1 Legislation

State broadcasting is separated in law and administration into radio and television. The radio service is provided by the Federal Radio Corporation of Nigeria (FRCN) and the television service by the Nigerian Television Authority (NTA).

1.1 Radio

The FRCN was formally established through military law by the FRCN Decree 8 of 1979, even though it began operations a year earlier on 1 April 1978. Two subsidiary pieces of legislation, the FRCN (Amendment) Decree 9 and the FRCN (Amendment) Decree 14 were promulgated in 1988 and 1991 respectively. Under Nigeria’s current democratic system, these decrees are now regarded and referred to as acts of parliament.

Section 5(1) of the FRCN Act mandates the corporation ‘to provide as a public service in the interest of Nigeria, independent and impartial radio broadcasting services for general reception within Nigeria and to provide External Services for general reception in countries outside Nigeria’.

This is complemented by section 5(2) which stipulates that the corporation shall ensure that its services ‘reflect the unity of Nigeria as a federation and at the same time give adequate expression to the culture, characteristics and affairs and opinions of each state or other part of the federation’.

Section 7 lists the corporation’s functions as, amongst others, ‘planning, regulating and coordinating the activities of the entire federal radio broadcasting system’, ‘maintaining high broadcasting standards in accordance with national policy’, ‘organizing, providing and subsidizing for the purpose of broadcasting educational
activities and public entertainment’, ‘collecting news and information’ and providing
‘training, education and research services’. A ‘national policy’ as referred to in the act
was articulated only 11 years later, in 1990, when the National Mass Communication
Policy was released.

The FRCN reports to the information minister and is one of the government
parastatals under the ministry of information and communication.

The membership of the corporation’s 11-member board of directors is provided for
in section 2(1) of the act. the board comprises a chairman, the director-general of the
Corporation, a representative each of the ministry of information and the ministry
of external affairs, a representative of women’s interests, and six other persons with
requisite experience in mass media, education, management, financial matters,
engineering, and arts and culture.

All members, including the director-general of the corporation, are appointed by
the information minister with prior approval by the Federal Executive Council.

Each member who is not a public officer holds office for three years and the term of
office can be renewed for a further three years. Members who are public officers have
indefinite tenure.

Section 3 of the Act lists a number of reasons why the information minister may
remove a member before expiry of his/her tenure: misconduct and inability to perform
the functions of office; absence from two consecutive meetings (and if the explanation
given is not accepted by the corporation); or expression by the corporation that the
member’s continued presence is not in the national interest or the interest of the
corporation.

In May 2009, government announced a ten-member governing body for the
corporation without giving details of the background of or constituencies represented
by the appointees except for the one slot retained for a representative of the federal
ministry of information and communication (for which no particular individual name
was given). Two of the members have a media background: a senior journalist who
worked in the presidency in the early part of the present administration (2007–2008)
and a former media aide to the immediate past president of the country.

In addition to the appointment and removal of members of the governing body,
the Act gives the information minister and other government office holders further
powers.

In terms of section 14 the information minister can issue directives to the
Corporation. This power was strengthened by FRCN (Amendment) Act 14 of 1991. It
provides that the minister may give the FRCN directives not only of a general character
but also relating to particular matters regarding the performance of the functions of
the Corporation. The Corporation must comply with such directives.
Section 9(a) and (b) provide that the corporation shall broadcast, ‘as may appear to the corporation to be desirable in the public interest, speeches of the Supreme Military Council, National Council of States and Federal Executive Council’ as well as ‘matters of any kind (including religious services or ceremonies) relating to or representing the main streams of religious thought or belief in Nigeria’.

According to section 10, the corporation shall, whenever so requested by an ‘authorized public officer’, broadcast a government programme, at the corporation’s own expense.

The appointment of members to the governing board of a supposedly public institution by government without any provision for public consultation, let alone participation, renders the process arbitrary and lacking in transparency. The presence of government representatives on the board and the involvement of the information minister, the Federal Executive Council or ‘authorized public officers’ in virtually all issues of the corporation’s governance and programming leaves no insulation against political or economic interference, sweeps away editorial independence and shuts the door against accountability through the legislature. In the final analysis, all these provisions turn the FRCN into a government mouthpiece.

