

(2024)

MEMORANDUM
ON

THE BROADCASTING REGULATORY FRAMEWORK IN NIGERIA

(2024)



Funded by
the European Union

CEMESO

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Published in 2024

By

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LIST OF ABBREVIATIONS/ACRONYMS

ARCON – Advertising Regulatory Council of Nigeria

NBC – National Broadcasting Commission

FCCPC – Federal Competition and Consumer Protection
Council

BON – Broadcasting Organizations of Nigeria

FMIC – Federal Ministry of Information and National
Orientation.

FRCN – Federal Radio Corporation of Nigeria

NTA – Nigerian Television Authority

NCC – Nigerian Copyright Commission

CEMESO – Centre for Media and Society

EU-SDGN – European Union Support to Democratic
Governance in Nigeria.

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The task of reviewing and updating this **Memorandum on the Broadcasting Regulatory Framework in Nigeria** required thorough understanding on and commitment to the development of the broadcasting industry in Nigeria. The Centre for Media and Society (CEMESO) was able to work with stakeholders who had this profile to actualise this publication.

Hence, we thank Mr Gabriel Onafurume, industry leader and former Deputy Director (Programmes) at Radio Nigeria, for deploying his vast professional experience and collating various industry insights to produce an up-to-date document which takes full shape in this publication.

We are grateful to Mr Sani Suleiman, former Director of News at Federal Radio Corporation of Nigeria, for bringing newsroom leadership skills to bear in providing editorial services for refining the contents of this publication.

Our appreciation goes to the various stakeholders who provided perspectives on the publication. They include senior broadcasting professionals, regulation experts, academics, industry and civil society professionals.

We thank the European Union for funding the activity.

FOREWORD

This publication is the product of a review of an earlier one, published in 2021.

It is to advance our work in helping to provide a conducive practice environment for the broadcasting industry.

This is in recognition of the position that a best-practice and conducive regulatory framework is essential for the effective functioning and development of the broadcast media in the electoral and broader democratic process.

For many years, the Centre for Media and Society, CEMESO, has convened important capacity-building conversations with broadcasting industry stakeholders, including professionals and regulators. These conversations have beamed searchlights on expected improvements in such focus areas as professionalism, dealing with mis/disinformation, deepening/diversifying the delivery of civic/voter education, addressing inclusion of marginalised groups and strengthening the work of the regulator.

We continue to collate the concerns expressed by stakeholders, especially on the regulatory environment, along with their perspectives on improvement. This publication is an update which emerged from a review and enrichment of an earlier effort.

Our aim is to disseminate it widely among stakeholders, to be used as a tool to engage the regulatory body, other key institutions and the industry reform process, in advancing best practices in the broadcast industry regulatory framework in Nigeria.

The publication is presented in a simple, reader-friendly style. Each issue addressed follows a format: current situation followed by observations and recommendations.

We believe that stakeholders will find it useful in the broadcasting sector reform initiatives and processes.

Dr Akin Akingbulu,
Executive Director,
Centre for Media and Society, CEMESO,
Nigeria.

P A R T

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LICENSING



A. THE LICENCING PROCESS

1. Advertising License Availability:

Current Situation

The major licensing approaches in Nigeria are: direct applications and the bidding system.

Licensing for private commercial and third sector broadcasters is mainly done through the direct application system.

Availability of broadcast frequencies and other vital information are usually not publicized to enable prospective applicants have an understanding of spaces to submit applications.

Observations:

Publication of available broadcast frequencies by the regulator enables prospective applicants to have an understanding of spaces for which they could submit applications. It is a recognized international practice that vital information on the licensing process, including available broadcast frequencies, are advertise periodically by the regulatory body.

RECOMMENDATIONS:

The regulator should publicize, periodically, broadcast frequency availability for locations in all parts of the country.

2. Stages of the Licensing Process

Current Situation

There are currently seven (7) stages of the broadcast licensing process articulated by the regulator on its website. These stages are:

- I. Registration of a limited liability company (which article and memorandum of association must include broadcasting) by a prospective applicant.
- ii. Application by the company to the National Broadcasting Commission seeking approval to purchase a set of application forms.
- iii. Purchasing a set of application forms by the company (upon

receiving the commission's approval)

- iv. Completing and returning the purchased form along with a comprehensive feasibility study and business plan for the proposed station, to the Director General of the Commission.
- v. Processing of application by the commission, recommendation to its Board, transmission to Information Minister for onward submission to the president for approval.
- vi. Payment by the successful applicant (after Presidential approval) of the prescribed license fee and signing a license agreement with the NBC.
- vii. Allocation of appropriate frequency to successful applicant by the NBC'

