

NARRATIVE REPORT

BROADCAST POLICY STAKEHOLDERS' **FORUM**

ABUJA, NIGERIA
TUESDAY, JANUARY 26, 2010

INTRODUCTION

A National Broadcasting Policy Stakeholders' Forum took place in Abuja, Nigeria, on Tuesday, January 26, 2010. The event was held under the auspices of the broadcasting regulatory body, National Broadcasting Commission, NBC, at the State House Annex auditorium, in the Asokoro District of Abuja.

According to the organizers, the activity is part of the process of producing a policy instrument for the broadcasting sector in Nigeria.

Participants came from broadcast operators, industry and professional groups, regulatory agencies, government bodies, academia and constituencies.

The event was chaired by renowned communication scholar, Prof. Alfred Opubor.

OPENING OF THE EVENT

The event opened at 10:00am with prayers led by Mrs. Bunmi Cole, NBC Zonal Director, Ibadan Zone.

Thereafter, the event's director, Awwalu Salihu, invited special guests to the high table. These guests were the Chair of the NBC Governing Board, Alh. Ibrahim Najume; the Director General of the NBC, Engineer Yomi Bolarinwa; the Managing Director of the News Agency of Nigeria, Mrs. Remi Oyo and the Chair of the event, Professor Alfred Opubor.

Participants introduced themselves.

Address by NBC Chair

In his welcome address, the Chairman of the NBC Board, Ibrahim Najume, said that the broadcasting policy-making exercise was anchored on the statutory responsibility of the NBC to advise the government on the implementation of the National Mass Communication Policy with particular reference to broadcasting, stressing that the desire of the government to place Nigeria among the 20 strongest economies of the world by the year 2020 had made it imperative to have a carefully articulated policy document on broadcasting.

He told the participants that it was appropriate for broadcast industry stakeholders to produce a broadcast policy that would reasonably address shortcomings of the past and developmental needs of the future.

He said the policy expected from the process should define the character of Nigerian broadcasting, address issues of national interest and "guarantee equitable access to the largest and the smallest population segment in Nigeria".

Alhaji Najume said he expected the policy to put Nigerian broadcasting in a position to march international standards while taking full advantage of ever evolving technologies.

Address by NBC Director General

In his keynote address, the Director General of the NBC, Engineer Yomi Bolarinwa, noted that in view of the socio-political, economic and technological changes which had occurred since the deregulation of broadcasting in 1992, it was appropriate to develop a well-articulated policy framework which would accommodate existing changes and address shortcomings in order to place the broadcast industry within appreciable global standards.

The DG stressed that the policy process was timely in the light of the aspiration of the country to rank among the 20 strongest economies by the year 2020.

He appealed to participants to make creative contributions, assuring that the NBC would diligently study and make effective use of their inputs in the process.

Engr. Bolarinwa used the occasion to remind broadcasting organizations of their professional responsibilities in view of impending elections in Anambra State and the crisis in Plateau State. He warned broadcasting stations that their duty to educate, inform and entertain should not be at the expense of national interest, unity and cohesion. He said that any station that violated the provisions of the Nigeria Broadcasting Code in the coverage of elections and crises would face full sanctions of the law.

Goodwill Message

A representative of Cable Operators gave a goodwill message. He noted that technology had led to changes in broadcasting operations systems while consumer tastes had also changed over time. He expressed joy that monopolies had also been destroyed in the industry.

Chairman's Remarks

The Chair of the occasion, Prof. Alfred Opubor, said he was delighted that members of the NBC Governing Board joined other stakeholders to participate in the forum.

He assured that the meeting would take all contributions and later sift the ones that would be useful for policy.

He implored participants to make inputs that would enrich the policy process, stressing that the document which would emerge should address challenges and help stakeholders understand the realities of broadcasting in Nigeria and reflect global developments.

He set the stage for presentations by announcing ground rules such as brevity, clarity, etc.

