

MAPPING DIGITAL MEDIA: **NIGERIA**



Mapping Digital Media: Nigeria

A REPORT BY THE OPEN SOCIETY FOUNDATIONS

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Mapping Digital Media

The values that underpin good journalism, the need of citizens for reliable and abundant information, and the importance of such information for a healthy society and a robust democracy: these are perennial, and provide compass-bearings for anyone trying to make sense of current changes across the media landscape.

The standards in the profession are in the process of being set. Most of the effects on journalism imposed by new technology are shaped in the most developed societies, but these changes are equally influencing the media in less developed societies.

The **Mapping Digital Media** project, which examines the changes in-depth, aims to build bridges between researchers and policymakers, activists, academics and standard-setters across the world. It also builds policy capacity in countries where this is less developed, encouraging stakeholders to participate in and influence change. At the same time, this research creates a knowledge base, laying foundations for advocacy work, building capacity and enhancing debate.

The Media Program of the Open Society Foundations has seen how changes and continuity affect the media in different places, redefining the way they can operate sustainably while staying true to values of pluralism and diversity, transparency and accountability, editorial independence, freedom of expression and information, public service, and high professional standards.

The Mapping Digital Media project assesses, in the light of these values, the global opportunities and risks that are created for media by the following developments:

- the switch-over from analog broadcasting to digital broadcasting;
- growth of new media platforms as sources of news;
- convergence of traditional broadcasting with telecommunications.

Covering 60 countries, the project examines how these changes affect the core democratic service that any media system should provide—news about political, economic and social affairs.

The **Mapping Digital Media** reports are produced by local researchers and partner organizations in each country. Cumulatively, these reports will provide a much-needed resource on the democratic role of digital media.

In addition to the country reports, the Open Society Media Program has commissioned research papers on a range of topics related to digital media. These papers are published as the **MDM Reference Series**.

Mapping Digital Media: Nigeria

Executive Summary

Nigeria has a relatively high internet penetration rate, driven primarily by a rapid expansion of mobile platforms. Recent figures suggest that over a third of the population have access to the internet and there are over 50 mobile phones per 100 Nigerians. However, internet access is concentrated geographically within just 16 percent of the country, and overwhelmingly within urban areas. Access to digital broadcasting platforms is largely contained within pay-TV networks, and free-to-air digital broadcasting is still embryonic.

Regarding free-to-air, there are currently no legal requirements on broadcasters to facilitate citizen access to digital platforms, nor any measures to ensure its affordability. Regulatory pressure has been applied to commercial broadcasters, but state broadcasters—who still account for the bulk of spectrum and audiences—have been criticized for failing to take a leadership role in driving switch-over. However, the National Television Authority formed a pioneering partnership with Star Communication Network China to form StarTimes Nigeria, which has some 700,000 subscribers in eight cities. Launched in July 2010, StarTimes Nigeria is currently the sole commercial digital terrestrial television (DTT) platform known to be operating in the country.

Some progress has been made on the supply side through the digitization of production and studio equipment, as well as in the mobile services sector. In September 2007, mobile television networks commenced rollout and digital transmission of television channels to compatible phones. (The impact is limited, however, by the numbers of subscribers.) Without a plan for access and affordability, it is hard to see how the latest switch-over target date of 2015 can be met without disconnecting a significant portion of the television audience.

As it is, only 40 percent of Nigerians had access to a television in 2008 according to the International Telecommunication Union, and radio is still the dominant medium, reaching three-quarters of households. Both commercial and state broadcasters favor urban audiences and those in the south of the country. While there is potential for increased diversity through the spread of internet services, progress is hampered by variables that continue to widen rather than bridge the digital divide. These include irregular power supply, low literacy levels, and the high cost of digital devices relative to gross domestic product (GDP). There is also an extreme gender divide: women constitute less than 1 percent of active internet users.

In terms of news, the rise of the internet has not been accompanied by a decline in conventional broadcasting audiences. Ratings for both radio and television news programs have in fact increased over recent years, and news is the most popular television genre.

There is a significant plurality of providers across the state and commercial sectors but this is not matched by a corresponding diversity of output. Neither market liberalization nor digitization has had a meaningful impact on the independence of news providers. Even purely commercial outlets retain entrenched links with the political establishment and there remain a host of restrictive laws, which militate against media independence.

There are notable exceptions to this in the online domain. News websites such as Saharareporters.com have to some extent avoided both legal and extra-legal state interference by basing their operations abroad. There is also evidence of burgeoning expression and debate in the blogosphere over issues generally considered off limits for mainstream news providers.

Digitization has added pressure to the workload of ordinary journalists inside Nigeria. Although digital tools have increased the efficiency of news provision, journalists increasingly carry the burden of the entire production process as roles and functions converge in the newsroom. The inevitable side-effect has been a flood of both inaccurate and plagiarized content; although this is changing as the code of journalistic ethics encourages a sense of self-regulation.

At the same time, internet users have benefitted from superior access to foreign news and increasingly interactive and multi-media content. The benefits of digital media have also been accrued by citizen and investigative journalists alike. In particular, they have exploited the miniaturization of devices for both documenting and disseminating controversial news in notable instances, and their work has been enhanced by the Freedom of Information Act passed in 2011.

Digitization has not, however, reduced the harassment and intimidation of investigative journalists, both online and offline. Two journalists critical of the political establishment were murdered in 2006 and 2009, and two online news reporters were arrested and briefly detained in 2008. There have also been numerous reported cases of hacked websites, email servers and social networking accounts, which has had a potentially chilling effect on journalists. They have also added a resource pressure on news organizations in having to secure both their personnel and technical infrastructure.

In economic terms, there have been some positive developments in relation to what appears to be an increasingly healthy and competitive commercial media market, sustained in part by the rapid growth of the mobile sector. Since mobile providers are major media advertisers, growth in the sector has also helped insulate the media from the global economic downturn. All sectors have experienced sustained growth in advertising revenues, including state broadcasters who partly rely on advertising in combination with direct state funding.

Significant new entrants have emerged in recent years as a result of public-private partnerships and joint ventures between mobile and digital satellite operators. However, such developments have favored large scale cross-media organizations rather than niche independent operators. This raises question marks over whether competitive health in media markets will translate into meaningful diversity.

Largely excluded from the press and broadcasting outlets, minority groups and civil society express themselves increasingly through alternative platforms including blogspots, listservs, and video sharing websites. This has helped to internationalize campaigns at a faster pace than before and to expand the public sphere for Nigerians globally, enabling issues to be exposed that might otherwise have been trapped under the weight of legal or repressive restraints.

Digital platforms are also increasingly used, albeit sporadically, for political activism and whistle-blowing. The report documents recent cases in which digital communications helped spread awareness of issues beyond the users themselves, with tangible results in terms of redress or reform. The Freedom of Information Act is one notable example, with the lobbying efforts of campaigners owing much to digital communication tools.

And although digitization has also made it easier for established politicians to get their message across, it has fostered greater public scrutiny of elections through real-time reporting tools and user-generated content.

Recent legislation opening up a third sector for community radio suggests that digitization is not the exclusive focus of media policy to the neglect of enduring issues over analog spectrum—still vital to Nigeria’s insecure democracy. The liberalization of spectrum has helped spur the rapid expansion of the mobile sector and ensure competitive markets in both telecoms and broadcasting.

Overall, the report argues that the current system for licensing broadcast operators limits regulatory autonomy and perpetuates political patronage, with all licenses subject under the constitution to presidential approval. The exception of community radio licensing in this respect, and the move towards auctions rather than ‘beauty contests’, are seen as positive steps in favor of regulatory autonomy. But more needs to be done to weaken the levers of government interference.

Greater intervention is needed, on the other hand, in the field of media literacy and access. The Universal Service Provision Fund—established in 2003—has been used to support the acquisition of personal computers (PCs) for schools and higher education. It has not been used to subsidize individual end-user devices such as mobile phones or PCs. As a result, the fund has fallen short of its other objective: to extend digital communication technologies “in unserved, underserved areas or for underserved groups within the community.”

The report suggests that the development of the mobile sector offers the best hope for bridging regional and social divides in the medium term. But the enduring significance of these divides presents the most profound obstacle to Nigerian society reaping the benefits of digital media in terms of increased diversity, openness, and access.

Context

Nigeria is the most populous country in West Africa and the seventh most populous in the world, with nearly 160 million inhabitants. The population has trebled since 1970, and three-quarters of Nigerians are under the age of 30.¹

Urbanization has been as dramatic as population growth. Roughly half of Nigerians now live in towns and cities (up from one-tenth in 1950 and one-third in 1990). The largest city is the sprawling former capital of Lagos, with some 11 million inhabitants (projected to reach 15 million by 2025). Nevertheless, two-thirds of the population remain reliant on agriculture for a living, most of them subsistence farmers, though the inefficiency of Nigerian agriculture and poor distribution mean the country is reliant on imports of basic foodstuffs.

Since the 1960s, the motor driving the Nigerian economy has been oil extraction, which currently accounts for some 80 percent of export earnings. Oil has made Nigeria spectacularly rich, but the proceeds from its exploitation have been unequally distributed. Nigeria is, like most African countries, notable for the extreme wealth of a small minority and the extreme poverty of a large majority: 70 percent of Nigerians live on less than US\$2 a day. Health and education services are poor for most people, the transport infrastructure is underdeveloped, and electricity is both short in supply and notoriously unreliable. Corruption is endemic: the country was ranked 134 out of 178 countries surveyed in 2010 by the non-governmental organization (NGO) Transparency International for its annual corruption index.² All the same, there are several economic sectors that have been notable success stories in recent years, among them the film industry (now the second most prolific in the world and the second biggest employer after the government) and mobile telecommunications.³

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1. United Nations, Department of Economic and Social Affairs, Population Division, *World Urbanization Prospects: The 2009 Revision*, United Nations, New York, 2010.
 2. Transparency International, "Corruption Perceptions Index 2010," at http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results (accessed December 2011).
 3. "Hope in Nigeria: Hail the useful chief," *The Economist*, 26 May 2011, at <http://www.economist.com/node/18744065> (accessed 20 February 2012).

Nigeria is culturally diverse, with an estimated 250 different ethnic groups and more than 500 recorded languages, but three large ethnic groups account for more than two-thirds of the population: the overwhelmingly Muslim Hausa-Fulani, concentrated in the north (29 percent of the population), and two Christian-animist ethnic groups in the south, the Yoruba of the south-west (21 percent), and the Igbo of the south-east (18 percent).

Nigeria is organized into 37 States including the Federal Capital Territory, which is the administrative and political capital. The States are further grouped into six geopolitical zones: South West, South East, South South, North West, North East, and North Central.

The division between north and south is a defining feature of Nigeria in terms of economics, culture, and politics. Prosperity and economic growth have been largely confined to the south, where the oil is. In the north, the last decade has been one of deindustrialization, poverty, and growing religious conservatism. Twelve northern states have introduced sharia law in the past decade, and there has been a spate of attacks by the radical Islamist group Boko Haram, which have drawn vehement responses from the military.

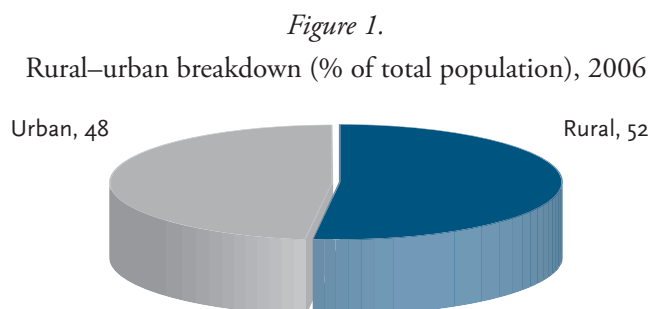
Politically, Nigeria has been governed since 1999 by a federal parliamentary system with an elected president, currently Goodluck Jonathan, who won the last presidential election in April 2011. The political system is riven with corruption and many observers consider it fragile because of the unresolved social and ethnic tensions that afflict Nigeria. It is significant that Mr Jonathan, a southerner, won in all but one of the states south of the capital Abuja but lost in every one north of it. Several hundred supporters of his northern rival Muhammadu Buhari were killed during riots in protest at the election result. Mr Jonathan's party, the People's Democratic Party (PDP), economically liberal and socially conservative, controls a majority of state governorships in the south of the country and has a majority of seats in both houses of parliament (the Senate and the House of Representatives); the north is dominated by the All-Nigerian People's Party (ANPP) and the Congress for Progressive Change (CPC).

For all this, the period since 1999 is the longest of uninterrupted civilian rule since Nigeria won its independence from the United Kingdom in 1960. The country endured military rule from 1963 to 1976 (in the course of which it was torn apart by a bloody civil war that followed the attempted secession in 1967 of the self-declared republic of Biafra in the Igbo south-east) and again from 1983 to 1999 (with an interlude of civilian government in 1993).

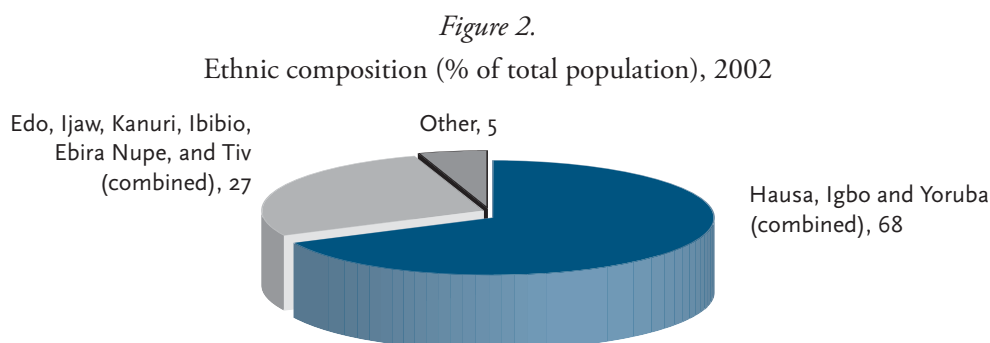
Social Indicators⁴

Population (number of inhabitants): 158.2 million (2010)

Number of households: 32.5 million (2010)



Source: National Population Commission (Nigeria) (NPC), *2006 Population and Housing Census of the Federal Republic of Nigeria. Priority Tables*, Volume I, NPC, Abuja, Nigeria, 2006; see <http://www.population.gov.ng/images/stories/Priority%20Tables%20Volume%20I-update.pdf> (accessed 10 July 2011)

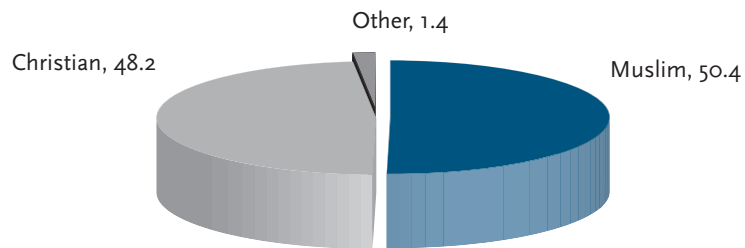


Note: The category “Other” includes the remainder of Nigeria’s 250 ethnic groups. Ethnic groups are lumped together according to the size of the groups (Hausa, Igbo, and Yoruba are the largest ones; the smaller ones are Edo, Ijaw, Kanuri, Ibibio, Ebira Nupe, and Tiv)

Source: Philippa Sandall, ed., “Nigeria,” *Geographica. The Complete Atlas of the world*, New York: Random House, 2002

4. 2010 population figure from Africa Development Bank Group, Africa Union and Economic Commission for Africa, *African Statistical Yearbook 2011*, Africa Development Bank Group, Tunis, 2011 (hereafter *African Statistical Yearbook 2011*); see http://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/Yearbook%202011_web.pdf (accessed 10 July 2011). Number of households computed by reporters based on estimated household size from Nigerian 2006 Census of 4.86 persons per household.

