



MEDIA POLICY BRIEFINGS

NIGERIA
COMMUNITY RADIO
COALITION

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INTRODUCTION

MEDIA POLICY BRIEFINGS is a collection of materials on the development of media policy and community radio in Nigeria. It aims to provide information and education to stakeholders and the general public within and outside Nigeria on issues essential to the development of a sustainable Community Radio sub-sector in Nigeria.

As advocacy for building community radio in Nigeria enters its sixth year and moves to a new level, it is important that stakeholders be well informed to generate and implement strategies that can lead to the actualization of community radio in Nigeria.

This first edition of MEDIA POLICY BRIEFINGS reviews the key issues and policies relevant to community radio development. The pack is designed as a working reference to which will be added new briefing pages and updates in the months ahead.

We hope you will find this pack useful.

Nigeria Community Radio Coalition

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COMMUNITY MEDIA, COMMUNITY RADIO.

The community has come to be recognized as an important social unit in development thinking and practice. Hence it is said that people live more in their communities than in their nations or countries. It is because the immediate and daily realities of life are first experienced at the community level.

Helping to facilitate community living are diverse traditional media forms such as drama, music, story-telling and modern ones like television and radio. Radio has become a prominent medium and embraced worldwide because of its characteristics as an accessible and effective medium of communication, particularly in societies where large numbers of citizens cannot read or write, but can speak and listen. Significantly, it is able to accommodate or provide extensions to indigenous forms such as drama and music.

Broadcast radio services, as community media, have distinct features: they are independent of government and of commercial organizations, serve specific communities which could be geographical or communities of interest; have ownership and management representative of that community; pursue strictly social development agenda; carry community-oriented programming also produced by participation of community members; and operate for purposes of social benefit rather than private financial profit.

Experiences from various parts of the world have confirmed the benefits of community radio which include: giving access to marginalized communities to communicate and foster true broadcasting pluralism; empowering them to participate in search of solutions to issues affecting their lives and immediate environment; helping to build capacities of societies to hold leaders transparent and accountable; helping to eradicate poverty; supporting conflict prevention and resolution; preserving cultures; and promoting sustainable development.

Despite these great benefits of community radio, it is yet to occupy its proper space in Nigeria. After sixty years of government monopoly of the radio broadcasting sector and a further fifteen years of private participation, community radio, globally recognized as the third sub-sector in broadcasting, has not been licensed in Nigeria. It is significant that Nigeria is today the only country in ECOWAS which has not opened doors to community radio!

According to the African Charter on Broadcasting: Community broadcasting is broadcasting which is for, by and about the community, whose ownership and management is representative of the community, which pursues a social development agenda, and which is non-profit.



COMMUNITY RADIO COALITION

The umbrella association of community radio stakeholders in Nigeria is the Community Radio Coalition (CRC). It is a not-for-profit forum which engages in advocacy, capacity-building and related activities. It represents the interests of the community media sub-sector to government, regulators and other bodies. The CRC is a community of citizens and organizations committed to deepening democracy and development, to advancing pluralism of media and communication, to advocating and actualizing the emergence of a sustainable community radio sector in Nigeria.

In 2003, an Initiative on Building Community Radio in Nigeria was launched in a collaboration of the Panos Institute West Africa (PIWA) and the World Association of Community Radio Broadcasters (AMARC) with Institute for Media and Society as local partner. The Initiative took the message of community radio development to all parts of the country, and placed the agenda of media policy, legal and regulatory reforms on the tables of appropriate government agencies. It developed a wide participation base which founded the CRC in April 2005. There are today a total of 250 organizations and individuals as members. They are located in all parts of the country.

At the launch of the Initiative in 2003, community radio stakeholders presented demands to government. Among these demands was the design of a Community Radio Policy to complement the broader National Mass Communication Policy.

In 2006, the CRC organized a high level policy dialogue in Abuja which brought together public officials, development experts, media regulators and civil society activists. At this event, the Government of Nigeria announced its intention to take steps towards enabling the establishment of community radio in Nigeria. The Government subsequently set up a 17-member committee to produce a draft Community Radio Policy. On the threshold of the committee's inauguration, the federal government said it "has commenced the process of creating an enabling regime for the introduction of community radio in Nigeria", saying that appropriate frameworks crucial to its success were being put in place.

