under the PNDC regime. Thus the NMC's insistence during the digital switchover policy making process on it being the

proper institution to control the digital transmission infrastructure and also appoint its Chief Executive Officer is fuelled by that history. Nonetheless, it has still distracted the NMC from considering championing the policy and regulatory measures needed for the broadcasting sector as the broadcasting market has developed and its needs have become complicated. I argue that with the sheer number of broadcasting radio and television outlets in the country during the 4th Republic, any government's ability to interference in the media similar to the manner that was possible during the PNDC era has diminished. Furthermore, with such large numbers of broadcasting outlets, the most effective means of protecting the media is by instituting adequate policy and regulatory measures in the light of current inadequacies rather than the mere protection of the media from government interference. As discussed in Chapter six, this NMC preoccupation with securing media independence came at the expense of marginalising broader regulatory requirements for the broadcasting sector. During the digital switchover policy making process, whereas the NCA saw the process as within its normal technical mandate as the telecommunications regulator, the NMC on the other hand saw it as an existential battle to preserve its Constitutional mandate to control the media space as the content regulator from government interference. This posture has contributed to the seeming perpetual turf protection battles the NMC has engaged with the Ministry of Communication and Digitalisation and the NCA. As a result of this, it has rather been civil society actors and policy activists that have been consistently demanding proper regulation. As noted earlier, the process that resulted in proposals for a broadcasting law was largely championed by civil society actors with some individual NMC Commissioners in support. Prominent among such calls has been for the NMC to be given control over broadcast frequency authorisations. The difficulty with such non state policy actor advocacy however has been that while they have been important in setting policy agendas, the normally loose coalitions for such advocacy have not been sustained over long periods and therefore have broken up and ceased to be active after a while.

The overall impact of these structural constraints has been that the NMC has not been able to effectively respond in policy and regulatory terms to the changing broadcast market as a result of the introduction of digital technologies in broadcasting. Furthermore, with actors like GIBA and the government benefiting from the status quo, they have become powerful constraints against achieving any regulatory reform so as to maintain their respective commercial and political interests in the communication space.

The discussion in this section shows how the reconfiguration of the communication policy arena post 1992 has disabled the ability of independent policy actors to sustain advocacy for changes in broadcasting regulation. This has been partly because of the overwhelming power of the state to determine the shape and direction of policy as well as the reluctance of actors like GIBA to give up privileges enjoyed in a lax broadcasting regulatory environment. The state exercises non-decision power by slowing down or ignoring calls for reform that will not be in its narrow interest while GIBA exercises agency albeit limited, to challenge any attempts to reform the broadcasting sector. These points are discussed in more detail in Chapter eight. The next section focuses on the efforts to achieve broadcasting regulatory reform and why the digital switchover process offered yet another opportunity to achieve such regulatory reform.

7.4 Push Factors for Broadcasting Regulatory Reform: Missing the Digital Switchover Policy Making Opportunity

Thus far, the Chapter has considered the context within which the broadcasting regulatory regime developed and has remained as the architecture to regulate the broadcasting sector. This section continues with a discussion about the factors that have fuelled calls to reform this regime.

The first radio broadcast frequency authorisation amid much controversy, was granted in 1995, over two years after the 1992 Constitution had come into force. As noted in Chapter four, this came about in the absence of a clear policy to guide the development of the commercial broadcasting sector with the NDC government nervous about the prospect of independently owned broadcasting stations. Within a decade the NCA had granted over one hundred more commercial radio frequency authorisations, in addition to five new commercial television authorisations. The discussions in Chapters four and five noted the rapid growth and commercialisation of the broadcasting sector as a result. This situation was primarily due to the NCA's exclusive mandate under its establishing legislation and the Electronic Communications Act. This shows the effect of the lack of a coherent broadcasting policy to guide such an explosive growth beyond the broad provisions in the 1992 Constitution under article 166. As such authorisations, granted by the NCA under the political control of the Ministry of Communication and Digitalisation were given without any clear and transparent criteria, nor connected to any overarching policy for the broadcasting sector it led to accusations that broadcast frequencies were awarded to cronies

of government officials. A veteran journalist, media owner, and former chairman of the NMC, Ambassador Kabral Blay-Amihere[28] publicly alleged that frequency authorisations granted during the NDC Administration, from 1994 to 2000, and that of the NPP from 2001 to 2008, were mostly to cronies and individuals sympathetic to the party interests of these two major political parties when in government. Ampaw (2004) and Apenteng (2007 2014) have made similar allegations. While anecdotal evidence exists about politicians owning broadcast media, there is no sense of its scale since most likely proxies are used and thus this makes it difficult to get a realistic estimation. Nonetheless, political control of broadcast authorisations and the involvement of political actors in broadcast media ownership added to the challenges of the already weak regulatory controls in the broadcasting sector highlighted earlier. This comes on top of the intense commercialisation of the sector, with broadcasters vying for their share of the audience and the limited advertising revenue without proper regulatory measures to control their excesses. For example, radio stations have often relied on sensationalism, populism, incitement and sometimes insulting language as integral devices in their programming to attract audiences. Television has also seen not just an influx of foreign productions and formats but the increased portrayals of sexual and violent content, especially during times when minors would be watching. This has led to many calls for the NMC to "sanitise" the airwaves. However, since the legislative instruments were weak, coupled with the absence of a specific broadcasting law, the NMC as discussed earlier has not been effective in curbing such broadcast media excesses. In this regard, Ambassador Blay-Amihere has stated that the NMC has been limited to making "moral appeals" to broadcasting stations as a regulatory measure. This is unlike the NCA, even though only the "technical" regulator. There have been occasions the NCA has been able to intervene but not always based on any clear mandate or necessarily on content infractions as admitted by a top official:

> "it is a problem, it's a challenge and I'm saying occasionally we take decisions that are beyond our scope just because there is a vacuum and nobody fights us because people see that it is necessary, somebody must act". (Interview: Fianko, 2020)

As noted in Chapter four, the regulatory inadequacies that had enabled this lax broadcasting sector was recognised by a World Bank study on the broadcasting sector for the government of Ghana (World Bank, 2005). The report called for the role of the NMC and GBC to be

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[28] Kabral Blay-Amihere, GBC 75th Anniversary Celebration Lecture, 10th August 2010

properly clarified and empowered to meet the challenges in the liberalised broadcasting market. The report's release also coincided with civil society advocacy[29] for broadcasting reform. This had been going on for some time in the margins but became amplified as the World Bank report was launched. The Ghana Advocacy Steering Committee for a National Broadcasting Law canvassed an extensive range of views and experiences from various stakeholders before they submitted proposals for passing a broadcasting law to the Ministry of Information in September 2007 (Apenteng, 2007). The membership of this group came from public and commercial broadcasters, academics, legal experts, individuals from media training institutions as well as representation from the NCA and NMC. Even though this advocacy effort involved representations from the state sector such as the two regulators mentioned, and the public broadcaster, GBC, the process was a non-state initiative to reset the broadcasting regulatory framework to correct the "imbalanced and haphazard" development of the broadcasting landscape. The above clearly shows how the necessity for broadcasting regulatory reform had been established with even support from some commercial broadcasting stations since the inadequacy of the regulatory regime to address the problems thrown up by the unregulated liberalisation of the broadcasting market had gotten worse. Parallel to this process the government had also developed the country's Telecommunication Policy framework (National Telecommunications Policy, 2005) which interestingly recognised the transformations convergence in communications technologies would bring to the broadcasting sector and committed to a revision in policy and the regulatory instruments to meet those challenges. What surprises is that despite this awareness in high policy circles of the need to change policy and regulatory measures for the broadcasting sector as a result of technological convergence, not much if anything was actually done. This suggests that since the effect of the regulatory reforms advocated for by civil society would involve a fundamental shift in power and influence over the broadcasting market from the NCA and by extension the Executive to the NMC, it would not serve the state's narrow interest and therefore not undertaken. As I discussed in earlier Chapters, the resistance to the call for broadcasting regulatory reform came from vested political and commercial interests. As a result, it took a further seven years until 2014 for revised proposals to be re- submitted to the Ministry of Information (Apenteng, 2014). Since then the process has stalled with politicians making the occasional predictable calls for regulatory reform in broadcasting when controversies about the media become topical. It is also worth

