



# The North African Journal of Scientific Publishing (NAJSP)

مجلة شمال إفريقيا للنشر العلمي (NAJSP)

EISSN: 2959-4820

Volume 1, Issue 3, July-September 2023, Page No: 16-24

Website: <https://najsp.com/index.php/home/index>

SJIFactor 2023: 3.733

ISI 2023: 0.383

## The Normative Values of the Regulation and Deregulation of Media Broadcast in Nigeria

Floribert Patrick C. Endong <sup>1\*</sup>, Princess E. Eumole <sup>2</sup>

<sup>1</sup> Department of Performing Arts and Cinematography, (IBAF) University of Dschang, Cameroon

<sup>2</sup> Department of Theatre and Media Studies, University of Calabar, Nigeria

\*Corresponding author: [floribertencong@yahoo.com](mailto:floribertencong@yahoo.com)

Received: June 01, 2023

Accepted: July 10, 2023

Published: July 14, 2023

### Abstract:

Like other democratic countries, Nigeria has adopted deregulation and regulation of media broadcast among other paradigms to enable freedom of expression and a conducive media environment in its territory. Its efforts towards deregulation and regulation have been seen in its adoption of Decree No.38 of 1992 (which led to the liberalization of the Nigerian audio-visual sector) and the creation of the Nigerian Broadcasting Commission which today is charged with the responsibility of licensing radio and TV stations, regulating contents and generally setting standards for best media practices in the Nigerian audio-visual industry. The efforts mentioned above have led to the emergence of a plurality of audio-visual players in the country as well as a degree of freedom of expression and vibrancy among private media houses. All these developments have immensely contributed to democratization in the country. In spite of these positive developments, Nigeria's broadcast media regulatory machinery has not always functioned in a credible and vibrant way. Freedom of broadcast and private entrepreneurship in audio visual are enabled only to an extent. Also, content regulation is strongly determined by the political affiliation of media houses while media regulatory bodies (the same as government owned broadcast stations) are not really independent – they are strongly controlled by government. As such, they tend to favor government in the approaches to regulating broadcast in the country.

**Keywords:** Deregulation; Regulation; Nigeria Broadcasting Corporation; Nigerian Broadcasting Code; Broadcast Freedom; Libertarianism

**Cite this article as:** F. P. C. Endong, and P. E. Eumole "The Normative Values of the Regulation and Deregulation of Media Broadcast in Nigeria," *The North African Journal of Scientific Publishing (NAJSP)*, vol. 1, no. 3, pp. 16–24, July-September 2023.

Publisher's Note: African Academy of Advanced Studies – AAAS stays neutral with regard to jurisdictional claims in published maps and institutional affiliations.



**Copyright:** © 2023 by the authors. Licensee The North African Journal of Scientific Publishing (NAJSP), Libya. This article is an open-access article distributed under the terms and conditions of the Creative Commons Attribution (CCBY) license(<https://creativecommons.org/licenses/by/4.0/>)

### Introduction

Freedom as a cultural and philosophical value, is universally celebrated. Various influential schools of thought – starting from libertarianism to post-modernism – have in their ways sold the virtues of freedom and today's world seems to have embraced the vision of these schools of thought. This observation is evidenced by the fact that, in almost all climes of the world, there is a clamor for ideals such as freedom of expression, freedom of political thought, freedom of movement, freedom of association and freedom of the press among others. Thus, according to the latest and most pertinent philosophical currents, man – notably the journalist or the media – should be free: free to criticize government and social institutions, free to be the voice of the voiceless and free to define their editorial policies among others. Although the freedom of the press paradigm seems to have been universally acclaimed, there continues to be a problem bordering on the level of freedom to be accorded the media in any – or specific – polity [1-3].