1.2 Television

The Nigerian Television Authority (NTA) was established through another military law, the Nigerian Television Authority Decree (now Act) 24 of 1977, a year after the Authority had begun operations.

The Act describes functions similar to those outlined for the radio broadcaster in the FRCN Act. Sections 6(1) and (2) mandate the authority to ‘provide as a public service in the interest of Nigeria, independent and impartial television broadcasting for general reception in Nigeria’ and to ensure that its services ‘reflect the unity of Nigeria as a Federation and at the same time give adequate expression to the culture, characteristics and affairs of each state, zone or other part of the federation’.

Section 9 requires the authority to ensure that its programming maintains, among other things, proper balance and high quality, preserves impartiality in respect of matters of political or industrial controversy, and excludes materials likely to offend against good taste and decency or designed to serve the interests of a political party. Because ‘good taste and decency’ are not defined, the interpretation remains open to arbitrary decisions of government.

The governing board of the authority consists of a chairman and 14 other members: the six chairmen of the zonal boards (see below), the director-general, one representative of women’s organisations, and six other experienced persons drawn
from the mass media, education, management, financial matters, engineering, and arts and culture fields. The National Council of Ministers (Federal Executive Council) is empowered by section 2(2) to reduce, increase or otherwise vary the composition of this membership.

All members – including the director-general of the broadcaster – are appointed by the National Council of Ministers on the recommendation of the information minister. The tenure of government representatives is indefinite while other members serve for a term of three years, with the possibility of re-appointment for a further three years. The length of tenure of the director-general is not specified. As in the case of the radio broadcaster’s board and for the same grounds as outlined in the FRCN Act quoted above, the information minister is entitled to remove board members, again including the director-general, at any time before completion of their terms.

The functions of the governing board are not spelt out in the law. The last board was dissolved after a new government took office in 2007 and a replacement was constituted only in May 2009. The new board has 17 members, including the Corporation’s director-general and seven executive directors. One seat on the board has been given to the federal ministry of information and communication – without attachment of any individual name or particular designation. Among the other eight members, whose constituencies or the interests they represent were not specified, are two with a media background: a former chairman of the authority and a former staff member of the Guardian newspaper in Lagos.

The information minister is empowered by section 13 to give directives either of a general character or relating to particular matters, and the Authority must comply with such directives. As is the case with the FRCN, it is mandatory for the television broadcaster to provide coverage for the speeches of key government officials such as ministers and legislators, as well as events such as services or ceremonies of the main streams of religious thought or belief in Nigeria. Under section 12, a ‘special programme’ shall be broadcast if so directed by the information minister. The law does not specify what such a ‘special programme’ might be and thus leaves the definition to the minister’s discretion.

The act creates a second layer of governance through the so-called zonal boards. Section 14 says that for the purposes of ‘variety’ and better reception of its programmes the Authority shall divide the country into six zones, each of which shall have its own zonal board.

Each zonal board shall consist of six to eight members, including the chairman, appointed by the information minister after consultation with the governors of the represented states and with the approval of the National Council of Ministers. A member of the zonal board shall be a person appearing to the minister to have wide
knowledge and experience in such fields as newspapers, broadcasting and other media or mass communication; cultural, economic and religious affairs of the zones; the creative arts, education and financial matters; as well as business and industry. Members are appointed for three years and eligible for re-appointment.

This division into zones with their respective boards is no longer in place. Instead, network centres have been introduced in recent years, which do not represent the zones specified in the law.

As in the case of the FRCN, the framework of control of the NTA concentrates key powers in the hands of government ministers, gives room for arbitrariness, is characterised by a lack of transparency, and has the overall effect of depriving the organisation of any independence and turning it into the voice of government and its officials.

2 Profile of 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), the country’s international radio broadcaster.

2.1 Radio

The FRCN operates a network of 41 FM stations (29 functioning, 12 yet to go on air), each with its own programming, along with four short wave national stations located in Gwagwalada-Abuja (federal capital territory), Enugu in the south-east, Kaduna in the north-west and Ibadan in the south-west. SW stations are also being planned for yet-to-be announced locations in the north-east and south-south (the Niger Delta). The state governments own and run a total of 39 radio stations.

