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Akingbulu, Akin

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Broadcasting Reform Efforts

There appears to be consensus among civil society groups and their representatives in Nigeria that neither the Nigerian Television Authority (NTA) nor the Federal Radio Corporation of Nigeria (FRCN) are truly public broadcasters. The main points of criticism are that both organisations

- protect government’s interests under the guise of protecting the ‘national interest’;
- spend an inordinate amount of time on covering government activities and portraying government in a good light while denying the people access;
- are public broadcast organisations in theory, but in practice do not serve the public good;
- are government media that convey things the way the authorities want them to be seen;
- are perpetually pro-government and sometimes unprofessional.

Respondents agree that control of the two broadcasters is presently in the hands of the federal government through the information ministry and the presidency. This, they say, is evidenced by the existence of ministerial interference in the broadcasters’ operations, the appointment of their governing organs (board and management) by government, their overwhelmingly pro-government programming, and the fact that they are fully owned, supervised and maintained by government.

A number of alternative solutions for bodies to supervise the broadcasters are suggested: a board of trustees composed of various sections of the public such as government, parliament, labour and civil society; the national parliament as the elected

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72 Interviews conducted in May/June 2008 with, among many others, Henry Odugala, General Secretary of Radio, Television, Theatre and Allied Workers Union (RATTAWU), Abuja; Owei Lakemfa, Spokesman of the Nigeria Labour Congress (NLC), Abuja; and Lanre Arogundade, Coordinator, International Press Centre (IPC), Lagos.
representatives of the people; an independent National Broadcasting Commission; a new, converged regulatory body that would have regulatory control over both broadcasting and telecommunications; or a body made up solely of representatives of civil society organisations.

A majority of the responses favour a role for parliament in governance of the public broadcasters. Parliament should review existing broadcasting laws described as ‘archaic’ and carry out oversight functions, while the governing organs of these organisations should be accountable to the parliament.

There is also consensus that civil society should play a major role in regard to public broadcasting. Three key components of that role are suggested: representation on the governing organs of the broadcasters; monitoring of programming to ensure compliance with standards and regulations, access to the poor and provision of an inclusive platform; and carrying out advocacy for pro-people public broadcasting.

1 Previous reform efforts

Efforts to reform broadcasting and other media have been on the public agenda since Nigeria’s return to civil rule in 1999 and include a number of initiatives:

- A Freedom of Information (FOI) Bill was introduced in the lower house of parliament, the House of Representatives, in 1999. The bill sought (and seeks) to grant the public, including broadcast media, access to government-held information. The advocates and facilitators of the bill, led by Media Rights Agenda (MRA), a civil society group, explained that it was meant to ‘eliminate unnecessary secrecy in the conduct of public affairs and inject the virtue of transparency and accountability into the governance process so as to promote the social, political and economic growth of the nation’. In the specific case of the media, they said that the bill would enable journalists to perform their constitutionally assigned duty to ‘uphold the responsibility and accountability of the government to the people’. Despite vigorous advocacy for the bill, it had not been adopted by the time the tenure of that parliament ended in 2003. Re-presented in 2003 it was passed by the new parliament in its final days in 2007. However, the president refused to assent and sign it into law, and the document got stuck in the tangles of government bureaucracy. The bill started its journey for the third time in 2007 when it was introduced afresh in the new parliament. At the time of writing it was still being separately considered by the two chambers.
Also in 1999, another civil society organisation, Centre for Free Speech (CFS), sought legal reform in broadcasting, as well as in the broader media and freedom of expression landscape. It drew up a bill to effect the repeal of laws it considered anti-media, the protection of journalists’ sources of information, guarantees of citizens’ rights to criticise government officials and institutions, and liberalisation of the broadcast industry, among others. The bill was not taken up by parliament, and it has not been re-presented.

A ‘Nigerian Media Bill’, presented to parliament in 2001, sought to harmonise and introduce innovations to existing media laws in the country. In the specific case of broadcasting, it introduced a framework which recognises and provides for three different sub-sectors of broadcasting – public, commercial and community. The bill had not been addressed when parliament wound down in 2003. Its sponsor, Media Rights Agenda (MRA), has not re-presented it.

The Nigeria Union of Journalists (NUJ), the central professional body of journalists in the country, drew up a ‘Journalism Practice Enhancement Bill’ for consideration by the House of Representatives in 2002. The document focused on such issues as working conditions of journalists, requirements for the establishment of media organisations and entry qualifications for the profession, but became mired in internal controversy. Strong and influential voices within the ranks of the NUJ insisted that the envisaged provisions would shackle rather than enhance journalism practice. The House stopped consideration of the bill.

A reform effort targeting the development of community broadcasting and broadcasting pluralism began to take shape in 2003. The ‘Initiative on Building Community Radio Broadcasting in Nigeria’ was launched by a partnership between the Institute for Media and Society (IMS), a local civil society organisation, and two international CSOs – the Panos Institute West Africa (PIWA) and the World Association of Community Radio Broadcasters (AMARC). The initiative put in place an advocacy programme in the form of country-wide awareness and strategy workshops involving academia, professional groups and international development agencies. This has resulted in broad-based participation and support for the aim of community broadcasting. Membership stands at 250 institutions and individuals and the initiative has established an umbrella body, the Nigeria Community Radio Coalition. In the second leg of its strategy, issues of policy, legal and regulatory reforms are being addressed. In its flagship advocacy document, ‘Roadmap to Building a Sustainable Community Radio Sector in Nigeria: The Stakeholders’ Charter’, the initiative outlines the history and current
status of the country’s radio broadcasting landscape, and makes demands for reforms in policy, legislation and regulation.

