1 The state broadcasters

State/public broadcasters exist at two levels: those owned by the federal government and by the state (second tier) governments respectively. At the federal level are the Federal Radio Corporation of Nigeria (FRCN) and the Nigerian Television Authority (NTA). There is also the Voice of Nigeria (VON), which is the country’s international radio broadcaster.

The FRCN operates a network of 37 channels, each with its own programming: a station headquarters in Abuja, four national stations located in Lagos, Kaduna, Enugu and Ibadan, and 32 others created over the past six years and based in the various states. The state governments own and run a combined 39 radio stations.

The FRCN is obliged by law to provide national coverage. The state (regional) government stations cover their respective territories, although the signals of some can be received in neighbouring states.

Credible audience reach and market share figures are hard to come by. But it is clear that the licensing of more commercial stations since 2003 has raised competition for listenership and market share.

Because of its national network and the obligatory link-up of state-owned stations to its national news programming, the FRCN enjoys the widest reach, but this does not appear to translate into listenership share in many areas of the country.

Data recorded in a 200738 report ranked the leading stations in audience share as follows:

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- Lagos: Raypower FM (private) – 23%; Radio Lagos – Tiwan Tiwan – 20%; Star FM (private) – 16%
- South East: Benue Radio FM, Markudi\(^{39}\) – 25%; Cosmo FM (private), Enugu – 20%; Heartland FM, Owerri – 12%
- North West: Freedom Radio (private), Kano – 28%; BBC Hausa Service – 20%; Radio Jigawa – 12%
- North Central: FM 94, Lokoja – 13%; FM Minna – 11%; Zuma FM (private) – 9%
- North East: BBC Hausa Service – 18%; GSBC, Gombe – 15%; ABC 1, Yola – 12%

Apart from the Lagos and North West regions, state radio is still dominant in the country.

Ownership of television stations reflects the pattern in the radio sector. A network run by the federal government, the Nigerian Television Authority (NTA), has one national channel and 110 other stations (89 of them functioning). They are located in the various states and Abuja, the federal capital, and have their own programming but also links to network programming. Eight of these stations are designated Zonal Network Centres. A Zonal Network Centre is a station which coordinates operations of a number of other stations and through which network programmes for its zone are linked to the national network programming of the Authority.

The second tier of government, the states, along with the administration of the federal capital territory, control 37 stations.

Television viewership shares according to the 2007 report\(^{40}\) are as follows:

- Lagos: Silverbird Television (private) – 29%; AIT (private) – 28%; Galaxy TV (private) – 16%
- South East: NTA Markudi\(^{41}\) – 11%; NTA Enugu – 10%; RSTV Port Harcourt – 9%
- South West: NTA Ibadan – 14%; BCOS Ibadan – 14%; OSRC Akure – 13%
- South South: NTA Uyo – 15%; RSTV Port Harcourt – 12%; AKBC Uyo – 12%
- North West: AIT Kano (private) – 14%; NTA Kano – 13%; NTA Kastina – 12%

\(^{39}\) The station is located in the north central zone. The fact that it has an audience share in the neighbouring south east zone is due to a spill-over of its signals to this area.

\(^{40}\) Ibid., pp. 29–30.

\(^{41}\) See footnote 39.
Outside Lagos, state television is still dominant.

2 Commercial/private broadcasters

The 60-year government monopoly on the broadcast sector was broken in 1992 with the promulgation of the National Broadcasting Commission (NBC) Decree no. 38. Among other things, the law provided for a regulatory body and private participation in ownership and operation in the broadcasting industry. The NBC, as stipulated in the law, began to ‘receive, process and consider applications for ownership of radio and television stations, including cable television services, direct satellite broadcast and any other medium of broadcasting’ in 1993.

Between 1993 and 2001, a total of nine television, eight radio, two global satellite television and 15 satellite re-transmission stations were licensed. In 2002, a further 16 radio and five television licences were granted. The latest batch of licence approvals for 28 radio and ten television stations was announced in February 2007. Seventeen private stations now operate in the radio category, 14 in television and 38 in pay-TV.