The libertarians have hastened to advocate for the absolute freedom of the media on the risky – but thought-provoking – excuse that only absolute freedom could enable the media keep the powerful of the society to be on their toes and make these powerful be fully accountable to the masses for their acts. As explained by Dominick,

The libertarians assume that human beings [notably journalists or media organizations] are rational, capable of making their own decisions and that governments exist to serve the individual. Unlike the authoritarians, libertarians hold that the common citizen has the right to hear all sides of an issue in order to distinguish truth from falsehood. Since any government can best restriction on the expression of ideas infringes on the rights of the citizen, the government can best serve the people by not interfering with the media. In short, the press must be free from control. [4. p.64]

The libertarian paradigm of absolute freedom of the press has however been subject to controversy. This has been so more because of the fact that absolute freedom has most often been equated with misguided freedom. Early application of libertarianism in the American media and political space for instance caused socio-political chaos manifested by undue or selective criticism of perceived enemies as well as uncontrollable backlash and abuse of the press freedom [4-5]. This historical instance coupled with many recent cases of wrongful use of media freedom – an egregious example being the *Radio 1000 Colines* that was used to fuel the famous Rwandan genocide – has led to an outcry for regulation of the activities of the press. As noted by Amlon, “the power of the media cannot become absolute. It should be checked and supervised by laws and regulations, and by bodies provided to that effect” [6, p.42].

The desire to strike a balance between adhering to the freedom of the press paradigm and ensuring a responsible operation of the press in most polities has led to the emergence of two interrelated concepts: deregulation and regulation (of the media). Given the fact that countries vary in terms of political culture and level of adhesion to democracy, the application of these two concepts have varied from one country to the other. In effect, each country seems to have designed or adopted its own model of media deregulation and regulation in accordance with its political needs and social context. In tandem with this, Nigeria has adopted its model of media (de)regulation which is not without faults. In this paper, attention will be given to critiquing this model in the light of recent theories of media-government relations on one hand and media-society relation on the other hand. The paper will specifically focus on the normative values of regulation and deregulation of media in Nigeria. It will start by defining the two concepts of regulation and deregulation explicating principles that should guide them. In the second part, the paper will examine the extent to which Nigeria’s model of regulation and deregulations is worthy of praise.

## **Material and methods**

This paper is based on the descriptive research design. It seeks to examine the state of regulation and deregulation in Nigeria in contemporary times. Two methods of data collection were used for the study namely a critical exploration of secondary sources and critical observation. Thus, the researcher extracted relevant information/data from secondary sources and used them to buttress observations made on a specific topic presented in the paper. The secondary sources considered included books, book chapters, peer-reviewed articles, newspaper articles, encyclopedias and online contents among others. In addition to the documentary analysis, critical observations were used. This critical observation consists in using senses to collect data

## **Results and Discussion**

### ***Defining Regulation and Deregulation of Media Broadcast***

Regulation and deregulation are two interrelated concepts which authors often faultily use interchangeably [7]. It is however helpful to underline the fact that although interrelated, the two concepts have relatively distinct meanings. Deregulation normally refers to the liberalization of a sector – notably the audio-visual sectors. It occurs when state monopoly in a specific sector is broken/ended and private entrepreneurs are allowed and empowered to compete with government. Thus, deregulation of media broadcast could be defined as the liberalization or privatization of the air waves. Such privatization/liberalization of the airwaves is most often instituted through the passing of relevant media laws which clearly define modalities for private entrepreneurship in the broadcast media sector. In the Nigerian context, Decree No. 38 of 1992 constitutes the legal dispensation that deregulates media

broadcast in the Nigerian Federation. A detailed analysis of this Decree will be done in the subsequent sections of this discourse [8].

Regulation of media broadcast on the other hand has to do with (government) control of the media. It is a process whereby government creates platforms that ensure that both journalists and media organizations keep to rules while discharging their duties in the country. According to Amlon, regulation of broadcast media could be construed as the creation of bodies and the establishment of laws with the view of protecting freedom of expression and ensuring best practices in the media. Thus, according to Amlon, the two main functions of media regulation are to guarantee or consolidate freedom of expression and ensure best media cultures in a polity [6]. This view somehow defers from the faulty conception that regulation is essentially concerned with repressing or limiting the power of the media.

There are two main approaches to media regulation: statutory regulation (strictly by government bodies) and self-regulation (by media professionals). In the context of statutory regulation, the judiciary (courts) is involved in the regulatory process. This judiciary ensures media's compliance with the laws on the press. It does not hesitate to take disciplinary actions, when necessary, to sanction and discourage offences committed through the media. Statutory regulation also involves the setting of specific bodies vested with powers to ensure that the broadcast media are both independent and accountable. The setting of such bodies is observed in most democratic countries. In the US, the Federal Communication Commission (FCC) plays this role while in France, the *Conseil Supreme de l'Audio-Visuel* [Supreme Council of Audio-Visual Communication] (CSA) functions in such a capacity. In Nigeria, the Nigerian Broadcasting Commission (NBC) is the main regulatory body. This will be explicated in greater details in the subsequent section of the discourse.

