



REVAMPING GHANA'S MUSEUMS & MONUMENTS:

The legal dimension

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Museums and monuments in Ghana are managed by the Ghana Museums and Monuments Board (GMMB). The current legal framework for the GMMB's work comprises three pieces of legislation: The National Museums Act 1969 (NLCD 387); EI 42 of 1972, which lists all the National Monuments; and EI 29 of 1973, which are regulations for the Board's operations.

In this section, I highlight all the problems the current framework creates, either by inclusion or omission, drawing on the preceding chapters of this report to create a comprehensive illustration of the current impediments. Finally, I

make recommendations for keeping the framework flexible enough to realise the ambitions of this report—and keep delivering on its mandate without requiring iterative legislative action to adapt to changes in society.

1 How the existing legal framework has led to the current state of affairs

1.1 Underlying philosophy as evinced in the GMMB's functions

The fundamental problem for museum culture in Ghana is that it remains wedded to the colonial structures and purposes with which it was established. Conceived to memorialise objects and tableaux of African life, the system is not designed for more than archiving relics.

A change in the *raison d'être* of the GMMB is crucial to any effort to revive or renew it. For example, the current framework states that museum directors are allowed to ban exports of antiquities under section 3(1). Preventing objects from being sold abroad without due consideration is reasonable oversight. But, the framework allows little guidance for what should happen to objects that remain in the country: export bans alone do not make museums and their objects more relevant to society, or valued by it. Critically, the current regulations are not sufficient to enable museums to play a meaningful role in shaping a national narrative or specific Ghanaian identity.

1.2 Aggregating related but dissimilar disciplines

Much of the Act focuses on museums; monuments are largely treated as an afterthought. Only Section 11 expressly relates to monuments; beyond that, and the list of monuments detailed in EI

29 of 1973, the current framework makes no provision for them.

Museums and monuments are related only insofar as they complement each other in terms of shaping cultural identity, a national narrative and pride. But their methods, scope and needs are not the same. Consider, for example, that monuments are almost entirely focused on the past while museums can travel through time. Putting the two under one management team, as the current legal framework does, forces them to compete for attention.

Meanwhile, national parks and reserves are not currently under the authority of the GMMB; they are managed by the Wildlife Division of the Forestry Commission. It is clear from how poorly managed these reserves have been to date that this has been a mismatch. Parks can and should function as complementary spaces to museums and monuments. But, as things stand, it is impossible to unlock the potential mutual opportunities of parks working in tandem with the National Museum.

1.3 Institutional independence

From its inception, the Museum has been a charity case. Founded on the large historic donation from Achimota College in 1929 it is dependent upon funding that is not received directly, but allocated by the University. This is a clunky and defeating system.

Because its mission was conceived in deference to the broader goals of the University of Ghana, the Museum has been tied to the institution but not, unfortunately, established officially as part of it and so is not formally part of it. Over time, the University's apparent lack of interest has impoverished

the Museum, and the Museum's dependence upon the University has left it in the position of an orphaned child: uncared for and yet without the resources or tools to properly provide for itself.

1.4 Governance structure

A related issue is the structure of internal governance. The Museum is led by a director appointed by the government. Since the Museum is not a primary organ of government, even those parties that have shown interest in its operations have not been able to sustain enthusiasm for its welfare. Tying museum leadership to the government means that the Museum is often hampered by waning interest, with no means to create its own remedies. A case in point is that the Museum is currently being led by its fourth Acting Director in as many years. The current structure also affords too much power to the director in ways that might encourage corruption. For example, the director unilaterally decides which objects are granted export licences, an arrangement that makes them a target for bribery by multinational corporates and collectors. Lastly, this governance structure relies too much on the lone voice and vision of the director.

1.5 Finance

The National Museums Act does not empower the Museum to generate or procure funds independently. Nor does it create an infrastructure through which artefacts can be gifted to the Museum. The Act does not incentivise citizens to donate to the Museum.

Meanwhile, the board lacks the power to dispose of artefacts other than by exchange. This means that the Museum has to store broken artefacts and, in instances where it

has multiple versions of an object, cannot make income from the sale of duplicates.

The Museum is only able to loan works to public institutions, despite the fact that many private institutions operate to equivalent standards and are often better able to afford loan fees.

The language of the Act makes it impossible to treat GMMB-owned assets as income earners. For example, a monument such as a fort or castle could generate income as event venues for concerts, workshops, etc., but the Act does not empower the Board to permit such activities, instead treating all GMMB assets as display or preservation items.

The work of museums is capital intensive so, in the absence of better pathways to stable funding, the Museum will continue to flounder.