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[29] Some individuals from civil society were part of the preparation of the World Bank report

emphasising that even though the NMC stood to be the biggest beneficiary of any broadcasting regulatory reform and some individual Commissioners being active participants in the advocacy, the NMC as a corporate entity did not develop, articulate or championed a position on the issue in public following the submission of proposals to the Ministry of Information. Such a move would have sustained the issue of broadcasting regulatory reform on the agenda, especially as the civil society coalition that championed the process had dissolved. I argue that the policy making process around the ITU's global digital migration policy was an opportunity to break the inertia that had surrounded regulatory reform and indeed broadcasting policy making since the proposals were last submitted to the Ministry of Information in 2014. The digital switchover process presented an opportunity for the country to fashion a comprehensive policy and regulatory regime for the broadcasting sector. Some stakeholders shared this view as reflected in this statement from the president of the GJA:

> "we welcome wholeheartedly the digitisation and the benefits it brings but at the same time we believe that for us to derive the maximum benefit from digitisation there should be conscious effort to improve content" (Interview: Monney, 2020).

Improving content would require revising and improving the available policies and regulatory instruments on broadcasting not just for its liberalised market but also because of its transformations due to digitalisation.

In the event government's interest in the digital switchover process was to see the country complete her migration within the ITU's original 15th June 2015 deadline to avoid being "left behind". This would also help the country to escape becoming the "dumping ground" for obsolete broadcasting equipment and continue to enjoy the ITU's technical protection. The Ministry of Communication and Digitalisation's technical Committee set up to submit proposals for the DTT policy had recommended amendments to the legislative instruments governing the broadcasting sector to properly anchor the digital switchover process on a legal footing. The recommendations however focused on only the immediate legal necessities to achieve an early completion of the process with only a general call for the passage of the broadcasting law to meet the challenges of the new broadcasting market. Given the already established urgent need for broadcasting reform and the imminent transformation that the switchover process would bring to the broadcasting sector, the government could have done more by making the longstanding calls for regulatory reform part of the digital switchover policy making process. After all the Executive wielded all the legislative authority and

government itself had in the past recognised the importance of such reforms for the sector. The fact that there was a failure to adopt an approach to the digital switchover process that combined the immediate technical objectives to complete digital switchover with a consideration of the policy and regulatory measures to tackle its broader implications for the broadcasting sector reflects government's inhibitions about broadcasting regulatory reform since these were not in its interests as the discussion in Chapter five demonstrated. Thus, clearly by only emphasizing the "technical" objective in Ghana's digital switchover process to meet the ITU deadline the country missed the opportunity to use the momentum generated behind the digital switchover process to also reform the broadcasting regulatory regime. As Chapter six has shown, the broad based stakeholder support behind the government's initial push to achieve early switchover was premised mainly on the technical priorities of digital switchover. Such an emphasis put the responsibility to complete switchover on time on the NCA as the state agency with the expertise and experience for such an undertaking and naturally marginalised the NMC as the "content" regulator without any expertise in spectrum policy. The NMC's sometimes inconsistent position about the need for regulatory reform noted earlier even as the implications of digital switchover for the broadcasting sector became clearer, perhaps unwittingly also aided this marginalisation. Commenting on the role being played by the regulator in the switchover process, a senior official stated thus:

> "you see the whole issue is technical because it even started from ITU level which is technical it comes to the NMC when it is content, that is the final product". (Interview: Bannerman, 2020)

This statement effectively legitimised the MoCD and NCA's framing of digital switchover as only being a technical issue. More than this and as already noted, the NMC's preoccupation with protecting the media space from government interference had become its perpetual policy position, especially regarding control of the digital transmission infrastructure:

> "NMC is not too much into that [content regulation issues], for now our concern is who manages the platform [transmission infrastructure], it's a media[institution] and if you look at the Constitution all the media[institutions] are supposed to be under us so once the platform is a media platform that comes out with content to be regulated by the NMC it means the platform should be managed or be under the purview of the NMC". (Interview: Bannerman, 2020)

This position enjoyed support among some policy activists:

"this new infrastructure that they have, it can be a very dangerous system of state control if it is controlled by one operator […] and the NMC absolutely appears not to have any function in this arrangement I think that is quite dangerous". (Interview: Ampaw, 20202)

With such a posture during the switchover process, the NMC had effectively contributed to the marginalisation of salient broadcasting regulatory issues that could have been part of the policy menu during digital switchover policy making. This is more so when NMC's participation during the switchover process had at best been from the margins given its weak institutional position, unlike the NCA which led the process on behalf of the government. The resulting situation was that though questions about regulatory reform were acknowledged as an important issue, they were nonetheless not given a high policy priority during digital switchover policy making. As discussed in Chapter six, the above points should be considered together with the fact that the civil society coalition that had championed regulatory reform had also not played any role in the switchover policy making process due to its dissolution as a result of internal weaknesses. In effect, this meant there were no actors to raise regulatory reform issues as an agenda for digital switchover policy making and thus effectively closed an avenue where agency on regulatory reform could have been expected.

Taken together, what this has meant for the quest to reform the regulatory regime in broadcasting is that the government was able to fashion DTT policy on a narrow technical frame. The inability of the NMC and other civil society actors who would have been able to canvass for the inclusion of policy and regulatory proposals addressing the wider implications of switchover for the broadcasting sector has perhaps indirectly helped to sustain the antiquated broadcasting regulatory regime in the new digital broadcasting era. It is reasonable therefore to draw the conclusion that government's political interests in its quest to achieve early switchover as a means to prove its competence and capability in implementing a global policy outweighed the domestic public interest of reforming broadcasting's regulatory regime, which in any case would also lead to a loss of the influence it exercised in the broadcasting sector.

What the section has demonstrated are weaknesses that inhibited non-state actors to be able to sustain broadcasting policy advocacy over long periods to achieve results. It has shown that this too often left the initiative to government, itself an actor with interests to protect. In the context of digital switchover and the longstanding calls for broadcasting regulatory reform

therefore, the government chose the narrow political interests of an early switchover completion. The government's actions also point to the exercise of both direct power- in leading the policy process and framing it along its narrow interests, and the exercise of non-decision- when broadcasting policy and regulatory reforms were ignored or marginalised. The NMC's institutional weakness and the inability of other non-state policy actors to sustain advocacy suggests a weakness in the nature of coalitions that have been built around calls for broadcasting regulatory reform as well as limits in the exercise of agency. These are discussed in further detail in Chapter eight. The next section examines the early difficulties a weak broadcasting regulatory regime has brought to the multichannel television market.

7.5 Regulating Digital Multichannel Television with the Analogue-era Regulatory Regime and without Adequate Policy: The Early Challenges.

As noted earlier, the NDBMTC report recommended a joint Committee of the NCA and NMC to award digital television licences as a way to ensure their proper enforcement regarding broadcasting standards and guidelines however these have not been followed. The NCA still retains its mandate to grant broadcast authorisations without much participation from the NMC, despite the representation of the NMC on its board. Therefore a familiar scenario similar to what happened following the return to Constitutional rule has unfolded.