Self-regulation on the other hand is in charge of bodies established by media professionals themselves with the goal of monitoring ethical compliance. These are kinds of press courts to which ordinary citizens/audiences can lay complaints to report any media outlet's breach of the journalistic deontology [9-12]. Self-regulation thus involves the establishment by media professionals of specific bodies empowered to know drifts or complaints laid against specific media houses or journalists. Such bodies have power to sanction defaulters. Examples of self-regulation include the Canadian Press Council (in Canada), the Observatoire de la Press (in Cote d'Ivoire and Benin) and the Nigerian Union of Journalists (in Nigeria). Compared to statutory regulation, self-regulation is a greater enabler of press freedom. Bouchet and Kariithi note for instance that:

Given that the need for regulation of the media sector is widely accepted, the debate must be how to best achieve this, especially with regard to the vital question of independence for the regulatory authorities. The question of whether having a free and independent media means they should regulate their own activities or whether the state should impose regulations through legislation and statutes remains controversial – highly so in many countries. Since the debate over self-regulation is essentially about independence, there is a strong consensus among media practitioners and also many NGOs that it offers the best guarantee of protection from interference. [2, p.9]

Theories that brand self-regulation as the most effective should however be seen as arguable. This is so given the limitation of this model of regulation in many countries, particularly those from African/Third World nations. Adoun insightfully highlights some of these limitations in his contention that:

Media self-regulatory authorities are also very often limited in their efforts by non-exhaustive setbacks such as internal organizational defects, low availability of their members [who are] often engaged in other functions, the questioning of their legitimacy and as a result the objection of their decision by some media, low level of monitoring of media because of lack of financial resources. In a particular register [there] is the absence of collaboration and sometimes unjustified rivalries between regulatory and self-regulatory bodies relating to the prerogative of observation and sanction in the face of violation of ethical rules. [1, p.8]

This conceptual definition will not be complete if one does not note the fact that media regulation or laws on the media are generally divided in at least three groups: infrastructure, contents and competition. Infrastructure regulation concerns media laws pertaining to the use of such facilities as

frequencies, transmitters or aerials. Content regulation on the other hand has to do with the institution of such mechanism as the registration of media, pre-publication or pre-broadcast review and post-broadcast sanctions among others. Competition regulation often takes the form of control of media ownership (to avoid domination by a particular business, social or political entity) and the promotion of choice and diversity for audiences/the public [11].

### ***Principles of Good Media Regulation and Deregulation***

The preceding section of this discourse has indirectly argued that deregulation the same as regulation is aimed at promoting freedom of the media. This implies that when deregulating or regulating the media, emphasis should imperatively or naturally be placed on enabling a political and media environment in which the media are free, but function bound by a fair and acceptable legal frame. As clearly highlighted by Adoun, the key role of any regulatory mechanism should be to comply “with the principle of equitable access to public service media, ensure pluralism and balanced information, freedom of the press” [1, p.7]. In addition to this, Adoun notes that media regulators are “guarantors of the law and ethics whose application makes it possible to prevent the media from intensifying socio-ethnic rifts and political contradictions detrimental to national cohesion and public tranquility” [1, p.7]. In the same line of thought, Bouchet and Kariithi highlight the following as principles of good media (de)regulation:

- i. The rules and procedures of regulatory authorities should clearly affirm their independence and stipulate their need to be protected from political and economic interference, including by public authorities.
- ii. The regulation of the media should be left to independent bodies that are possibly government funded but which operate totally independently from the funder in the same way as the courts or electoral commissions are independent from government
- iii. Regulatory bodies should also be composed of strong an independently minded people of integrity and sensitivity who are committed to the concept of the duty of the media to inform the public accurately and responsibly,
- iv. The regulatory bodies should be appointed through an independent and transparent process that ensures those selected are free of associations with any interest that might interfere with their ability to adjudicate fairly and impartially.
- v. Governments are free to make commercial decisions but should not misuse their financial power to seek to influence or intimidate the media
- vi. It is the responsibility of the media, not the legislative, to set and supervise their highest professional an ethical standards
- vii. Governments and parliaments should not use examples of inaccurate reporting to legislate controls on the media. The media are held to account for their inaccuracies by the court of public opinion through loss of reputation and loss of market share or by court of law.
- viii. Regulations on electronic networks and infrastructures based on technical capacity should be used as tool for any form of censorship. Regulations put in place at time when such capacity was limited should be reviewed in light of recent technological advances that have greatly increased communications capacity.
- ix. The regulation of broadcasting should be completely independent of commercial or politically partisan influences. Indicators of independence can be found in the standards agreed by this group for the appointment of regulators, their funding and their operations
- x. Government should not use licensing of media organizations as a tool by government to influence or censor the media. Licensing authorities should not demand excessive financial guarantees or conditionalities from existing or prospective media owners.

