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Broadcast media policy in Nigeria: Across many dispensations

By Alfred Opubor, Akin Akingbulu, and Ayobame Ojebode

Abstract

The present article traces the adaptation of media and communication institutions to the political, economic, ethnic and cultural realities of Nigeria from the colonial (very British) dispensation, to the military and finally to the civilian in the last ten years. The form of the adaptation very largely reflects the political interests of the group in power, but there has always been a negotiation with more prominent interest groups. Ironically, the military, though it defended its interests, tended to be less politically partisan than the civilian governments. The major weakness in Nigerian communication policy making is the absence of strong continuous public involvement and consistent private sector and civil society participation. Typically, a small group of unrepresentative experts prepares the documents and there is little transparent consultation with the public. This produces some adaptation, but with a media system that protects the reigning political power.

Key words: Media policy in Nigeria, media policies of colonial, military and civilian Nigeria, community radio legislation in Nigeria, Nigerian communication policy of 2005

Introduction:

Mass communication policies are products of governments. Even in advanced democracies where the instruments of mass communication are largely held by commercial interests, and where policy makers are drawn from varied backgrounds and given substantial elbowroom to make policy recommendations, the final document as well as its tilt

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and biases often reflect the ideological preferences of the group in power. This is much more obvious in dictatorial regimes where policy makers are drawn from a narrow pool of government loyalists and where certain subjects are marked as “forbidden” even when such subjects require urgent policy attention.

Nigeria and its media have undergone three political dispensations: colonial, military and civilian. The country was subject of colonial Britain from 1861, when Lagos was declared a colony, to 1960 when the country obtained political independence. During those years, most political decisions were made entirely by Britain with the participation of Nigerian politicians rising gradually as the nation approached independence. That period was significant in the history of broadcasting in Nigeria for a number of reasons. It was during that period that broadcasting began in Nigeria (in 1932) with a radio repeater station established in Lagos as an outlet of the British Broadcasting Corporation. It was also during that period that television broadcasting began in Nigeria with the establishment of the Western Nigeria Television in Ibadan in 1959.

The first attempts to regulate broadcasting also started during that period. Some of such attempts continued to influence broadcasting in subsequent dispensations. Since independence, Nigeria has moved between civil and military rule. Both of these are also significant in the history of broadcasting in Nigeria. During both dispensations, there was an upswing of government proliferation of broadcasting houses as well as attempts to make broadcasting serve national and public interests, however those were defined. Given the theoretical formulations in mass communication, it is to be expected that authoritarian regimes in Nigeria (colonial and military) made policies that restricted the media and controlled them. It is logical to imagine that civilian regimes, on the other hand, made policies that developed and expanded the media. These have been the popular submissions (Dare, 2007). But these submissions require a more nuanced examination given some notable events that challenged these seemingly logical submissions. For instance, it was during the military governments that broadcasting in Nigeria grew from a one-tier to a two-tier regime in 1992. Not only this, the military also proliferated broadcast stations. In this article, therefore, we attempt to examine the trends in the policies governing broadcasting across the three

dispensations by observing the key elements of some of the policies in each dispensation.

Elements of a media policy

Different political and economic contexts produce different media policies. Yet, media policies, despite their differences, all possess a set of elements that define them as media policy. These are goals and objectives, values or criteria by which the goals are recognized and defined, content and communication services to which the policy applies, the different distribution services, and policy measures or means of implementation (van Cuilenburg and Slaa, 1994; van Cuilenburg and McQuail, 2003). The major objective or goal of a media policy is always to promote or defend "the overall public interest". This apparently simple goal assumes substantial complications when an attempt is made to define public interest. What constitutes public interest depends on who is defining it and to what end. As a less complicated leeway, the objectives and goals of a media policy may be viewed in terms of the substantive reality they address in a country. In that sense, policy goals or objectives may be political, social, and/or economic welfare. Each of these has underlying values and criteria. Theorists and scholars in democracy and political communication (Jacka, 2003; Post, 2005; Olorunnisola, 2006; Karppinen, 2007) tend to suggest that the objectives of a policy in a democracy will be backed up by values such as democracy, participation and freedom of expression. Policies in such climes will expand access to the means of communication. In neo-liberal democracies, policies are expected to be geared towards giving ascendance to private participation and reducing the involvement of government (Olorunnisola, 2006; Ojebode, 2009).