Before the digital switchover process began, the television broadcasting market had 10 free-to-air analogue television stations and four satellite pay channels. From 2013, digital terrestrial pay TV stations began operating (*GoTV*, *Crystal Radio Vision Network Ltd*, *First Digital*, *Cable Gold*, *NGB* and *Nour Vision Limited*). The NCA as part of the policy process awarded digital television licences to all existing analogue stations, with the biggest beneficiaries for new digital broadcast authorisations being *GTV*, with six digital channels based on its public service broadcasting mandate, and *Crystal TV*, three channels, based on the number of analogue broadcast authorisations already held. As at June 2021 there was a total of one hundred and ten (110) out of a total of one hundred and thirty-six (136) frequency authorisations broadcasting. Broadcasts have been through a mix of free-to-air digital terrestrial, satellite direct-to-home and analogue programme channels, (National Communication Authority List of Authorised TV Broadcasting Stations in Ghana as at First Quarter 2021) and there have been no content obligations on new entrants into the television market with the recent frequency awards as part of the digital switchover process. There has also been discussion about upgrading the transmission infrastructure to accommodate high

definition (HD) signals. The NCA has introduced "regional" digital channels based purely on geographical coverage and not the market's commercial potential.

On this basis and given the concentration of economic activity within what is known as the "golden triangle" in the country- that is Kumasi in the middle of the country, Sekondi-Takoradi to the west of the country and greater Accra, the regional capital to the east - it is an open question how the new regional channels outside this "triangle" can survive. More than that the sheer number of television channels raises questions about whether the country has as big an advertising market to sustain such a high number of channels and in the absence of clear policy and regulatory controls, how these many channels will be regulated. The experience of liberalisation in the broadcasting sector especially from the radio market has been that commercial broadcasters have favoured the advertising rich cities urban centres and towns and targeted audiences with their commercial programming in those locations. This has been a consequence of the fragmentary and uncoordinated policy-making that ensued following the return to Constitutional rule from 1992.

As new channels have not been encumbered by any content obligations and have thus been free to decide on the content that most maximises their audience size, a repeat of the experience from the radio market may already be happening in the digital multichannel television market. This favours GIBA as has been discussed earlier, in their many efforts to resist attempts to introduce regulatory reform despite their own recognition of its necessity and urgency. GIBA did not see the issue of broadcasting regulatory reform as a priority issue during the digital switchover policy making process as expressed by the association's president:

> "we think that we need to sanitise the environment we need to have standards we have pushed for it unfortunately yes the ministry of information has been the spearheading policy maker and we have made approaches to them it doesn't look like it is a front burner issue for them but otherwise our position is that we will continue to push when we have the resources". (Interview: Danso-Aninkora, 2020)

The position expressed here seems to shift the blame for the lack of reform onto the Ministry of Information, which as has been noted has not presented the proposals for the broadcasting bill to parliament. However, it ignores GIBA's own actions which have thwarted many regulatory reform efforts. Thus, as the blame game continues the status quo remains.

Another early regulatory challenge has been how to measure the 70% "local content" requirement in both versions of the DTT policy. Since there are no detailed policy guidelines on this beyond what the policy says, it is difficult to see how this can be regulated. Moreover this falls under "content" issues which makes it the NMC's responsibility. However, without a law to back guidelines for this even if there were some, such provisions are only useful on paper. This continues the situation whereby the television market has been left open to the dictates of powerful commercial interests unaccustomed to operating in the broadcasting market under any effective regulatory measures. Programming as before has concentrated on entertainment, sport, political discussions, and a heavy chunk of foreign productions or formats. There is also still no rules on ownership and other pertinent regulatory measures for the digital multichannel television market given its potential for diverse forms of content delivery. Thus the picture so far into the digital era in television broadcasting has not been any different from what existed prior to digital switchover.

As the digital switchover process targeted four and a half million analogue households to be switched to digital transmission, this meant a larger segment of the population to be migrated. The outbreak of the global Covid-19 pandemic brought further uncertainty to the switchover process and extended the simulcasting period began since 2016, even though the policy had originally envisaged two years. As at the time of writing in July 2022, the government had still not been able to announce a date for analogue switch-off even though the MoCD has claimed the digital switchover process has been completed.

The creation of a digital multichannel television market following switchover has thus complicated the structural and content regulatory requirements for the broadcasting sector. From this perspective, regulating a 110 channel digital television market with inadequacies in policies and also lacking the necessary legislative backing such as a broadcasting law makes the regulatory tasks for the NMC even more challenging given its already weak institutional position. The Ministry of Communication and Digitalisation still holds authority over the Central Digital Broadcasting Company (CDBC) the digital transmission infrastructure and as yet, has not been able to determine the tariff charges for hosting digital channels on the multiplex, a contributory factor for the extended simulcast period. In addition, given the antagonism between the MoCD and NMC regarding control over the multiplex discussed earlier, the NMC's non-participation in deliberations on the tariff setting for the multiplex raises the possibility of the NMC merely implementing policies for the digital broadcasting sector it has not been part of designing, were it even eventually handed control over the

transmission system. The MoCD's directive for *GTV* and *Crystal Television* to return three, and one channel, respectively, as discussed in Chapter four, and the introduction of the Conditional Access amendment to the DTT policy have clearly been examples of the government straying into areas that should naturally be within the regulatory remit of the NMC. As this policy and legal confusion regarding broadcasting regulation continues, it raises the spectre of government interference in the media which GIBA and the NMC have been arguing against during the digital switchover process.

 Furthermore, and as Chapter five documented GBC's role and funding has still not been clarified as television broadcasting has turned into a digital multichannel market even as the state broadcaster's position remains weak amidst the intense commercialisation of the broadcasting market. If the status quo persists without adequate policy and regulatory structures, it threatens the future survival of the broadcaster in the new television market. The DTT policy proposed a "must carry" obligation on Pay TV networks to carry one channel of *GTV* without advertising and at no cost to GBC. Part of the justification was for the government to have access to Pay TV audiences. The problem this raises for regulation if implemented is how to regulate an essentially government owned channel in a competitive television market given that *GTV* competes for advertising with her commercial television rivals, it also potentially affects the *GTV* brand as an independent broadcaster free from government clutches and serving the public. This again brings back the NMC's concerns about government interference in the media, even as the NMC itself has not had the required legislative instruments to regulate the sector properly.

As the full implications of the digital multichannel television market becomes clearer in the years ahead, the lack of clear policy and strong regulatory measures for the television and indeed the whole broadcasting sector will pose even more challenges for the broadcasting sector.

This section has highlighted the difficulties the digital transformation in the broadcasting sector has brought to regulating the sector because of the prior lack of adequate policy and regulatory measures. It has also highlighted how the government has still found indirect means to maintain the influence it exerts over the sector, while other actors have been too weak and ineffective to register any meaningful agency for change or reform. This will ensure the persistence of the analogue era regulatory regime in the new digital multichannel television market and the continued marginalisation of the public interest in seeing the

broadcasting sector properly regulated. These points are discussed further in Chapter eight, the concluding chapter for this thesis

7.6 Chapter Conclusion

This chapter considered the challenges encountered in reforming Ghana's broadcasting regulatory regime within the context of the digital multichannel television market and how structural and institutional factors have constrained that effort. The Chapter began with a background of the development of the television market before the digital switchover process was launched and the challenges in broadcasting regulation as a result of the earlier weak or none- existent policy and regulatory measures in a highly commercialised broadcasting sector. The Chapter then discussed the early efforts to achieve regulatory reform by civil society actors and their advocacy for a broadcasting law. As the Chapter demonstrated, these efforts failed to materialise due to the structural and institutional factors that contribute to sustaining weak coalitions that seek to champion broadcasting regulatory reform. The complexities introduced to the television market following the digital switchover process have made the need to reform the broadcasting regulatory regime even more urgent. However, the Chapter has shown that resistance to reform has come from commercial and political vested interests within the broadcasting sector that has ensured the continuation of the analogue era broadcasting regulatory regime. This raises the concern about where the impetus for broadcasting regulatory reform will emerge from as the complexities in the new digital multichannel television market become more apparent in the years ahead, and how policy makers and the market will respond to the continued need to have a fitting regulatory architecture for the digital multichannel television market.