The government says it is committed to enhancing diversity in the sector to achieve goals which include democracy-building. Announcing the 2002 set of licences, information minister Prof. Jerry Gana said that ‘this administration in issuing these licences is demonstrating its firm belief that only an enlightened citizenry can sustain democracy’.42

His successor, Frank Nweke Jnr, also told industry stakeholders in July 2006 that ‘the government appreciated the importance of a plural and diverse media landscape in the expansion of the country’s democratic space’.43

However, several regulatory decisions and actions of the NBC have sparked controversy and elicited criticism from commercial operators, leading many practitioners and industry watchers to conclude that a huge gap still exists between government’s proclaimed goal of promoting diversity and the reality on the ground.

The most contentious issue is that of the fees private operators are being charged. The law empowers the NBC to charge fees and levies. According to section 13(1)(g) of the NBC Act, ‘The commission shall have the power with respect to any licence granted under Section 9 of this Decree to prescribe an appropriate fee payable.’

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Commercial radio licences are in two categories: Category A, which applies to locations in Lagos, Port Harcourt and Abuja, attracts a fee of N 20 million (US$ 167 000) while category B, which is for all other locations countrywide, costs N 15 million (US$ 125 000). For television, the fees are N 15 million (US$ 125 000) and N 11.25 million (US$ 93 750) for categories A and B respectively.

A commercial licence has a five-year life span, and each renewal costs N 12.5 million (US$ 104 000) for Category A and N10 million (US$ 83 000) for Category B. In addition, each station is required to pay to NBC 2.5 per cent of its gross turnover as annual charges.

In contrast, government owned stations are required to pay a licence fee of N 5 million (US$ 41 666) only. They are not required to pay renewal fees or annual charges.

The commission justifies the licence fees disparity by arguing that ‘a public station covers a state and is required to pay N 2.5 million for a five-year period [while] a private station that covers a minimum of four states pays a commercial licence fee of N 15 million for television and N 20 million for radio at the maximum’.44

The Independent Broadcasting Association of Nigeria (IBAN) suggests that the power to review fees should be vested in the national legislature rather than the NBC.

Private broadcasters also criticise the fact that the regulatory body does not allow for cost-saving networking arrangements among commercial stations, even in cases of collaboration with government-owned broadcasters. The commission says it does not have a legal instrument to authorise networking by any broadcast station except as granted by law to the Nigerian Television Authority (NTA) and the Federal Radio Corporation of Nigeria (FRCN).45

Entertainment dominates on commercial radio with little attention to news.

In television, competition is high in news and entertainment. Unsatisfied with the supply of soap operas from the prolific Nigerian home video industry, stations have turned to imported material from places like Latin America. For example, AIT and MITV air *El Cuerpo Del Deseo* (Second Chance), a Mexican soap, at 21h00 to 22h00 and 19h00 to 20h00 respectively, from Monday to Friday. Silverbird TV shows *La Revancha* at 20h00 to 21h00 from Monday to Thursday.

Nigerian producers have to compete for space with such imported material and their lack of financial muscle often puts them at a distinct disadvantage. To have their production broadcast, producers have to pay the television companies for airtime. They recoup their investment from advertisements or sponsorships which they have to source themselves. Wale Adenuga, who produces at least four major soaps currently on television, says:

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44 ‘NBC’s reforms attract sharp reactions from industry operators’, *Vanguard*, 7 April 2004, p. 27.
The biggest destroyer of good TV programmes in Nigeria is the advent of Mexican soaps ... If you watch our TV stations 7pm and 9pm you see these Mexican soaps. And Nigerians are addicted to them, so there is no way a Nigerian programme scheduled for 10pm will compete with them ... ‘Super Story’, as acceptable as it is, can’t get two days in a week on any station. But Mexican soap takes six days a week. I have enough money to pay, but they refused because the people bringing in the soaps have more money.46

Advocacy efforts from industry stakeholders in this regard appear to have yielded fruit. Early in 2009, the regulatory body, the NBC, directed broadcasting stations to move foreign soaps out of the family belt, that is, the time slot from 19h00 to 22h00. The direction took effect from April 2009 and stations have complied.

Despite being relative newcomers on the broadcasting scene, the commercial stations are acquiring appreciable audience shares. According to 2007 data,47 Silverbird Television (29 per cent), AIT Lagos (28 per cent) and Galaxy TV Lagos (16 per cent) lead in the Lagos area; AIT Kano (14 per cent) tops the chart in the North West; while AIT Abuja (10 per cent) is fourth in North Central.