- The initiative proposes that a total of 19 existing laws (which it says are inimical to media development) be repealed, that others (including the NBC Act and the country’s Constitution) be reviewed, that one (the FOI Bill) be passed, and that some international instruments be domesticated and incorporated in national law.

The government, for its part, has also undertaken some broadcasting reform efforts – although these are largely seen as a response to the advocacy of civil society groups. Such efforts include the following:

- In 2001, the government submitted a bill seeking a review of the NBC Act 38 (as amended by Act 55) to parliament. It was not passed by the end of that legislative term in 2003. Government has not re-presented it.
- In the same year, the government set up a committee to examine the feasibility of a Mass Media Trust Fund, which would provide independent funding for its radio and television stations. But the effort died quietly because the information minister who had inaugurated the committee was removed from office before it had completed its assignment. His successors showed no interest.
- In 2002, another working group was set up by government to review the laws establishing the parastatals supervised by the information ministry. Among these parastatals are the Nigerian Television Authority and the Federal Radio Corporation of Nigeria. The intention was to present the review document as a bill to parliament. The working group completed its assignment but government did not submit a bill.
- A working group to review the 1990 National Mass Communication Policy was instituted by the government in 2004. The group completed its assignment and submitted a report to government in December of that year. A final policy document has yet to be issued to the public.
- In 2006, a 17-member working group was established by government to draw up a National Community Radio Policy. The report submitted by the group was considered and ratified by the National Council on Information, the government’s policy organ. But no final document has been published.
- Also in 2006, another working group was instituted to design a National Frequency Spectrum Management Policy. Government’s final word on the report that emerged from that process is still being awaited by the public.
• In November 2009, the federal government and UNICEF organised a conference to review the Mass Communication Policy and the Community Radio Policy. The information minister said at the time that the government wanted to take these policy processes to conclusion.

The story of broadcasting sector reform over the last decade is thus not that of an absence or dearth of efforts, but rather of numerous attempts by civil society and government which usually begin on a bright note, then get caught in bureaucratic and political webs, and finally peter out and come to nothing.

There are various explanations for this.

First, interest in and commitment to broadcasting reforms vary among the different government agencies. For example, while policy documents are getting stalled on the information ministry/presidency level and bills are not finalised and passed in parliament, the National Broadcasting Commission has ensured a regular three-yearly review of its Nigerian Broadcasting Code. Each review has produced improvements on earlier editions.

Second, there is a huge turnover of key officials and lack of continuity in government agencies. In the years of civil rule since 1999 there have been seven information ministers. An initiative begun under one minister does not usually receive favourable and urgent attention by his successor even though they serve in the same government.

Inconsistency has also been a feature of governance in the information sector. In early 2007, the government approved licences for radio stations on campuses of universities and polytechnics which the regulatory body began to categorise as community broadcasting licences. But the plan announced by the government when it set up the working group on Community Radio Policy was that it wanted grassroots/rural community radio stations and that a policy would precede the licensing.

2 Current reform efforts

There is currently no structured debate on media reforms, including the future of public broadcasting in Nigeria. Representatives of the leadership of the NTA and FRCN, as well as from academia and civil society, have raised a number of issues.

For example Eddie Iroh, former director-general of the FRCN, has advocated a transition of the state broadcaster to a public broadcaster, giving indigenous languages greater prominence in the medium, and the need for community broadcasting. He has also recommended a funding arrangement for public broadcasters which would entail
provision of 50 per cent of revenue from a statutory parliament-appropriated budget, and 50 per cent from commercial advertising – excluding all forms of ‘sponsorship’ – with loans to be sourced from the capital market in the event of a shortfall.73

The former director-general at the NTA, Tonnie Iredia, has made suggestions which include:

- The amendment of enabling (i.e. establishing) laws of the state broadcasters to remove/streamline the wide powers of information ministers to give directions of a general nature, making chief executive officers of the broadcasters independent and appointable by the president after parliamentary ratification, taking the broadcasters out of the civil service structure and giving them autonomy to fix their salaries and remunerations and retain their internally generated revenue;
- The enforcement of broadcasting guidelines by the NBC to ensure standardisation (of rules for the operations of state and other broadcasters);
- The standardisation of working conditions, remuneration and emoluments of workers in the broadcasting industry;
- An improvement of the infrastructural base for broadcasting.74

Academics have also made important contributions. For instance, in a 2007 study on radio in Nigeria, authors Ojebode and Adegbola (lecturer in communication arts at the University of Ibadan and head of the African Languages Technology Initiative, Ibadan, respectively) recommended that government:

- Should take its hands off the ownership and management of radio broadcasting, and allow a truly public service broadcasting system to be put in place;
- Should allow the establishment of community radio, so that radio will engage development more fruitfully;
- Must support private commercial stations for them to fruitfully participate in development communication.75

Generally, it must be observed that the intellectual output in regard to media issues in Nigeria is rather scanty, a reality which has affected the country for some time.

3 Conclusions and recommendations

The desire for reform of the broadcasting sector is alive in Nigeria. However, there are two main challenges: One is the lack of coordination among stakeholders. The other is lethargy in government.

So far, each stakeholder group has pushed its own side of reform advocacy while government takes steps that never produce concrete results.

Recommendations

Civil society groups engaged in media issues, broadcasting in particular, should form a working group to assess their reform objectives and strategies with the aim to form a coalition to push effectively for broadcasting reform. Priority should be given to:

- Developing a common policy document which sets out the objectives of reform;
- Initiating public debate on broadcasting issues throughout the country;
- Involving other civil society groups such as faith organisations, trade unions and human rights organisations in their campaigns;
- Lobbying parliament, especially its relevant committees and legislators who care about human rights and good governance, on the essentials of democratic broadcasting reform;
- Continuing dialogue with the executive branch of government (especially the ministry of information and communication) to ensure the full adoption of proposed reforms.