FRCN claims to be ‘reaching an estimated 120 million listeners, broadcasting in English and 15 local languages’.68

The corporation classifies its programmes into news and non-news. News programmes consist of news and current affairs. Non-news programmes comprise culture, public entertainment (e.g. drama, music, comedy), ‘public enlightenment’ (e.g. documentary, discussion, magazine, feature) and family support, among others.69

68 See FRCN Today, a publication of the Federal Radio Corporation of Nigeria (undated), p. 3.
69 Ibid., p. 7.
2.2 Television

The Nigerian Television Authority (NTA) runs one national channel and has a national network of 101 stations, of which 89 are on air while others are at various stages of completion. 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.

Officials of the Authority claim that its services are reaching between 60 and 90 million viewers but this is not supported by any independent audience research.

3 Organisational structures

3.1 Radio

At the top of the governance structure of the FRCN is the board of directors. The director-general is assisted by two governance structures: the first comprises zonal directors in the four national stations (who also supervise the FRCN FM stations in their respective zones) and the director of Lagos operations. The second consists of directors and heads at headquarters in Abuja responsible for the following directorates or departments: programmes, news, administration/supplies, finance/accounts, marketing, training, engineering, special duties, legal adviser/secretary, internal audit, and corporate development and communication.

Responsibility for the day-to-day running of the corporation is in the hands of a central management committee (CMC) which comprises the director-general, all other directors and the company secretary.

There are also committees of management (COMs) at headquarters and national stations’ levels. At headquarters, the COM comprises directors and heads of departments, with the most senior chairing. In the case of national stations and Lagos operations, these committees consist of heads of sub-directorates, general managers of FM stations and the internal audit department, headed by the respective executive director.

Decisions on potentially controversial issues or material are taken by the top management. From the level of editors they are referred upward to supervisors, i.e.
the manager (news), and from there to the deputy director (news). If he/she is still unable to resolve the issue, it will be referred to the director (news), who takes the final decision. However, professional decision-making is limited by interference from the information ministry which frequently issues circulars with directives to the corporation’s management.

These include press releases and announcements/adverts which the ministry wants aired on the radio network. Management does not seem to regard this as a form of pressure or limitation of their editorial freedom.\textsuperscript{70} Also, in the absence of a board, the director-general referred issues beyond his approval level (e.g. promotion of senior personnel) to the minister.

Editorial decisions are also determined by commercial considerations. For example, the FRCN actually sells news space: for a fee, individuals or organisations can get their events covered and presented as part of the news bulletins without any indication that these stories are paid news. This opportunity is frequently used by companies and other businesses as well as government agencies. The FRCN thus cedes editorial control and vital public space to the highest bidder.

The corporation has a staff of about 2,600 (exact figures not available), with 283 working in the news directorate and 430 in programmes. Together these two directorates account for up to 60 per cent of senior staff, those at levels from grade level (GL) 08, the entry point for bachelor degree holders fresh from university.

Remuneration is in line with the government civil service salary structure, following a strict hierarchy from assistant officers at the bottom via several ranks of officer up to principal, on to managers and at the top several layers of directorial positions. Salary levels begin with a GL 01 and go up to GL 17. Within this structure, for example, an officer Grade 11 (e.g. a reporter, producer or editor) is on GL 08 and gets a total annual package (salary plus allowances) of N 441,875 (US$ 3,776 – as at April 2008), his senior on GL 12 (principal reporters, producers, editors) collects N 709,224 (US$ 6,061) while anyone at the top level of GL 17 (director) takes home N 1,807,992 (US$ 15,452).

These salary packages are fairly low in the Nigerian context. In comparison, commercial broadcasting stations keep their remuneration scales secret, but confidential information indicates that they vary considerably from one company to another. A fresh entrant’s (bachelor degree holder) annual pay ranges from about N 350,000 (US$ 2,991) to N 660,000 (US$ 5,641) per annum. At organisations like Raypower FM and Africa Independent Television, an entry-level reporter earns about N 660,000 (US$ 5,641) and a manager (news) as much as N 3,600,000 (US$ 30,769) per annum.

\textsuperscript{70} Ibid.
Journalists who want to join the FRCN need a bachelor’s degree from a university, not necessarily in journalism or mass communication. Specialised training is available for beginners at the corporation’s training school in Lagos. There have been complaints from staff that this school is hampered by lack of vital modern training equipment particularly in new information and communication technologies (ICTs).