Many other principles can be identified here. However, this discourse is not really focused on enumerating them. Having explored some of these principles, it will be interesting to see the extent to which the (de)regulation of media broadcast in Nigeria is normative [2].

### ***Brief History of Regulation and Deregulation of media broadcast in Nigeria***

Broadcasting is believed to have been introduced in Nigeria in 1932 – some sources say 1933 – when the British Broadcasting Corporation (BBC) launched its first regulatory short wave program service in the country. At its inception, this service was called Radio Diffusion Service (RDS). This service was later replaced by the Nigerian Broadcasting Service (NBS) which emerged in April 1950. NBS in turn evolved to the Nigerian Broadcasting Corporation after the passing of Act of Parliament No.39 of 1956 assented by the Queen (of England). This Act actually made the Nigerian Broadcasting Service to become autonomous and to morph into the Nigerian Broadcasting Corporation (NBC) [5].

From 1932 till 1992, broadcasting was solely in the hands of government be it at the federal, state or regional levels. This was so, despite provisions in the Nigerian 1979 Constitution which legalize private entrepreneurship in the media in general, stipulating that “every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinion”. Private entrepreneurs in audio-visual media had to wait until 1992 to see the airwaves deregulated in their country [8]. In effect, this year saw the promulgation of Decree No. 38 which marked the genesis of a new era in the Nigerian broadcasting industry.

Decree No. 38 established the Nigerian Broadcasting Commission and charged it with the responsibility to deregulate and regulate media broadcasting in Nigeria. *Stricto sensu*, the Decree empowered the Commission to license radio and television stations, regulate contents and set standards for best media practices in the country. This law empowered the NBC with the following responsibilities:

- a. Advise the Federal Military Government generally on the implementation of the National Mass Communication Policy with particular reference to broadcasting.
- b. Receive, process and consider applications for the ownership of radio and television stations including cable television services, direct satellite broadcast (PSB) and any other medium of broadcasting;
- c. Recommend applications through the Minister to the President, Commander-in-Chief of the Armed Forces for the grant of radio and television licenses;
- d. Regulate and control the broadcast industry
- e. Undertake research and development in the broadcast industry;
- f. Receive, consider and investigate complaints from individuals and bodies, corporate or incorporate, regarding the contents of a broadcast and the conduct of a broadcasting station;
- g. Uphold the principle of equity and fairness in broadcasting;
- h. Establish and disseminate a national broadcasting code and setting standards with regard to the contents and quality of materials for broadcast;
- i. Promote Nigerian indigenous cultures, moral and community life through broadcasting;
- j. Promote authenticated radio and television audience measurements and penetration;
- k. Initiate and harmonize government policies government policies on trans-border direct transmission and reception in Nigeria;
- l. Regulate ethical standards and technical excellence in public, private and commercial broadcast stations in Nigeria;
- m. Monitor broadcasting for harmful emission, interference and illegal broadcasting;
- n. Determine and apply sanctions including revocation of licenses of defaulting stations which do not operate in accordance with the broadcast code and in the public interest.
- o. Approve the transmitter power, the location of stations, areas of coverage, as well as, regulate types of broadcast equipment to be used; and
- p. Carry out such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on it by Decree 38. [8]

For close to 30 years now, the National Broadcasting Commission has been regulating media broadcast in Nigeria in accordance with the above mentioned provisions, slightly modified by the 1999 National Broadcasting Commission (Amendment) Decree No.55. This amendment is today referred to as the National Broadcasting Commission Act [13]. Although a number of breakthrough and positive developments in the Nigerian broadcast media landscape could be attributed to the activities of this commission, much is still to be deplored. The following section attempts a critique of deregulation and regulation in Nigeria.