Observations:

- i. The apparent justification for the requirement for applicants to apply for purchase of application forms is to enable the regulator determine from its records on availability of frequencies in applicants propose locations. However, there have been cases where the regulator indicates the unavailability of frequencies after Presidential approval has been granted. It implies that this stage of the process is unnecessary
- ii. The involvement of the Information Ministry and Presidency in the stages of licensing elongates the process, subjects technical decisions to political considerations and denies the regulator its independence and full regulatory powers.
- iii The international best practices today are that regulatory authorities, especially those in charge of broadcasting, are distinct and independent from any other public or private body, and should be able to exercise full remit regulatory functions. For example, the Declaration of Principles of Freedom of Expression and Information in Africa (adopted by the African Commission on Human and Peoples' Rights in 2019) provides that:

"A public regulatory authority that exercises powers in the areas of broadcast, telecommunications or internet infrastructure shall be independent and adequately protected against interference of a political, commercial or other nature."





RECOMMENDATIONS:

- 1) The current first stage of licensing, where applicants are required to apply for NBC approval to purchase application forms should be abolished.
- 2) The participation of the Information Ministry and the Presidency in the licensing process should be abolished. This should be formalised through an amendment to legislation governing the (NBC) Act and implemented by the regulator. The NBC should have full independence to perform its regulatory functions, including licensing.
- 3) Publication of available broadcast frequencies by the regulator enable prospective applicants to have an understanding of spaces for which they could submit applications. It is now a recognized international best practice that vital information on the licensing process, including available broadcast frequencies, are advertised periodically by the regulatory body, the commission should emulate this.

Processing of License Application

Current Situation:

License applications are processed exclusively at the NBC Headquarters in Abuja. However, applicants often face a lack of communication regarding the progress of their applications. This absence of feedback results in prolonged waiting periods, leaving applicants uncertain about the status of their submissions.

Observation:

This feedback gap affects the credibility of the licensing process. Applicants are entitled to know the status of their applications. If they do, their trust in the process will be enhanced.

RECOMMENDATIONS:

- I. The Commission should, within 30 days of receiving an application for license, inform the applicants by written notice on the status of the application- the processing stage, grant of license, the refusal of license, etc. To ensure applicants remain and up-to-date on the status of their

application, its recommended to repeat the written notice at quarterly intervals. In the event of refusal of application/license, reason(s) for refusal should be given, and there should be information and opportunity for applicants to appeal refusal.

- ii. The Commission should authenticate the legitimacy of applicant's details and respond to its appeal within a three-month timeline.
- iii. Such details of applications should be published by the regulator on such platforms and its Website and Newsletter.

B. AWARDING LICENCES

1 License Conditions

Current Situation:

The licensing framework articulates certain criteria for the grant of broadcasting licenses. According to Section 9 of the NBC Act, these criteria are that:

- (i) The applicant shall be a corporate body registered under the Companies and Allied Matters Act or a station established, by the federal, state or local government.
- (ii) He can demonstrate to the satisfaction of NBC that he is not applying on behalf of any foreign interest.
- (iii) He can comply with the objectives of the National Mass Communication policy, as is applicable to the broadcast media.
- (iv) He can give an undertaking that the station shall be used to promote national unity and cohesion. But not used to offend religious sensibilities or promote ethnicity, sectionalism, hatred and disaffection among Nigerians.
- (v) He can satisfy the NBC on his structure of shareholding, the number of its shareholdings in other media establishment and the distribution of those stations and establishments as between urban, rural, commercial or another categorization. He should also demonstrate that **he** does not have controlling shares in more than two of each of the broadcast sectors of transmission.
- (vi) Availability of broadcast frequencies.
- (vii) He can satisfy the NBC on his structure of shareholding, the number of its shareholdings in other media establishment and the distribution of those stations and establishments as between urban, rural, commercial or another categorization. It should





also demonstrate that it does not have controlling shares in more than two of each of the broadcast sectors of transmission

Section 10 of the Act further provides that the applicant shall not be a religious organization or a political party.

However, Section 9 (3) of the NBC Act stipulates that compliance with the first four criteria above shall not still entitle an applicant to a grant of a license although “the grant of a license by the Commission shall not be unreasonably restricted”.