Figure 3.
Religious composition (% of total population), 2003



Note: Christian breakdown: 15.1% Protestant, 13.7% Roman Catholic, 19.4% other

Source: NPC and ORC Macro, *Nigeria Demographic and Health Survey 2003*, NPC and ORC Macro, Calverton, MD, 2004; see <http://www.measuredhs.com/pubs/pdf/FR148/00FrontMatter.pdf> (accessed 10 July 2011)

Economic Indicators

Table 1.
Economic indicators

	2005	2006	2007	2008	2009	2010	2011	2012
GDP (current prices), total in US\$ billion ⁵	112.24	145.42	166.45	208.06	169.40	216.80	267.77	288.82
GDP (current prices), per head in US\$	797	1,008	1,127	1,376	1,095	1,389	1,670	1,753
Gross National Income (GNI), per head, current \$	1,530	1,790	1,860	1,990	2,110	2,240	n/a	n/a
Unemployment (% of total labor force) ⁶	11.9	13.7	14.6	n/a	n/a	n/a	n/a	n/a
Inflation (average annual rate in % against previous year) ⁷	17.9	8.2	5.5	11.6	12.4	12.2	n/a	n/a

Note: n/a: not available

Sources: Africa Development Bank Group, Africa Union and Economic Commission for Africa, *African Statistical Yearbook 2011*, Africa Development Bank Group, Tunis, 2011 and International Monetary Fund (GDP); National Bureau of Statistics (unemployment); Central Bank of Nigeria (inflation)

- GDP figures for 2005–2009 are from *African Statistical Yearbook 2011*. GDP figures for 2010–2012 are estimates from International Monetary Fund, “World Economic Outlook Database,” at <http://www.imf.org/external/pubs/ft/weo/2011/01/weodata/index.aspx> (accessed 10 July 2011).
- National Bureau of Statistics (Nigeria), “Table 31: National unemployment rates, Nigeria (year ending December),” in *Facts and Figures about Nigeria*, Abuja, National Bureau of Statistics, 2008, p. 32; see also www.nigerianstat.gov.ng (accessed 10 July 2011).
- Figures refer to 12-month average change calculation based on 12-month moving average; see Central Bank of Nigeria, “Data and Statistics,” at <http://www.cenbank.org/Rates/infrates.asp> (accessed 10 July 2011).

1. Media Consumption: The Digital Factor

1.1 Digital Take-up

1.1.1 Digital Equipment

Many Nigerians own or have access to equipment that can receive digital media: television sets, radios, internet-connected personal computers (PCs), and internet- and television-enabled mobile phones. If few use it for this purpose, it is largely due to the low level of development of the digital media infrastructure. Although the government has declared that digital switch-over for broadcasts will take place in 2015, it has not published any plans for digital terrestrial broadcasting.

Currently, a small proportion of Nigerians access digital broadcasts via satellite and cable or digital video broadcast services via mobile phone (available on the mass market since 2010), while a large number access the internet, mostly also by mobile phone.

Precisely how many Nigerians can or do access digital media is, however, difficult to judge: statistical surveys are few in number and unreliable. As an example, recent 2011 published figures from the National Bureau of Statistics were at variance with those published by other government agencies.

According to the International Telecommunication Union (ITU), in 2008 three-quarters of households had a radio, 40 percent had a television, and 12 percent had a PC (see Table 2).⁸ A 2010 survey of equipment availability in urban and semi-urban⁹ households by a private media research organization, Media Planning Services, suggests a different picture: it shows 60 percent of households surveyed with a television, 43.5

8. Editors' calculations based on data from the International Telecommunication Union (ITU).

9. "Urban" refers to all localities with a population of 40,000 and above with the following amenities: pipe-borne water supply, electricity, government hospitals, post offices, telephone network coverage, tarred road network and good drainage systems, primary, secondary schools and tertiary institutions, presence of industries, open market and modern sewage disposal. "Semi-urban" refers to localities with a population of between 10,000 and 39,999 with the following amenities: pipe-borne water, electricity, post offices, tarred road network, primary and secondary schools, and some industry.

percent with a radio, and 5.5 percent with a PC.¹⁰ The same survey showed strong growth in the availability of televisions, radios, and PCs in recent years. In 2008, all three—television, radio, and PC—recorded a double-digit annual growth, with PC equipment experiencing a record increase of 47 percent year on year. However, it has to be noted that the growth in PC ownership started from a very low base and continues to be hampered by the high cost of PCs and software, and the inadequacy of Nigeria’s electricity supply. One factor in the strong growth of access to television has been an influx of affordable secondhand television sets.

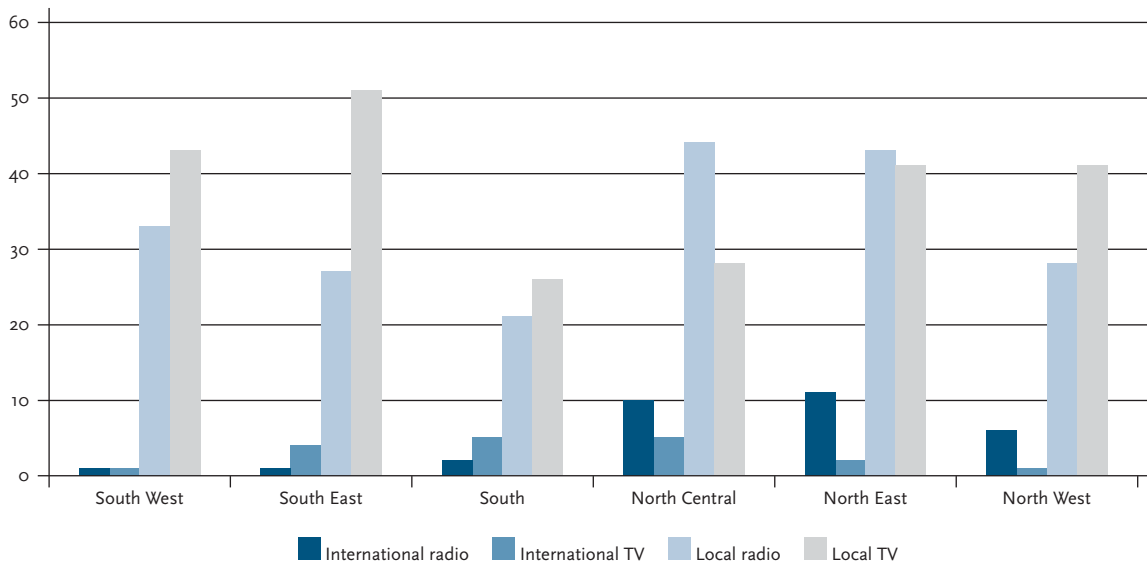
Table 2.
Households owning equipment, 2007–2010

	2007		2008		2009		2010	
	No. of HH (million) ¹¹	% of THH ¹²	No. of HH (million)	% of THH	No. of HH (million)	% of THH	No. of HH (million)	% of THH
TV set	12.6	43.2	16.5	54.9	17.5	56.7	19.1	60.0
Radio set	10.6	35.9	12.3	40.8	12.6	40.8	13.8	43.5
PC	0.59	2.0	1.1	3.7	1.3	4.1	1.7	5.5

Note: TV: television; PC: personal computer; n/a: not available. The figures in this table refer to urban and semi-urban households only

Source: Reporters’ calculations based on survey data by Nigeria Media Planning Services, *All Media and Products Survey 2010*. Population figures used in the calculations were obtained from the Nigerian National Population Commission (NPC).

Figure 4.
Preferred sources of information, by region (% of population surveyed), 2009



Source: Steadman Group, *Audience Research Survey*, report prepared for Open Society Institute West Africa (OSIWA), AfriMAP, Lagos, 2009, p. 13

10. Nigeria Media Planning Services, *All Media and Products Survey 2010*.

11. Total number of households owning the equipment.

12. Percentage of total number of households in the country.

The disparity between the ITU and Media Planning Services estimates of equipment availability might in part be because the latter surveyed only urban and semi-urban areas, predominantly in the south of the country. A 2009 regional survey of Nigerians' favored sources of news by a private sector analyst, the Steadman Group, showed that radio was more frequently preferred to television in the north than in the south and vice versa (Figure 4); although that survey did not ask about equipment ownership, this was probably reflected in the findings, with television penetration significantly higher in the affluent south.

1.1.2 Platforms

With PC ownership low (though growing) and few Nigerians receiving digital broadcasting via a television, radio set, or PC, there is insignificant terrestrial digital broadcasting, only a small minority of television owners who use cable or satellite services, and little in the way of internet protocol television (IPTV). The device most widely used to access digital media in Nigeria is the mobile phone.

The unavailability of data in the public domain makes it impossible to give a detailed account of the usage of broadcasting platforms. The only survey obtainable was from a private media research agency, the Media Planning Services, which covers only 2010 and does not provide a breakdown of usage among different forms of analog and digital reception but instead records usage of terrestrial and pay-TV (satellite and cable) reception.¹³

This survey indicates that there were 22 million households with terrestrial television reception in 2010 (about 70 percent of all households in the country), and 9 percent had access to pay-TV. The majority of the latter were subscribers accessing content via a satellite dish and decoder. A significant minority access via alternative means, such as digital video broadcast technology on mobile devices (currently offered by two mobile telecoms operators) and a smaller minority access satellite channels illegally.¹⁴

Taking into account the existing information available on the market, including the number of subscribers to the digital operators StarTimes Group and Multichoice Nigeria,¹⁵ it is reasonable to infer that 5–10 percent of households had access to digital broadcasting in the first quarter of 2012. A more detailed picture will only become available with the publication of the Nigerian Communications Commission's surveys, which are currently withheld from the public.

Nigeria has experienced an explosion of internet use in the last decade. According to Internet World Stats there were 44 million internet users in Nigeria in June 2010. This figure represents nearly 30 percent penetration and nearly 40 percent of Africa's internet users, though geographical coverage is estimated to be just 16

13. Reception refers to number of people/households that reported receiving content from these operators (whether legally or illegally).

14. Interview with market and consumer research professional, Lagos, Nigeria, 3 December 2010.

15. StarTimes, a joint venture between the Nigeria Television Authority (NTA) and Star Communication Network China, became operational in July 2010. By June 2012, it was operating in eight cities and had about 700,000 subscribers. By early 2011, Multichoice Nigeria had roughly 800,000 subscribers.

percent, with access concentrated in urban areas.¹⁶ The key driver of growth has been the expansion of mobile phone use: there are now more than 50 mobile phones for every 100 Nigerians.

Mobile phone use in Nigeria has grown massively from almost nothing in 2000 to close to half of the population today (Table 3). According to the Nigerian Communications Commission, the telecoms regulator, active users of mobile phones in the first quarter of 2012 stood at 54 percent of the population.¹⁷ Mobile phones are the primary medium of internet access in Nigeria,¹⁸ and since 2010, digital video broadcast (DVB) devices have been made available on the mass market (though take-up is so far small).

Table 3.
Internet¹⁹ and mobile penetration rates (%), 2005–2010

	2005	2006	2007	2008	2009	2010
Internet	n/a	6	7	16	28	n/a
– of which broadband			n/a			
Mobile telephony ²⁰	13	22	27	38	47	54
– of which 3G			n/a			

Note: n/a: not available

Sources: Reporters’ calculations based on data obtained from the Nigerian Communications Commission, *Industry Statistics*, at <http://www.ncc.gov.ng/index5.htm> (accessed 10 March 2011); and editors’ calculations based on data from the International Telecommunication Union (ITU)

1.2 Media Preferences

1.2.1 Main Shifts in News Consumption

The absence of publicly available historical data means that it is possible only to offer an impressionistic sketch of changing patterns in news consumption.

It is clear that the media sources most frequently accessed are radio and television, with radio marginally more popular than television; and that people are increasingly accessing radio and television on mobiles and PCs (see Figure 5).

16. E. Gegere, “Nigeria only has 16% Internet Coverage,” 234Next.com, 2010, at http://234next.com/csp/cms/sites/Next/Money/5618970-147/nigeria_only_has_16_internet_coverage.csp (accessed 10 March 2011).

17. This figure is problematic, because some mobile phones are used by more than one person, and some people have more than one mobile phone. The Media Planning Services’ *All Media and Products Survey 2010* suggests that 30 percent of mobile users had phones with more than one provider.

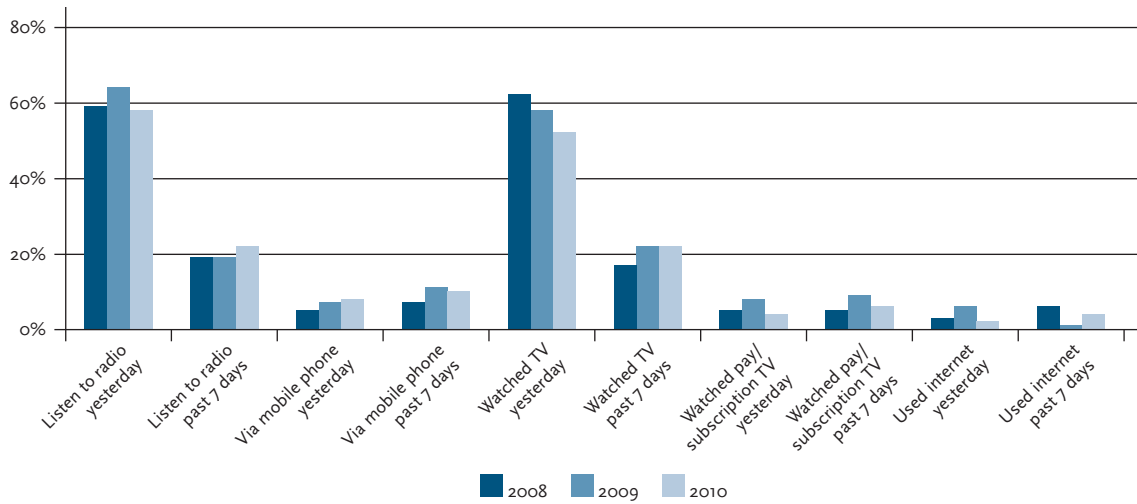
18. “Mobile Phones now Primary Access to Internet in Nigeria,” 2010, at <http://www.vanguardngr.com/2010/10/mobile-phones-now-primary-access-to-internet-in-nigeria> (accessed 12 March 2010).

19. Internet subscriber figures (i.e. people/entities with an internet subscription with an operator) are not publicly available, so “internet” figures in the table refer to users (people with access to the worldwide network) as a percentage of the total population. This figure captures use by many people of a single subscription, as occurs in shared access venues (telecenters, cybercafés, etc.). Data and definition from ITU.

20. Data are based on active sim cards of both Global System for Mobile Communications (GSM) and Code Division Multiple Access (CDMA) operators. Data source: Nigerian Communications Commission.

Figure 5.