1.6 Museums & monuments as spaces of antiquities

The underlying philosophy of the Act is inadequate in its ambitions. A major flaw in the existing framework—which arises from the issues around the colonial conception of the museum as a space of preservation—is that it completely overlooks contemporary objects as articles of interest or value. Not only does the language expressly identify 'antiquities' as the full extent of the Museum's collecting scope, it places antiquity as preceding 1900: excluding the entirety of the 20th century, and all of the changes that happened during that period within the world at large, and Ghanaian life and culture specifically.

Also outside the scope of the Museum's mission are experiences,

performances and audio-visual materials, since the current framework limits the Museum's products to objects and object-related exhibitions.

Such limitations cost the Museum dearly. In excluding such a wide range of interesting and necessary cultural objects and experiences, the Act inhibits the ability of the Museum to reach new generations and bring alive Ghanaian identity, history and culture. It turns the Museum itself into an unexciting relic that lacks the teaching aids and methods to which modern communities have become accustomed. It diminishes the Museum's relevance: there is no bridge between Ghanaians' lives and needs today and the materials in which the Museum is interested.

These restrictions have caused the Museum to atrophy. As 1900 fades further into time, the Act forces the Museum to overlook works and events of historical importance. In another 50 years, the Museum will be irrelevant to most students of Ghana because it will not contain information on anything other than our ancient history. All efforts to seed a vibrant museum culture will be for naught.

1.7 The attic syndrome

Another challenge that arises from the Museum's archival posture is that the framework does not envision it as a knowledge-seeking institution. Instead, it conceives of museums as merely archival units. Therefore it lacks provisions for the museums to conduct, sponsor, host or partner in the creation of original research, cultural development or intersectional scholarship and community.

The framework has disconnected

the Museum from the global academic community and recent scholarship, which it can currently neither contribute to, nor benefit from. This limits the Museum's usefulness in understanding and constructing a national heritage and narrative. It has created a dearth of necessary expertise.

1.8 Cost of collection expansion

Furthermore, the Act limits the Museum's ability to expand its collections cost-effectively since it cannot acquire today's objects at today's prices. The apotoyewa, for example, is a less ubiquitous item now than it was 40 years ago, yet the Act precludes the Museum from considering it as an artefact worth preserving.

1.9 An overweight centre

All museum activity is centralised. The GMMB is responsible for even trivial decisions. But a board situated in Accra may lack appropriate knowledge about running museums in hamlets in, and for, the outermost parts of the country. Given how complex the idea of community is, the present legal framework is simply incapable of allowing for representation of all the communities who have a right to be present within Ghanaian museum culture.

2 Changing the framework

2.1 A new, loftier vision

For the framework to be supple enough to achieve the vision articulated in this report, a number of critical changes have to be made. As an essential first step, the new legal infrastructure must position

museums and monuments as far more than curiosities or passive memorial sites to the past. Instead, it must articulate a more active vision with the following parameters at its core: community ownership and participation; entertainment; rewarding and enjoyable learning; knowledge seeking; inclusiveness; and interactive experience.

This vision should be captured both in the title of the new Act and the objectives of the boards.

Additionally, the boards should be empowered to liaise with any relevant ministry or agency to develop programmes aimed at attaining their objectives.

2.2 Institutional independence

The GMMB should be broken up and reorganised into three separate entities: The National Museum under the National Museum Board, comprising all public museums in the country; The Centre for National Monuments should be a separate entity from the National Museum Board; The National Parks and Wildlife Agency should be an individual organisation reporting to the National Parks and Wildlife Board.

Each of these entities will be a body corporate with its own seal. As separate, dedicated entities, these boards will be able to single-mindedly pursue the interests and welfare of their specific disciplines. The boards will nonetheless be encouraged to pursue mutually beneficial collaborations.

The boards should not be subject to the control of any person or body in the execution of their duties. This will insulate the institutions from excessive political interference and allow for continuity in their

operations despite changes in the composition of the boards.

The boards should also not be placed under the care—formal or informal—of any other institution. Each of these entities is large enough in scope and of sufficient importance that they should not be tacked onto the agenda of another institution.

The three institutions should also be made directly accountable to Parliament rather than to a minister. Thus, their governing boards should be required to submit a report to Parliament on their activities once every three years. This is sufficiently regular to ensure that the boards are unsupervised; it is also sufficiently spaced that Parliament will give the reports more than cursory attention.

The boards should feel pressure to report more momentous activity than basic administrative actions. The reports will have the added benefit of bringing greater accountability and public transparency to the running of the boards.

2.3 Governance structure

Each of the three separate entities should be administered by directors appointed by the boards, rather than by the government, following a rigorous application process akin to that of the appointment of a Rector or Vice-Chancellor. This allows the board to choose from as wide a pool of expertise as possible.