Observations

- (i) The provision in section 9(3) which says that compliance with several of the stipulated requirements shall still not entitle the applicant to a license is an unnecessary provision because it appears to take away with the left hand what has been given with the right hand. It emerged in stakeholders' conversations that the unspoken hurdle could be the feedback from security agencies (which could sometimes be unfavourable if requested by regulator for background checks).
- (ii) The provision in section 9(4) which makes the structure of shareholding in the broadcasting organization one of its criteria appears to ignore the fact that the concept of shareholding is limited to commercial license applicants. Third sector broadcasting license applicants (Community Corporate entities) do not allocate shares. It has been observed in stakeholders' conversations that the regulator has a distinct application form for community broadcasters.

RECOMMENDATIONS

Section 9(3) of the NBC Act which provides that compliance with several of the stipulated requirements shall not entitle the applicant to a license is an unnecessary provision and should be removed. Section 9(4a) which provides for the structure of shareholding in the broadcasting organization should be amended and restricted to commercial license application.

Section 9(4a) which provides for the structure of shareholding in the broadcasting organization should be amended and restricted to commercial license applicants.

2. LICENCE FEES

Current Situation:

The license fees for Radio and Television stations are in several categories:

For private commercial radio stations, the fees are namely: N20 million for Lagos, Abuja, Port Harcourt, Kano and N15 million for all other locations.

For private commercial TV, the fees are N15 million for Category A (Lagos, Abuja, PHC, Kano) and N11.250 million for Category B (other states).

For community radios, it is N500,000.

For campus radio, it is N1 million.

Observations:

The current schedule of fees appears to ignore the socioeconomic realities across the country, and viability potentials for the development of broadcasting in various parts of Nigeria. This partly accounts for the skewed distribution of commercial broadcast stations across the country.

RECOMMENDATIONS:

- I. The schedule of license fees should be reviewed downwards considering such socio-economic and other factors.
- ii. The current two-tier license fee schedule should be further spread for more segments of the population to access.

NATIONAL SPREAD OF LICENCES:

Current Situation

The Federal government (through FRCN) and state-owned radio stations operate across the country (except in few States where FRCN stations are not operational). All state governments own and operate radio stations. There are also federal government agencies licensed to run radio stations. Examples are: The Nigerian Army, Federal Road Safety Corps (FRSC), National Youth Service Corps (NYSC) etc. Most state governments own television stations; the federal government (through the NTA)





covers all the states of the country. Private commercial broadcasters are mainly concentrated in commercially strong locations across the country. These private commercial licenses have scanty presence in rural and international border locations. Radio stations are licensed in academic institutions and grassroots communities. But the overall presence of outlets in this sector is still low.

Observations:

- (I) Diversity is an important element in the development of the broadcasting sector. Crucial in this is the geographical dimension, meaning that all parts of the country, including border areas should be served by broadcasting services. In several conversations, stakeholders learnt that many state governments got (additional) approvals for AM licenses but only stuck to their FM stations while also refusing to invest in new technologies to expand the reach of their stations. Some commercial entities try to sell their licenses.
- (II) The development of third sector broadcasting appears to be getting stunted in view of the relatively low proportion allocated to it in license batches in recent years.

RECOMMENDATIONS:

- (I) Regulation should ensure that government broadcasters cover the territories allocated to them.
- (ii) Licensing attention should prioritize third sector broadcasting (community and campus) to ensure that they are present and functioning in all parts of the country.
- (iii) Regulator should regularly publicize availability of frequencies in all parts in order to attract investors' attention to underserved parts of the country

P A R T

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CONTENT REGULATION



A. CONTENT STANDARDS

1. Public Service Programming by Broadcasters

Current Situation:

The original (6th edition of the) Nigeria Broadcasting Code (in Sub section 9.4.3) limits obligations of private/commercial broadcasters on public service programmes and announcements to a minimum of 5% of their total weekly broadcast hours. The new amendment to the code requires private/commercial broadcasters to allot “a minimum of 20 per cent of weekly broadcast hours to public service programmes on emergencies, current trends and issues”. It provides further that “such programmes shall be given prominence during family belt and shall not be less than 120 minutes per transmission day”

A breach of this provision is classified as CLASS B offence.

Observations:

1. The public service programme requirements of public or state broadcasters are usually high. This is because this tier of broadcasting is funded from the public purse. The situation is different in the case of private commercial broadcasters who, in the Nigerian context, have to source all or most of their funding.
2. In the present difficult economic climate, it will be unfair to compel private/ commercial broadcasters to allot “a minimum of 20 per cent of weekly broadcast hours to public service programmes”.