The CRC has continued to mobilize support for this goal and to engage in dialogue with policy makers and regulators to promote the conditions for community radio to emerge. The CRC operates a discussion forum and a web-based information site. It produces various publications and coordinates responses to policy developments in the media field.

The coalition has a 12-member National Steering Committee elected from among its members. Its secretariat is in Lagos, housed by the Institute for Media and Society.

The Coalition maintains international links with other national community radio associations and such international organizations as AMARC and PIWA.



STAKEHOLDERS' CHARTER

In the process of generating strategies for the emergence of a sustainable community radio sub-sector in Nigeria, stakeholders carefully gathered and structured their demands. These were done at activities which included workshops, seminars and other consultations in all parts of the country. In April 2005, these demands were codified and validated at a National Stakeholders conference in Abuja, the federal capital.

Demands in the Charter include:

1. Government should enact policies, laws and regulations which promote media freedom and freedom of expression; repeal or amend all laws which impede these freedoms and media pluralism; and domesticate international instruments on media development and freedom of expression.
2. Existing policy, legislations and regulatory instruments should be reviewed in line with the African Charter on Broadcasting and the Declaration of Principles of Freedom of Expression in Africa.
3. In line with the current worldwide trajectory of convergence of broadcasting and telecommunications, the two regulatory agencies, National Broadcasting Commission (NBC) and Nigerian Communications Commission (NCC), should be merged into one regulatory organization.
4. The new regulatory agency should be a truly independent body which exercises all formal regulatory powers; its membership shall be equitably representative of stakeholder constituencies, while the appointment processes shall be open, transparent and involve civil society participation. Its structure shall be such that makes for equitable attention to all sub-sectors, including the broadcast media.
5. The licensing process of community radio should be clear and transparent and based on clear criteria which include promoting diversity in ownership and content.
6. The technology to be used in community radio stations should be simple, affordable and user-friendly to the community.
7. Programming on community radio should be community-driven and on a continuous basis.
8. Community radio stakeholders should initiate and support research studies on community radio; higher institutions offering mass communication should incorporate Community Broadcasting in their curricula, while model training centers for community radio should be created.
9. Gender-sensitive policies must be part of the operational framework of community radio stations.
10. Funding for community radio stations should come from a variety of sources; savings should be ploughed back into the medium or into other activities that serve the community.



COMMUNITY RADIO AND DEVELOPMENT

Community radio is radio for development. It is based on the principles of community development and of community participation. Its mandate is to produce content and programming on themes that advance the development of the community that it serves. Community radio provides a vital communications tool particularly for those who face disadvantage and deprivation. Radio is a low cost, accessible medium which, when placed in the hands of communities, can contribute to empowerment and self reliance.

Rural communities and marginalized urban communities face multiple barriers in access to information and communication. These barriers include cost, low levels of literacy, lack of education, poor infrastructure, lack of political will to improve conditions. The growth of new information and communication technologies presents opportunities but also threatens to reinforce existing inequalities, leading to a new "digital divide". Community radio is one of the means by which marginalized communities can take voice and gain access to information, capacities increasingly seen as crucial to development and relevant to achieving Nigeria's development agenda, for example, the Seven-point Agenda, Vision 20-2020, Millennium Development Goals and Rebranding Nigeria.

In recent years, development experts and development agencies have come to recognize the particular contribution that community radio can play and have encouraged governments to ensure the legal and regulatory environment for broadcasting enables communities to establish their own community radio services. Across Africa there are now hundreds of community radio stations that are demonstrably contributing to development goals by improving access to information and enabling communities to engage in dialogue and to find community-based solutions to development challenges.

Community radio has facilitated agricultural development and food security. Rural community radio stations in agricultural communities have assisted farmers to gain access to market prices, to gain awareness of agricultural innovations, to advance their education and to discuss practical issues that affect their lives and livelihoods.

Developments in the health sector have benefited from community radio. Key health issues which challenge our country HIV/AIDS, nutrition, child and maternal health, immunization, family planning, among others, can be addressed with the use of community radio, to increase awareness, understanding and beneficial action.

Community radio stations can help to reinforce community values and promote local cultures including indigenous music, drama, and languages, many of which are on the brink of extinction. In situations of conflict, community radio stations that are committed to human rights and development can be a positive voice for dialogue and peaceful conflict resolution. Community radio stations are also agents of non-formal education and lifelong learning, carrying informational and educational programming on issues such as career guidance, parenting, home management, welfare, rights and entitlements.