PRESENTATIONS

Stakeholder groups and individuals took turns to make presentations as follows:

Broadcasting Organizations of Nigeria (BON):

1. The section of the 1999 Constitution that vests the collection of TV/Radio licences on Local Government Councils should be amended so that the rightful owners, Radio and Television stations could benefit from this revenue. This revenue should be collected by NBC according to Section 14A of NBC Decree No. 55 of 1999 on behalf of radio and television stations in Nigeria. On collection, the criteria for the disbursement would be worked out according to the reach and strength of radio and television stations in Nigeria.
2. The process of issuing radio and television licences should be less rigorous. Consequently, the NBC Act of 1999 should be amended so that the Minister of Information and Communication should be the final approving authority.

The current process of allocating radio and television licences, for example has stifled the growth of Community Radio stations, which is quite developed in most African countries.

3. Payment of 2½ percent of turnover of Broadcast stations to NBC.

The NBC broadcasting code provides that broadcast stations should annually pay to NBC 2½ per cent of their turn over. This should be reviewed. BON had earlier proposed a payment of flat rate for this purpose.

4. With the deadline of the transition to digital broadcasting set at 2012 in Nigeria, BON urges the Federal Government to expedite action and issue a White Paper on the report of the Presidential Advisory Committee on digitization.

BON demands a road-map from NBC on the digital transition to guide member stations and their owners.

5. NBC should, as a matter of urgency, engage the Governors through the Governors' forum to enlighten them on the demands of digitization and the need for the State Governments to fund their establishments to achieve this purpose.

6. Waivers for importation of Broadcast Equipment

The importation of broadcast equipment should enjoy certain waives to reduce the financial burden on broadcast owners. This becomes very necessary, since most stations, both public and private use, a certain percentage of their airtime for social responsibility programming.

7. Content

BON supports stiffer regulation of content of broadcast stations by NBC, since this is the basis for the existence of any radio and television station. Broadcast stations should be run professionally.

8. Industry Debt

Advertisers and Advertising Agencies are currently owing radio and television stations bills running into Billions of Naira for used advertisements, commercials and sponsorships.

It is not the responsibility of NBC to recover debts, but NBC will not want broadcast stations to go under because of unpaid bills. Hence, NBC could intervene on behalf of broadcasting stations by writing to such advertising regulatory body Advertising Practitioners Council of Nigeria (APCON) as well as Association of Advertising Agencies of Nigeria (AAAN) and Advertisers Association of Nigeria (ADVAN).

9. Power Supply

Though most broadcasting stations are run with generators, efforts should be made to ensure that broadcast stations are given concessional rates by NEPA, when the power supply improves.

Also an arrangement could be made with NNPC where broadcast stations are given concessional rates for purchase of fuel.

10. Security

Adequate security is necessary for any station to operate adequately. Cases of arson against broadcast stations and other forms of violence have been witnessed in the recent past. NBC can assist broadcasting stations by ensuring that security personnel are not withdrawn from broadcast stations. To ensure that such a policy is accepted, the Inspector General of Police should be approached for his endorsement.

Nigeria Community Radio Coalition

1. DIVERSITY/PLURALISM

- (a) The broadcasting policy should recognize a three sub-sector structure in broadcasting comprising the public, commercial and community sub sectors.
- (b) It should further recognize the difference between decentralized state broadcasting (the establishment of state/government-owned broadcasting stations in communities) and genuine community broadcasting, which is the establishment and management of broadcasting stations by communities for the purpose of their own development.

- (c) There should be fair distribution of broadcasting stations between urban centres/political capitals and rural/grassroot areas; between government/public and independent/private stations; and between geo-political zones.

2. ACCESS, PARTICIPATION AND OWNERSHIP

- (a) There should be three ownership categories:
 - Public (represented by a public corporation)
 - Commercial (represented by a limited liability company or a public limited company)
 - Community (represented by a not-for-profit organization)
- (b) political parties should be ineligible for ownership
- (c) ownership by religious organization should be treated on a case-by-case basis.
- (d) a person or body should have controlling shares in not more than one radio and one TV station. Having controlling shares simultaneously in a print and broadcast medium should be prohibited.