Chapter 8

Discussion and Thesis Conclusion

8.1 Introduction

This thesis had the overarching objective to examine communication policy making in Ghana during the country's digital switchover process, to understand whether and the extent to which structural and institutional factors in the communication policy arena following the return to Constitutional rule in 1992 facilitated or hindered digital switchover policy making. It further aimed to examine why the analogue era regulatory regime has persisted in the new digital multichannel television market. In this final Chapter, the discussions in the empirical Chapters – five, six, and seven - encompassing the study's research questions have been extended. The analysis here places the findings within the study's theoretical framework as set out in Chapter two and the broader issues they raise for communication policy making in the Ghanaian context.

The Chapter has six sections. This introduction is followed by a section with three parts that discuss in turn, each of the three research questions and analyse the theoretical implications of the findings. The third section then engages the study's findings within the broader discussion of the global digital switchover policy making experience. In the fourth section the study's contributions to knowledge are outlined, while in the fifth section the study's limitations and suggestions for further study are presented. The last section - the sixth - gives the final thesis conclusion which summarises the salient points covered in the study.

8.2 Discussion

8.2.1 Research Question One

The study's first research question was to examine whether, and the extent to which the restructured communication policy arena following Ghana's return to Constitutional rule in 1992 facilitated or hindered the country's digital switchover policy making and implementation.

In Chapter four of this thesis, Ghana's political history was summarised noting how the media and broadcasting in particular, developed under repressive legislation and centralisation, which over time made the state the sole policy maker for the sector through

government departments such as the Ministry of Information. Thus, as Chapter five also analysed despite the democratised policy making arena post 1992 with the introduction of more policy actors, the military PNDC government intent on remaining in power ensured that the manner in which the country's transition to Constitutional rule was managed resulted in a policy making structure that concentrated powers within the Executive. This gave government controlled institutions such as the MoCD and the NCA excessive influence over the shape, pace and direction of broadcasting policy under any government. As Lukes has observed power is a dispositional concept, identifying an ability or capacity. He also stated that determining who has more power and how much more they have is inseparable from assessing the significance of the impact of their power. That is its impact on the interests of those affected (Lukes, 2005, pp109-111). When applied to the Ghanaian context, the power of government to shape the policy making environment to suit its interests at the same time deprives other actors from effectively exercising much agency to achieve broad policy reform. This can be seen for example in the handing of the broadcasting frequency mandate to the NCA rather than the NMC as called for by civil society actors. This decision then influenced the manner in which the broadcasting sector developed without adequate regulation. This point highlights Stienmo when he argues that "institutions structure politics because they define who is able to participate in the particular political arena; shape the various actors' political strategies; and, influence what these actors believe to be both possible and desirable"(Steinmo, 2001, p2). In this sense, the inability of domestic non-state actors to decisively influence broadcasting policy throughout the post-1992 media liberalisation era has been the result of how the communication policy structure had disabled their ability to be effective actors in policy making. As discussed in Chapter six, such weakness also explains the failure to articulate a sustained digital switchover policy position that would have encompassed longstanding broadcasting policy concerns in the country's DTT policy.

Furthermore, the discussion in Chapter five clearly showed how the period of transition to democratic rule was *the* critical juncture, the "period of significant change…to produce different legacies"(Collier and Collier, 1991, p29). In this instance the "legacies" that resulted was a path dependant broadcasting policy trajectory that flowed from the dominance and control by the state. "Lock in" was set in motion once the NCA controlled by the government was given the mandate to grant broadcast frequency authorisations. From then on, the path dependent trajectory in broadcasting policy making was set resulting in a

broadcasting liberalisation unguided by clear policy and regulatory measures. With the concentration of power within the Executive under the 1992 Constitution notwithstanding, broadcasting policy became fragmentary and uncoordinated, as each actor then pursued their particular interests within the sector. Lukes has suggested further that power as domination means the imposition of some significant constraint upon an agent or agents' desires (Lukes, 2005, p113). Thus, in the context of the policy making arena dominated by government, non-state actors best option would seem to be to concentrate their efforts on achievable objectives. This constrains their agency due to the limited room to manoeuvre that the communication policy arena permits. In this instance, the discussion suggests that the disablement or weakness of non-state policy actors to be effective had been "constituted" through the process that led to the return to Constitutional rule. With concentrated power within the Executive and the path-dependent policy making trajectory that ensued afterwards, change would be possible only if for example the digital switchover policy making period became another "critical juncture" to reset the power imbalances in policy making embedded within the policy arena. As this was not the case, the digital switchover policy making experience has only served to confirm Levi's (1997) suggestion that path dependence are "entrenchments of certain institutional arrangements [that] obstruct an easy reversal of the initial choice…" (Margaret Levi,1997,p 28, cited in Pierson, 2000, p252).

Overall, the reconfiguration of the communication policy arena post 1992 both facilitated and constrained the digital switchover policy process. It did so by enabling government to mobilise stakeholders and actors behind the idea of an early completion of the process to enjoy its benefits. However, it also reinforced the power imbalances in policy making against the public interest by not reforming the broadcasting regulatory regime and also empowering the NMC with better legislation to properly regulate the digital television and indeed wider broadcasting market.

8.2.2 Research Question Two

The study's second research question sought to examine the extent to which domestic policy actors were influenced by the framing of digital switchover policy priorities by external epistemic communities. Chapter six noted how international institutions such as the ITU and the CTO acted as "knowledgeable experts" to help African countries shape their country digital switchover policies. As Cross observed, transnational epistemic communities are able

to project shared knowledge as well as have an understanding of the particular circumstances of various countries (Cross, 2013, p22). The longstanding relationship between the ITU, CTO, ATU and Ghana therefore counted in this instance, in cementing the credibility of the technical guidance on offer from these institutions due to the technical complexity of the digital switchover policy for a developing country such as Ghana. Implementing the digital migration policy from a Ghanaian, perhaps African perspective therefore showed how global coordination in policy making worked as seen through the role played by the ITU and other policy communities. As Chapter six demonstrated, in helping to shape policy through "knowledge exchange" such external epistemic and policy communities also had a determinative effect on Ghana's domestic policy objectives to the extent of marginalising the broadcasting policy concerns that could have been made part of the policy making.

This was possible due to internal structural and institutional characteristics. As was noted in Chapter five, the reconfiguration of Ghana's communication policy arena enabled the MoCD and NCA to take the lead to fashion digital switchover policy. These institutions had over the years built competencies in the technical aspects of telecommunication policy unlike the other policy actors especially the NMC. The global framing of digital switchover as a technical project therefore created a ready-made opportunity for those state actors. In the Ghanaian situation, the dominance of the state in communication policy making was such that it made it easy for non-state actors to suspend or marginalise other broadcasting policy concerns they could have articulated as part of the policy making process. The domestic aligning of Ghana's digital switchover policy objectives to the technical requirements framed globally can therefore be seen as an example of power exercised to confine the scope of decision making to relatively "safe" issues (Bachrach and Baratz, 1962, 948) since questions about reforming the NMC, or passing the broadcasting law could be seen as controversial and likely to bring conflicts. This also raises the question of the nature of non-state and independent actors advocating broadcasting policy and regulatory reform. Sabatier (1988) in his formulation of the advocacy coalition framework had envisaged two to four coalitions in a policy domain that come together or disperse depending on the issue to articulate their interests and positions. The experience in Ghana since the return to Constitutional rule however suggests that coalitions formed around policy questions have been limited and generally one dimensional in the sense that they advocate for the same general issues against the state's reluctance. The coalitions have also been short lived, formed on the basis of convenience as seen for example in the early calls for the NMC to be given the mandate for

broadcast frequency authorisations discussed in Chapter four. In the context of digital switchover policy making, no coalition materialised around questions of broadcasting policy reform even as the government mobilised stakeholders and actors behind achieving an early digital switchover. This lack of coalition around broadcasting reform during the switchover policy making process cannot be seen as due to a lack of interest. As Lukes has stated, if others can further my interests without my either intending or intervening to bring this about that counts among the most effective and sometimes the most insidious forms of power (Lukes, 2005p110). In other words, by agreeing to the state's framing and prioritising of the digital switchover policy along externally set technical objectives, non-state and independent actors essentially furthered the interests of government not willing to tackle questions about broadcasting policy and regulatory reform. The failure to coalesce around long standing broadcasting policy concerns on regulatory reform and passing the broadcasting law also emanates from the structural and institutional characteristics of the policy making environment that had enabled the state to exercise domineering power to enable non-state actors to suspend or marginalise the public interest over broadcasting regulatory reform.