RECOMMENDATIONS:

1. The requirement of a minimum of 20 per cent programming to be devoted to public service by private commercial broadcasters should be reviewed downward to the previous 5 per cent.
2. For transparency and public service, the Commission should ensure quarterly programme schedules are submitted to its office and updated on station's websites. The programme schedules should detailed synopsis, broadcast hour and target audience.

2. HATE SPEECH/INCITING SPEECH

Current Situation

Provisions are made on the regulation of hate/inciting speech in several sections of the 6 Code. Section 3.1.2 states that, “broadcasting shall promote human dignity and “therefore, hate speech is prohibited”. It provides further that:

A breach of any of the foregoing provisions is categorized as a CLASS A (high end) offence.

Observations:

Hate speech resides at the complex intersection of freedom of expression and the rights of individuals, groups, and minorities. Its significance has escalated globally, prompting the adoption of international and national legal instruments to combat its negative impact.


Article 19 of the International Covenant on Civil and Political Rights (ICCPR) states that “everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”. But it also recognizes that freedom of expression must be accompanied by responsibilities and that it may be subject to certain restrictions as are provided by law and are necessary for respect of the rights or reputation of others and for the protection of national security or of public order or of public health or morals.

Article 20 of ICCPR provides for states to prohibit, by law, any incitement to hatred by “advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”.

Country – level constitutional provisions and legal frameworks also address hate speech. For example, Section 39 of the constitution of Nigeria (as amended) makes provisions similar to those of the ICCPR.

However, the challenge with dealing with hate speech has mainly been with definition, implementation and enforcement. Very often, country legislations do not clearly define hate speech or details such as the grounds for incitement to hatred and what constitutes incitement. Sometimes, the country legislation is not





enforced. At other times, there is overly broad, overzealous and politicized application of legislation.

RECOMMENDATIONS:

1. The regulator and other government authorities should promote more open discussion to counter speech, and inclusive dialogue to counteract hate speech.
 - a) The Commission should promote public education initiatives which focus on cultural and other differences among citizens.
 - b) Regulator should leverage on existing laws to identify what constitutes hate/inciting speech in broadcasts
 - c) Regulation should strengthen partnerships with and among electoral actors such as government agencies, the Election Management Body, civil society groups, media and political parties to enrich content approved for broadcast.
2. The Commission should identify the challenges through monitoring, early Warnings Systems (EWS) and deal with it early before elections.
3. It should publish monitored reports on media content as a guide on hate speech.
4. The Regulator should train and re-train media professionals, and political party leaders on the importance of hate speech and election coverage
5. Applying regulations on hate speech and inciting statements in a firm and consistent manner is essential.

3. DISABILITY INCLUSION ISSUES

Current Situation

The National Broadcasting Code (6th Edition) has provisions on disability in its Chapter 3 which deals with General Programming Standards.

Section 3.8. (c) provides that The Broadcaster shall ensure that: “individuals with physical and mental impairments are not exploited or presented in a manner embarrassing to the people with disabilities or members of their families.”

Section 3.1.11 also states that “Persons under the age of 18, the physically challenged or any vulnerable group shall be protected from offensive and harmful portrayal at a programme”.

Observations:

- i. Inclusion has become a major issue of concern to broadcasting regulation across the world. Specifically, the issue of giving appropriate portrayal and access to People with Disabilities (PWDs) have taken the front burner globally.
- ii. PWDs and issues affecting them need to be professionally reported or covered by the Media. Their voices need to be heard like those of other citizens, through the media.
- iii. In many parts of the world today, broadcasters provide “access services: through methods such as subtitling, signing and audio-description. These are in addition to coverage methods such as in news and other broadcast programmes.

RECOMMENDATIONS

1. Provisions mandating disability access and participation should be strictly enforced as prerequisites for granting radio and television station licenses.
2. Issues in the Code should be updated to global standards to cater for implementation of disability right frameworks.
3. Sign language interpretations and subtitling of content texts should be encouraged in visual contents.
4. The broadcasting code should require the use of respectful and inclusive language in all content relating to persons with disabilities.
5. The updating process should involve periodic consultations with stakeholder groups which include broadcasters, groups representing PWDs, scholars, civil society, etc.

(VI) SANCTIONS

Current Situation:

Breaches of regulation have sanctions attached to them in the





N 10 million, but later amended to range from N 500,000.00 to N4,999,000”.

3. Severe penalty: earlier fixed at N 20 million and above, but now adjusted to N5 million and above.

In Section 9.1.6.11 (b) the Code specifically stipulates a penalty of not below N10 million” for failure to comply with the no-exclusivity in licensing rule.