The Colonial Dispensation: 1932-1960

Broadcasting entered Nigeria as radio broadcasting in 1932. The British Broadcasting Corporation (BBC) launched its Empire Service which incorporated overseas monitoring stations in all British colonies. Nigeria was one of them; hence one of these stations was located in Lagos, its capital. The Nigeria Posts and Telegraphs Department had the responsibility of distributing the programmes from the BBC to Nigerian subscribers through what was called a re-diffusion box. Local demand grew and the service expanded rapidly to major towns and cities like Ibadan, Kano, Enugu, Abeokuta, and Port Harcourt. After World War II, the British authorities commissioned a survey which covered its West African colonies to determine existing needs,

report on methods of development and whether the existing facilities should be incorporated in any proposed new scheme. The report of the survey, called the Turner-Byron report, noted that the system had become popular and recommended its improvement and expansion in Nigeria. The colonial authorities in Nigeria responded to this report by converting the Radio Distribution System (RDS) into a full-fledged system of broadcasting. This led to the establishment of the Nigerian Broadcasting Service (NBS) in 1951. The NBS was run under the control of the Information Ministry.

Before long, the NBS ran into disfavour with the regional governments (West, East and North) which were then already headed by Nigerians. These alleged that it was an organ of the colonial central government. A motion moved and supported in March 1954 in the Federal House of Representatives led to the transformation of the NBS into a BBC-model organization by a 1956 law. The new organization was called Nigerian Broadcasting Corporation (NBC). The NBC was to operate independently. The Ordinance which established it provided for, among other things, a Board of Governors and three regional boards. The governors were to be responsible for the corporation's policies and activities, and were required to report on its stewardship to Parliament through a designated Minister.

Matters came to a head sometime in 1953, when Action Group (a political party) members led by Chief Obafemi Awolowo declared the Macpherson Constitution under which the country had been run, unworkable, and walked out of the House of Assembly. Governor Macpherson attacked Chief Awolowo and the Action Group members through the radio. Chief Awolowo and his followers demanded similar broadcast time to respond, but were denied by the government. Meanwhile, in the 1951 Macpherson (colonial) constitution, radio and television broadcasting were not included in the central government's exclusive legislative list. With the background of denial of right of reply to Chief Awolowo and his group and the rancour already generated, it was no surprise that the revision of the constitution in 1954 provided for broadcasting to be a concurrent subject, that is, within the competence of the central and regional governments. With this in place, the Western Region government established a broadcasting corporation in 1959. The television service started that year and radio services commenced in May 1960. Other regions (East and North) followed in the West's footsteps in the early 1960s.

The colonial dispensation had few policies and regulations for the broadcast media understandably because the media were still in their infancy then. Few as they might be, the policies effected important changes in broadcast sector: the policies developed broadcast stations in number and variety. The policies expanded the number of stations and also allowed regions (states) to establish and control broadcast stations. It also liberalized broadcast-related legislative processes by making it possible for states to legislate on broadcasting. Importantly, by creating the NBC and modelling after the BBC and putting its control off the hands of the federal government, the policies provided significant foundation for a strong public service system.

The First Civilian Dispensation: 1960-1966

The government commitment to the independence of the Nigerian Broadcasting Corporation (NBC) was short-lived. In 1961, barely one year after independence and five years after the NBC law was made, the central government went to parliament to seek direct control of the organization. It wanted power vested in the Information Minister to give general and specific directives to the corporation. The government got its request through in Parliament. McKay (1964, p. 69) reports that "the Bill to amend the NBC Ordinance was passed late at night on Monday August 28, 1961" and according to the Daily Express (August 31, 1961) "out of a total membership of about 300, there were only 137 members in the House – 104 Government and 33 opposition ..." It is important to note that it was under the civilian regime of Nigerians that the Nigerian Broadcasting Corporation lost the autonomy designed for it during the colonial era.

The First Military Dispensation: 1966-1979

The Nigerian Broadcasting Corporation (NBC) retained its take-off size for about a decade. With the modernization of radio sets (and reception technology in general), radio became more available and affordable to listeners, leading to greater demand in all parts of the country. Not only this, twelve new states were created by the military rulers to replace the old four regions. Thus, there arose the need to expand the broadcast system in the country.