Radio, television, and internet use in urban and semi-urban areas, 2008–2010

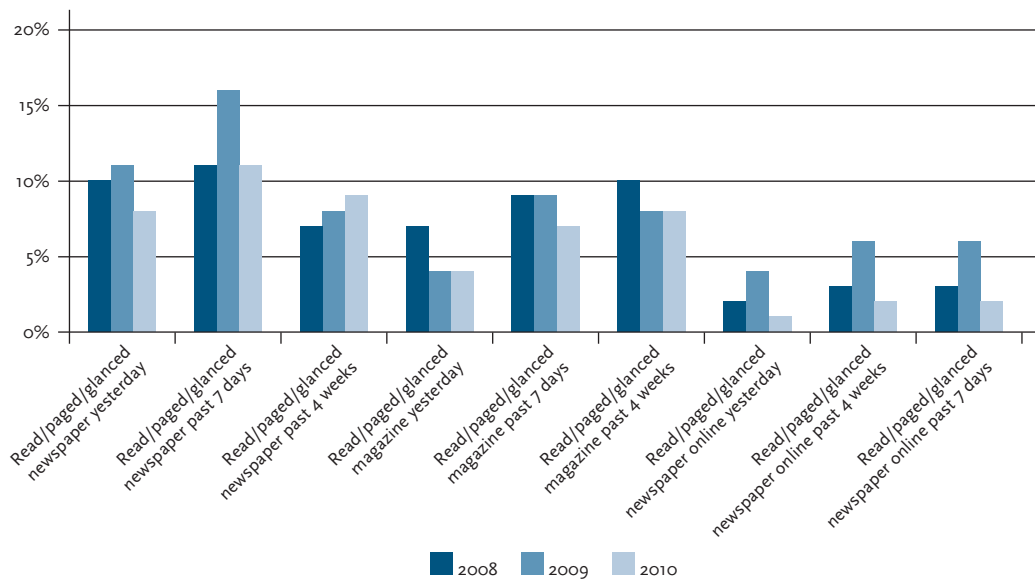


Source: Reporters' calculations based on survey data from Nigeria Media Planning Services, *All Media and Products Survey 2010*

The print media are not as frequently accessed as digital media; the data show that a much smaller percentage of the population read newspapers and magazines, and they do so more on a weekly or monthly (as opposed to a daily) basis (see Figure 6).

Figure 6.

Use of print and online newspapers in urban and semi-urban areas, 2008–2010

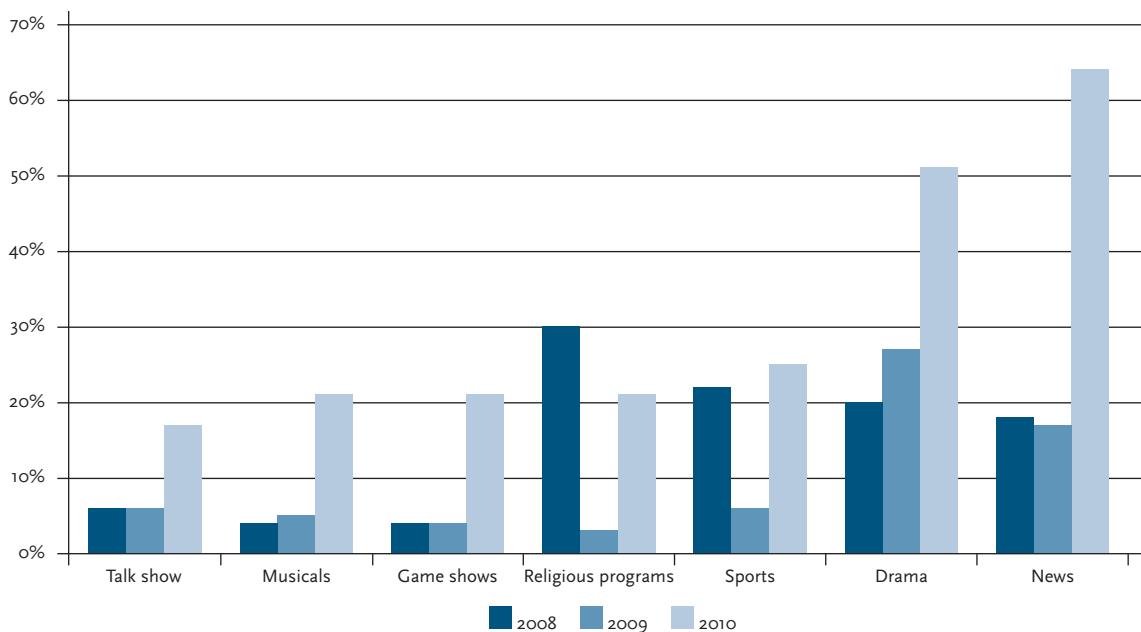


Source: Reporters' calculations based on survey data from Nigeria Media Planning Services, *All Media and Products Survey 2010*

There are regional differences in the popularity of television and radio, with radio more popular in the north and television more popular in the south. Northern regions also listen to international radio more, largely because of the availability of the BBC’s service in Hausa, the north’s most widely spoken language. According to a 2010 survey by Media Planning Services, this is the most widely listened to radio station in Nigeria. Other regions also show the popularity of local language broadcasting. In Lagos, the top two stations are Wazobia, which broadcasts mainly in pidgin English, and Radio Lagos (Tiwantiwa), which broadcasts mainly in Yoruba. Wazobia Port-Harcourt (a branch of the Lagos-based station) is also the most listened to station in the south where pidgin English is widely spoken.

Other statistics from the study show that viewership of television news programs has increased significantly in recent years, and that news is now the most popular genre, followed by drama, sports, religious programs, and game shows (Figure 7).

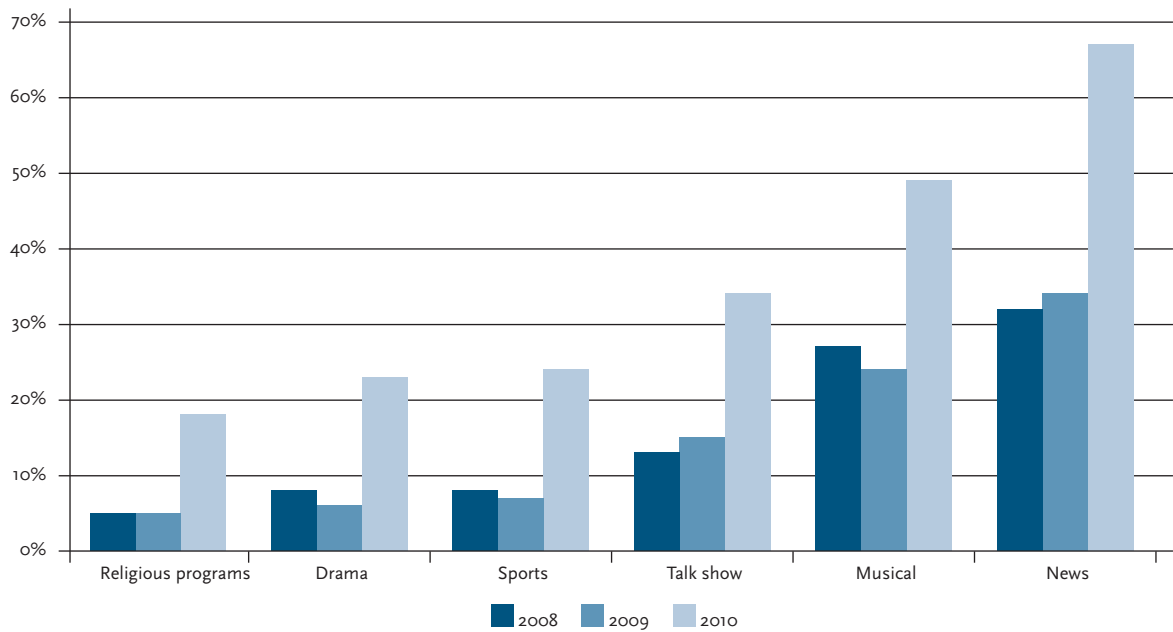
Figure 7.
Most popular types of television programs, 2008–2010



Source: Reporters’ calculations based on survey data from Media Planning Services, *All Media and Products Survey 2010*

The same surveys show that radio news listenership has also grown and that news programs have consistently been the most listened to (Figure 8).

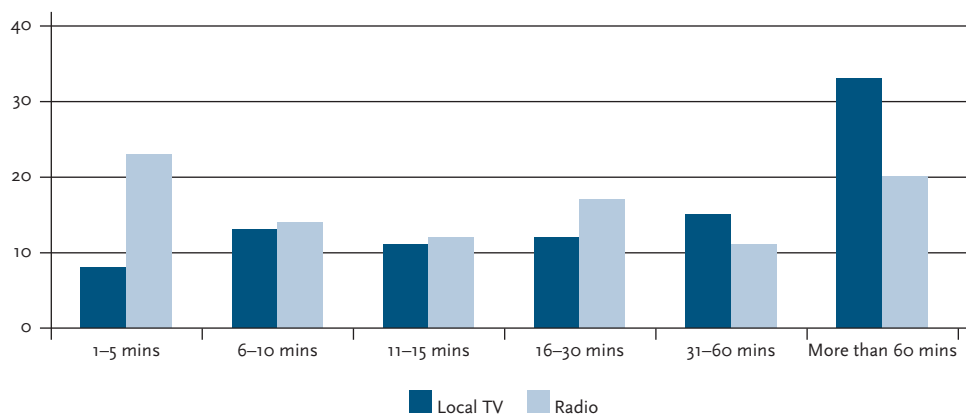
Figure 8.
Most popular types of radio programs, 2008–2010



Source: Reporters' calculations based on survey data from Media Planning Services, *All Media and Products Survey 2010*

Audience research by the Steadman Group suggests that the Nigerians who spend most time on broadcast news are those who get their news from television; this may be because news bulletins on television are generally longer than those on radio (Figure 9).

Figure 9.
Average listening and viewing times for news and current affairs programs on television and radio
(% of total audience), 2009



Source: Steadman Group, *Audience Research Survey*, report prepared for OSIWA/AfriMAP, Lagos, 2009, p. 12

1.2.2 Availability of a Diverse Range of News Sources

There is a vast number of news providers in Nigeria, and since the end of military rule in 1999 the independence and diversity of news provision have increased. However, there are no official figures on the number of daily newspapers published in Nigeria or their audience (but see Figure 11 for estimated readerships of 11 newspapers). Broadcast news is dominated by state broadcasting, but privately owned news providers also play a significant role.

Online news offerings include the websites of most newspapers, which are accessible free of charge and largely reproduce the content of print editions. According to the recent survey by Media Planning Services, the most visited news website in Nigeria is the BBC's, although the number of people saying that they visited it declined slightly between 2009 and 2010.²¹ This decline may be explained by people visiting other Nigerian news-related websites. The internet traffic monitoring website Alexa.com²² tracks the most popular websites among users in a particular country on a monthly basis. As of July 2011, five of the top 20 sites in Nigeria could be considered news-focused and of these, all but the BBC were Nigerian in origin.

In the absence of exact data about the circulations of print media and the audience for radio and television, it is practically impossible to detect any trends in migration from traditional to digital media. This is an area that has yet to be covered by original research.

1.3. News Providers

1.3.1 Leading Sources of News

Print Media

Although there are no exact data about circulations of print media in Nigeria, research shows that there is a competitive print media landscape.

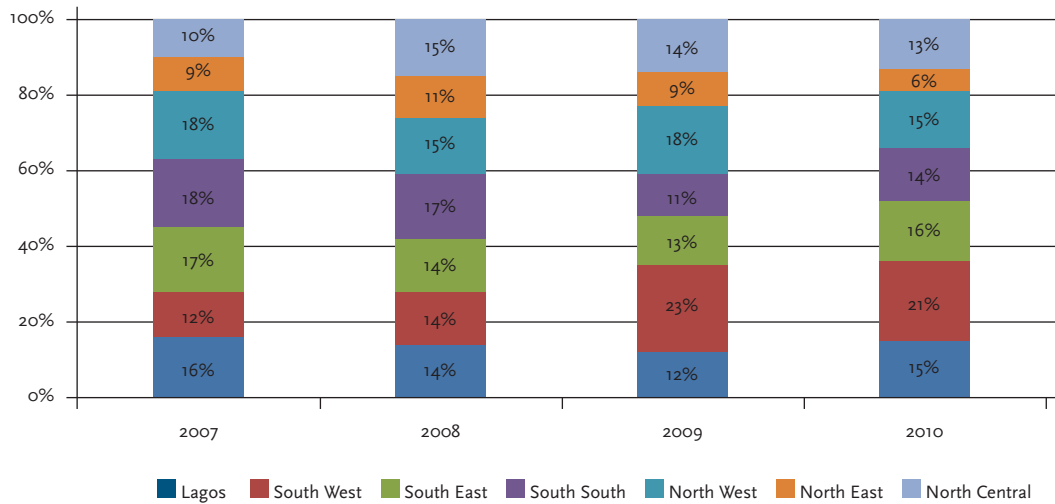
Data from the *All Media and Products Survey 2010* indicate that many of the national dailies tailor their editions according to the different regions. The South West region (which includes Lagos State) has the largest number of newspaper readers per head of population, while the North West has the smallest, followed by the North Central region (Figures 10 and 11).

21. Nigeria Media Planning Services, *All Media and Products Survey 2010*. The authors of the present report were unable to determine whether, or how far, this survey is representative of the population of internet users in (or outside) Nigeria.

22. See <http://www.alexa.com> (accessed 10 March 2011).

Figure 10.

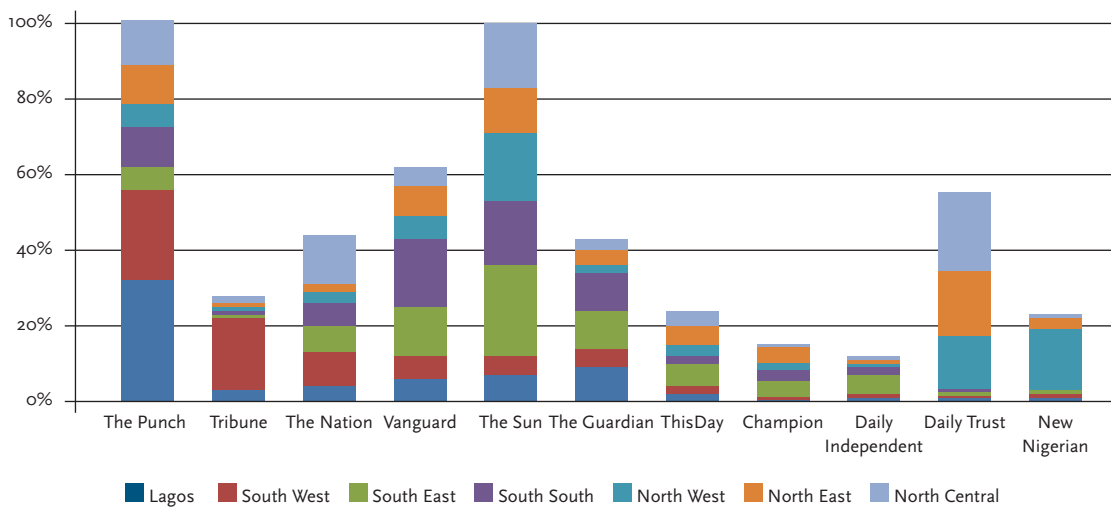
Distribution of newspaper readership across geopolitical zones in urban and semi-urban areas (%), 2007–2010



Source: Reporters' calculations based on survey data from Nigeria Media Planning Services, *All Media and Products Survey 2010*

Figure 11.