3. LICENSING

- (a) The regulatory body should have full licencing powers, that is, from the point of receiving application to that of issuing licence approval.
- (b) The licencing process should be open, involving a public hearing. Renewal of licence should follow this process.
- (c) It should have a defined time limit – not more than three months.
- (d) Applicants denied licences should receive official explanation.
- (e) There should be an Appeals process – unsuccessful applicants should be able to exercise a right of appeal to an administrative body (a higher level within the regulatory body) or a judicial body (the court of law).
- (f) There should be three categories of licences
 - i. Content Licence
 - ii. Signal Distribution Licence
 - iii. Signal and Content LicenceThis ensures that a broadcaster has options: to produce only content or to combine it with distribution.
- (g) Licence for community broadcasters should be free, without prejudice to reasonable processing levies.

4. CONTENT

- (a) there should be a regulated quota of programmes on development issues in all sub-sectors of broadcasting.

- (b) programming on broadcasting stations should reflect public interest and tastes. Broadcasting organizations should produce programmes based on scientific audience research.
- (c) use of indigenous language should have a quota on all sub-sectors of broadcasting.
- (d) specialized training programme on content production should be designed and implemented.
- (e) a programme of support to independent producers should be established.
- (f) news and current affairs programmes should not be commercialized.
- (g) fair access for political parties on broadcast channels should be promoted and enforced
- (h) local content quota on broadcasting channels should be set by the regulator (with industry consultation) and enforced

5. GOVERNANCE / MANAGEMENT

I The Regulator

- (a) There should be a converged regulatory body whose terms of reference will cover both broadcasting and telecommunication.
- (b) The functions of this body should cover the whole gamut of regulation, to include final power to approve licences.
- (c) The body should be independent i.e insulated in law from interference from government, political parties, commercial and other interests.
- (d) The appointment process of members into its governing board and that of its chief executive should be transparent and involve contributions from the interest/social constituencies that they represent.
- (e) They shall be appointed by the National Assembly.
- (f) They shall have well-defined, secured tenures and conditions of service. Removal on account of misconduct before term expiration shall follow due process, including a public enquiry, and approved by the National Assembly.
- (g) Members of political parties and security agencies shall be ineligible to sit on the board of the regulatory body.
- (h) The Regulator should report to Parliament (National Assembly).

II Public Broadcasters

- (a) State/Govt broadcasting organizations at federal and state levels should be transformed into public broadcasters
- (b) They will be guaranteed management and editorial independence and be subject to better public oversight
- (c) Their governing boards and chief executives shall be appointed through a transparent process which will involve constituencies they represent
- (d) They should be appointed by the National Assembly or appropriate State Assemblies.

- (e) They should also have well-defined, secured tenure and conditions of service. Their removal before term completion shall follow public enquiry and be approved by the appropriate legislature.
- (f) Political party members should not be eligible to sit on these boards.
- (g) These broadcasting organizations should be removed from the civil service structure so that can do realistic administration consistent with their status as public broadcasters.

III **Commercial Broadcasters**

- (a) Should have appropriate governance structures which accommodates transparent and professional business practices.

IV **Community Broadcasters**

- (a) The board and management of community broadcasting stations should be composed of community members.
- (b) Governance and management should be accountable, transparent and responsive, based on efficient practices and appropriate tools
- (c) They should be registered as legal “not-for-profit”, non-governmental entities with ownership primarily drawn from people and organizations in the locality to be served.
- (d) They should serve communities in rural, sub-urban and urban grassroots.

V **General**

- (a) Hiring of personnel for broadcasting organizations should fairly respect the diversity of the population of the coverage area.
- (b) There should be equitable gender representation in the staff and management of broadcasting stations.

6. **TECHNOLOGY AND INFRASTRUCTURE**

- (a) There should be continuous research on technology so that equipment procurement and utilization move in consonance with international best practices.
- (b) The government should actively encourage and promote local expertise in the production of broadcasting equipment.
- (c) The regulator should have a frequency plan which ensures sufficient frequencies are available for broadcasting.
- (d) Allocation of frequencies available for broadcasting should be equitably shared between its three sub-sectors (public, commercial and community).
- (e) Management of the spectrum freed up by the switch to digital broadcasting should be reserved for the future development of community broadcasting
- (f) The country should adopt any particular digital broadcasting technology standards (DAB, IBOC, DRM etc) only after critical studies are conducted, inclusive consultations done and a realistic country position taken.