#### Critiquing the Regulation and Deregulation in Nigeria

There are many ways in which a critique of media regulation could be organized. However, for the sake of feasibility and pragmatism, ours will be structured along four parameters: (i) the level at which broadcast (de)regulation in Nigeria supports freedom of the media, (ii) the extent of private entrepreneurship in the sector, (iii) local content regulations and (iv) level of regulation of government-owned radio and television.

#### *Broadcasting Freedom*

As earlier mentioned, deregulation and regulation are in principle, supposed to enable freedom of broadcast media in any polity. Thus, any honest critique of media regulation in Nigeria should start by looking at the extent to which broadcasting has been made free in Nigeria. The first thing one notices

is that the Nigerian Broadcasting Code – which is the prime programming document for all Nigeria based radio and televisions stations – is, on paper, favorable to freedom of broadcast. In its Principle 1.1(f), for instance, the Code recognizes the relationship between broadcasting, freedom of expression and political health in a country when it stipulates that “the broadcaster may exercise as much freedom as possible in programming without breaching societal values”. Although laudable, one equally numbers scores of instances where this provision has been flouted by the National Broadcasting Commission itself or by government with the complicity of the Commission. For instance, many Nigeria based radio and television stations, have, in keeping with this provision, aired politically committed programs which caused them serious reprisal from members of the government and arbitrary closure of their media organ. A case in point is Freedom Radio which in 2006 was unjustly inflicted with a partial shut-down sanction from the National Broadcasting for allegedly lack of tact in managing some of its political programs [13]. The NBC taxed the station with reckless political broadcasting but close examination reveal that the real reasons were for such swift crack-down were the political affiliation/orientations of the radio station’s owner (Alhaji Bashir Dalhatu of the ACD). In the process of sanctioning Freedom Radio, the Nigerian Broadcasting Commission arbitrarily banned three political programs aired over the station including “Kowa ya tuna bara”, “Kowane Gauta” and “Kowane Tsuntu” claiming the latter were threat to national peace [14]. Although the ban was later lifted after complaints from the radio station, this intervention of the NBC only showed that freedom of broadcast is more a myth in Nigeria. Alignment to government and apolitical editorial lines are still strong determinants of level of freedom a radio/TV station can enjoy in the country.

Similarly, to the *Freedom Radio* case mentioned above, many cases of arbitrary sanctions taken against anti-government broadcast abound. Thus, there are many evidences justifying the thesis of absence of broadcast freedom in Nigeria. One of these is the more recent case of *Splash FM* which in June 15 saw a good number of its (anti-government) political programs suspended on flimsy reasons advanced by the National Broadcasting Commission. Content regulation is very strategic, nay vital to the overall business of broadcast control. However, when this content regulation is most often used to silence oppositional voices (as in the Cases of *Freedom Radio* and *Splash FM* illustrated above) or perpetrate the dictatorship of a party in power, one cannot credibly talk of freedom of broadcast in a country. Thus, it is only to a relatively low extent that broadcasting could be said to have been made free by Nigeria’s deregulation efforts.

#### *Private Entrepreneurship in Broadcasting*

Decree 38 of 1992 actually enabled the deregulation and privatization of broadcasting in Nigeria. The Decree has successfully led to the creation and continuous operation of many privately owned broadcast media outlets in the country, making Nigeria to be one of the rare countries in West Africa with myriads of privately owned and legally protected broadcast media. As early as in 2009, Nigeria numbered 394 broadcast stations organized as follows:

- i. 55 companies licensed to offer broadcasting services;
- ii. 25 companies licensed to offer radio and television services
- iii. 34 wireless cable (MMDS) companies; and
- iv. 5 direct to home (DTH) satellite television platforms [7, p.192-193].

The Decree has thus created broadcast landscape better than many African countries. Authors such as Endong [15-16], Idowu [17], Covington [18], Nworgu, Koblowe and Madu [19] and Ekpu [20] have examined the extent to which private entrepreneurship in broadcasting is better in Nigeria compared to other Africa countries. In spite of these positive developments there are some problems which catch our attention. One of such problems is the fact that most of the private broadcast media (particularly radio and television) are concentrated in big towns and cities, to the detriment of the grassroots; and Nigeria’s regulatory bodies are yet to design a mechanism to check this serious imbalance.