In radio, five stations (Raypower FM, Star FM, Brilla FM, Cool FM and Rhythm FM) together have 72 per cent of listenership in the Lagos area; Cosmo FM, Enugu, alone has 20 per cent in the South East, 10 per cent in the South-South and 25 per cent in the South West. Freedom Radio, Kano (28 per cent) is the leader in the North West, where Nagarta Radio, Kaduna (9 per cent) is also in the top-ten bracket. Zuma FM (9 per cent), Cool FM, Abuja (7 per cent) and Okin FM, Offa (6 per cent), occupy the third, fifth and seventh positions respectively in North Central.

Ownership of commercial stations comes from a diversity of backgrounds such as journalism, business and politics.

In some cases, the ownership background reflects in the station’s orientation and programming. For example, Larry Izamoje was a sports journalist for many years and his Brilla FM station offers all-sport programming. The Silverbird Group and the Murray-Bruces have been in the entertainment business for a long time. Silverbird TV focuses mainly on entertainment and even its news bulletins have special entertainment segments. Channels TV has a strong concentration on news. Its chief executive, John Momoh, comes from a background of news and current affairs programming at NTA, the state broadcaster.

Table 2: Ownership background of major commercial broadcast stations

<table>
<thead>
<tr>
<th>Name of station</th>
<th>Type</th>
<th>Identifiable owner</th>
<th>Background</th>
</tr>
</thead>
<tbody>
<tr>
<td>Africa Independent Television</td>
<td>TV</td>
<td>Dr Raymond Dokpesi</td>
<td>Engineering/Business/Politics</td>
</tr>
<tr>
<td>Channels Television</td>
<td>TV</td>
<td>Mr John Momoh</td>
<td>Journalism/Broadcasting</td>
</tr>
<tr>
<td>Murhi International TV</td>
<td>TV</td>
<td>Alh. Muri Busari Gbadeyanka</td>
<td>Business</td>
</tr>
<tr>
<td>Minaj Broadcast Intl TV</td>
<td>TV</td>
<td>Senator Mike Ajegbo</td>
<td>Politics</td>
</tr>
<tr>
<td>Silverbird TV</td>
<td>TV</td>
<td>Ben Murray Bruce</td>
<td>Business/Entertainment</td>
</tr>
<tr>
<td>Galaxy TV</td>
<td>TV</td>
<td>Steve Ojo</td>
<td>Journalism/Broadcasting</td>
</tr>
<tr>
<td>Desmins Int. TV</td>
<td>TV</td>
<td>Khalifa Baba Ahmed</td>
<td>Journalism/Broadcasting</td>
</tr>
<tr>
<td>Raypower FM</td>
<td>Radio</td>
<td>Dr Raymond Dokpesi</td>
<td>Engineering/Business</td>
</tr>
<tr>
<td>Star FM</td>
<td>Radio</td>
<td>Alh. Muri Busari Gbadeyanka</td>
<td>Business</td>
</tr>
<tr>
<td>Brilla FM</td>
<td>Radio</td>
<td>Larry Izamoje</td>
<td>Journalism/Broadcasting</td>
</tr>
<tr>
<td>Cosmo FM</td>
<td>Radio</td>
<td>Dr Chimaroke Nnamani</td>
<td>Politics</td>
</tr>
<tr>
<td>Rhythm FM</td>
<td>Radio</td>
<td>Ben Murray-Bruce</td>
<td>Business/Entertainment</td>
</tr>
<tr>
<td>Hot FM</td>
<td>Radio</td>
<td>Senator Chris Anyanwu</td>
<td>Journalism/Politics</td>
</tr>
</tbody>
</table>

Source: Research by author

3 Community broadcasting services

Existing law and policy have not given specific recognition to community broadcasting in Nigeria.

Section 9(i)(a) of the NBC Act 38 (as amended by Act 55 of 1999) says that an applicant for a broadcasting licence shall be ‘a body corporate registered under the Companies and Allied Matters Decree 1990 or a station owned, established or operated by the Federal, State or Local Government’. But section 9(4) provides that the NBC shall consider ‘the structure of shareholding in the broadcasting organization’ and ‘the number of shareholding in other media establishments’ in determining the grant of a licence.

Community members who manage or participate in community broadcasting are not shareholders. And under Nigerian law, entities seeking non-profit incorporation are registered as a trusteeship with the Corporate Affairs Commission. The legal corporate document required for this purpose is the group’s constitution.