The first expansion policy was initiated from within the NBC.

According to Atoyebi (2001, p. 22), the corporation (NBC) made a bold move by presenting to government the need for the execution of a

comprehensive development programme for NBC ... the management of the corporation specified its requirements and the Nigerian government contacted the Canadian government for assistance.

This led to the production of an assessment report, approved and made public in 1969, as well as the implementation of what government called "Radio Development Project". The process involved the establishment of NBC stations in all the 12 states. These increased to 19 when 7 more states were created in 1976. However, in 1978, the federal military government reversed this process. In 1967, the federal government-owned Nigerian Television Service (NTS) was integrated into the structure of the Nigerian Broadcasting Corporation (NBC) to become NBC-TV.

A new policy process which started in 1975 changed this arrangement. The then new military administration led by Murtala Muhammed pulled NBC-TV out of the NBC structure and elevated it into a full-fledged parastatal, then called the Nigerian Television Authority (NTA). Under the new policy, the NTA was vested with power to supervise all television stations in the country. The stations earlier owned by the states (including the African trail-blazer, WNTV) were taken over by the NTA. A military law, NTA Decree 24 of 1977, which took effect from April 1976 empowered NTA to be the sole provider of television broadcasting in Nigeria. Television thus became a federal affair. States could no longer own TV stations. All existing TV stations were to be controlled and maintained by NTA which was asked to set arrangements in motion for the establishment of new stations in state capitals where there were none.

This policy process did not appear to have gone well with several key industry practitioners, an indication that the policy process lacked wide consultation. According to Teju Oyeleye, former General Manager of WNTV (cited in Lasode (1994, p. 88), Ibadan Television (the first television station, property of the Western Region) lost a major battle by the takeover of state television services by the federal government. WNTV/WNBS ceased to exist after seventeen years of full service to the Nation. And with it passed away years of hard work, imaginative programmes, high technical standards, penetrating news production and managerial innovation. The out-going director of NBC at the time, Dr. Christopher Kolade also cited in Lasode (1994, p.89) said:

I must confess I have my doubts. The decision was taken in a great hurry, and I think it has some of the disadvantages of hurriedly

taken decisions. If the establishment of a separate television authority was desirable, I think we should have been more careful about taking over the state televisions into a new and separate authority. We face the risk of duplication in management manpower, and in professional manpower

But Engineer Vincent Maduka, NTA's first director general, cited again in Lasode (1994, p. 88) provided some insights into the government's policy line:

The takeover came at the crossroads between the creation of 19 states from the 12 states. One of the arguments of the federal government was that if 19 states developed television broadcasting services, especially where programming was concerned, Nigeria would have to earn foreign currency to procure TV equipment and the result would be non-standardization as well as duplication. The federal government also felt that there was not enough technical and creative manpower.

As the military rulers were preparing to return power to elected civilians, they restructured the radio broadcasting sector again. The name of the Nigerian Broadcasting Corporation was changed to Federal Radio Corporation of Nigeria (FRCN). The FRCN was directed to hand over all its stations in the 19 states to the respective state governments. The FRCN itself was structured into four zones with the zonal stations located in Kaduna, Enugu, Ibadan and Lagos. A military law, FRCN Decree No 8 of 1978, was the key instrument which backed up this process.

The policy also restricted radio stations in the states to transmission on the medium wave, while the four linguistic zones stations as well as the one in Abuja were to transmit on the short wave.

In September 1975, the new military government led by Brigadier Murtala Muhammed set up a Constitution Drafting Committee with a mandate to produce a draft constitution. This was part of the process of returning the country to civilian rule. The committee submitted its report to the Supreme Military Council one year later. Ugboajah (1980, p. 29) noted that during the intense public debate to which the draft constitution was subjected, one issue which aroused intense public feeling was press freedom. Despite the vigorous debate of media stakeholders, the Constituent Assembly felt there was no need for a special protection for the press, on the ground that it could be controlled and influenced by certain groups and was therefore not

immune to partisan politics. But in the process, the document finally accepted (which became the 1979 constitution) had opened a window for decentralized and private ownership of broadcasting. Prior to the making of this document, its predecessor, Section 25 of the 1963 Constitution, had simply said: "Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference". Section 36 of the 1979 Constitution added another sub-section which reads: "Without prejudice to the generality of sub-section (1) of this section, every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions. Provided that no person other than the Government of the Federation, or a State or any other person or body authorized by the President shall own, establish or operate a television or wireless broadcasting station for any purpose whatsoever".