Another problem is the fact that although the number of private radio and televisions has been growing over the years, media broadcasting has continued to be numerically dominated by the government [21-24]. As noted by Kuti, research demonstrates that over 90% of television stations operating in the country are government owned. Kuti actually argues that:

Television stations, most notably the government owned ones [are tremendously proliferating ...] NTA-owned stations are daily growing in number and it’s not as if they are providing quality programmes to the Nigerian audiences. Nearly all the 36 Nigerian States have “branches” or

local offices of Federal Government-owned stations; this is in addition to radio and television stations owned by individual Nigerian States. Study shows that the government (both the Federal and the state) control about 90% of the television station we have in the country. [25, p.11]

One problem with government numerical domination of the airwaves is that diversity of programming, political thought and choices are subtly disenabled. Anti-government discourse is given only meager chances to exist and be promoted while pro-government propaganda has greater opportunities to prevail in the media space.

#### *Content Regulations*

At first sight, one will commend the Nigeria broadcast regulatory bodies for instituting a broadcasting code which seeks to protect Nigerian cultures (through local content specifications) and encourage democratic and deontological cultures among media practitioners. One is also tempted, in view of the numerous sanctions taken against defaulting broadcast media, to conclude that the Nigeria Broadcasting Commission is really regulating media content in Nigeria. However, a close examination of NBC's content regulation approaches reveals ugly issues that must be arrested. One has to do with the fact that many private radio and television stations have entrenched the tradition of glaringly violating the local content paradigm instituted by the NBC without the later sanctioning them. In other words, the Nigeria Broadcasting Commission has these last years appeared inapt as far as controlling and ensuring the strict respect of local content principles in private broadcasting are concerned. It should be noted that Section 3(11.2) of the 6<sup>th</sup> edition of the *Nigerian Broadcasting Code stricto sensus* stipulates that:

A [Nigeria-based] broadcaster shall (a) promote Nigerian content and encourage the production and projection of Nigerian life within and outside its borders; strive to attain 100% local content; and (b) establish a dynamic, creative and economically vibrant Nigerian broadcast industry . [13]

In a 2012 empirical study conducted by Kolbowe and Madu, it is contended that elite radio and television stations such as NTA, Silverberg TV and AIT respect the local content prescriptions of the NBC Code. However recent works by Endong [22], Omoera and Ibagere [26] and Salawu [27] reveal that most Nigeria broadcast media do not respect the local content principle; and the NBC seems to exhibit a lukewarm attitude towards arresting the situation.

Still on content regulation, one notices that the Nigerian Broadcasting Commission have tended to overlook violations of media ethics particularly when such violations are innocuous to the party in power and prejudicial to specific opposition parties. A case in point is the fact that many pro-government media houses perpetrated the culture of airing hate speech against APC and its chairman Mohamadu Buhari during the 2014 presidential elections and the NBC gave a blind eye and a death ear to such media excesses. In view of this chaos, APC leadership severally complained to and even petitioned the Nigerian Broadcasting Commission, apparently to no avail [28].

#### *Regulation of Government-owned Radio and Television*

Effective broadcast regulation should be concerned with all the typologies of media players in a polity be they government or privately owned. As noted by Bouchet and Kariithi, regulatory measures must be taken so as to permit that government owned media function in a democratic manner and reflect the best political cultures that can exist in the world. As they put it:

A clear violation of democratic principles will occur whenever government uses resources of the state to control or interfere with the state-owned media in an attempt to promote its own partisan interests. This makes even more necessary a strong regulatory regime that protects the independence of the private and state-owned media. [2, p.19]

In Nigeria, this principle seems to be overlooked. This is so as media regulation tends – particularly in practice – to be limited to the privately-owned media. It gives relatively limited attention to ensuring the independence of the government owned media houses. For instance, competition between government and the opposition seems to be excluded from the focus of the Nigerian Broadcasting Commission when it comes to regulating programming in the government owned media. This observation/fear is justified when one considers the fact that no or only very little energy is sacrificed by the Nigeria Broadcasting Commission to checking government domination nay monopoly of the political discourse

constructed in government owned radio and television stations. Abdulazeez (cited in Endong) notes for instance that

Government-owned media in Nigeria only gives us selective information; that is, they choose what to tell the people and what not to tell them as directly or indirectly dictated by their pay masters [government]. Furthermore, when at their best, they only tell the truth half way or they tell it in a systematically partisan and one-sided way to favor the individuals in power and to give people the impression that they are on the right side. They will only tell you the full and detailed truth in matters that do not concern the people in government or in matters which the people in government have no interest whatsoever. Whereas they will jump at any slight opportunity to exaggerate the good works of government or to expose the faults of perceived government enemies. This primarily renders them impotent and incompetent. [17, p.13]

NBC's apparent ineptitude or lack of political will to control and check government domination and subtle exclusion of anti-government criticism in government owned media houses is a serious failure. It is part of the evidence attesting that media regulation in Nigeria still faces numerous challenges and that it must be revised if best democratic cultures are to be cultivated among media players.