3.2 Television

The organisational structure of the NTA follows a three tier hierarchy from the national (headquarters) level via the level of zonal network centres down to the level of individual stations.

At the top of the national/headquarters structure is the governing board, to which the director-general reports – or rather: is supposed to report, given that no such board existed at the time of writing. The director-general is assisted by seven executive directors heading the directorates of programmes, news, marketing, finance and administration, special projects, training and capacity building, and engineering as well as a secretary/legal adviser.

Zonal general managers (ZGMs) head zonal/network centres and report directly to the director-general at headquarters. At the helm of affairs in the stations are general managers (GMs) who, in turn, report to the zonal general managers.

Controversial editorial decisions are handled by high echelons in the news directorate. An editorial board conference chaired by the executive director (news) and comprising senior editorial staff decides on events and issues to be covered. Should there be any issue with potential for controversy, the executive director (news) passes it to the director-general.

As is the case with radio, the NTA also sells news space for a fee without indicating that such stories have been paid for.

The Authority has had a staff strength of less than 4,000 (exact figures are not available) for more than 12 years, during which time it expanded from 27 to 101 stations and began 24-hour transmission in most of them.

The news and programmes directorates currently have the largest numbers of staff, while administration has undergone substantial retrenchments when management adopted an outsourcing policy for jobs in such areas as cleaning and security, among others.

Due to a freeze on recruitment, staff are overstretched and overworked. Jobs meant for three or four persons are now being done by one. Shift duties have been collapsed from three into two segments, which means that an eight-hour shift now runs for 12 hours without additional remuneration. In many stations, managements resort to
casualisation, a system of engaging a professional on a day-by-day basis which entitles him/her to only the daily fee and no other welfare benefits or employer commitments. People are not being promoted to higher grades, although an employee in the civil service is eligible for promotion every three years. As it is, however, many are occupying the same position for much longer periods and keep hoping that management will address the situation soon. Salary structures are similar to those at the FRCN.

Journalists who want to join the NTA need a national diploma, a certificate acquired after two years of post-secondary school education. In addition to pre-entry training, further capacity-building facilities are provided for the Authority’s journalists/broadcasters at its television college, which also awards degrees. Staffers in other fields such as administration, marketing or finance are sponsored for training programmes organised by professional institutions like the Administrative Staff College of Nigeria (ASCON) and the Nigerian Institute of Management (NIM). Members of the staff interviewed say the training acquired at the TV college and the other training institutions is relevant to their jobs.

4 Attitudes within the state broadcasters towards public broadcasting

4.1 Radio

During interviews at the FRCN, the attitudes of staff members towards the concept of public broadcasting varied between defining it as ‘state-owned and state-funded broadcasting’ and ‘a medium through which the governed are informed and educated on the policies and activities of government’.

The generality of citizens (whose taxes are being used to fund the organisation) is thought to be the prime institution which should hold a public broadcaster accountable. Specific public bodies such as an ombudsman or regulators like the National Broadcasting Commission are also considered capable to perform this role.

Government is assigned a supervisory and supporting role in relation to the public broadcaster. It should not interfere in the administrative and editorial management but provide adequate funding for operations and enact appropriate legislation which would enhance the professional running of the organisation.

Some think that the role of a public broadcaster in relation to the government is properly served through informing the public on government’s activities, sensitising them towards government policies and programmes and generating feedback. Others say that the public broadcaster should set the agenda for government and hold it accountable to the people through objective and balanced programming.
There was agreement that all political parties should get fair and dispassionate coverage. The ruling party should never be favoured above others. Parties should also be held accountable on their election manifestos when they get into power.

Civil society is considered a key stakeholder in public broadcasting. Its voices should be heard and positions adequately reflected in the programming of the public broadcaster.

Some believe that a public broadcaster should reflect the full spectrum of public opinions and concerns on issues. Others argue that on issues involving the security of the country the broadcaster must be selective.

Diverse interpretations are given to the concept of ‘public interest’. Some say the public interest is served when government is criticised or commended at appropriate times. Others say that for the public interest to be served, editorial decisions must be favourable to the majority of the people, while conceding that ‘majority’ may be a relative and subjective thing.