The tenure of the directors should initially be for five years, renewable twice for a total 15-year period. This is sufficient time for a good leader to initiate positive change, working towards long-term projects and budget markers. It is also not so long that a bad leader can do irreversible

damage.

The current size of the GMMB is too small to administer all of the disciplines covered under this composite arrangement. Instead, there should be three new boards: the National Monuments Board; the National Parks Board; and the National Museum Board.

Each board should have members drawn from the following fields: art, archaeology, anthropology, ethnography, history, music, science, archival sciences, education—disciplines directly related to the board’s content oversight. The board should also have members from the following fields: finance, law, linguistics and traditional leadership—facilitating fields whose representation on the board will ensure smoothness and efficiency in the affairs of the institutions. Together, these backgrounds create the competence required.

The new Act should expressly protect the boards from political interference by their not being subject to the control of any one person or body.

Each of the boards should be authorised to do the follow: acquire and hold property, including for purposes of investment or income generation; purchase, sell or dispose of its properties, including artefacts it no longer deems worth holding on to; lend or borrow properties including from private persons and entities, provided that the agreements under which such loans are arranged are in no way damaging to the heritage institution concerned; enter into project-specific partnerships in line with its mission, provided such partnerships are not configured to be unalterable or permanent.

2.4 Finance

The three institutions should be authorised to generate their own funds and such funds should be held and managed by the generating institution rather than paid into the consolidated fund or any other state coffer.

For this purpose, National Trusts should be established for each of the three entities. The trusts will establish and maintain endowments for the institutions with the funds raised so that, in time, the endowments will yield passive income that can contribute to the operational costs of the institutions.

The trusts will help insulate the institutions from government interference, maintain standards and allow each to individually determine their growth and trajectory.

Each board should ensure that a manual regarding its financing policy and procedures is drafted and made publicly available. Tax incentives should be given to donors and sponsors of the three institutions to incentivise citizen-involvement in the sustainability of the institutions.

Each board should also have a finance committee, which, while responsible to the board cannot be interfered with by it (the staff members on the finance committee should not fear termination if they hold opposing opinions to the director of the board). The committee should have a member on the board who has the competence to understand and lead the committee.

2.5 Museums & monuments as spaces of the past, present, and future

The emphasis on antiquities, as the Act calls them, should be removed. Instead, the Act should empower the boards to determine from time to time what qualifies as subject areas of interest. The board should be empowered to publish a list of such new areas as it has determined, along with guidelines on what is covered. The determination of antiquity should not be frozen into legislation. Rather, it should be left to the board, upon the advice of experts in the relevant fields to determine.

2.6 Clearing out the attic syndrome

To rid the museum and monument spaces and industries of the attic syndrome, their governing boards should have as part of their main functions the initiation and fostering of key research projects and partnerships.

2.7 Expanding the collections cost-effectively

In allowing the Museum to collect such artefacts and experiences as it deems necessary, the new Act opens up the possibilities for it to expand collections cost-effectively. It should also empower the boards—adhering to strict regulations—to receive artefacts as gifts from persons so inclined; from the estates of deceased persons of social, political or historical importance; or from families of very aged persons. It should provide incentives enticing enough to make people take the step to donate artefacts in their possession, such as tax benefits, renewal of National Health Insurance Scheme free for the year after the donation, etc.

2.8 Decentralisation

Given how critical it is that communities—whether

geographical or demographical—feel connected to their museums as spaces and experiences of personal pride, the board must decentralise. The three bodies should see their roles more as coordinators and regulators of those spaces than as the primary managers of specific examples or sites within their disciplines. This will allow each site to root itself in its host community; for instance, by putting together a locally relevant advisory board, or hosting cultural activities in which the communities participate (festival workshops, for example).

As coordinators, the boards will create a national narrative thread running through all the sites, whilst also allowing for the nuances of community to come through: for museums to feel owned by their hosts; seen and appreciated by others—and thus fully integrated into the national identity.

Conclusion

The deficiencies of the current legal framework governing the museums, monuments and parks in Ghana are responsible in large part for the sorry state of the National Museum, and museum and Park culture in the country.

By reimagining their purposes, museums, monuments and parks can better serve our communities and our state. Fully appreciating the tremendous impact the existing legal infrastructure has on the possibilities for optimising Ghana's museum, monument and park culture, the recommendations in this chapter seek to draw up a new and much more supple legal framework.

This framework, beginning with a re-conception of the purpose of these heritage disciplines and encompassing changes

in institutional organisation, governance structure, financial arrangements and a decentralised ethos, will usher in a new era of national relevance for cultural institutions and with it, a clearer, stronger sense of what the Ghanaian Self means.