### **Conclusion**

In theory, Nigeria has adopted media laws and a broadcast media regulatory system which is not too different from the ones observed in the best democracies. However, the application of media regulatory texts to ensure the prevalence of best media practices in Nigeria has for years remained Nigeria's problem.

Like most democratic countries across the globe, Nigeria has adopted deregulation and regulation of media broadcast among other paradigms to ensure a conducive media environment and promote freedom of expression in its territory. Its efforts towards deregulation and regulation have been seen in its adoption of Decree No.38 of 1992 (which led to the liberalization of the Nigerian audio-visual sector) and the creation of the Nigerian Broadcasting Commission which today is charged with the responsibility of licensing radio and TV stations, regulating contents and generally setting standards for best media practices in the Nigerian audio-visual industry. The efforts mentioned above have led to the emergence of a plurality of audio-visual players in the country as well as a degree of freedom of expression and vibrancy among private media houses. All these developments have immensely contributed to democratization in the country. In spite of these positive developments, Nigeria's broadcast media regulatory machinery has not always functioned in a credible and vibrant way. Freedom of broadcast and private entrepreneurship in audio visual are enabled only to an extent. Also, content regulation is strongly determined by the political affiliation of media houses while media regulatory bodies (the same as government owned broadcast stations) are not really independent – they are strongly controlled by government. As such, they tend to favor government in the approaches to regulating broadcast in the country. In view of the situation described above the following recommendations make some sense:

- The rules and procedures of regulatory authorities should clearly affirm their independence and stipulate their need to be protected from political and economic interference, including by public authorities.
- The regulation of the media should be left to independent bodies that operate totally independently from the funder in the same way as the courts or electoral commissions are independent from government
- Regulatory bodies should also be composed of strong and independently minded people of integrity and sensitivity who are committed to the concept of the duty of the media to inform the public accurately and responsibly,
- Nigeria regulatory bodies should be appointed through an independent and transparent process that ensures that, those selected are free of associations with any interest that might interfere with their ability to adjudicate fairly and impartially.

### **References**

[1] Adoun, Wilfrid Herve. "General Report". Proceedings of the Regional Dialogue of Regulatory and Self-Regulatory Bodies on Guiding the Media during Electoral Periods. Cotonou: Fes Benin, 2016, 7-33.