4.2 Television

Professionals in the NTA convey their understanding of the concept of public broadcasting in similar ways: in summary, they see it as the dissemination of information on activities of government agencies and functionaries which impact on the lives of the people. They add that in Nigeria the dissemination process is itself controlled by the state.

There is agreement that some office or institution should hold a public broadcaster accountable, but while some say this should be parliament others insist it should be a kind of public trustee, a body which represents the interests of the people of the country.

Many ascribe the role of ‘facilitator’ or ‘regulator’ to the government in relation to the public broadcaster. In these roles, they expect government to allocate adequate funds and provide basic infrastructure to the broadcaster, create an environment of easy access to government-held information to its journalists and remove ‘gagging’ completely.

A school of thought within the broadcaster believes the NTA should be a watchdog, that is, act as a check on the activities or possible excesses of government. Another school says the broadcaster should concentrate on explaining government’s programmes and activities to the people. This latter school agrees that it would be professionally correct, for example, for the public broadcaster to allow the president regular airtime to explain the work of government to the public. The first school says this would be an abuse or unfair use of the media, and that the appropriate response to such a request should be a refusal.
All professionals interviewed want the broadcaster to give equal and fair coverage to the activities of political parties. It should also provide a check on them.

Civil society should act as whistleblowers, supplying information on corrupt practices for dissemination by the broadcaster, and as a constant check against government’s misuse of the broadcaster.

There is consensus that the public broadcaster should reflect the full spectrum of public opinion on issues. Events or issues are taken to be of ‘public interest’ when they directly affect the generality of the citizens. Issues such as health, education, water supply, agriculture, and security are cited as examples.

5 Conclusions and recommendations

The Declaration of Principles on Freedom of Expression in Africa says in its article VI:

State and government controlled broadcasters should be transformed into public service broadcasters, accountable to the public through the legislature rather than the government, in accordance with the following principles:

- public broadcasters should be governed by a board which is protected against interference, particularly of a political or economic nature;
- the editorial independence of public service broadcasters should be guaranteed …

Going by this definition, neither the FRCN nor the NTA can be described as public broadcasters. From their founding legislation, through the administrative structures and running of the organisations, to the service conditions and general welfare of their personnel, they are clearly positioned as state broadcasters.

A governing body appointed at the pleasure of government officials through processes that lack transparency can only be loyal to the government, not the people. An organisation subject to government interference already prescribed in law can only be the voice of government. A structure immersed in the constricting civil service culture cannot compete in the professional broadcasting world of the 21st century.

Recommendations

The NBC plays an important role in Nigerians’ lives. The following recommendations will assist in ensuring that the public broadcaster meets the public’s expectations:
• Existing legislation for the two state broadcasters – the NTA Act 24 of 1977 and FRCN Act of 1979 (with its amendments) – should be replaced by a new act establishing Radio and Television Nigeria as genuine public service broadcasters.

• The new legislation should be developed through a broad consultation process with the participation of all interested stakeholders and the public at large.

• The new legislation should establish the public broadcaster as an independent legal entity with editorial independence and strong safeguards against any interference from the federal government, state governments and other interests.

• The public broadcaster should be governed by a board established and acting according to the following principles:
  – appointment procedures should be open, transparent and free from political interference;
  – the board should represent a broad cross-section of the nigerian population;
  – its role should be clearly set out in law and its main responsibility should be to ensure that the public broadcaster fulfils its mandate in the public interest and is protected against undue political or commercial influences;
  – the board should not interfere in the day-to-day decision-making of the broadcaster, especially in relation to broadcast content, and respect the principle of editorial independence.

• Even prior to the enactment of new legislation and the setting up of a new board the following priorities should be given urgent attention:
  – commercial and editorial decisions should be separated to prevent conflict of interest, and the practice of accepting ‘news’ paid for by institutions, business, government or others should be stopped;
  – the directorate of news should be enabled to take autonomous decisions. its director should be the editor-in-chief, whose judgments will be based on criteria of newsworthiness and not on commercial considerations;
  – an audit of organisational structures should be undertaken with the aim of discarding inappropriate and inflexible civil service hierarchies and conditions of service (including salaries) and turning the corporation(s) into modern broadcasters able to compete in a fast-changing media environment.