COMMUNITY RADIO AND DEMOCRACY

Nigeria returned to democratic governance in 1999 after many years of military rule. Nigerians are working to consolidate this democracy. And this consolidation requires more active citizens' participation which can only be facilitated by a media structure and culture which serve the interests of more diverse groups and which give attention to the fundamental and crucial issues affecting people's lives. Community radio is central in this democratic culture. It is a medium which gives voice to citizens at the local level and it is a medium through which citizens are able to follow up the mandate of public bodies, public officials and elected representatives, to be informed about their activities and to hold them to account. It is a medium, too, which interfaces leaders with the grassroots to enhance dialogue and joint engagement of governance challenges.

Democratic deficits are numerous in governance institutions at the local level. Community radio operating at the grassroots will help strengthen citizens' engagement with and oversight of local governance structures and thus ensure the delivery of local democratic dividends. Democracy is not about elections alone. Deepening democracy in Nigeria means ensuring there are checks and balances throughout the electoral cycle. The media have a vital role to play in providing such safeguards but to do so the media landscape must consist not only of federal, state and private broadcasters, and of urban newspaper groups, but must also provide for civil society owned media, especially radio.

A plural and diverse landscape of free and independent media, including community radio, is essential to democratic functioning. In other countries, where community radio has emerged, it has almost always done so as part of a broader process of democratization in which authoritarian models of governance have been superseded by democratic institutions, multi-party elections, respect for rule of law and civil society participation in policy formation and social accountability. Community radio is a vital part of this jigsaw, promoting democratic values, facilitating civil society voices, improving access to information and enabling community participation in local and national governance.

Ten years after the return of democratic governance in Nigeria, there remain serious weaknesses in democratic institutions and processes. Reform of out-of-date media laws, respect for the right to freedom of expression, establishment of independent regulatory institutions and the opening up of broadcast media to civil society actors, are amongst the most important reforms to the media environment that are needed for Nigeria to continue on the democratic path. Across Africa, the wave of democratization in the 1990s was accompanied by media reforms that have opened up a space for community broadcasting. It is time for Nigeria to take the necessary steps to build a democratic media landscape by opening the airwaves to community radio and other civil society media initiatives.



COMMUNITY RADIO AND HUMAN RIGHTS

Human rights are essential to the achievement of a peaceful and progressive society. They are universally guaranteed and protected in such international instruments as the Universal Declaration of Human Rights and local instruments like the 1999 Constitution of Nigeria. Among these rights are the right to life, the right to dignity of the human person, the right to equality between men and women, the right to education, the right to opinion and to freedom of expression. To maintain and protect their rights, communities need first to be made aware of their rights, to understand how they impact on their lives and to have the means to hold to account those who bear duty to guarantee these rights. Community radio can facilitate such awareness and understanding and provide a means by which people and communities are able to assert their rights and demand action.

Because community radio is part of the community, it is well positioned to monitor and engage human rights issues as they occur from time to time. At grassroots level, protection of people's right is generally low, violations are rather widespread and those who violate rights are often able to do so with impunity. In the absence of effective coverage by mainstream media, human rights can be a major focus of engagement for community radio stations. The establishment of community radio stations contributes directly to the realization of the right to freedom of opinion and expression as well as providing a means by which other human rights can be protected and defended.

A rights-based approach recognizes that the pursuit of equitable, democratic and sustainable development is, in part, a process of strengthening social values and a culture of respect for the rights of others. Community radio stations can contribute to this process of value formation, increasing understanding, and awareness, for example, of the rights of women and girls and the importance of education for all; and promoting respect for cultural, linguistic and religious diversity and peaceful resolution of conflict and dispute.

Community radio stations elsewhere have demonstrated the considerable contribution they can make to promoting and defending human rights, providing an educational platform, a tool for civil society monitoring of rights violations and a means by which citizens and communities can call for action in defense of rights and against impunity.

In recent years, Nigeria's standing in international human rights indices has deteriorated in a number of areas including the right to freedom of opinion and expression. Action is needed to reverse the trend. Community radio can be one very important part of that process, by strengthening civil society voices and access to information and by providing the means, at grassroots level, by which human rights are articulated and promoted.



NATIONAL MASS COMMUNICATION POLICY

In mid-2004, the Federal Government started a media policy reform process when it instituted a 24-member committee to review the 1990 National Mass Communication Policy.