This constitutional provision opened two windows. First, it allowed state governments to establish their own television stations, thereby erasing the monopoly earlier granted the federal government through the Nigerian Television Authority (NTA) Decree 24 of 1977. Second, private individuals, companies and organizations could then own and operate broadcasting stations through approval by the President. Shortly after the 1979 constitution became operational and political office-holders were inaugurated, the government of Lagos state exploited this new provision and established a television station. The federal government resisted this technically this by jamming the signals of the TV station, but this stopped after a while.

Broadcasting witnessed significant growth during the first military dispensation. There was an increase in the number of radio stations and states resumed control of radio stations earlier owned by the federal government. Television broadcasting was hijacked during this era—a setback for media development—but the process for reversing that trend began during this period also. The process of increasing broadcast media ownership from solely government ownership to a two-tier ownership status (government and private individual) was enshrined in the constitution that was produced during the period. It is noted, however, that some of these provisions remained only on the pages of the documents; they were not given practical implementation.

The second civilian dispensation: 1979-1983

After the elected civilian government took over from military rulers in 1979, the executive arm of the federal government sent a bill to the National Assembly asking to amend the 1978 FRCN Decree, to break up the four FRCN zones and establish a federal government-owned radio station in each of the states of the federation. According to Uche (1989, p. 54),

The federal civilian government discovered that the structure the army had left for the nation incapacitated the federal might, especially, in those states of the federation where the party at the centre was not in control. Also the calculation was that if the party controlling the central government needed to be re-elected to power, it needed federal presence at the grassroots level of the society which the state government monopolized, assisted by their monopoly ownership of the broadcast industry in the states they administered. Opposition to the bill, mainly by northern state governments who did not want the dismantling of Radio Kaduna, led to its withdrawal.

Despite this, the federal government went ahead to establish and operate radio stations, first in the states controlled by the opposition parties and later in other states where the ruling National Party of Nigeria (NPN) was in power. Apart from this, during its short spate of existence, the civilian government did not make a policy that developed or controlled the media. It also failed to utilise the provisions of the constitution which allowed commercial broadcasting.

The second military dispensation: 1983-1999

The period between 1983 and 1999 witnessed the regimes of three military rulers and a brief interregnum led by a civilian. That period was noted for the multitude of its decrees and fiats. Several broadcast regulation and development decrees and policies were enacted. These are summarised in this section.

(i) *Federal Radio Corporation of Nigeria (Amendment) Decree of 1988:*

This is the first amendment to the FRCN Decree of 1979. It removes the commercialization restriction in the 1979 law by allowing the FRCN to generate revenue through commercial advertisement and sponsored programmes, participation in the commercial music industry, staging concerts and popular drama in theatres and charging fees for the use of its choirs. It also replaces Zonal Boards with national

stations which were to be located in Lagos, Kaduna, Ibadan, Enugu and Abuja.

(ii) Privatization and commercialization decree of 1988:

As part of the instruments of the Structural Adjustment Programme (SAP) era, this law provides for the privatization and commercialization of Federal Government enterprises and other enterprises in which the Federal Government has equity interests. It creates a body, the Technical Committee on Privatization and Commercialization, to administer the process / programme.

The law lists three government-owned media organizations for partial commercialization. These were the Federal Radio Corporation of Nigeria (FRCN), Nigerian Television Authority (NTA) and News Agency of Nigeria (NAN). This law defines privatization as "the relinquishment of part or all of the equity and other interests held by the Federal Government or its agency in enterprises whether wholly or partly owned by the Federal Government". It also defines commercialization as "the re-organisation of enterprises wholly or partly owned by the Federal Government in which such commercialized enterprises shall operate as profit-making commercial ventures and without subventions from the Federal Government". But it does not define/explain partial commercialization.

