

**STATEMENT BY HON. SAMUEL NARTEY GEORGE ON THE AUDIT  
CARRIED OUT BY THE NATIONAL COMMUNICATION AUTHORITY.**

Rt. Hon Speaker, permit me to begin this statement with a quote from Hugh Grant, a celebrated English actor and movie producer, "A free press is the cornerstone of democracy; there is no question about that."

As a Nation and even as the August House of Parliament, what binds us together and gives each one of us a seat in this sacred chamber is the concept of democracy. Without the 4th Republic, we would not be here today as Representatives of the good people of Ghana entrusted with a mandate to ensure that we safeguard the Supreme interest of Ghanaians, our democracy and also ensure its sustainability.

Mr. Speaker, this said, the past week has seen the publication of an audit report by the National Communications Authority and the attendant sanctions imposed by the authority. Mr. Speaker, this is not the first time the NCA has conducted such an audit and I believe it will not be the last. In this index case, I am troubled by the report and the apparent draconian sanctions that the NCA is handing out in its recently carried out spectrum audit. Without any fear of contradiction, this action is the single biggest threat to the survival of media plurality as we have it in our country. As Representatives of the people, we cannot sit idle and watch as the gains of the last three decades are washed away by virtue of what may have been a well-intentioned audit which is being executed in the worst possible manner. I am left to wonder like many industry watchers if the mandate of the NCA is not threatening the future of media freedoms. We are left wondering if the National Media Commission was consulted in the performance of this audit to seek its view on the net effect of the audit on 131 media houses.

Ghana has come from a checkered past where media freedom was an aspiration- to, today, where we are a shining beacon of media plurality and freedom way ahead in the world rankings of countries like the United States of America and the United Kingdom. The journey to this point has not been easy. It has come at a huge cost but that is a price we as a people have chosen to pay to ensure that the voice of the people would not be filtered through a contraption of control devised by the Executive to ensure its comfort.

All five Presidents of this 4th Republic have played a key role in bringing us this far and must be commended for their willingness to either fight for, embrace or entrench the needed change in our media landscape. Their



collective desire has seen us move from having just 1 State Broadcaster to the current situation where we have over 500 radio and TV stations delivering information, education and entertainment to the Ghanaian populace and even beyond our shores.

In this statement, Rt. Hon Speaker, I would touch on seven major reasons why I pray this August House to reign in the over-excited NCA Stallion lest it tramples on the freedoms of the press as we have come to know.

Firstly, I have heard many arguments over the past days that the NCA's action is in contravention of Article 162(3) of the 1992 Constitution. A cursory read of that portion of the constitution may appear to support that assertion but in reality, the Courts of the Land have given some finality to that matter in the case of Radio Eye. The Constitution is right in saying that no one should impede the establishment of a media entity however, as the Courts determined, any media entity requiring use of spectrum for the discharge of its operation must necessarily apply for same to be granted as the spectrum is a finite national resource. In light of this, the NCA has the clear mandate to manage the spectrum and issue, suspend or revoke frequency authorizations.

Secondly, Mr. Speaker, the fundamental question that arises out of the implementation of this audit by the NCA is the question of propriety. The NCA appears to be sanctioning 131 media houses over the non-renewal of their authorizations and as such has either fined them or revoked their authorization. The question here is, have these media houses been paying their yearly regulatory fees to the NCA? Has the NCA been receiving same without any query on the authorization renewals? Who is to blame the apparent non-compliance?

The enforcer who reneged on its mandate or the operator who paid the yearly regulatory fees and once that was accepted without any complaint, went along with business as usual? Was there a reason why previous administrations, in fact 3 of the last 4 Presidents overlooked the authorization renewal fees? Was it an indirect incentive to support the media establishment which was reeling from increasing overhead costs and a crowded market space? These are real issues the current administration and the NCA must avert their minds to.

Thirdly, the NCA in its imposition of fines has shown a clear lack of touch with reality. No media House in Ghana today by virtue of their radio operations including the State Broadcaster can afford to pay a fine of



US\$5 million and stay operational. In fact, many radio stations in Ghana today have an operating capital of less than \$250,000. How then does the NCA impose fines as high as \$15 million on one Ghanaian Radio Station and expect payment of same? Is that not a high handed but cowardly way of shutting down the station? The fines are irrational and are the biggest threat to press freedom in the fourth Republic and this House must not sit idle and watch by as the fourth estate of the realm has at one point or another helped each member herein seated to be seated here. We have a duty to the Ghanaians whose livelihoods including their children would be adversely affected. They are our constituents and they expect to hear our voices.