 It is therefore argued that the influence of external epistemic communities in the country's domestic digital switchover policy objectives was as much due the power of the policy's global framing by such policy communities as a technical issue as it was also due to internal weaknesses occasioned by structural and institutional factors in the policy making arena. The ACF's utility in the analysis provided in this thesis helps to define the nature and strength of independent policy actors in Ghana's communication policy making domain. It also reveals the temporal nature of coalitions of interest rather than established coalitions as in its original formulation.

8.2.3 Research Question Three

The third research question for the study was to explain the persistence of the broadcasting sector's analogue era regulatory regime in the new digital multi-channel television market despite many calls for broadcasting policy and regulatory reform. Chapter seven noted the consequence of an unregulated broadcasting sector which led to calls and concrete proposals to achieve broadcasting regulatory reform. The state's dominance in policy making for the sector, and its interest in maintaining such influence had been a factor in stalling efforts to achieve regulatory reform by exercising "one-dimensional power". This can be seen in the

government's decision to make the NCA which it controls stronger legislatively, and the NMC which it cannot, weaker, by granting the former the mandate to authorise broadcast frequencies (Lukes, 2005, p111). In that sense, power had been exercised directly and visibly. The state also exercised power through non-decision. This can be seen in when it failed to act over proposals to pass the broadcasting law for over eight years despite paying the occasional lip service. In either case, the state was able to achieve her objective: the continued influence and control over the broadcasting sector. The exercise of agency by GIBA has ironically reinforced the status quo. As Freedman has pointed out, policy making ultimately is about the "systematic attempt to foster certain types of media structures[and]…to suppress alternative modes of structure and behaviour" (Freedman, 2008,p1). In the Ghanaian case the action from the two actors - from opposite sites - have had the effect of stalling regulatory reform: the state dithering in the push to reform the broadcasting regulatory regime through a combination of direct and indirect exercise of power, and GIBA, representing commercial interests resisting whatever little efforts that have been made to reform the broadcasting sector's regulatory regime, such as the NMC's introduction of the Content Standards Regulations 2015 which GIBA challenged in the courts. Going by Mosco (1996, p25) this suggests that the "power relations" between these actors however disproportionate still works to suppress "alternative modes of structure and regulation" in the broadcasting sector. Thus, the path dependent trajectory seen in broadcasting policy making with state policy actors in control has been the means for government to maintain its hold on the influence and control it wields in the sector. As Mosco has observed, political economy theory applied to the communication sector has enabled the sustained analysis of the practices and consequences that comprise the production distribution and use of power (Mosco, 2009, p187).

The distribution of power in Ghana's communication policy arena has worked against the public interest in achieving regulatory reform and facilitates fragmentary and uncoordinated policy making that entrenches the challenges that commercialisation of the broadcasting sector brought such as a weak media regulator in the NMC. This also explains the persistence of the analogue era regulatory regime even as digitalisation and the digital switchover process has transformed the broadcasting sector and complicated its regulatory requirements.

8.3 Ghana's digital switchover policy making in the context of the global digital migration implementation: the missed opportunity for regulatory reform

This study's design did not extend to a comparative investigation of the question on how digital switchover policy making impacted on regulatory reform in other African context. The study set out to inquire about whether Ghana's reconfigured communication policy making sector following the country's return to Constitutional rule in 1992 helped or hindered her digital switchover policy making process. In particular, the study sought to understand the reasons for the persistence of the analogue era regulatory regime in a digital multichannel television market following digital switchover. This is because since previous attempts to reform the broadcasting regulatory regime had failed, the digital switchover policy making process offered another opportunity to redesign broadcasting regulation. Nonetheless, while the design was not a comparative study, the discussion presented in Chapter one of this thesis on selected digital switchover policy making from some African countries provides a limited basis to compare to Ghana's experience

The digital switchover policy making experience in the USA, UK and the EU, as discussed in Chapter one (see Starks, 2007; Iosifidis, 2007; 2011; Cotlar 2005; Hart 2010) gives the overwhelming impression of a policy making process geared towards constructing a new economic reality based on the abundance of information that would be made possible by digital technologies, the so-called information society. Therefore, this policy focus suggests that issues of how the digital media space should be regulated was not a top priority in the US, UK and EU contexts. It can be argued that these would have been largely dealt with during the earlier phase of technological convergence as digital transformations challenged traditional sector specific regulatory approaches (Iosifidis 2002; Collins 1999; Hills and Michalis, 1997).

This thesis has established that Ghana entered her digital switchover policy making process with a well-recognised need for regulatory reform of her broadcast regulatory regime. However, the opportunity offered by the process to fashion that reform was missed due to structural and institutional factors as discussed in Chapters five and seven. A contrast to this can be seen in the South American case, where according to García Leiva (2010) the digital switchover process in the region also presented a unique opportunity to either achieve important reforms or to favour existing industry arrangements over change. As a result, Chile

for example utilised her digital switchover policy making to also fashion a parallel programme of regulatory reform of her audio visual sector that affected radio, television and public service broadcasting (pp10-16), even though the larger region exhibited a discursive dominance of economic-industrial logics that marginalised social, cultural and educative concerns for the audio-visual sector to promote social inclusion and cultural diversity as the drivers of digital terrestrial television policy making (pp21-27). Similarly, the Mongolian experience of digital switchover policy making in Asia had parallels with Ghana's policy making process as reviewed in Chapter one. The country had a newly emerged concentrated commercial television sector, many politically affiliated and with no public service obligations. There were also minimum laws governing content and activities of television stations and programming practices as the country entered her digital switchover process and implemented the policy without much reform (Baasanjav, 2016, p14).

What these examples illustrate is that local political, economic, and policy contexts were also instrumental in shaping each country's digital switchover policy and therefore gives a patchy overall picture.

As was noted in Chapter one, many African countries largely followed the experience of digital switchover policy making from Europe, the United Kingdom and the United States – seen in setting ASO deadlines, policies on subsidies for STBs and decisions on the technical broadcasting standard to adopt. For Africa in particular, there was the added complication of the funding for the construction of the digital transmission infrastructure and more importantly, who controlled it. The latter question had implications for the broadcasting regulatory regime, as the examination of the Ghana case in this thesis demonstrates. The discussion in Chapter one noted how technological convergence and digitalisation in the communication sector led to a rethink of the traditional sector specific regulatory approach in the communication sector (Hills and Michalis 1997; Collins 1999). Even though this thesis did not aim to investigate on a comparative basis how digital switchover policy making impacted broadcasting regulatory regimes across Africa, indications can be gleaned from the limited examples reviewed in Chapter one. That reform of regulatory regimes was not a major issue in the other African countries reviewed in this thesis suggests two possibilities: one, an existing regulatory regime that clarified who had such a mandate and was adequate to meet the challenges posed by the digital transformation in the broadcasting sector, exemplified by South Africa for example, with an already merged communications regulator in ICASA; and second, an inadequate regulatory regime that benefited powerful actors in the

broadcasting sector, who used their powder to make the case of regulatory reform of broadcasting a non-issue during the digital switchover process, as the thesis has established in Ghana's case.

The picture of how the digital switchover policy making process impacted on regulatory regimes in the broadcasting sector on the continent is therefore varied and patchy. However, as noted earlier from the examples reviewed, the literature indicates some reform to erstwhile media regulators in response to convergence and digitalisation processes in the communication sector. As indicated earlier, South Africa, together with Tanzania and Kenya had embarked on institutional regulatory reform of their media and communication regulators as a response to convergence and digitalisation in their communication sectors long before their digital switchover policy making was initiated.