The 1990 policy became obsolete: most of its recommendations had been implemented; others were out of tune with new developments in information and communication technologies. Against the letter and spirit of global trends and good practices, the policy retained government monopoly in ownership and operation of broadcasting. The policy said: The time is not yet ripe for private ownership of the broadcast media.

In its report submitted in November 2004, the review committee recommended such policy objectives as that the broadcast media should be made accessible and affordable to all Nigerians, and that the development of public and private broadcasting should be promoted. It also recommended implementation strategies which include 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 electronic (broadcast) media" and that "the development of community broadcasting shall be promoted."

Government solicited and took further inputs from its agencies and the public before subjecting the document to a series of internal reviews. In their contributions into strengthening the report, community radio stakeholders made submissions such as:

1. The Policy should provide for a clear recognition of a three-tier structure of broadcasting in line with African Charter on Broadcasting: Public Service, Commercial and Community.
2. The development of community broadcasting shall be promoted as distinct from decentralized state broadcasting.
3. Broadcasters in all tiers should be required to promote and develop local content.
4. The NBC and NCC should be merged into an independent regulatory body.
5. Broadcast station licensing should be fair, transparent and based on clear criteria.
6. Media concentration should be discouraged.
7. Community radio should be allowed to derive funding from sources which include specific community-related commercial activities, community contributions, grants and an independent Community Radio Trust Fund.

A final (new policy) document is still being expected from the government.

The information sector is probably the only sector in Nigeria without a current policy. This review process has dragged for too long. The Federal government should see to its urgent completion and issue a new policy.



NATIONAL COMMUNITY RADIO POLICY

The Government of Nigeria set up a 17-member committee in 2006 to produce a draft Community Radio Policy. The committee presented its report to the government in December 2006. The report made recommendations on key issues which include:

1. **Access, Participation and Ownership:** community groups and individuals should be involved in financial/other contributions and represented in the control, management and operations of community radio stations.
2. **Licencing:** The broadcasting licence should be free, without prejudice to reasonable processing fees; application and processing should be simple, transparent and community-friendly.
3. **Programming, Content and Language:** broadcasting will be in language(s) of the community served as much as possible will reflect the socio-linguistic realities of its environment; content planning and production will be participatory, involving representatives of the audience.
4. **Governance and Management:** of the community radio should be community-driven, accountable, transparent and responsive, based on efficient practices and appropriate tools; prior to establishment, the participatory methodology should be deployed in creating awareness and sensitizing the people on community radio.
5. **Technical Arrangement:** The regulator should prepare a frequency plan which ensures sufficient frequencies for community radios throughout the country 10 to 15 percent of FM broadcast frequency spectrum for community radio stations; stations should be granted transmission power of 100 watts, although higher levels where justified.
6. **Sustainability and Funding:** Community radio licences should be registered as not-for-profit entities with at least 60 per cent local ownership; there should be no regulatory restrictions on source of revenue other than to encourage sustainability through diversity of financing and to avoid dependence on any one source, they shall raise funds through advertising, sponsorship and other diverse sources, although no single source should account for more than 50 percent.
7. **Research and Capacity-Building:** The regulator and other stakeholders shall encourage and promote research and training into the sustainability, social and development impact of community radio.
8. **Monitoring and Evaluation:** both the regulatory body and community members should be involved in monitoring and evaluation activities.



RADIO BROADCASTING LEGISLATION

Two instruments define the legal framework of broadcasting in Nigeria. These are the 1999 Constitution of the country and the National Broadcasting Commission Act 38 of 1992 as amended by Act 55 of 1999.

Section 39(2) of the 1999 Constitution and Section 2(1) (c) of the NBC Act 38 vests the power of authorization of broadcasting licences in the President of the country.

Although section 2 (1) of Act 38 provides for various functions of the NBC, its role in the licencing process is restricted to “receiving, processing and considering applications” and “recommending applications through the Minister (of Information) to the President”.

The Act vests several superintending powers in the Minister. For example, Section 6 empowers the Minister to give “directives of a general character” to the commission, and “it shall be the duty of the commission to comply with such directives.” And according to Section 20, making of regulations by the commission for the purpose of giving effect to the provisions of the Act must receive the Minister's approval.