The next point Mr. Speaker is the fact that these fines in themselves are illegal and not founded on any law of our land. A visit as at the 1st of October 2017 to the website of the NCA showed a Schedule of Penalties under the Regulatory Framework Link. This allows you to download the entire document and nowhere in that document is a GHS10,000 per day fine stipulated. In the instance for example of "Contravening the obligations in a License or Authorization" the penalty stated in the document is a fine ranging between GHS1,000 to GHS2,000. It also allows the Authority to add any other sanctions it may wish. However, it is explicit as to the amount to be charged as a sanction.

Another troubling point in all of this Rt. Hon. Speaker is the fact that the NCA has another Schedule of Penalties which it is applying which was gazetted on the 20th of April 2015. The question arises as to why this has not been published on the NCA website? A close look at pages 729 and 730 of the Gazette show that the Authority enacted revised pecuniary penalties ranging from GHS5,000 to GHS50,000 for various offences. The question of Article 174 of the Constitution arises Rt. Hon. Speaker. Did the NCA in exercising its mandate under section 72(1)(e) of Act 775 and Regulation 137 of L.I. 1991 come before this august house to seek approval of their new penalties? Did the NCA seek policy advice on its parent ministry on this critical matter? Did this House which is sworn to uphold the freedom of the Press approve what turns out to be the excessive monetization of free speech?

Mr. Speaker, we see an application of the atrocious GHS10,000 a day fine retrospectively applied to Ghanaian Media Houses as far back as 2007! 8 clear years before the new Schedule of Penalties was gazetted. The Constitution of Ghana is clear on this matter that no law or sanction may be retrospective in nature or enforcement. It then supposes that the outrageous fines we have seen imposed should not and cannot be allowed to stand by this House as it would be tantamount to this House endorsing an assault on



the letter and spirit of the very Constitution we have sworn to uphold and defend.

The last point Mr. Speaker is the uneven application of sanctions by the NCA. On page 7 of the NCA's press release on its audit findings, two entities are listed under the Greater Accra Region as having their licenses revoked, Messrs. Paradise Vision Estates Ltd and Zee-Zee FM Radio Co. Ltd. However, it is interesting to note that only one of these entities has been taken off air whilst the other remains on air. The question here is why the selective application of the same sanction? Are we to read subtle political machinations in here? Are we oppressing a business entity because of a perceived political affiliation? We should not countenance any appearance or form of victimization due to perceived or even real political affiliation.

In concluding Mr. Speaker, I would seek that you use your good office to reign in our exuberant stallion and restore at least a modicum of belief in the Ghanaian Press that as the Representatives of the people, we would not sit aside and watch as business enterprises that provide jobs for our people are unfairly targeted and our constituents lose their jobs. I call on you to instruct the NCA to immediately commence discussions with your Committee for Communications to find an amicable solution to this rather sad debacle with the view to seeing to the protection of Ghanaian businesses and jobs and still protecting the powers of the NCA. I also call on my colleagues to join me in the condemnation of any person or entity that seeks to limit the freedom of the Press in our nation as that is one and the same as an assault on our very democracy.

Rt. Hon. Speaker, we must be guided by the past even as we fashion out our shared future. This world has witnessed grave atrocities perpetuated behind the guise of obnoxious legislation. Many actions of Adolf Hitler and the Nazis were backed by existing obnoxious German legislation at the time and could have been said to be legal. Apartheid in South Africa was legal but unconscionable.

History remains a better judge of past actions and their propriety. In many Dictator States across the world, legislation that suppresses the expression of free speech exist and is a tool for stifling the media and free speech in those jurisdictions. Ghana has come too far for us to sit idle and for us to allow the monetization of free speech to the point that threatens the existence of 131 media houses. This situation presents Mr. Speaker, this 7th parliament of the 4th Republic, a great opportunity to stand tall as defenders

of free speech and reverse any action that seeks to excessively monetize free speech.

Already many Ghanaians are impatiently looking helplessly at both the Executive and the Legislature for not having passed the Right to Information Bill. Let's not compound their impatience and disappointments.

I like many Ghanaians would want to rather see the NCA being as proactive as they have been in this instance when it comes to the issue of telecommunication calls and data quality. That is a multi-million-dollar sector of our economy which is largely controlled by non-Ghanaians and the quality Ghanaians have been subjected to over the past few months is appalling. We would want to see the NCA change for instance the benchmark it uses in assessing the Telcos from the 2G framework to at least assessing them against 3G if not even 4G KPIs in some Regional capitals. This would ensure that the Telcos are more fixated on quality of service inuring to the benefits of our Constituents.

Again, another area that the NCA should be considering which would aid Government in its quest to mop up revenue would be the imposition of hefty fines on Telcos whose SIM cards are found to be used by simbox fraudsters. The case of the Nigeria counterpart of the NCA fining MTN Nigeria \$2billion for active unregistered lines is a reference in point. This would bring more succor to us as a people than actions that amounts to killing Ghanaian media houses and rendering many Ghanaians jobless.

Long live the 4th Republic and may we have unfettered press freedom. I thank you Mr. Speaker for the opportunity accorded me.