In South Africa, the Independent Broadcasting Authority and South African Telecommunications Regulatory Authority, all sector specific regulators for the broadcasting and telecommunication industries were merged to form the Independent Communications Authority of South Africa (ICASA) in the year 2000 in response to the implications of convergence and digitalisation in the communication industry. The merged regulator has provisions in statute designed to address the regulatory challenges of a digital communication sector (Independent Communications Authority of South Africa Act, 2000, 2000). During her digital switchover policy making process, the country also initiated a concurrent development of a new legislative foundation for SABC, the country's public broadcaster, as well as a legislative reformulation of ICASA, however this became entangled with policy developments concerning digital switchover and contributed to delays to the South African digital switchover process (Armstrong and Collins, 2011, p4).

Tanzania was the first country on the continent to conclude her digital switchover process. As part of the country's digital switchover process, steps were taken to revise the Tanzania Communications Act to include digital migration and the liberalisation of the importation of set top boxes, as well as a content licensing framework that required 60 per cent of programming to come from local sources (Kisaka, 2015, pp20-25 p20; Munthali, no date, pp8-20). The country had established the Tanzania Communications Regulatory Authority (TCRA) under the Tanzania Communications Regulatory Authority Act 2003. This was a move away from the earlier Tanzania Communications Commission of 1993, with responsibility for the media and communication sector in the country. The regulator has a

clear mandate in its regulatory function over the communication sector under the Broadcasting Services (Content) Regulations, 2005, which is a revision of the earlier Broadcasting Services Act, 1993, and the Electronic and Postal Communications (Digital and other Broadcasting Networks) Regulations of 2011. Together, these statutes provide the regulatory framework for both structural and content regulation of the communication industry in the country. This therefore suggests that Tanzania did not have a pressing need to reform her media and communication regulatory regime as part of her digital switchover policy making. However, Tanzania's early success in digital switchover implementation notwithstanding, Kisaka (2015) has argued that the country's process exposed a policy vacuum to deal with issues of piracy and copy right brought about by the increased capacity and innovation of using digital technologies and a regulatory framework for local content and content across platforms. Thus, even when there had been some regulatory reform prior to the digital switchover process, digital transformation of the communication sector rendered those reforms incomplete.

Kenya's Information and Communication Act, 1998, had been structured to cover broadcasting, multimedia, telecommunication and postal services in the country. Regulatory responsibility was entrusted to the Communications Commission of Kenya - now the Communications Authority of Kenya - covering broadcasting, cyber security, e-commerce, telecommunication as well as postal and courier services. The inclusion of "multimedia" in the legislation suggests an early recognition of the implications of convergence and digitalisation in the communication sector. Even in Zambia, the country did not only seek to use the digital switchover process to modernise her broadcasting equipment but also to better position the state broadcaster, Zambia Broadcasting Corporation (ZBC) in the new television market (Digital Migration Policy, 2014).

The examples cited above indicates not only how policy makers in those countries had an early recognition of the implication of convergence and digitalisation, but also the effort however limited, to fashion some policy and regulatory reforms in response to those transformations in their communication sectors.

Therefore, it is fair to argue that in embarking on their digital switchover policy making, those countries did not have an urgent need to reform their broadcasting regulatory regimes. However, as the analysis in Chapter five has shown, Ghana's context and requirements were different. This is because of the long standing recognition of the inadequate regulatory regime

for the broadcasting sector and the many previous stalled attempts to reform the regime. Since the state was able to mobilise actors and stakeholders behind the objectives of the country's digital switchover policy, it was also an opportunity to harness this to reach some consensus on what shape a new broadcasting regulatory regime should take for the new digital broadcasting sector. However, policy actors failed to seize the opportunity. Thus, with an already poorly regulated broadcasting context with the influx of foreign television content, no effective guidelines or policy on advertising, children's programming and a proliferation of sexual, violent, and other harmful content, Ghana entered a digital multichannel television market without reforming her broadcasting regulatory regime. The evidence from the global experience of digital switchover policy making reviewed in this thesis suggests a consistent pattern of local political and economic imperatives as important factors influencing policy making. Ghana's experience suggests this has not been far reaching and in that sense the country stands out as atypical for the missed opportunity to effect comprehensive policy and regulatory reform in her media sector, especially given the long standing recognition of the need for broadcasting regulatory reform.

More research will be needed to understand how extensive this picture is across Africa, given the limited country cases reviewed in the thesis in the context of Africa's fifty-four sovereign nations, each with her own unique context and experience.

From the analysis in this thesis, it can be argued that the digital switchover policy making experience across the globe has been defined by a mix of global influences and local political and economic dynamics. This can be seen for example in how Europe's effort to harmonise its process faced challenges of an uneven spread of television delivery technology across the continent; how in South America countries pursued the process based on their specific national political and economic objectives; how in United States, industry actors fought to maintain their commercial influence in the transformations brought about by digitalisation; and how across Africa, policy making for a digital communication space encountered financial and legal challenges. These variations suggest the importance and salience of local political and economic dynamics in the implementation of global policies, such as the ITU's digital migration policy. In the particular case of Africa, it also holds true that inadequate strategy and policy preparation prior to the digital switchover process as argued by Berger (2010) explains the many financial and legal difficulties encountered during the policy making process. What this thesis has established in the Ghana case – the influence of structural and institutional factors which led to the particular shape of the country's policy,

and persistence of the analogue era broadcasting regulatory regime in the digital era – makes the case for more research in sub-Sahara Africa to understand whether this also holds true in the specific experiences of the other countries on the continent, each with its varied local dynamics and what the local drivers are that shape media and communication policy making in those contexts.

From the evidence provided on the Ghana case and indications from the experience of other African countries that also undertook their digital switchover policies, it can be argued that policy makers and regulators on the continent will need to confront the reality of digital transformations in the communication sector following convergence, which has shifted media content circulation from the linear to the platform even as many regulatory structures and regimes remain founded on inadequate and antiquated rationales to meet the complexities of this new communication context. This is necessary if policy and regulatory reforms that will bring better ways to regulate the communication sector are to be initiated

8.4 Contribution to Knowledge

From the foregoing, this thesis has made a contribution to knowledge on African media and communication policy making cultures.

The first contribution to knowledge the study has made is to establish how the dominating role played by the state in Ghana's context has shaped and directed broadcasting policy in the country's 4th Republic under Constitutional rule, which is in many ways no different from what pertained under earlier regimes, despite the fact that the communication policy making arena has been the most democratised in the country's history with more policy actors operating in the media sector. This continued disproportionate influence in policy making by state actors is a demonstration that democratic reforms to open up the media space has not necessarily led to the diminution in the state's exclusive capacity to determine the shape and direction of policy but rather the opposite. The structural and institutional factors that account for this had been laid during critical junctures and this has created a policy environment that sustains state power through the policy institutions under the control of governments. This has then been very determinative in instituting a path dependent policy making trajectory in favour of state interests, and partly explains why the country missed the opportunity to use her digital switchover policy making process to effect a longstanding need for broadcasting

regulatory reform. A corollary contribution to this is that the structural and institutional characteristics have rendered non-state actors weak. This was demonstrated during the implementation of the global digital switchover policy when non-state actors proved incapable of advancing a domestic policy agenda but rather internalised externally determined policy priorities. This suggests that in Ghana and perhaps also in Africa, the path dependent policy making trajectory rests on state power and not on compromises among policy actors.

Following from the above, the study makes a second contribution to knowledge with its identification and explanation of the nature and factors that have fuelled the policy weakness in broadcasting policy formulation and how this has impacted on the media's regulation in the Ghanaian context following the digital transformation in the broadcasting sector. As the digital broadcasting environment matures, this contribution will advance the understanding about the required regulatory paradigms that will be adequate to meet the challenges brought about by the digital transformation in the communication sector, and open up avenues to the required strategies and solutions to reform policy making and regulation.