(iii) The national mass communication policy of 1990:

This policy document addresses the broadcasting sector in its Chapter IV, which it titles "The Electronic Media: Radio and Television." Among the listed cardinal national policy objectives of the electronic (broadcast) media are the following:

- a) To disseminate information to enhance the welfare of the people in all aspects of life.
- b) To provide efficient broadcasting service to the entire people of the Federal Republic of Nigeria based on national objectives and aspirations.
- c) To ensure that its programmes shall be a vehicle for mobilizing the rural population for national development and improving the quality of their lives.
- d) To provide regular channel of communication between the government and the people
- e) To ensure the effective coverage and reach of the entire nation

- f) To place greater emphasis on the broadcast of news and programmes in indigenous languages so as to ensure direct relevance to local communities.

On the issue of ownership, the document says that "the existing policy in section 36(2) of the 1979 constitution of the Federal Republic of Nigeria is adequate," but that "the time is however not yet ripe for private ownership of the (broadcast) media". On implementation strategy, this document provides for:

- The establishment of a regulatory body
- A redress of the imbalance in information flow so that impulses shall also commence from rural areas and communities
- The carrying out of audience measurement activities in all the local community areas in the country to determine at all times the impact and the effectiveness of the subject area.
- The establishment of viewing and listening centres in all local communities.

(iv) Federal Radio Corporation of Nigeria (Amendment) Decree 1991.

This is the second amendment to the FRCN Decree of 1979. This amendment divests FRCN of its power of external broadcasting. (This was the take-off period of the Voice of Nigeria.) It also strengthens Ministerial control over the FRCN. This control was already in existence through section 14 of the Principal (i.e. 1979) Decree. It says:

The Commissioner (meaning: Minister of information) may give the corporation directions of a general character or relating generally to particular matters (but not to any individual or case) with regard to the exercise by the corporation of its functions under this Decree, and it shall be the duty of the Corporation to comply with such directions." This 1991 amendment law provides that: "The Minister (of Information) may give the corporation directives of a general character or relating generally to particular matters with regard to the exercise by the Corporation of its functions under this Act and it shall be the duty of the Corporation to comply with such directives".

(v) Voice of Nigeria Corporation Decree 1991.

This law created an organisation to provide radio broadcasting services for global reception. This function was previously carried out by an arm of the FRCN. Other key provisions in this law are that:

- The corporation would have a Governing Board comprising a Chairman, the Director-General of the Corporation, and seven other members. Two would represent the Ministry of Information and Ministry of External Affairs. Another will represent interest not otherwise represented in the corporation, while the others would be persons with requisite knowledge and experience in Nigerian art and culture, the mass media, financial matters and engineering.
- The Chairman has a tenure of four years (renewable), the Director General - Five years (renewable) and other board members – three years.
- Board members are all appointed by the President on the recommendation of the information Minister, and removable by this same appointing authorities even before they run their full tenure.
- The corporation has a monopoly of “broadcasting externally, by radio, Nigeria’s viewpoint to any part of the world”.
- The corporation is forbidden from carrying commercial advertisements or sponsored announcements, except in cases of programmes approved for international broadcast by such United Nations agencies as WHO, FAO, UNESCO, UNICEF, ILO, ITU, etc.
- Its news bulletins and other programmes shall be in English, French, Fulfulde, Hausa, Swahili and other languages that it may deem fit from time to time.
- As in the case of the FRCN, section 7 of this law provides that “the Minister may give the corporation directives of a general character relating generally to particular matters with regard to the exercise by the corporation of its functions under this Decree and it shall be the duty of the corporation of comply with such directives”.

(vi) National Broadcasting Commission Decree 1992.

This law was enacted in 1992; two years after the National Mass Communication Policy said “the time is however not yet ripe for private ownership of the (broadcast) media.” It provided for the establishment of a regulatory body, the National Broadcasting Commission (NBC) and the licensing and operation of private

broadcasting stations in Nigeria. It also provided for functions/powers of the NBC which include:

- Advising the Federal Government on broadcasting matters
- Receiving, processing applications for ownership of broadcasting stations and recommending same through the Minister to the President. The President is the approving authority for license
- Regulating and controlling the broadcast industry
- Undertaking research and development in the broadcast industry.
- Regulating ethical standards and technical excellence in broadcasting station
- Determining and applying sanctions.