Distribution of newspaper readership across geopolitical zones in urban and semi-urban areas (%), 2010



Source: Reporters' calculations based on survey data from Media Planning Services, *All Media and Products Survey, 2010*

Radio and Television

State-owned stations are the main providers of radio and television news, but there are several privately owned providers, mostly regional, and none with national coverage, other than via satellite. In addition to the national broadcasters, some state governments have their own radio and television stations (see section 2).

There are no available data for audience figures specifically for news programs either for radio or for TV, but overall audience statistics give some indication of the most popular sources of broadcast news. Privately owned stations appear to be more popular in urban areas. In Lagos state, the most listened to radio station is that of the state broadcaster; the remaining four of the top five most listened to stations are private. All of the top five most listened to stations in the South West region are privately owned whilst in the northern regions, more state-owned stations feature in the top five, and the BBC Hausa service is the most listened to radio station in the North East. All of these stations are news providers. (See Table 4 and Figure 12.)

Table 4.

Most popular radio stations by region in urban and semi-urban areas (% of total respondents), 2010

Lagos		South West		South East		South South		North West		North East		North Central	
Radio Lagos 107.5 FM, Tiwantiwa	25	Adaba FM	14	Heartland 100.5 FM, Owerri	15	Wazobia 94.4 FM, P/H	21	Freedom Radio 99.5 FM, Kano	22	BBC (Hausa Service)	24	Benue Radio (FM), Makurdi	13
Wazobia 95.1 FM, Lagos	24	Splash FM, Ibadan	11	Orient 94.4 FM, Owerri	11	AKBC-2 90.5 FM, Uyo	20	Companion 104.5 FM, Katsina	12	ABC-1, Yola	9	Grace 95.5 FM, Lokoja	12
Eko 89.5 FM, Lagos	8	Living Spring 104.5 FM, Osogbo	6	Unity 101.5 FM, Abakiliki	11	DBS 88.6 FM, Warri	8	Rima 97.1 FM, Radio Sokoto	11	Radio 93.3 FM, Maiduguri	9	Peace 90.5 FM, Jos	10
Cool 96.9 FM, Lagos	8	Progress 100.5 FM, Ado-Ekiti	5	BCA Umuahia	10	Radio Bayelsa, Yenagoa	7	Radio Jigawa	7	TSBC Jalingo	9	Power FM, Bida	9
Brilla 88.9 FM, Lagos	6	Independent FM, Benin	5	ABS FM, Awka	8	Radio Jerome 95.1 FM	6	Radio Zamfara	6	BRC AM, Bauchi	8	Joy 96.5 FM, Otukpo	8

Source: Reporters' calculations based on survey data from Media Planning Services, *All Media and Products Survey 2010*

Figure 12.

Distribution of radio listenership across geopolitical zones in urban and semi-urban areas (%), 2007–2010



Source: Reporters' calculations based on survey data from Media Planning Services, *All Media and Products Survey*, 2010

The participation of private companies in television broadcasting is not as widespread as in radio. As a result, the most popular television channels in the various regions are overwhelmingly owned by the Federal government, particularly in northern regions. Lagos state provides an exception: of the top five most watched television stations, only one is state-owned and it is a regional broadcaster. See Table 5 and Figure 13.

Table 5.

Most popular television stations by region in urban and semi-urban areas (% of total respondents), 2010

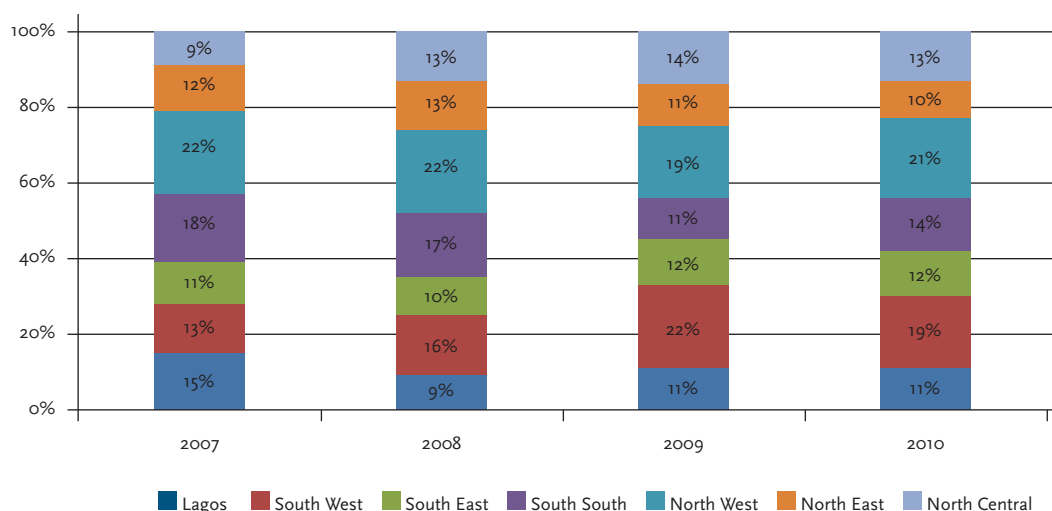
	Lagos	South West	South East	South South	North West	North East	North Central						
Silverbird, Lagos	18	OSBC Akure	12	Orient (IBC) TV Owerri	14	AKBC Uyo	16	NTA Kano	12	NTA Maiduguri	19	NTA Makurdi	20
AIT Lagos	17	NTA Ch. 4, 5, & 7 Ibadan ²³	9	NTA Enugu	11	DBS TV Warri	13	NTA Sokoto	10	NTA Bauchi	17	NTA Minna	15
Galaxy TV, Lagos	16	OSBC Osogbo	7	NTA Abakiliki	10	STV CH 31, P/Harcourt	8	Katsina State TV	10	NTA Yola	13	NTA Lokoja	12
LTV, Channel 8, Lagos	14	BCOS Ch 28, Ibadan	7	NTA Aba	10	AIT Port Harcourt	8	NTA Gusau	9	NTA Jalingo	11	NTA Jos	7
TV Continental	3	NTA Ado-Ekiti	5	MST Obosi	7	RSTV Port Harcourt	6	NTA Katsina	9	NTA Gombe	10	NTA Abuja	6

Source: Reporters' calculations based on survey data from Nigeria Media Planning Services, *All Media and Products Survey* 2010

23. This is an aggregate of the NTA Channels in Ibadan (Oyo State).

Figure 13.

Distribution of television viewership across geopolitical zones in urban and semi-urban areas (%), 2007–2010



Source: Reporters' calculations based on survey data from Media Planning Services, *All Media and Products Survey 2010*

1.3.2 Television News Programs

There are no available data on audience shares or ratings for particular news programs on Nigeria's television channels.

1.3.3 Impact of Digital Media on Good-quality News

The proportion of people in Nigeria listening to and viewing news programs has increased significantly in recent years. The paucity of available data makes it difficult to assess with any accuracy how far this is the result of the growth of digital broadcasting, but the low level of development and take-up of digital broadcasting suggests that its impact has not been the most important factor. It is similarly difficult to assess the impact of digitization on the quality of broadcast news.

Digital media do, however, appear to have influenced the diversity of news sources through the growing accessibility of the internet. In particular, the patterns of internet traffic for news websites show a preference for those belonging to Nigerian newspapers as opposed to foreign websites that carry some Nigerian news. This preference for indigenous content is also reflected in the popularity enjoyed by radio stations with high levels of content in local languages and pidgin English.

On the other hand, traditional news publishing and distribution have been affected in significant ways by digital technology. Previously, media institutions seeking national reach for their publications distributed their newspapers by road from one part of the country to the other. In fact, given the size of the country, such newspaper companies used to produce two or three separate editions for Lagos-West, the east, and the north

of the country. The now defunct Concord Press used to produce two editions, for instance, with the Lagos-West edition as the second, more up-to-date edition.

Following the advent of the internet, however, newspaper organizations in Lagos realized that it was possible to improve on their production and distribution with marginal added costs, by establishing a national network of local printing facilities. Publishers of *ThisDay*, *The Sun*, and *The Nation* have set up additional press centers outside their Lagos headquarters to which they transmit the final copy of their editions through virtual private networks (VPNs). This distribution mechanism has resulted in cost savings compared with previous methods. The challenges of widespread dissemination still affect news publishing and distribution in Nigeria, an industry which once thrived in the 1980s but has succumbed to market pressures emanating from military rule, economic decline, and the failure of public-sector publishing. One such challenge, which is more or less immune to the efficiency gains of digitization, has been the provision of regionally adapted versions of print publications to address the diverse cultural landscape of the country.

1.4 Assessments

It is difficult to measure the impact of digitization on broadcast news in Nigeria, partly because of the paucity of publicly available data on news consumption, and partly because broadcast digitization is still at an early stage. The recent introduction of affordable digital television on DVB-T and the existence of illegal satellite channels offer access to new platforms for listening to and watching news and other programs. However, the impact of DVB-T is still very limited as it was only introduced to the mass market in 2010. Convergence of devices, for example mobile phones with built-in FM receivers, also offers opportunities for increasing news consumption and diversity.

2. Digital Media and Public or State-Administered Broadcasters

2.1 Public Service and State Institutions

2.1.1 Overview of Public Service Media; News and Current Affairs Output

Publicly funded broadcasters operating not-for-profit (at least in part) and mandated to broadcast public service content are major news players both at Federal and at state or regional level. Appointment to the governing councils of these institutions and the boards tasked with management responsibilities are the prerogative of the state. Board members and their chairs are usually appointed by the president of the country.²⁴ Several other commercial media offer a mix of programming in compliance with the Nigerian Broadcasting Commission's (NBC) code (see section 2.2.2).²⁵

At the Federal level, radio is broadcast by the Federal Radio Corporation of Nigeria (FRCN) and television by the National Television Authority (NTA). Both also operate at state level and each state government also has its own broadcasting organization.

By law all have to meet certain public service obligations, but in practice Nigerian state broadcasting has always been subject to government interference that has undermined broadcasters' ability to operate impartially. According to a report by the BBC World Service Trust published in 2006, "there are no public-service broadcasters in radio or television, but rather government-owned radio and television outlets directly accountable not to the public but to state officials."²⁶

24. The last appointment to the boards of the Nigerian Television Authority (NTA), Federal Radio Corporation of Nigeria (FRCN), News Agency of Nigeria (NAN), Nigerian Film Corporation (NFC), Nigerian Press Council (NPC), and the National Orientation Agency (NOA) were approved in March 2009. See J. Taiwo, "Yar'Adua Approves Boards for NTA, FRCN and Others," AllAfrica.com, 2009, at <http://allafrica.com/stories/200903060413.html> (accessed 15 December 2010).

25. National Broadcasting Commission (NBC), "Nigerian Broadcasting Code," draft 5th edition, at <http://www.nbc.gov.ng/downloads.php#> (accessed 15 December 2010).

26. BBC World Service Trust, "Nigeria Research Report; Africa Media Development Initiative (AMDI)," 2006, at http://downloads.bbc.co.uk/worldservice/trust/pdf/AMDI/nigeria/amdi_nigeria_full_report.pdf (accessed 12 April 2010).

Radio

The FRCN has two subsidiaries: Voice of Nigeria, responsible for the broadcaster's international service, and Radio Nigeria, with a network of domestic stations. It has its origins in the Radio Diffusion Service founded by the British colonial authorities in 1933, which became the Nigerian Broadcasting Corporation in 1950. The FRCN in its current form was established by decree in 1979 (the FRCN Act), which dissolved the Nigerian Broadcasting Corporation. According to the act, the FRCN's remit is to provide independent and impartial radio broadcasting services within and outside Nigeria in the performance of its public service. Such programming must reflect the culture, characteristics, affairs, and opinions of the Nigerian state.

The FRCN claims it is one of the largest radio networks in Africa because of its reach.²⁷ With its head office in Abuja, national stations in Enugu, Ibadan, Kaduna, and Gwagwalada, and a Lagos operations office, the network includes 37 stations (on FM, medium, and short waves) across the country,²⁸ broadcasting in 15 languages, and reaching over 100 million listeners.²⁹ According to its website, FRCN broadcasts between three and five hours of network programming each day out of a total 18 or 24 hours.³⁰ The rest of the time is allocated to local programs. Network programs—usually news, sports, current affairs, drama/light entertainment, children's material, and public information—are broadcast from Abuja and relayed directly to its stations in the six geopolitical zones. Most Radio Nigeria stations are on air for an average of 18 hours a day, though a significant number are on air for 24 hours.

Although the FRCN is unambiguously identified as the broadcaster mandated to “perform a federally defined broadcasting function,”³¹ it does not have a monopoly on state radio broadcasting. As noted above, each state has its own broadcasting company, often providing both radio and television services. There is therefore, at least theoretically, a duopolistic state broadcasting system, which in certain circumstances is competitive in providing news and current affairs content, especially when the political affiliation of the state administration differs from that of the Federal government.

Television

A similar monopoly exists in state television. The NTA identifies itself as the sole television station in Nigeria that is charged with the “social responsibility of public interest broadcasting.”³² At the same time, as noted above, almost all the states in Nigeria have their own regional television stations. The NTA has a total of 95 stations and reaches over 90 million viewers.

27. Radio Nigeria Online (n.d.), at <http://ww2.radionigeria.gov.ng/fr360.php?360ID=1> (accessed 15 April 2010).

28. FRCN also has four of its stations streaming live on the internet at <http://www.radionigeria.gov.ng> (accessed 15 April 2010).

29. Radio Nigeria Online (n.d.), at <http://ww2.radionigeria.gov.ng/fr360.php?360ID=1> (accessed 15 April 2010).

30. FRCN, “FRCN Corporate information” (n.d.), at <http://ww2.radionigeria.gov.ng/fr360.php?360ID=25> (accessed 15 December 2010).

31. S. Milligan and G. Mytton, “From mouthpiece to public service: donor support to radio broadcasters in new democracies,” *Development in Practice*, 19(4–5) (June 2009), pp. 491–503.

32. NTA, “About NTA” (n.d.), at <http://www.nta.com.ng/index.php?page=display&key=7eWTUiKD> (accessed 15 April 2010).

It has had to rise to the competitive challenge posed by 24-hour global broadcasters such as CNN and Al Jazeera. A major step in this direction was the setting up of NTA International, transmitting by satellite on a 24-hour basis.³³

2.1.2 Digitization and Services

The process of broadcast digitization has been more discussed than implemented. There has been no visible impact on the remit of the FRCN or NTA. There are plans at government level on how digitization is to be implemented, but these plans have not been shared publicly.

However, some progress has been made in the mobile services sector. In September 2007 mobile television networks commenced rollout and live broadcast transmission of television channels to compatible mobile phones using Digital Video Broadcast—Handheld (DVB-H) standard.³⁴ “The digital satellite broadcaster, Multichoice Nigeria, works with the mobile operator MTN to offer several television channels on mobile phones including NTA Plus, a free-to-air channel of the state broadcaster. With a mobile cellular penetration of 54 percent, the potential for DVB-H as another distribution platform holds a lot of promise (although the penetration of smartphone devices capable of receiving television is not known). This has not led to the creation of any new channels by state or commercial broadcasters.

2.1.3 Government Support

The Nigerian government has notionally complied with ITU plans for digital switch-over by announcing a provisional switch-over date and formulating a policy framework. However, the adoption and implementation of policies for switch-over have been protracted and slow.