The NBC has indicated its willingness to waive or modify these requirements, seemingly relying on its powers under the NBC Act, which gives the commission
under section 2(a) the function of ‘advising government on broadcasting policy implementation’. Section 2(p) also empowers it to carry out ‘such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on it under or pursuant to this decree’.


The Code describes community broadcasting as

> a key agent of democratization for social, cultural and economic development ... a non-profit, grassroots public broadcast service medium through which community members are able to contribute and foster civic responsibility and integration.

The Code lists the community corporate entities which could run broadcast stations as ‘a local not-for-profit organization; an educational institution (campus); a cultural association; a cooperative society; and a partnership of associations’.

It disqualifies religious organisations, political parties, individuals, and profit-oriented corporate bodies from being granted community broadcast licences. In determining the sustainability of applications, the commission will consider, among other things, ownership, funding, the constitution of the board of trustees, and the nature and content of programming, particularly on political and religious matters, throughout the lifespan of the licence.48

Dissatisfied with the absence of rural community broadcasting and an enabling environment for its emergence, civil society groups started an advocacy process in 2003. A local organisation, the Institute for Media and Society, along with the Panos Institute West Africa (PIWA) and the World Association of Community Radio Broadcasters (AMARC) launched an ‘Initiative for Building Community Radio in Nigeria’.

Outcomes of the campaign include widespread awareness in critical constituencies such as grassroots groups, non-governmental organisations, media, academia, and international development agencies, as well as among government policy-makers, and legislative and regulatory bodies.

The federal government has responded through statements and the institution of policy processes. Three policy documents developed by the government are awaiting final pronouncements and release to the public. They are the reviewed National Mass Communication Policy, the National Community Radio Policy and the National Frequency Spectrum Management Policy. The draft review of the Mass

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Communication Policy provides in its section 4(4) that ‘there shall be an equitable spread of the categories of licence to ensure that no community or segment of the population is denied access to information through the electronic media’ and that ‘the development of community broadcasting shall be promoted’. The draft Community Radio Policy elaborates a framework for community radio development which deals with such issues as access, participation and ownership; licensing; programming content and language; governance and management; technical arrangements; sustainability and funding; research and capacity-building; and monitoring and evaluation.

These documents on broadcasting regulation and on-going policy reform efforts appear to have informed the granting of a radio broadcasting licence to the University of Lagos in 2002 and eight other institutions of higher learning in 2007. A campus radio station pays a licence fee of N 1 million (US$ 6 600) for a five-year period.

The University of Lagos station (Unilag FM) began official transmission in 2003. The station sees itself as the first university radio station as well as the first community radio station in Nigeria.49

Though located in the main campus of the University of Lagos within mainland Lagos, the station says its signals are received in neighbouring Ogun state. This is necessary because it has to reach the institution’s several campuses and students of its Distance Learning Institute (DLI) located in many settlements, with specially designed educational programmes. According to 2007 data,50 the station has a 2 per cent share of the listenership in the Lagos area.

The station generates its income from such sources as grants from donors and advertisements. Because of the station’s status, the NBC is said to have been unfavourably disposed towards it running commercials in the initial stages. But the station’s management insisted that ‘there is nothing wrong for a community station to run a commercial advertisement … “not-for-profit” does not mean “for loss”. The type of commercials we put up here are those that are beneficial to our community’. They explained that although they are a small community station, they have a lot of overheads to take care of in the daily running of the operation.

Media experts observed that the programming of Unilag FM is not substantially different from that of commercial stations in the country. They claim that entertainment has become dominant. The station’s management says that changes have been introduced to make the programming reflect the taste and needs of the university community.

Initially, the station operated under the supervision of the vice-chancellor’s office. According to members of the management team they have not experienced any pressure or editorial interference from the institution’s authorities or other influences.

Following a change in the university’s leadership in mid-2007, the management of the station was transferred to the department of mass communication. This gives the supervision responsibility to the head of the department of mass communication and links the station’s operation with practical training of mass communication students in the University.

Another set of 18 campus radio licences were issued in early 2009, for example, for the University of Ibadan, Federal University of Technology Minna, Nnamdi Azikiwe University Awka, Bayero University Kano, Babcock University Ilishan and Obafemi Awolowo University Ile-Ife.

4 Technical standard and accessibility of services

Stations of the major national radio broadcaster, the FRCN and those of the regional (state) broadcasters transmit on amplitude modulation (AM) or frequency modulation (FM) while private/commercial radio broadcasters use FM.