At the apex of the administration is a governing board comprising a Chairman, the Director-General and nine other members who represent the following interests – law, business, performing arts, education, social science, media and public affairs. They are all appointed by the President on the recommendation of the Minister. The Chairman and other members of the Board have a tenure of three years (renewable for one further term of three years). The Director General's term is five years, renewable for such further periods as the President may determine.

While board members can resign their appointments any time through a written notice to the President, they can also be removed from office by the President before completing their tenure, if he (the President) "is satisfied that it is not in the interest of the Commission or the interest of the public that the member should continue in office."

As is the case in the FRCN and VON laws, Ministerial control also applies, in NBC. Section 6 of this law (a replica of Section 7 of the VON law) says: "the Minister may give the commission directives of a general character relating generally to particular matters with regard to the exercise by the commission of its function under this Act and it shall be the duty of the commission to comply with such directives".

The law prohibits the granting of broadcasting licences to political parties and religious organizations. The law also provides for four funding sources for the NBC. These sources are:

- Fees and levy to be charged by the Commission on the annual income of licenced broadcasting stations
- Grants and loans from government
- Gifts, grants-in-aid, loans, testamentary disposition, etc.

- Other assets that may, from time to time, accrue to the Commission

(vii) Public enterprises (privatization and commercialization) Decree 1998.

This law was enacted to further the letter and spirit of the Privatization and Commercialization Decree of 1988. It creates a National Council on Privatization and the Bureau of Public Enterprises to implement the Council's decision. Within this law, two print media companies were listed for privatization. They are: *Daily Times of Nigeria* PLC plus its subsidiaries and New Nigerian Newspapers Ltd. The number of media companies for partial commercialization was increased to four. i.e. in addition to FRCN, NTA and NAN. This now includes the Nigerian Film Corporation.

(viii) The 1999 Constitution of the Federal Republic of Nigeria:

At least three of the provisions of this document are important for the media, especially broadcasting. They are:

- (1) Under Chapter II (Fundamental Objectives and Directive Principles of State Policy), Section 22 provides that: "The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this Chapter and uphold the responsibility and accountability of the government to the people".
- (2) Under Chapter IV (Fundamental Rights), Section 39(1) says: "Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference".

Section 39(2) provides that: "Without prejudice to the generality of sub-section(1) of this section, every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions; provided that no person, other than the Government of the Federation or of a state or any other person or body authorized by the President on the fulfilment of conditions laid down by an Act of the National Assembly, shall own, establish or operate a television or wireless broadcasting station for any purpose whatsoever" (the highlighted portion is the only addition to

Section 36(2) of the 1979 Constitution)
 (3) Under the Fourth schedule of the constitution, the following is listed as one of the functions of local government council: "collection of rates, radio and television licences".

(ix) The National Broadcasting Commission (Amendment) Decree of 1999.

This instrument amends the principal law, the NBC Decree of 1992. Among its provisions are:

- (a) Extending the regulatory (including licence processing) powers of the NBC to cover broadcasting stations owned by government (federal, state and local).
- (b) Adding more to the functions of NBC. These include: curriculum accreditation for broadcasting courses in tertiary institutions; arbitration of broadcast industry conflicts;
- (c) Increasing membership of NBC Governing Board by adding representatives of agencies such as state Security Service and Federal Ministry of Information
- (d) Making it "illegal for any person to have controlling shares in more than two of each of the broadcast sectors of transmission".
- (e) Empowering the NBC to collect and disburse licence fees accruing from the ownership of radio and television sets.
- (f) Increasing from one to two years, the grace period allowed broadcasting licensee to start operations.

The importance of the second military dispensation

The second military dispensation was important for the significant changes it brought to broadcasting. It moved broadcasting from the one-tier government broadcasting to a two-tier—government and commercial—broadcasting system. This is in addition to separating the external broadcasting, Voice of Nigeria—from FRCN. It was also during this period that the National Broadcast Commission came to be the Nigerian equivalent of America's Federal Communications Commission.