After much delay, the Government confirmed December 2007 as the start of digitization. The first significant step took almost another year to achieve, namely the establishment of a Presidential Advisory Committee (PAC), with 27 members, tasked to design a roadmap for the digitization program (see Box 1). This body submitted its recommendations to the Government in the form of a report in June 2009.

According to its terms of reference, the report should contain a policy framework that takes a defined position on broadcasting standards and the equipment needed by broadcast stations for digital broadcasting. The contents of this report have not been made public (nor has the Government announced a decision on it), though certain of the recommendations have been disclosed, including the need to “re-establish the public broadcaster as a social institution, in the face of commercialization.”³⁵ Without seeing the full report, it is difficult to ascertain precisely what this assertion means, or what its implications may be for the broadcasting sector.

33. Ajao, O.D., “*NTA International Inaugurated*,” Personal blog at <http://www.davidajao.com/blog/2006/11/29/nta-international-inaugurated/> (accessed 11 June 2012).

34. Digital Video Broadcasting (DVB) Project, “DVB-H update for Nigeria,” at http://www.dvb.org/about_dvb/dvb_worldwide/nigeria/index.xml (accessed 11 April 2010).

35. Nigeria Community Radio Coalition, “Digitisation of Broadcasting in Nigeria, Media Policy Briefing,” Vol. 2 (n.d.), at <http://nigeriacommunityradio.org/media%20policy%20-%20Volume%202.pdf> (accessed 11 April 2010).

Box 1: The Presidential Advisory Committee (PAC) on the Transition from Analogue to Digital Broadcasting in Nigeria

The PAC was inaugurated on 13 October 2008 by the Honorable Minister of Information and Communications. Its terms of reference require it to:

- recommend a policy on digital terrestrial broadcast transition using global best practices;
- recommend an appropriate regulatory framework;
- recommend a national broadcasting model;
- assess the impact of digitization on consumers and recommend possible government intervention;
- determine the amount of expected digital dividend;
- assess the environmental impact of digitization, if any, and recommend steps to be taken;
- advise government on any action relevant to achieve a smooth switch-over transition.

The members of the PAC include a range of private and public bodies such as:

- Ministry of Information and Communications;
- NBC;
- NTA;
- FRCN;
- National Film and Video Censorship Board (NFVCB);
- Ministry of Science and Technology;
- Ministry of Environment;
- Consumer Protection Council (CPC).

Source: NBC³⁶

It is impossible to assess what impact the switch-over will have on public service media and the broadcast landscape as a whole (see section 7) as terrestrial broadcasting has not switched over, no single station has fully migrated to digital transmission, and the PAC's report has not been released.

Submission of the PAC report was followed by another lull in activity by the broadcast regulator, the NBC, and the Government, notwithstanding an executive commitment to complete digital switch-over by 17 June 2012, three years before the internationally agreed deadline. The regulator held seminars debating the digitization process, the last of which was in December 2009. Little progress has been made since then except for a recent announcement (April 2012) of a new switch-over deadline set for January 2015 (see section 7.1.1).³⁷

36. NBC, "Transition from Analogue to Digital Broadcasting in Nigeria" (n.d.), at <http://www.nbc.gov.ng/aboutdtv.php> (accessed 15 December 2010).

37. O. Chukwuwezem, "Nigeria may miss digital broadcast migration deadline," *Information Nigeria*, 9 July 2011.

In the absence of any policy or plan, the Chinese pay-TV operator StarTimes Group established a joint venture with the Federal broadcaster, NTA. This service was launched in July 2010 and initially provided a package of 30 channels covering news and documentaries, sports, entertainments, and kids programming and a variety of NTA channels.³⁸ The three package offerings to the public include: a StarTimes Decoder (with one month's free access) at 10,500 Nigerian naira (NGN) (US\$66), a basic package at NGN 1,000, or US\$6.25, and a premium package at NGN 1,800 (US\$11.25).³⁹ These prices were subsequently reduced by nearly 50 percent to make them affordable to most Nigerians.⁴⁰ The launch did not come without some heated dialogue between members of the legislature and the NTA, signaling the importance of digitization to members of the legislature.⁴¹

No funding has been provided by the state for the digitization of production equipment for commercial operators, or to help consumers to buy digital equipment. There are no government plans in this respect, nor is it clear if such plans are included in the PAC's draft report. On the other hand, the regulator has been forceful in pushing for digitization in broadcasting production, as opposed to consumption. For example, the NBC claims that over 90 percent of the production and post-production equipment nationwide has been digitized.⁴²

The focus of regulation has also been more on commercial operators than on state broadcasters. Although the Government approved December 2007 as the start of the switch-over process, the regulator ordered all pay-TV operations to switch over by the end of that year and actually shut down analog cable television stations on 1 January 2008 as part of its enforcement efforts.^{43, 44}

2.1.4 Public Service Media and Digital Switch-over

There is no information available from public service broadcasters or other sources on whether the process of digitizing terrestrial platforms has helped or hindered public service media to increase their reach and influence.

38. *Wazobia Nigeria*, "NTA Star TV StarTimes Decoders Package Prices Channels," n.d., at <http://wazobianigeria.com/tech/jobs-abuja/8559-nta-star-tv-startimes-decoders-packages-prices-channels.html> (accessed 11 June 2012).

39. Note that all NGN/US\$ equivalents in this report are indicative only.

40. "StarTimes slashes decoder price from N7000 to N3900," *StarTimes*, n.d., at http://www.startimes.com.ng/News/Company_news/259554.shtml (accessed 11 June 2012).

41. *Daily Trust*, "Senators, Reps angry with NTA at StarTimes launch" (30 July 2012), at http://www.dailytrust.com.ng/index.php?option=com_content&view=article&id=325:senators-reps-angry-with-nta-at-startimes-launch&catid=1:news&Itemid=2 (accessed 11 June 2012).

42. *AllAfrica*, "Nigeria: Cable broadcasting attains 90 percent digitalization," 17 June 2008, at <http://allafrica.com/stories/200806170136.html> (accessed 11 June 2012).

43. The stations were later granted a reprieve and a new switch-over date of 31 March 2008 was set. See AfriMAP, *Survey of Public Broadcasting in Africa: Nigeria*, 2011, p. 50, at http://www.afriMAP.org/english/images/report/AfriMAP_Nigeria_Broadcasting_2011.pdf (accessed 12 April 2012).

44. *Nigerian Communications Week*, "Africast 2008 was positive for Nigeria," at <http://www.nigeriacommunicationsweek.com.ng/details.php?category=broadcasting&id=875> (accessed 15 December 2010).

2.2 Public Service Provision

2.2.1 Perception of Public Service Media

There are no reports, surveys or debates on the role and performance of the public service media in Nigeria. Nor is there a system of license fees that would be an indicator of public support.

2.2.2 Public Service Provision in Commercial Media

Private ownership in the broadcast sector was introduced in 1992. Applicants for broadcast licenses must comply with broad obligations set out in the National Broadcasting Commission Decree No. 38 of 1992 (later amended by Decree No. 55 of 1999) before receiving a license from the NBC.⁴⁵ Section 9(e) of the act requires that an applicant must give an undertaking that the licensed station shall be used to promote the national interest, unity, and cohesion and that it shall not be used to offend religious sensibilities or promote ethnicity, sectionalism, hatred, and disaffection among the peoples of Nigeria.

In September 2009, the NBC issued an information memorandum that outlined requirements for applicants for a network broadcast license. This includes limits on the amount of network programming that can be syndicated across multiple outlets, as well as restricting the relay of live foreign broadcasters over which the Nigerian broadcaster has no editorial control. There are also regulations that seek to promote programs of national appeal and a requirement that commercial stations transmit all national and emergency state broadcasts. Finally, there are stipulations allowing for state intervention or censorship in the event of a national emergency or in the interests of national security.⁴⁶

Local radio stations are also subject to regulation by the NBC's broadcasting code, according to which their content must be at least 80 percent local,⁴⁷ and must also:

- emphasize national cohesion, national security, and respect for human dignity and family values;
- be accurate, objective, and fair;
- have a right of reply;
- be of good taste and decency;
- present womanhood with dignity and respect ;
- provide truthful advertising;
- protect children from adult-oriented programs and harmful or deceitful advertisements;
- forbid broadcasting that incites violence, the advertisement of magical cures, the exploitation of children, the sponsorship of newscasts, and the monetization of political coverage.

45. Available at <http://www.nigeria-law.org/National%20Broadcasting%20Commission%20Decree%201992.htm> (accessed 12 April 2012).

46. NBC, "Information Memorandum on the Grant of Radio and Television Broadcasting Network Service Licences," 3 September 2009, at <http://www.nbc.gov.ng/broadcast.php?menu=1&submenu=4> (accessed 11 April 2010).

47. NBC, "Licensing," 2009, at <http://www.nbc.gov.ng/licensing.php> (accessed 15 December 2010).

These provisions are based on the National Broadcasting Commission Decree No. 38 of 1992, which ushered in the commercial broadcasting era. There is therefore no indication that digitization has changed or impacted on the public service provisions imposed on commercial broadcasters. At the same time, there are no indications that digitization has intensified the lobbying for deregulation by commercial broadcasters. There is no information from regulators as to whether all the provisions discussed here have been complied with.

2.3 Assessments

Public service broadcasters have faced less pressure than their commercial competitors over digitization. However, the process as a whole is characterized by institutional delay and bureaucratic red tape. The Government began the process on a proactive note by setting a target switch-over date and taking steps to formulate a policy framework, but there has been little progress towards implementation.

This may be partly due to a lack of incentives for broadcasters. While the regulator may be wielding a stick over the heads of commercial broadcasters to comply with switch-over regulations, there have been no identifiable financial inducements or public funding support to go with it.

That public service provisions overall have had policy significance in Nigeria is evident in the various obligations imposed by the Government and its agencies on broadcasters. It is, however, unclear whether the Government is taking into consideration the impact that digital switch-over will have on public service provision, and whether it plans steps to ensure that public service retains its significance in the digital space. There is no reference to the impact of digital switch-over on public service content in recent laws, public announcements, or policies.

When they were asked about the expected impact of digital switch-over, senior experts interviewed for this report referred either to the National Broadcasting Commission Decree No. 38 of 1992 and its legal provisions on digitization (see section 7), or to the White Paper on Transition from Analogue to Digital Terrestrial Broadcasting in Nigeria, which has yet to be made public by the Government (see section 7.1.1). The White Paper is based on a report by a Presidential Advisory Committee (PAC) on digital transition, which was presented by the then Ministry of Information and Communications to the Federal Executive Council, Nigeria's highest decision-making body.

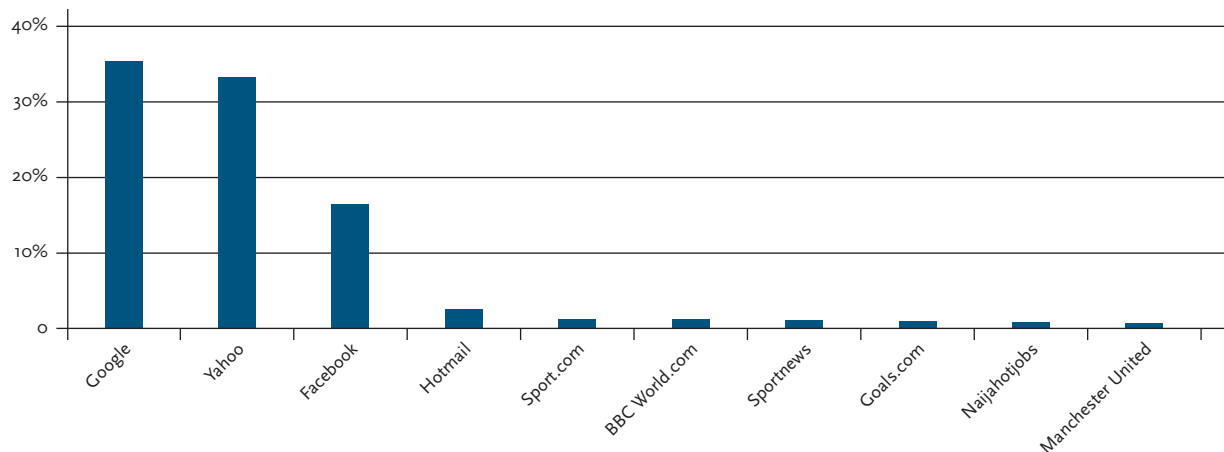
3. Digital Media and Society

3.1 User-Generated Content (UGC)

3.1.1 UGC Overview

According to the Media Planning Services' *All Media and Products Survey 2010*, based on interviews with 22,000 respondents, Google, Yahoo!, and Facebook are the most popular websites in Nigeria (Figure 14).

Figure 14.
Top 10 most popular websites (% of total respondents), 2010



Source: Reporters' calculations based on 2010 survey data from Media Planning Services, *All Media and Products Survey 2010*

The survey showed that the most popular uses of the internet broke down as follows: search (36 percent), email (36 percent), and social networking (16 percent). However, these data do not tell us much about UGC, except insofar as it indicates that Facebook is extremely popular. This is corroborated by data from Alexa.com, which ranks the social networks of Facebook, YouTube, and Twitter as respectively the first, fifth, and seventh most popular websites visited by Nigerian internet users in May 2012. See Table 6.

Table 6.

Top 20 websites by number of visitors, May 2012

Rank	Website	Category	Rank	Website	Category
1	Facebook	Social	11	Nairaland	Social
2	Google.com.ng	Search	12	302 Found	Search
3	Google.com	Search	13	GTBank.com	Banking
4	Yahoo!	Portal	14	Blogger.com	
5	YouTube	Social	15	The Punch	News
6	Blogspot.com		16	VConnect	Search
7	Twitter	Social	17	Windows Live	Portal
8	Vanguard News	News	18	Babylon	
9	Wikipedia	Knowledge	19	Jobberman	Job Search
10	LinkedIn	Social	20	Amazon.com	Retail

Source: Alexa.com, at <http://www.alexa.com/topsites/countries/NG> (accessed 21 June 2012)

The most obvious omissions from the Media Planning Services survey are YouTube, Twitter, Wikipedia, LinkedIn, and Blogger.com. Perhaps one explanation for this (and other differences in the rankings) is that while the survey is based on regular field surveys, Alexa's is based on traffic data generated by its users over a three-month period.

3.1.2 Social Networks

By April 2012, Nigeria had 4.13 million Facebook users, ranking it 38th in the world.⁴⁸ Facebook's growing significance is perhaps indicated by the fact that all the leading candidates in the 2011 presidential election had Facebook pages, and the page of the winner, the incumbent president (Goodluck Jonathan), boasted more than 350,000 "friends."⁴⁹ Further evidence for the popularity of Facebook is supplied by the web tracking site StatCounter. The company analyzes internet connections for over 3 million sites monthly. As shown in Figure 15, Facebook commands a 92 percent market share among users of social networking sites in Nigeria.⁵⁰ Other popular international UGC sites include Twitter, YouTube, and StumbleUpon.