According to the foregoing schedule, the penalties shall apply to all categories of broadcasting except community broadcasting which “shall be subject to a sanction as shall be determined by the Commission (NBC), based on the nature of the breach.

Process: The actual procedure for sanctioning is not the articulated in the 6 Code although it was addressed in earlier editions.

Observations:

1. Sanctions appear on the scene when programmes that have been broadcast break content rules. Usually, the broadcaster has responsibility for content which it broadcasts whether it is produced in-house, made through an independent production or acquired. The broadcaster is expected to be aware of all content before it is broadcast, meaning that unsuitable or inappropriate material would have been edited out before content is disseminated. It is essential that a sanction is imposed through a process. This helps to ensure fairness and transparency. It helps to ensure that the broadcaster's right to fair hearing is respected.
2. Recently, citizen groups have legally challenged the regulators' authority to impose sanctions with some cases advancing to appellate courts.
3. There has been a tremendous transformation in broadcasting technology. the “broadcast equipment” have become more sophisticated to include devices such as laptops and phones which are efficient and cost effective in communication. In this context, prohibiting or criminalizing the possession of broadcast equipment without a license or permit might be challenging to enforce for several reasons. Practical challenges:
 - Widespread availability: broadcast equipment is readily available for purchase online or in store making it difficult to track and control.

Code. (VI) Sanctions Chapter 15 elaborates provisions on the sanctions system which include classes of sanctions, consequences of revocation, illegal broadcasting and penalties.

There are 3 classes of sanctions:

1. Class C (the low end) covers written admonition to remedy a breach within 24 hours; written warning after failure to comply; and payment of a fine after a subsequent failure to comply.

2. Class B (medium level) covers warning to remedy a breach within a time frame (undefined); reduction of daily broadcast hours in the event of failure to comply; and a suspension of broadcast license for a period of 30 days, in the case of subsequent failure to comply. The re-commencement of full broadcast shall then attract a fine.

3. In the new amendment, Class B sanction will cover “a written warning to remedy/rectify a breach within a frame”, while failure to comply will attract “a reduction of daily broadcast hours for a given period. But “recommencement of full broadcast hours shall be subject to a heavy penalty for public and commercial broadcasters and light penalty for community broadcasters”,

The consequences of suspension and revocation are also articulated: the broadcaster shall immediately comply with the order; the police and other security agencies may assist the Commission to shut down the station. It states further that “the broadcaster whose license is revoked shall not be absolved of its responsibilities or obligations, prior to the date of revocation”. Once a license is revoked by the Commission, “re-application for a broadcast license shall not be considered from the same company until after 5 years”

The Code puts the responsibility for action against “illegal broadcasting” into the hands of the Police. Section 15.4.1 states that “the Police shall prosecute any person engaged in any form of broadcasting or in possession of any broadcast equipment or apparatus in the country without a license or permit for the purpose”

Penalties: The code provides for 3 categories of financial penalties in respect of broadcasters' breaches

1. “Light penalty: attracted a fine which ranged from the N250,000.00 to N500,000.00 in the original 6 Code, but now amended to start from N200,000.00 to N500,000.00”

2. “Heavy penalty: a fine that initially ranged from N 2 million to





(ii) Public/ Audience Complaints

Current Situation

The Nigeria Broadcasting code explicitly recognizes the public's right to lodge complaints regarding broadcast content or broadcasters as contained in Section 15 of the 6th code provides that:

“Any person or group has a right to complain about any broadcast content

or conduct of the broadcaster. Therefore, the broadcaster shall transmit, at least twice a day, information on how to lodge complaints about its content or general conduct.”

According to Section 14, the range of issues on which complaints can be made to the regulator include: content and conduct of the broadcaster; terms, conditions and obligations of the broadcast license; the Act, the Code and any other regulation of the NBC.

A complaint to the NBC, which can be in oral or written form, must contain such details as broadcaster's name, title of the programme, date and time of the broadcast, essence of the complaint or observation, and the complainant's details such as name, address, telephone number and/or email address and signature.

Complaints have a limitation period of 14 days, meaning that only complaints lodged within 14 days of occurrence of the alleged act or omission will be entertained by the NBC. There is a procedure for handling complaints: asking the

affected broadcaster to provide a written response along with a recording of the relevant materials, requesting for copies of the relevant correspondence from the

complaint investigating and arbitrating on the matter, and notifying the parties of the progress of the investigation, findings and action taken. The regulator may

make the outcome of the investigation public.