Government withdrawal from complete funding of government-owned broadcasting took place during this period. Government stations now had to search for funds by commercializing. This, it should be observed, has had devastating influence on the stations' commitment to public service and development (Ojebode, 2009).

Government withdrawal from complete funding did not mean any release of the political control of the stations because the government still maintained a tight rein on the stations.

The current civilian Dispensation: 1999 - 2010

Nigeria returned to democratic rule again in 1999 and witnessed the first civilian-to-civilian transfer of power in 2007. A number of broadcast policies have been introduced. The following is an overview of the policies:

(1) Review of Mass Communication Policy of 1990.

Government ordered a review of the 1990 National Mass Communication Policy in mid-2004. The 24-member review committee was chaired by former information Minister, Chief Ayo Ogunlade. It submitted its report in November 2004. Under Electronic (Broadcast) Media, the report identified the following policy objectives for the electronic (broadcast) media:

- Media shall be made accessible and affordable to all Nigerians
- Conditions shall enhance national capacity for producing high-quality indigenous broadcast programmes.
- Efforts should be made to encourage an environment conducive to growth, profit and service delivery.
- Conditions should promote the development of public and private broadcasting.
- Conditions should promote the convergence and consolidation of broadcasting and other communication services.

Under "Implementation Strategies", the report recommended, among others, that:

- There should be an equitable spread of the categories of population is denied access to information through the electronic (broadcast) media.
- The development of community broadcasting shall be promoted.
- The statutory Licensing/Regulatory Authority shall be an independent, non-sectional body with well-defined sources of funding.
- The regulatory body should be a product of convergence of broadcasting, telecommunication and other new media technologies.

- The regulatory body shall ensure that fees are not charged for news and news analysis
- All radio and television stations shall allocate at least 20 per cent of their programmes to rural activities while community-based media shall allocate 80 per cent to their immediate localities.
- Public service stations shall not be involved in commercial broadcasting. They shall be funded from sources such as set licence fees, grants and other industry charges.
- Private stations shall derive their funding from commercial activities
- Both public and private broadcasters may also be funded by other alternative sources.

(2) Community Radio Policy 2006.

The Federal Government also set up a 17-member Committee to design a National Community Radio Policy in 2006. Chaired by Prof Alfred Opubor, the committee submitted its report in December 2006.

The report focused on eight key areas:

- Access, Participation and Ownership
- Licensing
- Programming, Content and Language
- Governance and Management
- Technical Arrangements
- Sustainability and Funding
- Research and Capacity – Building
- Monitoring and Evaluation.

Among the Committee's recommendations were that:

- (a) The community radio idea should be popularized through sensitization and advocacy activities by the regulator and relevant stakeholders
- (b) The licence for CR stations should be free, without prejudice to reasonable processing fees
- (c) There should be a fixed duration for the processing and issuance of the licence to the applicants, which shall not exceed three months from the day of submission.
- (d) Governance and management shall be accountable, transparent and responsive, based on efficient practices and appropriate tools.

- (e) The regulator should set aside 10 to 15 per cent of the FM broadcast frequency spectrum for community radio stations.
- (f) For planning purposes, a nominal transmission power requirement of 100 watts Effective Radiated Power (ERP) may be assumed; However, higher ERP levels should be permissible where the terrain and purposed coverage area justifies this.
- (g) Community radio shall be registered as legal "not-for-profit" entities with ownership primarily (at least 60 per cent) drawn from people and organizations in the locality to be served.
- (h) Community radio stations shall be permitted to raise funds through advertising, sponsorship, and other diverse sources. No single source should account for more than 50 per cent.
- (i) Institutionalize a public-private-community stakeholder structure to propose a research agenda and supervise the provisions of this policy.