Except for a few government-controlled stations which are still on very high frequency (VHF), television operators have migrated to ultra high frequency (UHF).

Transmitter power at federal radio ranges from 20 to 25 KW for AM, and from 10 to 20 KW for FM stations. In the regions (states), transmitter power is between 10 and 50 KW for AM and between 10 and 30 KW for FM. Commercial stations operate with transmitters of between 5 and 10 KW. Most of the country is covered by the combined networks of government and commercial stations. Research data are not available to confirm proportion of coverage.

For television, transmitter power in government-controlled stations is between 10 and 100 KW, while commercial stations generally use slightly more powerful transmitters with a 30 to 145 KW capacity.

Availability of electricity is erratic in both urban and rural areas of the country. The poor state of power supply has not improved significantly since 1999 for household and commercial consumers. Nigeria’s electricity sector, long dominated by a state monopoly, the National Electric Power Authority (now the Power Holding Company of Nigeria), provides less than 4 000 megawatts to the country, although total national demand is put at 7 000 megawatts.51 Broadcasting organisations have to invest in the purchase

51 Dr Ransome Owan, chair, National Electricity Regulatory Commission (NERC), interview in ThisDay, 22 July 2008, p. 38.
and maintenance of private electric generators to power their operations, in some cases for up to 24 hours daily. This also implies that a large proportion of potential radio and television audiences are denied access because they do not have alternative sources to power their sets.

Post-independence broadcast media development activities did not pay attention to concerted acquisition or standardisation of equipment, particularly in the absence of local manufacture or assembly of equipment.

Organisations purchased equipment from different foreign manufacturers, leading to numerous types and models being used, often incompatible with each other. In addition, equipment was not regularly renewed to keep pace with changing technologies, and appropriate investments were not made to acquire additional equipment necessary for expanding operations.

As a result, equipment in broadcasting houses, especially the state-owned ones, is often obsolete and inadequate. It is still common to find analogue equipment only gradually being replaced by digital systems. Access of personnel to computers and allied technologies is still low in many places; reporters have to queue for the few available cameras in many TV stations, meaning that coverage of events and issues is often hampered. The commercial stations have more technologically advanced equipment than the government-owned stations.

5 Concentration of media ownership

Important information on ownership in the broadcast sector is shrouded in excessive secrecy particularly during the licensing process. The use of proxies by many investors in this sector does not help matters.

Nevertheless, there is some legislative provision for control of cross-ownership. Section 9(4)(a) and (b) of NBC Act 38 says that in determining the granting of a licence, the NBC shall consider ‘the structure of shareholding in the broadcasting organization’ and ‘the number of shareholding in other media establishments’. Section 9(5) also provides that it ‘shall be illegal for any person to have controlling shares in more than two television stations’.

Section 4(b) of the NBC (Amendment) Act 55 has changed this to read more specifically: ‘It shall be illegal for any person to have controlling shares in more than two of each of the broadcast sectors of transmission’.
6 Conclusions and recommendations

Nigeria's liberalisation journey in the broadcasting sector has gone only halfway, concentrating almost exclusively on commercial broadcasting. This is not in line with both the letter and spirit of the Declaration of Principles on Freedom of Expression in Africa which provide for the encouragement of a diverse, independent broadcasting sector, including the promotion of community broadcasting.

Recommendations

- The government should complete all the policy processes it initiated – regarding a National Mass Communication Policy, National Frequency Management Policy, and National Community Radio Policy – and embark on legal reform. It should work in consultation with advocacy groups to ensure that the draft policies comply with accepted international democratic standards.
- Industry stakeholders, including the regulatory agency, should address the issue of possible cooperative management of transmission and standardisation of equipment. This is particularly important now in the era of digitalisation, with different technologies offered by developed countries.
- The NBC should begin to license rural, suburban and urban community broadcasting stations, including campus radios.
- Licence fees for commercial broadcasters should be reduced while community broadcasters should get their licences for free or a nominal amount. Annual charges should be suspended until an independent regulator is in place, the economic/business environment of broadcasting improves, and stakeholders agree on the amount to be charged.
- To prevent concentration in the media industry, one person or body should not be allowed to have controlling shares in more than one radio and one TV station simultaneously.
- The NBC, training/research and other institutions should conduct studies on such subjects as technical coverage of the country, and audience research.
- Technical quality standards should be reinforced and more widely adopted.