- (g) There should be no switch-off time-table for FM or AM sound broadcasting services until there is proven and viable digital replacement technology.

7. FUNDING AND SUSTAINABILITY

- (a) The regulatory body should generate its funding from
 - i. government subventions directly from a dedicated fund (budget) from the National Assembly.
 - ii. Proceeds from radio/TV set ownership fees
 - iii. Grants – from various sources.
- (b) Public broadcasters (NTA, FRCN, VON, and the state-level ones) should derive their funding from:
 - i. government subvention from a dedicated fund (budget) from the National Assembly or the appropriate State Assemblies.
 - ii. proceeds from radio/TV set ownership fees
 - iii. grants
 - iv. limited advertisements/sponsorships – proportion to be regulated by the regulatory body, in consultation with industry stakeholders.
- (c) Commercial broadcasters should derive their funding from
 - i. advertisement/sponsorships
 - ii. other commercial activities.
- (d) Community (plus campus) broadcasters to derive their funding from:
 - i. community contributions
 - ii. grants
 - iii. spot announcements
 - iv. limited advertisements/sponsorships – to be regulated by the regulatory body, in consultation with stakeholders.
 - v. An independent Community Broadcasting Trust Fund
- (e) The percentage of fees and levies charged by the NBC on the annual income of broadcasting stations (which is currently fixed at 2.5 per cent) should be abolished.
- (f) There should be created a Broadcasting Development Fund from which independent producers can source funding.

8. RESEARCH AND CAPACITY BUILDING

- (a) Without prejudice to the need to give space to innovation in intellectual development, broadcast training should be standardized. The regulatory body in conjunction with the National Universities Commission (NUC), National Board for Technical Education (NBTE)

and other stakeholders should produce a standard curriculum for broadcast training and this should be reviewed every five years.

- (b) The regulatory body should (or collaborate with other institutions to) conduct crucial research e.g. audience survey, content analysis on the performance of the country's broadcasting stations at least once in two years.
- (c) Broadcasting research consortia should be established/encouraged to grow and commissioned to conduct studies on emerging broadcasting issues.
- (d) Broadcasting policy research specialization at Masters and Doctorate level should be created in higher institutions and support provided for candidates/students by government.
- (e) There should be appropriate equipment/infrastructure support for higher institutions offering broadcasting courses. For example, such institutions should be supported to establish campus radio stations.
- (f) Academics and other industry practitioners should be supported to write books and other publications on broadcasting
- (g) Some model training centres should be set up to take care of some specialized broadcasting training e.g. training on community broadcasting, etc.
- (h) Guidelines should be produced for broadcasting stations for in-house training of personnel.
- (i) Cross-regional, bilateral (international) training initiatives should be organized for broadcasting personnel, to run on regular basis.
- (j) Compliance with professional standards should be enforced through self- regulatory and statutory regulatory mechanisms.

9. LEGAL ENVIRONMENT

- (a) the following laws should be repealed:
 - i. Sections 50 to 52 of the Criminal Code – which deals with Sedition.
 - ii. Sections 373 to 379 of the Criminal Code – which deals with Criminal Defamation
 - iii. Section 416 of the Penal Code (northern states) which also deals with Sedition
 - iv. Section 391 to 395 of the Penal Code – also deals with Criminal Defamation.
 - v. The Official Secrets Acts – which makes provisions for keeping public records away from the public
 - vi. Paragraph 1(b) of the Fourth Schedule of the 1999 Constitution – which vests local government authorities with the power to collect fees for ownership of television and radio sets
- (b) the following laws should be amended:
 - i. Section 39(2) of the 1999 Constitution – which vests the power to authorize private licences in the President. The amendment should transfer this power to the regulatory body.
 - ii. The National Broadcasting Commission Act 38 of 1992 and its subsidiary, the NBC (Amendment) Act 55 of 1999 – to establish a converged (broadcasting with