(3) Committee on Digitization of Broadcasting

Nigeria is expected to participate in the global program of migrating from analogue to digital broadcasting. The global deadline for this migration/transition is 2015. Apart from setting a local, country-specific deadline (at 2012) and approving December 2007 as the country's transition start-off date, the government of Nigeria took virtually no other step for some time. But in late 2008, the government inaugurated a Presidential Advisory Committee (PAC) to design a road-map for the digitization programme. It was chaired by a former Director of Engineering at NTA, Mr. Isaac Wakombo. The 27-member Committee submitted its report in June 2009. Since then, there has been no reported action from the government. While the report of the committee has not been made public, it gave insight into the document while submitting it to government. It said it recommended, among others, that:

- A new broadcast model which separates the function of the Broadcast Content Provider and the Broadcast Signal Distributor.
- An ownership structure of the Broadcasting Signal Distributor, taking into consideration such factors as the requirements for a quick realization of the project; financial muscle; service efficiency and national security.
- Restructuring of the licensing framework in the broadcasting sector, leading to two categories of licences

Broadcasting Content Licence and Broadcasting Signal Distribution Licence.

- Re establishment of the Public Broadcaster as a social institution, in the face of commercialization
- Management of the Spectrum Dividend that will result from the transition in a manner that brings the greatest benefits to the greatest number of people.
- Suitable infrastructural digital broadcasting standards that would ensure compatibility on both national and international levels.
- Accessibility and affordability of the general public to the new programming regime, through the traditional Set Top Box.
- Development of the content industry in Nigeria, as well as the closely related training and capacity development in the industry.
- A relentless consumer awareness campaign as well as consumer protection, including controls on distribution of consumer equipment.

(4) Vision 2020 working group on media and communications

As part of its activities in furtherance of its decisions to make Nigeria one of the world largest 20 economies by the year 2020, the government set up a series of National Technical Working groups in April 2009. One of them was the Media and Communication thematic Group, chaired by former DG of National Broadcasting commission, Dr. Tom Adaba. This thematic group submitted its report in July 2009. Government is still to announce the final document. This thematic group made such recommendations as:

- Instituting comprehensive policy and legal reforms
- Establishing community media in all communities in Nigeria
- Increasing media consumption habit among Nigerians
- Promoting more specialized media and communication training
- Providing state-of-the-art equipment in all media organizations
- Promoting open and accountable leadership at all levels.

(5) Licensing of commercial radio and TV stations has continued in the past ten years.

Although the government has given many private commercial licenses, these are usually to entities that are allied with the dominant political tendency. The government has ensured that it dominates the broadcasting landscape through expansion of its own government-controlled stations. In an expansion programme started in 2001, NTA now has over 100 stations while, FRCN is working on adding 32 stations to its network.

(6) *Insecurity of tenure for chief executives of state broadcasters*

Much of the control of broadcasting is at the state level. This is generally highly politicized and the conditions of tenure of executives of state-level broadcasting are most insecure, leading to high turnover of DGS. For example, NBC has had 5 DGs, FRCN-6, NTA – 4. This is part of the evidence of Ministerial control.

(7) *Commercialization has gone deep in NTA and FRCN such that news is now commercialized.*

Twenty years after the privatization and commercialization programme was launched, the Bureau for Public Enterprises (BPE) appears unsure how to handle the “partial commercialization” of the NTA and FRCN.

(8) *NTA and FRCN still get grants from the government despite the heavy commercialization.*

(9) *Local governments collect and spend radio/TV set ownership fees because the constitutional provision which supports them is superior to that of the NBC law which supports NBC as collecting and disbursing authority.*

(10) *The authorities have started to license radio stations on university campuses, but not in rural/grassroots locations.*

In 2000, the Federal government began an expansion programme for its radio and television organizations. Under the plan the FRCN was to build an additional 32 stations in the FM range. This was an exclusively executive branch affair without consultation with important agencies like the regulatory body, NBC. Indeed, the NBC has itself

spoken out about the government's disrespect of its own laid-down procedures as one of the sources of frustration for its regulatory activities. In a 2004 critique of the operations and achievements of the regulatory body, one of its top officials, Awwalu Salihu, captured the dissatisfaction of the NBC with such situations as the approval of broadcast licences by higher government authorities before reference to it (the regulator) and the manoeuvres of such licensees to avoid compliance with regulatory processes. Salihu went on to say that "more recently, the decision by government to establish 107 or so new NTA stations and more than 35 new FRCN stations across the country ... was reminiscent of that approach" About eight years after its take-off, the expansion process has not been completed.

Observations and conclusion

In Nigeria, broadcast media policies and their impact have not played out precisely in line with theoretical expectations as the authoritarian dispensations have brought greater diversification than civilian dispensations.

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