The final contribution to knowledge from the study is the utility of its multiple combination of theoretical and conceptual frameworks to identify and explain the nature and importance of structural and institutional characteristics as factors in policy making and how these combined with external influences to shape Ghana's communication policy making during the digital switchover process. This is a departure from the dominant developmentalist approaches that often conceptualised media as adjuncts to developmental efforts. This study has established the salience of structural and institutional factors in shaping policy outcomes. Thus, this framework offers an approach to analyse the media and communication policy making process in Africa in the context of the impact of globalisation and digitalisation in the transformation of the communication sector on the continent and the position of the public interest in the new digitalised broadcasting context.

In the course of this study two country case studies on the digital switchover policy making and implementation process in Africa were identified - Abikanlu (2018) Nigeria, and Chirume (2015) for Zimbabwe, in addition to peer reviewed articles on the subject also from country perspectives -South Africa (Armstrong 2012; Duncan, 2017), and Nigeria, Abikanlu (2020). This thesis adds to these works and extends the limited corpus of critical works on

communication policy making during Africa's digital switchover process through the examination of Ghana's experience.

8.5 Limitations and Suggestions for Further Research

This study examined the Ghanaian case of communication policy making during the digital switchover policy making process. That examination did not involve an extensive investigation of the impact of the Ghanaian courts as "policy brokers" in communication policy making given the litigious character the digital switchover process assumed. Due to time and resource limitations, this study was also not designed as a comparative study of other African country's digital switchover policy making experience, even though a selection of country cases were reviewed. Therefore, the study can only be considered as a national case study of communication policy making in Ghana. Nonetheless, with its framework and findings, the study has established a solid basis of knowledge for future research in communication policy making for other African contexts. This comes into play due to the colonial, economic and political commonalities the sub-Saharan Africa region shares. More research will be needed to understand how extensive Ghana's experience as demonstrated in this thesis is repeated across Africa's fifty-four sovereign nations, each with her own unique context and experience. The peculiarities of the impact of globalisation and technological changes in the communication sectors of the various countries on the continent offer the opportunity to critically investigate the approaches and particularities of communication policy making under different media and communication systems on the continent. Further research can explore questions about the intersection between domestic and external factors on African media and communication policy making such as how processes of digitalisation have impacted on existing domestic structural and institutional characteristics, and the constraints and opportunities open to policy actors and stakeholders in the communication policy making arena in the new digital context. This offers a rich opportunity to advance the knowledge in this area of African media and communication policy scholarship.

8.6 Thesis Conclusion

This thesis has examined Ghana's communication policy making during the country's digital switchover process. It was based on the broad aim to understand whether, and the extent to which structural and institutional factors in the communication policy arena following the

country's return to Constitutional rule in 1992 facilitated or hindered the digital switchover policy making process. It also further aimed to examine the reasons for the persistence of the analogue era broadcasting regulatory regime in the new digital multichannel television market. To achieve this, three specific research questions were outlined to be investigated, namely: (1), to what extent the restructured communication policy arena since the return to Constitutional rule in 1992 facilitated or hindered Ghana's digital switchover policy making and implementation process; (2), to what extent domestic policy actors were influenced by external policy communities to align Ghana's digital switchover policy objectives alongside internationally set frames and priorities at the expense of domestic policy concerns; and finally (3), the factors that explain the persistence of the analogue era regulatory regime of the broadcasting sector in the new digital multi-channel television market despite many calls for broadcasting policy and regulatory reform.

These objectives were outlined in Chapter one and the experience of digital switchover policy making of selected countries from across the globe was presented to position the study within its international scholarship. The discussion highlighted the origins of the digital migration policy from the Japanese development of an analogue high-definition television (HDTV) system which triggered the race to develop digital television (DTV). The ITU's global push for digital migration came to African countries within a context of weak communication policy systems and thus for the continent, the process exposed the policy and regulatory inadequacies existing prior to the digital switchover policy. In Ghana's case, the policy implementation process raised questions about the design of communication policy along the lines of externally set policy objectives and priorities at the expense of domestic broadcasting policy concerns.

As the thesis has demonstrated, the years of weak policy and regulatory systems as a result of the structural and institutional changes in Ghana created vacuums that have been exploited by the main actors. Thus, this has continued a path dependent policy making trajectory that has its roots in historical political events and has favoured governments interests over the public interest in media and communication policy making.

In Chapters two and three, the study's theoretical framework, based on political science and sociological concepts and a methodological approach was laid out and discussed. This departs from the dominant developmentalist approaches in the examination of African media systems and offers an original framework to analyse communication and media policy

making in African contexts as digitalisation transforms the communication industry on the continent. In Chapter four, Ghana's political history was briefly presented, highlighting the important events, issues and personalities whose actions combined to lay the foundation for broadcasting policy making in the country. The empirical Chapters - Chapters five, six, and seven - then analysed in turn the study's three research questions based on the data gathered through the qualitative methodological approach and method of analysis.

The study has shown that Ghana's digital switchover process has only served as an opportunity for particular domestic policy actors to exert their influence and power to maintain the benefits they had been enjoying in the broadcasting status quo. In that sense, it has been a missed opportunity to address the long-standing broadcasting policy and regulatory concerns that would have secured the public interest in seeing proper policy and regulatory measures in the new digital broadcasting sector. Thus, there is not much to celebrate yet beyond the offer of better picture and sound quality, multiple channels and interactive applications, since policy makers have failed to grasp the real opportunity offered by the digital switchover process. To overcome the structural and institutional inhibitors that have resulted in this outcome requires better knowledge and understanding, such as what this thesis has established. The study brings better understanding to why and how, policy actors have behaved the way they have in the Ghanaian context to continually shape and determine the policy and regulatory outcomes the way it has been. This opens up avenues to rethink how communication and media policy can be refashioned to respond to the challenges brought about by Ghana's liberalised and now digitally transformed broadcast media sector. It will also inform future civil society engagement in media and communication policy advocacy to galvanise the need to effect change in broadcasting policy making. As the full implications of the digital switchover process for the broadcasting sector materialises in the years ahead, policy makers in Ghana (and perhaps in Africa) will have to confront the questions about the continued absence of inadequate policy and regulatory measures for the digital broadcasting sector and the appropriate policy instruments and approaches to regulate the new digital broadcasting environment.

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Appendices

Appendix A:

Invitation Letter for Interview

19th Sept 2019
Dear Sir   (or)
Dear Madam

REQUEST FOR AN INTERVIEW ON GHANA'S DIGITAL MIGRATION POLICY MAKING PROCESS

I wish to seek your consent for an interview as part of the research topic "Digital Migration in Ghana: Policy and Implementation Challenges, and their Implications for the Regulation of the Television Broadcast Market" by Mr Kobina Bedu-Addo, a Lecturer at the Ghana Institute of Journalism in Accra, but currently studying for his PhD with us at the University of Westminster, UK..

This is a very topical and important study about communication and media policy from an African context, rarely researched but highly pertinent to the increasingly converged African communications sector, and with the potential to bring new knowledge and understanding to that arena. Thus Ghana provides a perfect site for this study, with the on-going digital migration process against the back drop of 27 years of media liberalisation since 1992.

Your experience in this policy area will be invaluable for Mr Bedu-Addo's study, and I would be most grateful if you could consent to an interview with him. Should you agree to this request, he can be reached via email at papaano@hotmail.com, or via whatsApp on the number 0543017027, to arrange the most suitable time and location to you.

This will be a face to face recorded interview of between 30-45 minutes duration, after which it will be transcribed for analysis against other interviews and conceptual frameworks.

I would like to assure you that the interview information will be used purely for academic analytical purposes and would be treated with the utmost confidentiality. Where preferred your identity will be anonymized to prevent future readers of the final work from tracing them back to you.

I hope I can count on your positive response to this request soon. Thank you very much

Yours …….