A broadcaster may be sanctioned over a complaint proven against it or over its failure to comply with the regulator's directives. Besides, it (broadcaster) shall bear

the administrative costs of the regulator's investigation if found liable.

While Section 1.5 stipulates a Class B sanction for broadcaster's

- Personal use: some individuals may possess broadcast equipment for personal non-commercial use e.g. Amateur Radio Operators and content creators.
- Legitimate ownership: license broadcasters, media organizations, or educational institutions may possess equipment for legitimate purposes.

RECOMMENDATIONS:

1. There should be established process which, among other things, provides for fair hearing for broadcasters on alleged breaches and an appeal mechanism.
2. The NBC should diligently engage the ongoing court process and remain responsive to judicial processes.
3. The provision in Section 15.4.1 which criminalizes the possession of “broadcast equipment or apparatus without a license or permit for the purpose” should be removed. Instead, the Commission should affirm, that abuse of unapproved broadcasting should be discouraged to protect national integrity.

B. THE PROCESS OF CONTENT REGULATION

(I) Monitoring

Current Situation


The regulator carries out monitoring activities. Broadcast content is monitored from its offices at the Headquarters (Abuja), Zonal and State offices across the country. The responsibility is handled by a Directorate of Broadcast Monitoring, headed by a Director at the Abuja headquarters. There are also independent experts hired to monitor content and report to the Commission.

To complement real-time content monitoring, the regulator also accesses programme schedules, log books and off-air recording which broadcasters are required to put in place. Section 1.6.1 of the 6 Code provides that:

“The broadcaster shall forward to the Commission its quarterly programme schedule and synopsis of new or repackaged programmes not less than one week before the beginning of the quarter.”

This is followed up by Section 1.6.2. which obliges the broadcaster to “establish an Electronic Programme Guide (EPG)





which contains all the details required in 1.6.1”; by Section 1.7.1 and 1.7.2 which compel the broadcaster to maintain log books and log all transmissions and other operations; and by Section 1.8.1 which asks the broadcaster to retain recording of programmes for at least 90 days and to produce the log recording, script or manuscript if demanded by the Commission.

Observations:

1. Effective monitoring is critical for the regulator to ensure its licenses comply with content obligation.
2. A modern regulatory system necessitate a combination of skilled personnel and state of the art technology including specialized equipment and facilities.
3. While the NBC possess the necessary skills, it lacks the requisite personnel and equipment/facilities to effectively carryout the monitoring functions in its field offices nationwide.
4. Although, broadcasters demonstrate a high compliance rate in submitting quarterly programme schedules to the NBC, there have been reports that they often withhold these schedules from public view, raising concerns about transparency.

RECOMMENDATIONS:

1. The NBC requires enhanced resources and significant improvement in its financial allocation to effectively discharge regulatory mandate.
2. The regulator should prioritize investment in human and material resources. This includes hiring additional personnel, providing regular training and procuring up-to-date adequate equipment for staff uses across all operational centres.
3. After submissions of quarterly programme schedules to the NBC, broadcasters should be mandated to publicly disclose these schedules through diverse platforms including their official websites, social media and other accessible channels to ensure transparency and accountability.

failure to provide information to the public on how to lodge complaints about its content or general

Conduct; Section 14.3 omits the corresponding class of sanctions for the offences it creates.

Observations:

1. Despite regulatory requirements, broadcasters often fail to provide viewers and listeners with information and how to lodge complaints rendering this provision ineffective.
2. Media literacy is very low in the country resulting in a scarcity of complaints, especially regarding broadcasting contents which is heavily influenced by cultural factors.

RECOMMENDATIONS:

1. The NBC should enforce the code provision requiring broadcasters to inform the public on how to lodge complaints regarding broadcasters' content and conduct. To ensure compliance, the regulator may consider incorporating these requirements into broadcasters' license obligations.
2. The NBC in collaboration with other stakeholders, should launch comprehensive media literacy programmes nationwide, promote a culture of media accountability and empower citizens to exercise their rights to lodge complaints.
3. The regulator should harmonize the sanctions outlined in Sections 1.5 and 14.3 of the code to ensure consistency and clarity.



P A R T

3

THIRD SECTOR BROADCASTING

Operators in this sector are to be found on campuses of academic institutions and grassroots communities in Nigeria. Licensing of campus broadcasters began about 2002 while that of their grassroots community counterparts started in 2015.