- telecommunications) and independent regulatory body able to perform the full gamut of regulatory functions, including approval/authorization of licences.
- iii. The News Agency of Nigeria Act – to remove its monopoly in the distribution of foreign news, among other issues.
 - iv. The BPE Law (Private Enterprise/Commercialization and Privatization) Act – to remove NTA and FRCN from its list of enterprises listed for commercialization.
- (c) laws which enhance the practice of media work should be enacted
- i. The Freedom of Information Bill – to be passed into law
- (d) International instruments to which Nigeria has subscribed should be observed and domesticated in local (Nigerian) law. These include:
- i. Article 19 of the Universal Declaration of Human Rights
 - ii. Article 19 of the International Covenant on Civil and Political Rights
 - iii. Article 9 of the African Charter on Human and People Rights
 - iv. The African Charter on Broadcasting
 - v. The Declaration of Principles of Freedom of Expression in Africa

Nigerian Communications Commission (NCC)

1. Policy should encourage participatory rule-making i.e. involve stakeholders in the process
2. Policy should discourage multiple regulators and multiple taxation.
3. There should be one policy for the broadcasting sector
4. Licencing process should be within the jurisdiction of the regulator
5. Convergence should be addressed, to include issues like internet broadcasting
6. Policy should provide clear guidelines for review of the policy itself
7. Policy should recognize an independent regulator.

Steam Broadcasting (Cool FM)

1. Nine (9) minutes per hour of advert airtime permitted in regulation is not enough. It should be reviewed upward to 12-15 minutes per hour.
2. Advertising debts have not allowed broadcasting stations to pay good salaries. The policy should address debt recovery.

Nigerian Film & Video Censur Board (NFVCB)

1. All movies/musical video to be broadcast should be classified by the Board.
2. The classification category of every movie must be shown at the beginning of each broadcast

Radio Unilag (University of Lagos)

1. There should be a time frame for licencing – this should not exceed 3 months.
2. Campus stations should be allowed limited advertisements
3. There should be no licence fee for community and campus radio stations.

4. Review of the Nigeria Broadcasting Code should be continuous and involve all stakeholders.
5. Broadcasters should have access to the Code.
6. Community and campus radio stations should be exempted from 2.5% annual charge on turnover of broadcasting stations.
7. There should be guidelines for digitization to meet 2012 deadline set by the government
8. Campus radio stations should be domiciled in Mass Communication or related departments of their owner institutions.
9. Campus radio stations should not be used as Public Relations outfits of the school authorities
10. The federal government should open the airwaves to community broadcasting
11. Campus television stations should be licenced.

Cable Operators Association

- 1) (a) There should be no exclusivity on any foreign material (content) by any operator. But exclusivity should be allowed for local material (content) which is financed by the operator.
(b) Sixty percent (60%) of all sports content should be locally produced.
- 2) Television/radio set ownership fees should be abolished
- 3) Licences should not be granted to religious bodies
- 4) Merger of NBC and NCC should not be done. If it's done, telecommunications will take away all frequencies.

Alhaji Saulawa (Consultant/Board Member to Radio Gotel, Yola and Freedom FM, Kano).

1. The NBC should be an unbiased umpire. It should do thorough investigations before imposing sanctions on stations.
2. NBC and NCC should not be merged.
3. Radio/Television set ownership licence fees should be collected by the NBC in collaboration with BON.

Daar Communications PLC

1. Funding for government-owned broadcasting stations should be restricted to government subvention.
2. There should be tax rebate for sponsorship of certain public interest programmes e.g. sports

Modern Communications (Cable Operators)

1. Cable operators should be allowed to access foreign programmes (e.g soccer) at some cost.

African Council on Communication Education (ACCE)

Nigerian Chapter

1. Policy should articulate positions on curriculum development for broadcasting study in tertiary institutions
2. There should be conceptual clarity on campus radio and community radio

3. The provisions of the National University Commission (NUC) Act and the National Broadcasting Commission (NBC) Act should be clarified so that the body vested with the power to accredit broadcasting courses in tertiary institutions is clear.
4. The policy should be research-driven, and should look at such issues as audience, coverage, equipment, etc.
5. Other policy instruments (e.g the NBC Act) should also be reviewed for this policy exercise.