Dr Maria Michalis
Associate Prof of Communication Policy Studies
CAMRI
University of Westminster, UK

Appendix B:

Interview Synopsis

Synopsis
Project Topic: Digital Migration in Ghana: Policy and Implementation Challenges, and their Implication for the Regulation of the Television Broadcast Market

Introduction

Following the ITU's GE 06 conference in 2006, Europe, Africa and the Middle East embarked on an ambitious policy to migrate broadcasting systems from analogue to digital technology. Ghana's implementation formally began in 2010 with the setting up of a Committee to provide government with a policy and implementation roadmap. Since then the process has encountered a number of challenges, with the current analogue switch-of date set for December 2019.

This study has as its objective, to understand the communication policy making process, the regulatory regime it constructs, and how and why it is formulated the way it is in Ghana using the digital migration implementation process as its site. It seeks to achieve this through elite interviews with stakeholders and actors, to gain their views, perspectives and experiences of the process, as well as on the wider communication policy making environment in Ghana. The International and Ghanaian/African experience of digital migration has thrown up a number of issues about communication policy formulation, and how these could influence the way the emerging converged digital media and telecommunication landscape is regulated. These interviews will be semi-structured, pursuing angles to the research objective based on the stakeholder/actor's involvement and influence over the specific digital migration process and larger communication policy formulation.

This interview will explore the following themes under the topic:

1.   How the digital migration policy has been understood and articulated

2.   Where Ghana is with her digital switchover policy making and implementation

3.   The extent of non-state actor and stakeholder involvement in the digital switchover policy making process

4.   What the country's priorities under the policy are and why

5.   Whether the broadcasting regulatory reform concerns are part of the policy considerations and what regulatory framework is envisioned for the post-digital switchover era in broadcasting

Appendix C:

Participation Information Sheet

[TITLE of thesis]

Researcher(s):

Supervisor:

You are being invited to take part in a research study on …….. The research will focus on ……... The aim of the research is to……...

This research is being undertaken as part of the researcher's PhD studies at the University of Westminster and is being carried out in collaboration with his supervisor ……...

The study will involve you:

1) Completing one questionnaire on ….. It will take around 15 minutes to complete.

2) Participating in a focus group along with other …….This will take about 1 hour and will be tape-recorded. The recording will be transcribed and the audio recording deleted/retained as part of the research archive for a period of five (5) years.

Please note:

• Your participation in this research is entirely voluntary.

• You have the right to withdraw at any time without giving a reason.

• Withdrawal from the research will not have any effect whatsoever on your rights or duties.

• You have the right to ask for your data to be withdrawn. Data that is anonymised will be retained.

• You do not have to answer particular questions either on questionnaires or in interviews if you do not wish to do so.

• Your responses will always be made anonymous.

• No individuals should be identifiable from any collected data, written report of the research, or any publications arising from it.

• All computer data files will be encrypted and password protected. The researcher will keep files in a secure place and will comply with the requirements of the Data Protection Act.

• All hard copy documents, e.g. consent forms, completed questionnaires, etc. will be kept securely and in a bank locker. Documents may be scanned and stored electronically.

• Please notify the researcher immediately if any adverse symptoms arise during or after the research.

• If you wish you, can receive information on the results of the research. Please indicate on the consent form if you would like to receive this information.

• The researcher can be contacted during and after participation by email (…..) or by telephone (+…….).

• If you have a complaint about this research project you can contact the project supervisor, …..by e-mail (……….) or by telephone (+44 (0) 20 7911 5000 ext…….).

Appendix D

Consent Form

Title of Study:

Researcher:

I have been given the Participation Information Sheet and/or had its contents explained to me.

     Yes   No

I have had an opportunity to ask any questions and I am satisfied with the answers given.

     Yes   No

I understand I have a right to withdraw from the research at any time and I do not have to provide a reason.

     Yes   No

I understand that if I withdraw from the research any data included in the results will be removed apart from anonymised data.

     Yes   No

I would like to receive information relating to the results from this study.

     Yes   No

I wish to receive a copy of this Consent form.

     Yes   No

I confirm I am willing to be a participant in the above research study.

     Yes   No

I note the data collected may be retained in an archive.

     Yes   No

I note my data will be fully anonymised.

     Yes   No

Participant's Name: _____

Signature: _____ Date: _____

This consent form will be stored separately from any data you provide so that your responses remain anonymous.

I confirm I have provided a copy of the Participant Information Sheet approved by the Research Ethics Committee to the participant and fully explained its contents. I have given the participant an opportunity to ask questions, which have been answered.

Researcher's Name: _____

Signature: _____ Date: _____

Appendix E:

Interview Guide

This interview guide lists the broad questions that will be asked of the interviewees during the interview. The division into sections makes it easy to track, or skip particular line of questioning depending on the particular interviewee since this is a semi-structured interview and therefore flexible.

Start by greeting and restating the purpose for the interview:

Thank you very much for agreeing to be interviewed on this subject. As the consent for indicated you are free to object to any particular question at any time during the course of the interview. You are also free stop the interview altogether and ask for your comments not to used.

Understanding and articulating the digital migration policy by stakeholders and actors

1.   Can you tell me how your organisation understood the ITU's digital migration policy? (probe further to understand whether the policy's implication for the broadcasting sector was a prominent part of this understanding)

2.   What do you make of the MoCD and NCA's lead role in fashioning digital switchover policy (probe how this has affected the domestic framing of the policy and why the NMC and GBC's role has not been as prominent)

Extent of non-state actors and stake holder participation in the policy making process

1.   How much involvement has there been for NMC, GIBA, MFWA, (Probe the extent local actors been influential in the process)

2.   What has been the dominant concerns of local actors in the policy making process

3.   What challenges (if any) have been encountered in the policy engagements?

Domestic broadcasting policy priorities

1.   What do you see as important policy priorities for the broadcasting sector

2.   How do you see the digital switchover process affect these policy priorities?

Regulating the broadcasting sector

1.   The broadcasting sector has not had an adequate regulatory regime since media liberalisation, do you see a need for change in the regulatory roles played by the NMC and NCA? (probe the kinds of change if outside these envisaged)

2.   Proposals for a broadcasting law have been with the MoI since 2014, but this has not been on the policy making agenda for digital switchover, can we enter a digital multichannel

television broadcast market without a broadcasting law? (probe the consequence of the law's absence in the broadcasting sector and what factors has hindered its passing).

3.   What is needed to achieve the change and reform required in the broadcasting sector?

Appendix F:

List of Interviewees

1.   Mr Kwaku Sakyi-Addo, Board Chairman, NCA

2.   Mr. Alexander Bannerman, Deputy Executive Secretary NMC/ B/M, NCA

3.   Mr Edmund Yirenkyi Fianko, Chief Engineer NCA

4.   Mr George Sarpong, Executive Secretary NMC

5.   Mr Yaw Boadu-Ayeboafoh, Chairman NMC

6.   Nana Kwasi Gyan Apenteng, Former Chairman NMC

7.   Ms Gloria Hiadzi, Executive Secretary GIBA

8.   Mr Sulemana Braimah, Executive Director MFWA

9.   Mr Affail Monney President GJA

10.   Mr Samuel Attah-Mensah, CEO Citi FM

11.   Prof Amin Alhassan, Director-General GBC

12.   Dr Kwame Anoff- Ntow, Former Director-General GBC

13.   Mr Kofi Abotsi, Former Dean GIMPA law School

14.   Mr Akoto Ampaw, Akuffo Addo, Prempeh and Co

15.   Mr Andrew Danso Anninkora, President GIBA

16.   Mr Kenneth Ashigbey, Executive Secretary Telecomms Chamber

17.   Maj Albert Don-Chebe (Rtd), Former Director-General, GBC

18.   Mr Osei Kodwo Addo, Legal Practitioner and Media Policy Advocate

19.   Mr Sam Nartey George, Member of Parliament

20.   Ambassador Ekow Spio-Garbrah Former Communication Minister/NCA Chairman

21.   Mr Thomas Eshun Media Lawyer