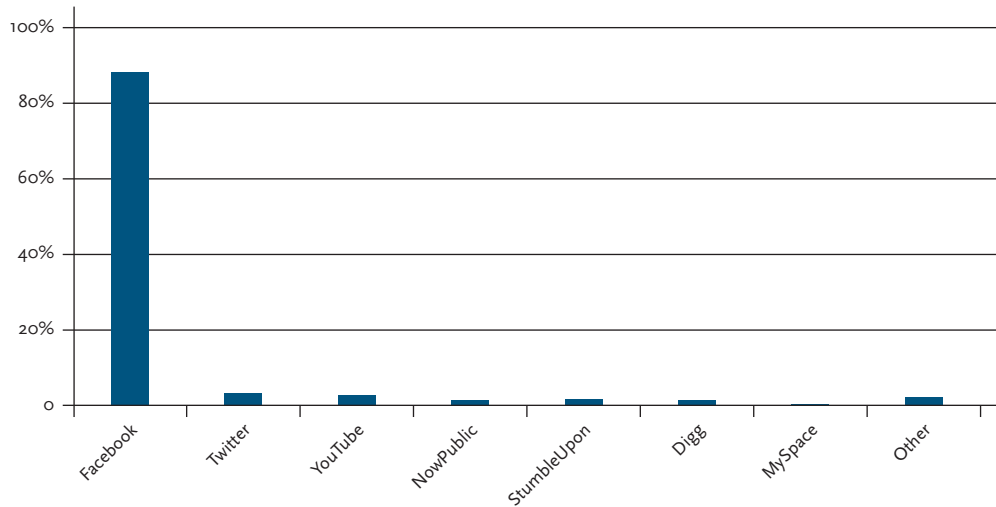
48. See <http://www.socialbakers.com/facebook-statistics/nigeria> (accessed 18 May 2012).

49. See <http://www.facebook.com/jonathangoodluck> (accessed 11 March 2011). Other aspirants with some Facebook activity were Nuhu Ribadu (106,217), Atiku Abubakar (12,965), Muhammadu Buhari (10,855), and Ibrahim Babangida, whose Facebook page was populated with "members" who opposed his candidature.

50. StatCounter, "Global Stats," at http://gs.statcounter.com/#social_media-ng-monthly-200911-201011 (accessed 11 March 2011).

Figure 15.

Top social networking sites (% of total respondents), November 2009–November 2010



Source: Reporters' calculations based on data from StatCounter, "Global Stats," at http://gs.statcounter.com/#social_media-NG-monthly-200911-201011 (accessed 11 March 2012)

While all the major social networking sites in Nigeria are international, Nairaland.com, a Nigerian social networking site, is quite popular with Nigerians whether resident in the country or living abroad. Founded in March 2005 by Seun Osewa, Nairaland.com has grown to become Nigeria's most popular UGC site. Ranking above Twitter, LinkedIn, BBC Online, and Wikipedia with over 600,000 members,⁵¹ the site features large chat rooms where Nigerians interact on various issues including news, romance, politics, and entertainment. Alexa.com claims that the users of the site are mainly low-income and single but well-educated males less than 35 years of age.⁵²

Another popular local social networking site is Nigerian Best Forum (Nigerianbestforum.com), which boasts 209,016 members.⁵³ Founded by Prince Nwabeke, this part forum, part social networking site seeks to encourage friendship and social and business networking.

3.1.3 News in Social Media

There is very little consistent research into blogging in Nigeria, but available data suggest that blogs are steadily growing in popularity. According to Nigerianblogawards.com,⁵⁴ there were at least 885 Nigerian blogs in July 2011. The site defines a Nigerian blog as a site written by or for Nigerians, which is updated at least once in three months and is publicly accessible. See Table 7.

51. See Alexa.com at <http://www.alexa.com/topsites/countries/ng> (accessed 12 December 2010).

52. Alexa.com, at <http://www.alexa.com/siteinfo/nairaland.com> (accessed 12 December 2010).

53. Quoted on the site's home page.

54. Accessed 20 January 2012.

Table 7.

Top 25 blogs by number of unique visitors, July 2011

Blog	Focus	URL
Sarah Ofili's Blog	Style	Sarahofili.wordpress.com
Sisi Yemie	Voices	Gistdotcom.com
Feisty Pen	Poetry	Berryfeistypen.blogspot.com
<i>Webtrends Nigeria</i> ⁵⁵	<i>Internet</i>	<i>Webtrendsng.com</i>
360 Nobs	Entertainment	360Nobs.com
Linda Ikeji	Controversy	Lindaikeji.blogspot.com
Jaguda	Entertainment	Jaguda.com
Chic Therapy	Fashion	Chictherapyonline.blogspot.com
Nutrition Alert	Health	Nutritionalert.blogspot.com
<i>Mobility Nigeria</i>	<i>Mobile</i>	<i>Mobility.com.ng</i>
Modern African Cuisine	Food	Littlemissgastronome.blogspot.com
Next	News	234Next.com
Not Just Ok	Music	Notjustok.com
Naija Mum in London	Parenting	Naijamuminlondon.blogspot.com
Lola Marcus	Photography	Lolamarcus.shutterchance.com
Omojuwa	Politics	Omojuwa.com
Light Her Lamp	Religion	Lightherlamp.com
<i>Bella Naija</i>	<i>Entertainment</i>	<i>Bellanaija.com</i>
Ogbonge Blog	Technology	Ogbongeblog.com
Lako (A Football Aficionado)'s Blog	Sports	Redjiblog.wordpress.com
Nigerian Scorpio	Youth	Nigerianscorpio.com
Naijatreks	Travel	Naijatreks.com
<i>Talk of Naija</i>	<i>General</i>	<i>Talkofnaija.com</i>
Na My Wedding	Wedding	Namywedding.com
My Scroll...You Scroll...	Humour	Kevinwithanl.wordpress.com

Source: Nigerianblogawards.com and Cp-africa.com⁵⁶

Towards the end of 2011, there was further evidence of solid growth in the adoption of blogging as a communications channel by Nigerians, with the increasing popularity of blogs such as Bellanaija.com, Lindaikeji.com, and YNaija.

55. Sites in italics were obtained from <http://www.cp-africa.com/2011/05/22/the-top-5-blogs-in-nigeria> (accessed 20 January 2012).

56. These two sites use different methods for determining the popularity of Nigerian blogs. While Nigerianblogawards.com claims to collate public votes, Cp-africa.com claims to employ a combination of Alexa ranking, brand, and influence.

Most blogs tend to be owned and run by individuals (as opposed to corporations). They also tend to be focused on the blogger rather than on users, though a few are quite busy with comments and articles by readers and guests. Blogging itself is still in its infancy in Nigeria, a stage of development with the following notable characteristics:

- content is gradually becoming rich (though often poorly presented and organized), creatively specialized, and focused in order to serve a more specific audience;⁵⁷
- blogs tend to suffer from severe design constraints and are generally visually tedious;
- save for a few, user activity is limited and the frequency of updates is sparse;
- some blogs suffer from intermittent downtime.

In spite of the present drawbacks, Nigerian blogs are diversifying across a wide variety of issues including those that would generally be considered controversial by traditional media. Many utilize the speed of the internet to share breaking news, although some of this tends to be discovered later to be either untrue or unverifiable.⁵⁸

Worth mentioning is Linda Ikeji's blog, a hugely popular, albeit controversial website featuring celebrity news, politics, entertainment, gossip, and exciting themes often overlooked by traditional media. The founder is a former model and author who styles herself as the "Queen of Nigerian Blogs." Alexa.com profiles the blog's readers as typically being single, less affluent women between the ages of 25 and 35 who possess postgraduate degrees and generally browse from their workplaces. About 87 percent of visitors to the site are said to come from Nigeria, where it has attained an Alexa traffic rank of 28.⁵⁹

Alternative news sites have emerged which encourage or are based on UGC and with a crowd-sourcing approach to news gathering, an example of which is Sahara Reporters (Saharareporters.com). Sahara Reporters is generally believed to be Nigeria's leading online news site. Founded by Omoyele Sowore, a one-time president of the student union at the University of Lagos, the website is positioned as a pro-democracy resource that regularly exposes official corruption and abuse by government officials and agencies in Nigeria. The site requests its readers to "Report Yourself," though comments tend to be vitriolic and the site itself steeped in controversy, with claims and counter-claims from all sides. The quality of reportage and editorship may also be said to be below par, though the publisher has lofty aims to become a leading source of credible UGC on Nigeria, targeting the twin issues of corruption and transparency in government. Other whistle-blowing sites in this category are iReports (Ireports-ng.com), PointBlankNews (Pointblanknews.com), and Elendu Reports (Elendureports.com).

57. Some blogs are beginning to have brilliant content. An example is <http://www.blacklooks.org> (accessed 6 June 2012).

58. An example of this is the supposed rearrest of the Nigerian Christmas bomber (lindaiekeji.blogspot.com/2012/01/christmas-day-bomber-re-arrested-lol.html), which has not been confirmed by any other public source.

59. See <http://www.alexa.com/siteinfo/lindaiekeji.blogspot.com> (accessed 20 January 2012).

Use of social networking sites by traditional media is on the rise. For example, Vanguard (Vanguardngr.com), a leading national newspaper house, has revamped its website to incorporate UGC and has garnered five-digit figures in Facebook and Twitter followers over a short period to become the leading local online publisher. It has incorporated posts and tweets into its electronic platforms and created avenues for reader interactivity, comments, and discussions. Vanguard has a well-packaged community site where user content is right on the home page as the main news presence (See Community.vanguardngr.com). Other traditional media players with a growing UGC presence are Daily Trust (dailytrustng.com), Guardian (ngrguardiannews.com), and Punch (thepunchonline.com).

One noticeable outcome of UGC for the news media landscape has been the relaxation of criteria for publication. While personal information such as full names and physical addresses were previously required before an unsolicited article or opinion was published, this condition has been relaxed by online editors for UGC. This has important implications for legal issues such as libel and defamation (see section 7.1.2).

In the same vein, traditional business in Nigeria is gradually engaging with social media networks in order to connect with customers. The use of Facebook by Nigerian businesses has mainly consisted of offers, event announcements, product promotion, broadcasts, customer feedback, and so on. MTN’s Project Fame West Africa reality show was reported to have generated strong interest among Nigerian internet users and the site is filled with high-quality video clips and images. Though there has been increased activity and online customer engagement, it has still to be established whether these (and other) companies using Facebook have experienced any commensurate improvement in brand awareness, revenue growth, and interaction with customers as a result of their electronic marketing. See Table 8.

Revenue sources⁶⁰ for the most popular sites including blogs come from three main channels: Google AdSense, which is a traffic-based advertising system developed by the search engine; limited direct advertising, though this is gradually rising with known brands such as First Bank, Smirnoff, Blue Storm, Lady Cobbler, etc., adopting online platforms; and donations.⁶¹

Table 8.
Most active businesses on Facebook, 2012

Brands	Facebook users
MTN LoadedNG	411,726
GTBank	198,664
Always Nigeria	126,705
Taj Hair	62,098
Samsung Mobile Nigeria	53,710

Sources: <http://www.socialbakers.com/facebook-statistics/nigeria>; <http://nairabrain.com/2011/12/5-nigerian-companies-with-the-most-effective-and-active-use-of-social-media-in-2011> (both accessed 20 January 2012)

60. We should distinguish between spot adverts that are paid for and those that are published pro bono. The latter practice is common on Nigerian sites which “beautify” their sites with adverts of established brands in order to generate interest from potential advertisers.

61. See also http://transparencyng.com/index.php?option=com_content&view=article&id=4853:omoyele-sowore-the-man-behind-sahara-reporters&catid=89:interview&Itemid=131 for more insight (accessed 20 January 2012).

3.2 Digital Activism

3.2.1 Digital Platforms and Civil Society Activism

In recent times, digital platforms have been increasingly used by civil society groups, albeit sporadically, for political activism, whistle-blowing, and policy advocacy. An illustrative example is the case of Uzoma Okere, a young woman who was abused by naval officers in Lagos in 2008 for allegedly refusing to move her vehicle quickly enough off the route of the convoy of an admiral. A witness posted a video which captured the incident on YouTube,⁶² provoking widespread public outrage and the proposal of a state law to limit the use of sirens with vehicle convoys to a very small circle of government officials. The Senate and the Navy also conducted public inquiries into the incident, and the Lagos state government provided Ms Okere with free legal services to sue the admiral and his men. She was awarded NGN 100 million (approximately US\$660,000) in damages in January 2010.⁶³

Another example of civil society digital activism is the Freedom of Information Coalition, comprising 150 civil society groups and media houses which promoted the passage in Parliament of the Freedom of Information (FoI) bill.⁶⁴ The purpose of the bill was to make public records and information freely available in the public interest. Reportedly, the coalition inundated members of both houses of the National Assembly with email and text messages as part of its lobbying campaign.⁶⁵ Though watered down from the original draft, the bill was eventually signed into law by President Goodluck Jonathan on 28 May 2011, and the general mood in the country has been receptive to the new law, with civil society advocates in particular convinced that persistent pressure by the media and civil society was key to getting the law enacted, and that the quest for good governance has been enhanced.

Occasionally, sites are launched to promote single-issue campaigns that have mass appeal. An example would be the political website Against Babangida (Againstbabangida.com), which seeks to galvanize public opinion against the renewed ambitions of a former ruler, General Ibrahim Babangida. In the build-up to the last general elections, the site sought and obtained articles, comments, and opinion from online readers to provide justification as to why the general's quest to become Nigeria's next president had to be stopped. It is unclear if this campaign had any impact in deterring the General from pursuing his ambitions.

It is now much easier than in the pre-internet age to make information available online that would otherwise have been censored by traditional media. Hence the general rise in whistle-blowers targeting classified information, rumors, and sometimes innuendoes.

62. See http://www.youtube.com/comment_servlet?all_comments=1&v=VHdkyvn41us/ (accessed 10 March 2011).

63. See "Judge Awards 100m damages to Uzoma Okere," 234Next.com, 2010, at <http://234next.com/csp/cms/sites/Next/Home/5518438-146/story.csp> (accessed 12 March 2011).

64. Freedom of Information Coalition (n.d.), at <http://www.foicoalition.org/about.htm> (accessed 12 March 2011).

65. Y.Z. Yau, "Nigeria: ICTs in Social Activism," AllAfrica.com, 2009, at <http://allafrica.com/stories/200907170347.html> (accessed 12 March 2011).

The spontaneous formation of the Occupy Nigeria movement on 2 January 2012 pointed to the use of social media as a potentially vital tool for mobilizing citizen resistance in the future. Occupy Nigeria was the response of aggrieved Nigerian youths to the sudden 126 percent increase in the price of petrol on the first day of 2012. The Government explained its action by the need to remove fuel subsidies. Protesters took to the streets all over the country, forming groups to resist the unprecedented increase. Social media were also deployed, with civil activists and volunteers creating accounts on Facebook and Twitter to register public discontent. Partly due to this immense pressure across the nation, which was largely fueled by daily online revelations about public waste and corruption, the Government reversed its policy and brought down petrol prices from NGN 141 (US\$0.88) to NGN 97 (US\$0.60) per liter.⁶⁶

3.2.2 The Importance of Digital Mobilizations

Internet usage is unpopular among users above 65 years old, as indicated in the 2010 Media Planning Services survey⁶⁷ with a sample size of over 12 million frequent internet users across different age groups. Users in the 16–24 and 25–34 age categories appear to be dominant in frequency of usage, constituting about 42 percent and 36 percent, respectively. See Table 9.

Table 9.