Ondo State Radiovision Corporation

1. The Broadcasting Organizations of Nigeria (BON) should be represented on the governing board of NBC
2. NBC should have an Audit Unit whose responsibility would be to look at quality of equipment in stations and compel operators to upgrade where necessary.
3. NBC and BON should work out mechanisms to address such issues as: Who practices as a broadcaster?
4. The broadcasting industry should be taken out of the civil service structure.
5. Broadcasters' welfare should be accorded priority.
6. Government-owned broadcasting stations should be funded in such a way that guarantees independence and secured tenure of practitioners.

Enugu State Broadcasting Service

1. Agriculture should be given a pride of place. A high proportion of airtime should be devoted to programmes in agriculture.

Communication Trends Limited

1. Dispute resolution: Operators within the broadcasting industry should agree to resolve disputes first within the NBC before recourse to court of law.
2. NBC should grant approval before broadcasting stations remit money abroad to secure rights for foreign programmes.
3. NBC should follow due process in its sanctions process.

Jigawa State Broadcasting Corporation

1. Allocating percentages to content in broadcasting should be discarded because content is audience-driven
2. The broadcasting digitization policy process should be fast-tracked

Gotel Radio, Yola

1. A significant proportion of airtime for agriculture should be compulsory in all broadcasting stations.
2. Electoral broadcasting laws for 2011 elections should have inputs from NBC, Independent National Electoral Commission (INEC), and other stakeholders.

Ekiti State Broadcasting Services

1. There should be transparent selection process and operational independence for chief executives of government broadcasting stations.
2. Chiefs of broadcasting stations should be experienced professionals
3. Government-owned stations should not report to political office holder e.g state governors
4. There should be dedicated funding by broadcast proprietors to guarantee staff salaries, etc. Basic equipment/facilities should be available before a station takes off.
5. Religious organizations should be allowed to own broadcasting stations.

Kwara State Broadcasting Service

1. There should be appropriate training at entry point for broadcasters, while re-training should be done in the course of the career.

Borno Radio and Television Corporation

- Broadcasting digitization policy should be articulated, and should address such issues as technology standards, popularization of digitization among the Nigerian populace, etc.

Ogun State Broadcasting Corporation

1. How can NBC have control over content broadcast on satellite channels?

Multichoice Nigeria

1. There should be differentiation in policy on broadcasting sub-sectors: public, commercial, community.
2. Exclusivity is the strength of a business. It is the business model for PayTV and should be encouraged in policy.
3. More than 10,000 English language broadcasting channels are available across the world. Nigerian operators should search and link up with them for business purposes.

Six-Five Broadcast Limited

1. Campus radio stations should be allowed some advertising windows – up to 35 per cent.

Pinnacle Communicatons

1. Many heads of government-owned stations are not at home with the 2012 deadline for broadcasting digitization in Nigeria. They should be open to new technologies.
2. Training of professionals is important for digitization to penetrate the broadcast industry.

National Commission for Adult Education and Mass Literacy

1. A framework for rural community broadcasting should be provided in policy.

Bayero University, Kano

1. The President should not be denied the power to approve broadcasting licences because the constitution already empowers him to do so.

2. Cable operators should carry content from local broadcasting stations which are close to them.

CLARIFICATION FROM NBC

Event director, Awwalu Salihu, told participants that the Stakeholders' Forum was the first of four (4) stages designed for the policy process. According to him, the other stages were:

- ❖ a retreat at which selected experts would distil and string together the recommendations of stakeholders at the forum,
- ❖ display of the product of the retreat in public domain, so that members of the public could make further inputs
- ❖ processing of the document to the federal government for action.

CHAIR'S SUMMARY

The Chairman of the event, Prof. Opubor, thanked participants for their inputs, noting that the contributions straddled policy and operational issues.

He assured all that the retreat (which would take place after the forum) would extract materials useful for policy, and ensure that the document to emerge would reflect the wishes of stakeholders.

CLOSING

THE event closed with a prayer led by Alhaji Baffa Bura Muhammed, the chief executive officer of Jigawa State Broadcasting Corporation.