

# Communique

*Conversation Between Industry Stakeholders on Issues in Broadcasting Legislative/Regulatory Frameworks, held in Abuja, On Thursday, February 2 and Friday, February 3, 2023*

## Preamble

A two-day meeting, under the theme: “**Conversation Between Industry Stakeholders on Issues in Broadcasting Legislative/Regulatory Frameworks**”, was organised in Abuja by the Institute for Media and Society (IMS) on February 2 and 3, 2023, as part of activities under the Support-to-Media component of the European Union Support to Democratic Governance in Nigeria (EU-SDGN II) project.

Participants at the meeting were drawn from different stakeholder groups, including the media industry unions and associations, national legislature, regulators, civil society organisations; media professionals, managers and owners; as well as journalism and media training institutions.

In plenary and panel discussions, the meeting addressed various topics, including Contemporary Reforms in the Nigerian Broadcasting Sector: The State of Play; The Journey Towards Independent Regulation in the Broadcasting Sector: Issues in the Legislative/Regulation Reform Process; Government Appropriation, Digital Access Fees, Radio/TV Sets – Shaping a Suitable Resource Pot for Broadcasting in Nigeria; The Broadcasting Regulator in the Technology and Politics of the Convergence Era in Nigeria: What Jurisdiction? What Power? Addressing the Liberty of the Broadcast Industry: Trends in Legislation and Regulation in Nigeria; Pace of Licensing, Cost of Licensing, Plurality of the Landscape: What has Changed? What has remained the same? Looking at Sanctions System in the Broadcast Industry Regulation from several lenses: The Technical, the Economic, The Political; and Third-Sector Broadcasting: Contemporary Concerns on the Development on the Development of the sub-sector.

At the end of the meeting, participants adopted this Communique.

## Observations

Participants made the following observations:

- There is a need to further amend the National Broadcasting Commission Act, as amended, in the light of the current global realities and standards for the regulation of broadcasting as well as the changing political, technological and economic environment in Nigeria since the Law was first adopted in 1992 and amended by the outgoing military government in 1999.
- It is imperative that the regulatory authority for broadcasting in Nigeria is made independent and freed from any political influence or control in its operations as well as the performance of its functions, in accordance with regional and international norms and standards.

- In order to achieve a comprehensive reform of the broadcast sector in Nigeria and engender a more effective regulatory framework, relevant provisions of the Constitution will need to be amended, along with the amendment of the existing Law and the adoption of new policies.
- In the light of fast evolving technologies relevant to the broadcast sector, both in Nigeria as well as regionally and internationally, the broadcast regulator should put in place measures to ensure that it is always technologically up-to-date and able to engage and deploy new technologies in the performance of its functions.
- In order to ensure the credibility and effectiveness of its regulatory functions and activities, it is important that in the handling of cases of alleged violations of broadcasting standards, the regulator abides by its own procedures and guidelines as contained in the Nigeria Broadcasting Code and, in particular, that its processes are transparent and in accordance with acceptable standards of fair hearing.
- Given that community broadcasting, which is the internationally recognized third tier of broadcasting, has long existed under the Nigeria Broadcasting Code, without clear legislative provisions, it remains susceptible to arbitrary policy changes.

## **Recommendations**

Accordingly, participations made the following recommendations:

- The independence of the National Broadcasting Commission should be strengthened in law and in practice, including by ensuring that the tenures of the Director-General and Board members are clearly stated and that they have security of tenure; that the funding of the Commission is adequate for its functions and secure; and that the Commission is insulated from political, economic and other interference or pressures.
- Further to the need to ensure adequate funding for the NBC, urgent measures should be taken to ensure that the Commission receives its share of the digital dividends arising from the re-sale or re-allocation of frequencies that are being ceded by the broadcast sector as a result of the digital switchover.
- The NBC has a responsibility to ensure that broadcasters, over which it superintends, have a conducive and enabling environment to operate. Accordingly, the Commission should promote and defend media freedom in general as well as the liberty of individual broadcasting stations over which it superintends when they are attacked or facing threats.
- The freedom of the media should be guaranteed by the Constitution and ensured by making Section 22 of the Constitution justiciable and enforceable. In addition, all existing laws which inhibit the freedom of the media should be amended or repealed, as the case maybe.
- Full powers should be granted to the NBC to carry out the full range of its regulatory functions, including the issuance of broadcast licenses. Accordingly, Section 39(2) of the Constitution and the proviso to it should be amended to vest in the Commission the final authority to issue broadcast licences while other encumbrances in the National Broadcasting Commission Act should be removed so that the process of licensing broadcast stations should begin and end with the NBC.

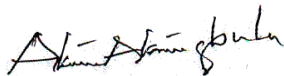
- Further to the above, pending the amendment to the Constitution to vest full licensing authority in the NBC, the President should delegate his powers under the proviso to Section 39(2) of the Constitution to the Commission through an Executive Order.
- In every case where the NBC receives a complaint of the violation of the Nigeria Broadcasting Code, the Commission should ensure that in the handling of the complaint, the alleged violator is given a fair hearing in accordance with the procedure laid down in the Code and that the process is transparent.
- Urgent steps should be taken by the National Assembly to ensure that community broadcasting is properly recognised and defined in legislation, and adequately provided for in the licencing process, to better address the plurality of the broadcast sector.

## Conclusion

Participants expressed gratitude to the European Union and the Institute for Media and Society for sponsoring and organizing the event respectively, thereby providing a platform for the important conversations to take place.

*Adopted in Abuja on Friday, the 3rd day of February 2023.*

Signed:



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