Distribution of internet users in Nigeria by age, 2010

	Total	Under 16 years old	16–24 years old	25–34 years old	35–49 years old	50–64 years old	65+ years old
Total no. of users	12,828,815	673,198	5,387,973	4,650,924	1,624,247	445,399	47,075
% of total no. of users	100	5	42	36	13	3	0
More than once a day (total number)	1,044,804	57,670	482,725	342,946	133,606	27,858	0
% of total no. of users	8	9	9	7	8	6	0
Once a day	1,448,169	120,214	642,846	480,101	146,771	58,235	0
% of total no. of users	11	18	12	10	9	13	0
More than once a week	3,219,854	122,557	1,276,030	1,157,530	544,820	118,917	0
% of total no. of users	25	18	24	25	34	27	0
Once a week	2,263,380	115,724	997,825	879,866	201,963	47,413	20,588
% of total no. of users	18	17	19	19	12	11	44
Once in two weeks	1,126,425	40,063	463,831	490,459	74,965	39,863	17,244
% of total no. of users	9	6	9	11	5	9	37
Once in three weeks	752,729	75,028	252,229	306,461	91,162	24,133	3,716
% of total no. of users	6	11	5	7	6	5	8
Once a month	868,740	30,099	447,460	280,789	78,646	31,745	0
% of total no. of users	7	4	8	6	5	7	0
Less often	1,201,327	32,329	557,023	411,441	148,109	52,426	0
% of total no. of users	9	5	10	9	9	12	0
Don't know	903,386	79,514	268,004	301,329	204,205	44,808	5,526
% of total no. of users	7	12	5	6	13	10	12

Source: Media Planning Services, *All Media and Products Survey 2010*

66. See also http://en.wikipedia.org/wiki/Occupy_Nigeria (accessed 6 June 2012).

67. Media Planning Services is a research consulting firm based in Nigeria that produces media research. See <http://www.mpsnigeria.com/index.php>.

While there is an increase in the population of internet users, and despite the emergence of Nigeria-focused news and social networking sites, the majority of these would appear to attract very few regular and active users. Civil society has yet to embrace digital platforms to a degree that is broad, effective, and sustained. But there is nevertheless potential, given Nigeria's vibrant civil society at large and the rapidly growing mobile and internet base.

3.3 Assessments

There are some opportunities being offered by civil society groups to involve the wider population in social and political activism. As this section has shown, the use of digital media in this respect, though growing, appears to be in its infancy and often restricted to sudden and sporadic events that have viral potential and mass appeal. There may be many reasons for this, including poor electricity infrastructure to support internet usage and last-mile connectivity.

The proliferation of internet access on mobile devices may have contributed to the increasing growth and use of social media for socially relevant campaigns. The example of the Occupy Nigeria movement showed how social media can be used to galvanize citizens behind a common cause. It also showed that rumors and information can, when channeled appropriately, be used for mass mobilization, and for engaging citizens in governance. Whether government can also use this tool to leverage public engagement remains to be seen.

4. Digital Media and Journalism

4.1 Impact on Journalists and Newsrooms

4.1.1 Journalists

The impact of digitization on journalists and newsrooms began in earnest during the 1990s with the computerization of news production. Before that, reporters were accustomed to submitting hard-copy stories which were edited on paper and then typeset or broadcast. The introduction and increasing use of personal computers and (in print media) desktop publishing software in the newsroom during the 1990s led to a considerable increase in the speed and efficiency of news production.

Access to the internet and improvements in telecoms infrastructure have led to further efficiency gains in the ways in which news is gathered, processed, and reported. The availability of mobile phones has reduced the time taken in responding to leads and gathering news; email has dramatically sped up transmission of copy, pictures, and audio to the newsroom; the internet has made it much easier for journalists to research the background and context of stories; and virtual private networks have allowed newspapers to print at multiple sites throughout the country and broadcasters to exchange audio and video instantly and cheaply.

Most important of all, the emergence of online publishing and broadcasting has radically changed the way journalists and newsrooms work. Increasingly, they are updating content continuously as well as operating to print edition or broadcast bulletin deadlines and are using websites to enhance their print or broadcast output with extra material.

All this has had major implications for journalists and newsrooms. Media institutions have been required to retool their newsrooms in order to maximize the gains from their existing personnel, and reporters and editors have had to acquire new skills. In recent years, the responsibility for reskilling has shifted from media institutions to individual journalists who are expected to improve their technology skills to fit new roles, though several media companies made it easier for editorial staff to acquire their own personal computers through hire purchase and similar schemes,⁶⁸ and these have been extended more recently to digital cameras.⁶⁹

68. Interview with Semiu Okanlawon, Politics Editor of *The Punch*, Lagos, 27 November 2010.

69. Interview with Semiu Okanlawon, Politics Editor of *The Punch*, Lagos, 27 November 2010.

NGOs have played a key role in training journalists: for example, the International Press Center (IPC) offered free hands-on training sessions on the use of the internet and computer-assisted reporting. In 2000, the IPC established an internet café that offered journalists subsidized access to the internet.⁷⁰

The new technology has placed the burden of responsibility for the entire news production process on journalists, leading to a convergence of roles and functions in the newsroom and an expansion of the scope of journalists' jobs. In the past, typists and secretaries on newspapers and magazines converted handwritten stories to typed reports or input hard copy into computer typesetting machines. However, these roles have disappeared: reporters key their stories directly into computers. The number of proofreaders on newspapers and magazines has also declined dramatically as publications rely on the spell and grammar check functionalities in word-processing applications. In some cases, media institutions have recognized these new responsibilities of journalists and invested in English-language tests for their reporters.⁷¹ Newsgathering has also been affected by the miniaturization and wide availability of technology tools. Digital cameras allow reporters to double as photographers, and camera phones give them and other witnesses the ability to record and distribute video, audio, and still photographs with unprecedented ease.

Another profound impact of digitization on news production has been the massive increase in the amount of information that journalists can access. The internet has made background research much easier and is also an increasingly important source of news. Unfortunately, it has also increased the volume of rumor and falsehood available to journalists, and there have been several cases of journalists publishing inaccurate or wholly untrue stories based on unchecked online sources. Some have been fired for doing so.⁷²

Perhaps most important, the emergence of online publishing has added the production of websites to the tasks of journalists in print and broadcast media, though different organizations have taken different approaches to the new roles. Some organizations, like *Compass* newspaper,⁷³ have appointed online editors who are responsible exclusively for research, analysis, and uploading content to their online editions. In other newsrooms this function is performed by a webmaster who reports to the title editor or some other editors.

Nearly all Nigerian news organizations—print and broadcast—update their websites more often than they produce print editions or broadcast bulletins, and many now have breaking news sections on their websites where stories are published before they appear on conventional platforms.

The first Nigerian newspaper to go online was the defunct *Post Express*, which began its internet edition in 1997. According to Joke Kujenya, formerly of *The Post Express* and now Assistant Editor at *The Nation*, the weeks leading to the launch date were laden with “in house frenzy.” She continued: “The General Manager

70. Interview with Tunde Aremu, IPC's programme officer until 2008. Lagos, 17 January 2012.

71. *The Punch* newspaper introduced annual tests in English language for their reporters.

72. An editor at *The Punch* newspaper was said to have been dismissed for using an unconfirmed story adapted from an internet source.

73. See <http://www.compassnewspapers.com> (accessed 14 December 2011); interview with Biodun Durojaiye, Online Editor, *Compass* newspaper, Lagos, 15 December 2011.

then, Dr. Chidi Amuta almost made a music album out of it repeating it to the editorial staff that we should go get [...] internet knowledge.” According to her, because theirs was the only newspaper on the net at that time, they were always too quick to flaunt it before existing and potential advertisers even when they did not understand the implications. *The Guardian*, *The Punch*, and *The Comet* (now defunct) joined *The Post Express* on the internet in 1999. The three most visible weekly news magazines at that time, namely *The News*, *Newswatch*, and *Tell*, mounted only a few of their headlines on the internet. The full contents of print editions were not republished online.

One notable development over subsequent years is that the internet has come to avail Nigerian newspapers of a novel means of perpetuating their existence. In other words, even when publishers may no longer have the wherewithal to sustain the conventional version, they can still continue to operate online, which requires substantially fewer resources. One notable example is *Next* newspaper, which stopped publishing its paper edition in 2010. Another paper, the *Premium Times*, began to distribute news using several listservs in 2011, ahead of schedule, in order to avoid dependence on the competition-saturated advertising market.⁷⁴

All the news organizations’ websites started as text-based sites with still photographs, but several have expanded their sites to accommodate archive audio and video, slide shows, and in some cases real-time audio and video streaming. Soon after it started publishing in 2009, *Next* newspaper began to display audio and video materials on its website to enrich the stories. It was later joined in this practice by *The Punch* and *ThisDay*. In 2010, the nation’s foremost television news outlet began live streaming on the internet; today it makes its content available on smartphones including Blackberry and Android.

This convergence of text, images, voice, and video brings a richness of content to the audience, and has blurred the boundary between print and broadcast media. Indeed, traditional broadcasters are adapting, with radio stations such as the Voice of Nigeria (VON) and Channels Television complementing their conventional broadcasts with online streaming, as well as other content and applications.⁷⁵ Broadcasters now find it easier to accompany foreign reports with voice and video, adding immediacy to their output.

4.1.2 Ethics

The Code of Ethics of Nigerian Journalists was published in 1998⁷⁶ and approved by the Nigerian Press Organization (NPO), the umbrella organization for virtually all media-related bodies’ editorial personnel and owners. It sets out principles for journalistic ethics on a wide range of issues (see section 7.2.4).

While the internet has enabled access to international news and media, it has also encouraged a culture of plagiarism in the newsroom. The evidence consists in the increasing numbers of unsubstantiated, unreferenced,

74. Interview with Managing Editor of *Premium Times*, Musikilu Mojeed, 17 January 2012. *Premium Times* is available at <http://www.premiumtimesng.com> (accessed 17 January 2012).

75. Telephone interviews with Abdur Rasaq Abdul Salam of Voice of Nigeria, and Bashir Adigun of Channel Television, 22 December 2010.

76. Nigerian Guild of Editors, “The Code of Ethics of Nigerian Journalists,” at http://www.nigerianguildofeditors.com/documents/code_of_ethics.pdf (accessed 15 December 2010).

and uncontextualized reports offered in most print media. The specialized nature of foreign, business, and sports reports renders them particularly vulnerable to plagiarism.

For now, there does not seem to be any particularly strong reliable device or effort to enforce the code's provisions, although the Nigeria Union of Journalists (NUJ), a member of the NPO, has what it calls an ethics committee. According to an anonymous NUJ source, "there are far more painful challenges deserving greater attention." He argued: "How do you begin to discuss such issues as plagiarism and the need for clinical thoroughness with somebody who hasn't been paid for as many as 17 months? Worse, the publisher is in prison and the wife is another jail bird in another prison even as some other charges that may earn both of them more terms still hang on their heads."

In the past though, recalled a former chairman of the Lagos State Council of the NUJ, Lanre Arogundade, the NUJ had taken up issues of disregard or misrepresentation by journalists and those concerned were duly informed. He added that the NUJ intervened in those cases because some concerned persons had filed formal complaints.

4.2 Investigative Journalism

4.2.1 Opportunities

Digitization has resulted in the exposure of corruption and abuse of power on an unprecedented scale. Thanks to the technology of miniaturization, digital media tools offer both journalists and ordinary citizens a discreet way of documenting and relaying events. This has vastly improved the opportunities for investigative journalism. Most notable in 2011 was *Next* newspaper's report on the oil importation scandal involving Minister of Petroleum Resources, Diezani Allison-Madueke's bribery practices, a private agent, and officials of the Petroleum Products Pricing Regulatory Agency (PPPRA). The agent was interviewed and the secretly recorded video images were posted on the newspaper's website.⁷⁷

The internet makes it easy to publish material outside Nigeria that can be read in Nigeria, and one website in particular, Sahara Reporters (Saharareporters.com), run by a Nigerian based in the United States (see section 3.1.3), regularly publishes controversial stories. The site has broken news of corruption in governments, journalists' involvement in corruption, and so forth. It has rightly been characterized as a thorn in the side of political corruption.⁷⁸

The internet has strengthened investigative journalism in Nigeria by giving journalists a platform to report incontrovertible facts, backed up by photos and video. Perhaps the most famous recent example concerned

77. Elor Nkereuwem and Idris Akinbajo, "Oil minister in N2.2b bribery scandal," 234Next, 11 April 2011, at <http://234next.com/csp/cms/sites/Next/Home/5688389-146/story.csp> (accessed 20 April 2011).

78. M. Mojeed, "Saharareporters: a thorn in the flesh of corruption," 234Next.com, 2010, at http://234next.com/csp/cms/sites/Next/Home/5644304-146/sahara_reporters_a_thorn_in_the_flesh.csp (accessed 15 November 2011).

the photographs of the London-based children of Gbenga Daniel, the governor of Ogun State in south-west Nigeria. First published on Huhuonline.com, the photographs revealed the indulgent lifestyles of the governor's children at the very time that he insisted his government was on the brink of collapse due to its poor financial condition.⁷⁹ The same reports were later published in a conventional Lagos-based weekly, *Life*.

While Mr Daniel initially protested against the photographs, the children of a government minister—having suffered a similar fate—had a different reaction. Following the release of photographs, one of them wrote a letter to apologize to Nigerians for indulging in such a lifestyle. It was published in one of the listservs that had originally published the photographs. It is hoped that access to such revealing documents might be easier in future with the enactment in 2011 of the Freedom of Information Act.

4.2.2 Threats

Threats to investigative journalism in Nigeria are multiple. Although state harassment of critical investigative journalists is far less pervasive than in the years of military rule before 1999, it remains dangerous to be an investigative journalist. Two prominent journalist critics of the political establishment, Godwin Agbroko⁸⁰ and Bayo Ohu,⁸¹ were murdered in 2006 and 2009, respectively. Some four days before his death, Mr Agbroko, renowned for his outspokenness, had been strongly critical of the primary elections conducted by the ruling party, the PDP. He labeled these elections and the way they were run as “the handiwork of a military compulsion.”⁸² Incidentally, the Nobel Laureate, Wole Soyinka, also described the party as a “nest of killers.”⁸³ As for Mr Ohu, he was reportedly killed in a move to stop him from investigating an alleged fraud in the Customs Department. He had also been reporting on the volatile Ekiti State elections, where the situation had been particularly laden with anti-press violence.⁸⁴ Civil society activist groups such as the Media Rights Agenda (MRA)⁸⁵ have indicated that these attacks are now on the rise. As a result, many journalists have resorted to self-censorship (see section 4.2.1).

Cases of hacked websites, and hijacked email and social networking accounts have had significant effects on the journalistic profession and the safety of journalists.⁸⁶ Some of the new forms of news dissemination place increasing demands on the technical capabilities of media businesses to protect both their personnel and their technical infrastructure.

79. “The Daniel Children of Profligate Father,” 2010, at http://huhuonline.com/index.php?option=com_content&view=article&id=1696:the-daniel-children-of-a-profligate-father&catid=103:more-news (accessed 10 June 2010).

80. “Director-General of UNESCO condemns murder of Nigerian journalist Godwin Agbroko,” 9 January 2007, at http://portal.unesco.org/ci/en/ev.php-URL_ID=23779&URL_DO=DO_TOPIC&URL_SECTION=201.html (accessed 9 October 2010).

81. Committee for the Protection of Journalists, report of Bayo Ohu's death, at <http://cpj.org/killed/2009/bayo-ohu.php> (accessed 9 October 2010).

82. See <http://www.thenewblackmagazine.com> (accessed January 2012).

83. See a similar reference at <http://tribune.com.ng/index.php/news/33185-well-revisit-case-against-bola-iges-killers-oyo-osun-govts> (accessed 5 February 2012).