A. GEOGRAPHICAL COVERAGE

Current Situation

Broadcasting outfits licenced as campus and community radio stations are allowed to broadcast to very small geographical space. The campus stations had approval for a maximum of 100-Watt transmitter, enjoyed by the first generation of campus licencees, such as Radio Unilag, the pioneer station at the University of Lagos. This has been scaled down over the years, to as low as 20Watts on some locations.

For the grassroots community broadcasters, 250 Watts transmitters were approved as maximum after the first set of stations was approved in 2015.

Observations:

The geographical sizes of communities vary from place to place, depending on how each community defines itself. There are community and campus radio stations whose 250 Watts cannot cover their community territories. This has caused problems in some locations, as some sections of the communities complain of being marginalised from benefiting from the broadcasting stations.

RECOMMENDATIONS:

- i. Geographical coverage approval for community and campus broadcasters should be done on a case-by-case basis by the regulator.
- ii. The basis for decision should be details in licence application-particularly on how communities define themselves in geographical terms,

B. CONTENT COVERAGE

Current Situation

Current regulations impose restrictions on coverage of political





content.

Section 9.16.1 of the 6th code provides that “the Campus Broadcaster shall not carry political adverts, campaigns, jingles or cover political activity outside the campus”. Section 9.16.2 states further that, “the broadcast of campus politics shall be in decent language and guided by broadcast regulations and relevant laws”.

There are no similar provisions for community broadcasters in the code but they are also forbidden from political party content activities.

Observations:

One of the defining factors of media development is its availability for and use as a platform for democratic discourse, including electoral process. Third sector broadcasters are part of this media landscape for political communication during the electoral process.

A key concern has been that, if allowed to participate in disseminating political content during the major national elections, third sector broadcasters could be surrounded and derailed from their usual development programmes. One response to this is to separate voter education from political party activities so that the community broadcaster can participate in the former.

RECOMMENDATIONS:

- i. Regulation should provide that community and campus broadcasters can engage in voter education with non partisan contents during electoral processes.
- ii. The Commission should ensure that sufficient contents and formats are in prepared programmes schedules to cater for civic and voter education in innovative ways.

C. REVENUE SOURCES:

Current Situation

Sources of revenue are also restricted for this sub-sector of broadcasting.

According to section 9.7.1 of the code, community broadcasters can be funded from only three sources, These are:

1. Resources of the community raised through contributions, membership fees and other legitimate sources.
2. Donations, gifts and grants which sources are required to be disclosed to the NBC at least twice a year or upon request by the NBC
3. Local spot announcements

Section 9.15.1 specifies the funding sources for the operations of campus radio stations. It states that the sources shall include the following:

- Subvention
- Spot announcements from within the campus community (with a condition that they will not exceed 9minutes in every hour of broadcast)
- Donations or grants
- Events coverage within the campus community
- Sale of station's memorabilia
- Staff and/or student membership fee
- Sources such as advertising and sponsorships are not allowed for broadcasters in this sub-sector.

Observations


1. Secure revenue sources are crucial to the functioning and sustainability of third sector broadcasting outfits.
2. Broadcasters in the third sector have long struggled with insufficient revenue streams, largely due to the restrictive nature of the regulatory framework governing their operations.

RECOMMENDATIONS

The NBC should revise the revenue framework for third-sector broadcasting to address the financial challenges these stations face. Newly introduced revenue sources could include:

1. Localized commercials aimed at supporting small and medium enterprises (SMEs) within the community.
2. Sponsorship of development-focused programming, such as health, agriculture, peace-building, food security, and education initiatives.



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3. The NBC should establish and manage a Community Broadcasting Development Fund-from which community broadcasting outlets could draw support from year to year.

D. OCCUPATION BY GOVERNMENT STATIONS

Current Situation

In recent years, the regulator's approved lists of community broadcasters began to feature government agencies. Apart from those held by the traditional state/government broadcasters such as the Federal Radio Corporation of Nigeria (FRCN), licences were issued to federal government agencies and local government, the third tier of government in the country. These are then listed among community broadcasting licencees.

Observations

The foregoing situation creates challenges which include the following:

- i. When government-owned broadcasting stations are classified as community or third sector broadcasters, it is a violation of the defining metrics in international instruments and standards.
- ii. Listing government broadcasting outfits among community broadcasters directly shows that licences earmarked for allocation to communities have been denied to the allottees and diverted to government agencies.

RECOMMENDATIONS

1. The NBC should undertake appropriate classification of broadcasting sub-sectors
2. It should reflect the new classification in its regulatory instrument, including press/public statements, registers, visibility materials, etc.