The law provides for a governing body of the NBC which consists of a Chairman, ten other members and Director General. The ten members represent various interests, including the State Security Service and the Federal Ministry of Information. All the governing body members are appointed by the President on the recommendation of the Information Minister. This is at the Minister's discretion and there is no public participation in the process. The President has the power to remove any member of the governing body “if he is satisfied that it is not in the interest of the commission or in the interest of the public that the member should continue in office.” The government alone defines “interest of the commission” and “interest of the public”.

The law makes no provision for recognition of the three broadcasting tiers: public, commercial and community. Applicants for broadcasting licence must:

- (a) be a corporate body registered under the Companies and Allied Matters Act or a station owned, established or operated by Federal, State or Local government;
- (b) demonstrate he is not applying on behalf of foreign interest;
- (c) comply with broadcast media objectives of the National Mass Communication Policy;
- (d) give undertaking that the station shall be used to promote national interest, unity and cohesion.

The NBC needs independence and full regulatory powers. The governing body members need transparent appointments and security of tenure. A clear definition of the three broadcasting tiers is required. Transparent licensing conditions are essential.



REGULATING RADIO BROADCASTING

The broadcasting sector in Nigeria is regulated by the National Broadcasting Commission (NBC), a government agency created by the NBC Act 38 of 1992 as amended by Act 55 of 1999.

The Commission has been licencing private broadcasting radio stations since 1994. But all of these have been commercial stations. It has also licenced campus stations, that is, radio stations on the campuses of institutions of higher learning. It has not licenced real community radio stations which should exist mainly in rural, semi-urban and other underserved locations.

But the Commission has provided space for community broadcasting (including radio broadcasting) in its regulatory framework articulated in the Nigerian Broadcasting Code. This framework recognizes five community types which can obtain a radio licence: a local, not-for-profit organization; an educational institution (campus); a cultural association; a cooperative society; and a partnership of associations. It also says:

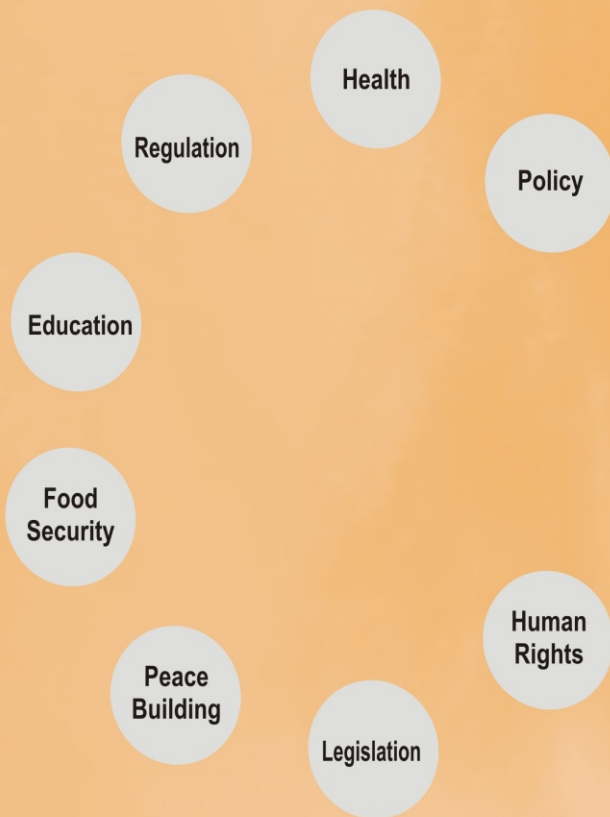
- (i) a community broadcasting service shall be funded from resources of the community raised through levies, contributions, and membership fees; donations, gifts or grants; and local spot announcements.
- (ii) community members shall participate in deciding the nature of operation of the station.
- (iii) languages spoken in the community shall be given prominence on the station.
- (iv) among other issues to be considered for suitability of an application for grant or renewal of licence are: ownership, funding, constitution of its Board of Trustees, and nature of content or programming, with particular reference to the issues of political and religious matters.

The following categories are disqualified from community broadcasting licences: a religious organization; a political party; an individual; and a profit-oriented corporate body.

A commercial radio broadcasting license currently costs N20 million for locations in Lagos, Abuja and Port-Harcourt, and N15 million for all other locations in the country. A campus radio license costs N1 million. No fees schedule has yet been released by the regulatory body for real community radio stations.

Indication from the Commission shows that it is ready to licence community radio stations but awaiting a go-ahead from the federal government.





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