- [2] Bouchet, Nicolas & Kariithi, Nixon. *Parliament and the Media: Building and Informed Society. A Report of a CPA Study Group on Parliament and the Media*, Perth, 17-21 February 2003, at the Parliament of Western Australia.
- [3] Nata, Theophile. "Preface". *Proceedings of the Regional Dialogue of Regulatory and Self-Regulatory Bodies on Guiding the Media during Electoral Periods*. Cotonou: Fes Benin, 2016: 5-6.
- [4] Dominick, Joseph. *The Dynamics of Mass Communication* 6<sup>th</sup> edition, Chicago: McGraw Hill, 1996.
- [5] Nworgu, O.K. "Theories of the Press". In O.K. Nworgu (ed) *Mass Media and Society in a Globalizing and Digital Age*, Owerri: Ultimate Kook Ltd, 2013, pp.91-98.
- [6] Amlon, Georges. *Issues and Challenges of Media Regulation and Self-Regulation at Election Time*". In *Proceeding of the Regional Dialogue of Regulatory and Self-Regulatory Bodies on Guiding the Media during Electoral Periods*, Cotonou: FES, Benin/Friedrich Ebert Stiftung, 2016, pp. 40-47.
- [7] Ikechukwu, Linda. "Media Regulation and Professionalism in Nigeria". In O.K. Nworgu (ed) *Mass Media and Society in a Globalizing and Digital Age*, Owerri: Ultimate Kook Ltd, 2013, pp.191-216
- [8] Federal Republic of Nigeria. *The Nigerian Constitution*, Abuja: Government Printer, 1999
- [9] Campbell, Angela J. *Self-Regulation and the Media*. *Federal Communications Law Journal*, 51, 1999: 711-768.
- [10] Obuya, Jared. *Self-Regulation as a Tool for Ensuring Media Accountability: The Kenyan Experience*, *Pacific Journalism Review*, 18(2): 2022, 131-152.
- [11] Organisation of Security and Co-operation in Europe. *The Media Self-Regulation Guidebook*, Vienna: Representatives on Freedom of the Media, 2008.
- [12] UNESCO, *Media Self-Regulation in South East Europe*, Paris: UNESCO, 2021.
- [13] Nigerian Broadcasting Commission. *The Nigerian Broadcasting Code* (6<sup>th</sup> edition), Abuja: Nigerian Broadcasting Commission, 2016.
- [14] Media Right Agenda. *Regulatory Agency Shuts Private Radio for Alleged Breach of Broadcasting Code*. Media Right Agenda, Retrieved June 17, 2016, from <http://www.media-right-agenda.htm>.
- [15] Endong Floribert Patrick. "Media Regulation and Freedom of Expression in Africa: A Comparative Study of Nigeria and Cameroon". In Abiodun Salawu (Ed). *Exploring Journalism Practice and Perception in Developing Countries*, Hershey, PA: IGI Global, 2017, pp.281-301
- [16] Endong Floribert Patrick. "Watchdogging" versus adversarial journalism by state-owned media: The Nigerian and Cameroonian experience. *IJELS: International Journal of English, Literature and Social Sciences*, Vol.2, No.2, 2017, pp. 8-17.
- [17] Idowu, Samuel Odunlami. *Media in Nigeria' Security and Developmental Vision*. Ibadan: Spectrum Books Limited, 1999.
- [18] Akinterinwa, Bola A. "Media Transition and Democracy". In Oseni, Tunji (Ed) *The Media, Transition and Nigeria*, Lagos: Tosen Consult, 1999: 92-109.
- [19] Koblowe, O. & Madu, O. "Programming content of Nigerian broadcast media: Towards an indigenizing paradigm" in *Estudos em comunicacao*, Vol.1, No.8, 2012, pp. 75-91.
- [20] Ekpu, Ray. "The Media Press and Transitions". In Oseni Tunji (Ed), *The Media Transition and Nigeria*, Lagos: Tosen Consult, 1999: 55-67.
- [21] Okei-Odumakin, Joe. "The Role of Community Journalism in Strengthening Democracy". A Lecture delivered for Democracy and Women Arise at the 1<sup>st</sup> Year CR Watch Anniversary Lecture, on August 27<sup>th</sup>, 2013 at Transcorp Hotel, Calabar, 2013.
- [22] Endong, Floribert Patrick. "Internet Censorship and the Future of Digital Journalism in Nigeria". In Yakubu O.S. & Shamsudeen, M. (eds). *Mass Communication Education and Practice in Nigeria* Zaria: Ahmadu Bello University Press, 2018, pp.195-209).
- [23] Maringues, Michele. "The Nigerian Press: Current State, Travails and Prospects". In Kunle A., Barch, D. & Lebeau, Y. (Eds), *Nigeria During the Abacha Years (1993-1998)*. Lagos: Institut Francais de Recherche en Afrique, 2001; 185-218.
- [24] Karlekar, Karim Deutsch and Dunham, Jennifer. *Press Freedom in 2011: Breakthroughs and Pushback in the Middle East*. London: Freedom House, 2012.
- [25] Aminu, Ayuba; Malgui, Yahaya; Kagu, Bulama & Danjuma, Ibrahim. *Nigerian Freedom of Information Act 2011 and Its Implication for Records and Office Security Management*. IPEDP: International Conference on Information and Finance, 21, 2011: 78-96.
- [26] Omoera, O.S. & Ibagere, E. "Revisiting media imperialism: A review of Nigerian television experience". *The International Journal of Science and Review*, Vol.5, No.1, 2016, pp. 1-18.
- [27] Afolayan, Ayodele. "A Critical Analysis of Freedom of Information Act in Nigeria. *Ordinakadotnet*, Retrieved June 16, 2019, from <https://odinakadotnet.wordpress.com/2012/08/01/a-critical-analysis-of-freedom-of-information-act-in-nigeria-2/>
- [28] Freedom House. *Press Freedom in 2018*. London: Freedom House 2019.