E. OWNERSHIP BY INELIGIBLE ENTITIES

Current Situation

Section 9.10.1 of the 6th Code provides that a community broadcasting licence shall not be granted to four categories. These

are religious organizations, political parties, individuals and profit-oriented and corporate bodies.

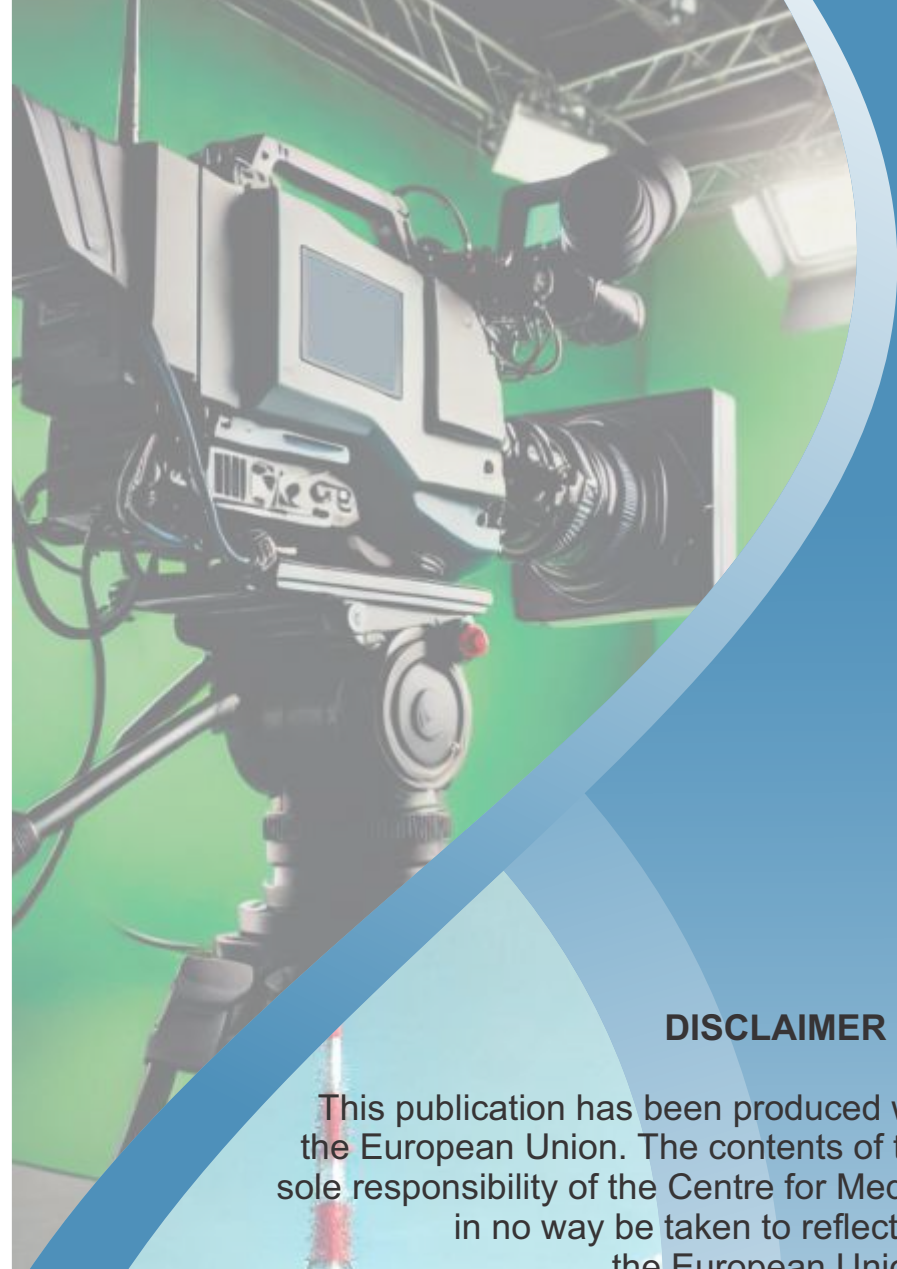
Observation:

Individuals have devised methods of beating this provision of the code by incorporating non-profit entities and using same to apply for and secure community broadcasting licenses. Politicians are prominent in this group.

RECOMMENDATION:

The NBC should enhance its processes to enforce compliance with the code and prevent ineligible entities from obtaining community broadcasting licenses.





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