84. See <http://cpj.org/killed/2009/bayo-ohu.php> (accessed 30 January 2012).

85. A press freedom advocacy group, the Media Rights Agenda (MRA) (<http://www.mediarightsagenda.net>) publicizes incidents of harassment and attacks on journalists in Nigeria and other parts of Africa, alerting the world to the dangers faced by journalists.

86. C. Ibogwe, “Hackers and Yar'Adua's rumoured Resignation,” *The Punch*, 2008, at <http://www.punchng.com/Articl.aspx?theartic=Art200809213243292> (accessed 29 June 2010).

4.2.3 New Platforms

The alternative news website that has done most investigative work on Nigeria is Sahara Reporters. Mr Sowore, the publisher, is a former student activist at the University of Lagos, has no journalistic training, and had never worked as a journalist before setting up the site. The output of Sahara Reporters has sometimes lacked journalistic rigor, with reports often containing statistical inaccuracies, grammatical errors, and spelling mistakes.

Nevertheless, the site has exposed information marginalized or ignored by the mainstream media and, more importantly, suppressed by the state. In a number of instances, it has also served as a primary source for conventional media in Nigeria. For instance, when the former military dictator, Ibrahim Babangida, was warming up to participate in the presidential primary election of the PDP, before the 2011 general elections, he invited senior journalists from several newspapers in Nigeria to meet him and handed out large sums of money to them in an attempt to secure their support. It was Sahara Reporters that broke this story.⁸⁷

This efficacy in reporting should not be attributable to technology alone. Mr Sowore's own profile has certainly been instrumental in attracting a number of sources who might not otherwise have been aware of the website or afforded it sufficient trust and credibility to divulge information. Moreover, the fact that the publisher is based in the United States is an indication that internet freedom is a relative concept. In other words, he probably would not have been able to accomplish the same thing had he been operating in Nigeria.

4.2.4 Dissemination and Impact

Beyond enhancing the speed of dissemination, digitization has helped to create alternative publishing platforms. Stories deemed too controversial for conventional media can and do make it into the public domain via the internet, as cited earlier (see section 4.2.1). This is because leading daily newspapers often pride themselves on being too serious to break this sort of news. Recently, sites such as Elendu.com and Huhuonline.com have joined the likes of Sahara Reporters as online news platforms dedicated to reporting Nigerian affairs.

It is important to note that the online media are particularly helpful for Nigerians living abroad, who would otherwise have to wait several weeks before they are updated with information from home, and might never gain access to investigative disclosures which are not easily found in conventional Nigerian media. However, some of these outlets, such as Frontiernews.com, Elendu.com, and Elombah.com, have been described by some critical Nigerians, including journalists who might be tempted to make use of them, as merely self-serving, indulging in needless self-glorification, and even defending conspicuously corrupt elements in or close to government.

87 "Babangida 'Buys' Media Executives, Talks Down Dele Giwa, June 12 and Okigbo Report," 16 August 2010, at <http://www.saharareporters.com/news-page/babangida-%E2%80%9Cbuys%E2%80%9D-media-executives-talks-down-dele-giwa-june-12-and-okigbo-report> (accessed 30 January 2012).

4.3 Social and Cultural Diversity

4.3.1 Sensitive Issues

Ethnic, linguistic, and religious distinctions are very sensitive in Nigeria. The country comprises no fewer than 250 tribal and religious groups. Relations between Muslims (the majority of the population in the north) and Christians (the majority in the south) have often been fraught, and the treatment of ethnic-minority groups by oil companies operating in the Niger Delta has been a big issue for years. The height of ethno-religious disturbances in the history of the country could be said to be playing out with the Boko Haram menace, which began in 2009 in the north-eastern state of Borno.

Boko Haram is formally referred to as Jama'atul Ahlul Sunna wa Liddawati wal Jihad. The sect, whose short name translates literally to “Western education is sacrilege,” has been carrying out bloody campaigns by killing innocent people in drinking bars, streets, and other public places. This so-called Islamic sect⁸⁸ has carried out bloody attacks against several churches and, surprisingly, the UN headquarters in Abuja in 2011. Its worst attack was carried out in Kano in January 2012, where it killed over 180 people, according to the police. This followed yet another attack at a church in Madalla, Niger State, on Christmas Day 2011, which claimed more than 40 lives.⁸⁹

Before the emergence of Boko Haram, there had been some other ethno-religious crises in Jos and Kaduna, some of which have endured for years, with occasional interruptions.⁹⁰ No less disturbing is the situation in the north-eastern states of the country, stretching from Adamawa, Bauchi, and Borno to Yobe and a couple of other states, where between 1999 and 2003 no fewer than 59 conflicts were recorded.⁹¹

In Jos, for instance, a city in north central Nigeria, the indigenous Christian Biroms have reacted violently to the political ascendance of the Muslim Hausa-Fulani, particularly following the restoration of democracy in Nigeria in 1999. In areas where the Muslim Hausa-Fulani ethnic group has grown in numbers, indigenous Biroms tend to revolt, for example in the election to political office of representatives of the Hausa ethnic group.

The situation in the Niger Delta region is not any less nerve-wracking, as it concerns oil companies and ethnic interests.⁹² Apart from the pre-colonial struggles between Niger Deltans and the Europeans who had imposed unfavorable trading conditions, the region has had to transit from one crisis to another since oil was

88. Reputable Muslim leaders and recognized Islamic bodies in Nigeria—including the Nigeria Supreme Council for Islamic Affairs (NSCIA)—have declared them and their acts un-Islamic.

89. Media reports freely available.

90. H. Abdu and T.R. Alabi, “The Print Media and Ethno-Religious Conflicts,” in J. Yoroms and A. Mu’azu (eds), *Conflict Management and the Media in Nigeria*, Centre for Research and Documentation, Kano, 2009, p. 139 (hereafter Abdu and Alabi, “The Print Media”). G. John and R. Olaniyi, “The Mass Media and Conflict,” in J. Yoroms and A. Mu’azu (eds), *Conflict Management and the Media in Nigeria*, Centre for Research and Documentation, Kano, 2009 (hereafter John and Olaniyi, “The Mass Media”).

91. M.M. Umar, “The Broadcast Media and Conflict Management,” in J. Yoroms, and A. Mu’azu (eds), *Conflict Management and the Media in Nigeria*, Centre for Research and Documentation, Kano, 2009, p. 139.

92. I. Okonta and O. Douglas, *Where Vultures Feast: 40 years of Shell in the Niger Delta*, Environmental Rights Action/Friends of the Earth, Nigeria, 2001.

discovered in the late 1950s. Oil companies had dishonored promises and ignored alerts on oil exploitation disasters, forcing people to agitate for the attention of the authorities, leading to the broad dissemination of an emancipatory message led by the Movement for the Survival of the Ogoni People (MOSOP). Ken Saro-Wiwa, a journalist, and eight other leaders of MOSOP, otherwise called the Ogoni Nine, were sentenced to death and hanged in 1995.

This led to increased violence and a resurgence of armed militants in the region, who engage in bombing oil pipelines and kidnapping expatriate oil executives and workers.⁹³ Between 2003 and 2006, as many as 30 incidents, many of them violent, were recorded across the Niger Delta. In 2003, a traditional ruler was alleged to have sold the rights of his local community to Agip Oil, sparking another row and further violence, and resulting in the ruler's banishment. In another case in 2004, youth activists from the Odioma community in Bayelsa State protested against an alleged violation of a Memorandum of Understanding (MoU) by Shell Petroleum Development Company (SPDC) and subsequently shut down and occupied its 8,000-barrel a day flow station.⁹⁴

In 2002 a non-Muslim reporter for *ThisDay* angered Muslims when she remarked that the participants in an ongoing beauty pageant were so beautiful that were the Prophet Mohammed still alive, he would not be able to resist them. Violence broke out between Muslim and Christian groups in the north, leaving no fewer than 200 people dead, most of them in Kaduna. Reacting to the publication, the Zamfara State government, which had by then introduced sharia law, pronounced a *fatwa* (decree according to Islamic law) against the journalist, who was forced to flee the country.⁹⁵

Until 2011 when the U.S. and U.K. governments announced that they did not approve of Nigeria's stance on the rights of gays and lesbians, the issue of sexual minorities has not been expressed as vociferously in the media as that of religious or ethnic minorities, other than with regard to specific legislation and rights. For instance, gays and lesbians attempted to seek formal recognition and permission for marriage via legislation through the lawmaking National Assembly, but they did not succeed, because it was opposed by both Muslims and Christians. Nigerian society still remains largely conservative and entrenched in traditional values. Most people, including journalists, are either Muslim or Christian. Indeed there is a religious organization called Journalists for Christ (JFC), which has an Islamic counterpart called the Association of Muslim Media Practitioners of Nigeria.

93. V. Egwemi, "From Militancy to Amnesty: Some Thoughts on President Yar'Adua's Approach to Niger Delta Crisis," *Journal of Economic Theory* 2(3) (2010), pp. 136–141.

94. United Nations Development Program (UNDP), *Niger Delta Human Development Report*, 2006, citing *The Guardian*, 13 February 2005, p. 26, and other editions between December 2005 and January 2006.

95. M. Mojeed, "Isioma Daniel: Blessings of a Fatwa," *Punch*, 2008, at <http://www.punchng.com/Articl.aspx?theartic=Art20080918133220+-last> (accessed 1 October 2010).

4.3.2 Coverage of Sensitive Issues

The Code of Ethics for Nigerian Journalists is unequivocal on accuracy and fairness. While asserting the public's right to know, it emphasizes that "factual, accurate, balanced and fair reporting is the ultimate objective of good journalism and the basis of earning public trust and confidence."⁹⁶ Implementation of the code is largely carried out by the Nigerian Press Council, the Ethics Committee of the NUJ and, more recently, by the ombudsman consensually appointed by the Newspaper Proprietors Association of Nigeria (NPAN).

There have been several studies in the past decade on different aspects of the media's coverage of ethnicity. A Panos Institute survey in 2001 revealed that representation in newsrooms across the country favored Christians over Muslims. Perhaps more crucially, the study established that ethnicity, religion, and gender significantly influenced story assignment, access to news sources, and the perception of a reporter's capacity to cover a story. This, according to the study, "raises the possibility that professionalism or competence may be sacrificed to what is deemed expedient on account of ethnicity, gender and religion."⁹⁷

A chapter in a 2009 book by the Centre for Research and Documentation on religious tensions that surfaced in the north of the country during 2000 and 2002 found that the southern Nigerian press tended to identify with the northern Christians.⁹⁸ While this was perhaps not surprising given Christianity's dominance in the south, it is an indication of the media's tendency to reflect rather than challenge audience perspectives.

Another chapter in the same book found that media coverage of ethnic conflicts in Nigeria features government officials and community leaders most often as news sources.⁹⁹ The print media, according to the study, used interviews and press releases considerably more than other methods of gathering news stories, demonstrating a reliance on official accounts rather than first-hand reporting by journalists themselves.¹⁰⁰

Generally speaking, this reliance is associated with serious news outlets, for which official sources provide a measure of credibility and assumed reliability. Recently, however, there has emerged a strand of print media, referred to as soft-sell publications or junk media that is rapidly expanding. Here reporters and writers present their stories and analyses in very raw form with little or no sensitivity to cultural or ethnic tensions. No matter what the issue, they sensationalize with reckless abandon.¹⁰¹ This does not generate serious tension in society because they are easily dismissed as rag sheets. When they are not reporting on sex in high places, they are focusing on other trivia that has no connection to the public interest. A good number of these concentrate on photographs of dresses worn by celebrities and detailed coverage of shows by fashion houses.

96. International Press Centre, *The Ethics Handbook*, IPC, Lagos, 2004, p. 6.

97. D. Olorunyomi, *Nigeria's Newsroom Diversity Study*, Panos Institute, Lagos/Washington, D.C., 2001.

98. Abdu and Alabi, "The Print Media."

99. John and Olaniyi, "The Mass Media."

100. John and Olaniyi, "The Mass Media."

101. Lanre Idowu, "The Junk Phenomenon," *Media Review*, October 1991.

4.3.3 Space for Public Expression

The digital media have provided minority groups with alternative platforms for communication. These include the use of SMS to organize rallies and share updates, blogspots, listservs, and existing websites. The listservs constitute a means of information sharing among subscribers and others who may be interested in their affairs. This has helped to internationalize campaigns at a faster pace than before. It has also helped to expand the public sphere for Nigerians globally, enabling issues to be exposed that might otherwise have been trapped under the weight of legal or repressive restraints.

For instance, although the law forbids anyone to discuss secession in Nigeria, it is actually debated through the internet across listservs that are dominated by Nigerians and others interested in national affairs.¹⁰²

4.4 Political Diversity

4.4.1 Elections and Political Coverage

Since the end of the military dictatorship in 1999, four general elections have been held. Those of 1999, 2003, and 2007 were criticized at home and abroad for widespread electoral fraud, but the most recent, in 2011, was perceived to be free and fair by external monitors.¹⁰³ The media also played their watchdog role to ensure transparency.

The rules for broadcast coverage of elections are laid down by the NBC, which stipulates equitable media coverage of all parties and religious activities by broadcast stations. According to the Broadcasting Code, “all political programs shall observe the provisions of extant acts, decrees and electoral laws. Equitable airtime shall be provided to the various religions in the community.”¹⁰⁴ The use of new technologies and social media is also stipulated in the 2010 code, which covers “unconventional reportage” by citizen and traditional journalists who use mobile phones equipped with cameras and other social media capabilities.¹⁰⁵

In principle, these regulations have not contributed to changing the media landscape much, as the media institutions have only begun to explore their capabilities, and because there have been no instances where regulatory action might be required. In practice, however, several institutions have engaged in new technologies connected to information flow, the speed of reporting, and the transparency of election coverage. One institution that has extensively used digital technologies during the election period is the Network of Mobile Election Monitors (NMEM), a civil society group set up to monitor the 2007 general elections using free

102. Such listservs or virtual groups include <http://www.talknigeria@yahoogroups.com>, <http://www.naijapolitics@yahoogroups.com>, <http://www.igboevents@yahoogroups.com> and <http://www.nigerianworldforum@yahoogroups.com> (all accessed 27 August 2010).

103. *The Nigerian Observer* “2011 elections and the nationality question,” 2011, at <http://nigerianobservernews.com/24052011/features/features6.html> (accessed 15 May 2012).

104. See <http://www.nbc.gov.ng/faq.php> (accessed 27 August 2010).

105. NBC, “Draft Nigeria Broadcasting Code” (5th edn, 2010), at <http://resourcedat.com/wp-content/uploads/2011/09/Nigeria-Broadcasting-code.pdf> (accessed 15 May 2012).

SMS software. NMEM reported that it received over 10,000 messages from volunteers across the 36 states of the country with live feedback on events at the polling booth.¹⁰⁶

Another institution that used digital technologies for gathering and disseminating information during the 2011 elections is the IPC. Along with its local partners, it adopted an approach that encouraged journalists to send in stories to a dedicated telephone line and email address. The stories were subsequently analyzed and disseminated through a dedicated website, which journalists were encouraged to tap into. The same stories were distributed widely to its various stakeholders in a way similar to a radio broadcast, in what was called the Nigeria Elections News Service.¹⁰⁷ Although online and real-time reporting of election stories using mobile technology and social media was extensively deployed, there is no documented evidence that they contributed to reducing or eliminating election fraud during the elections.

4.4.2 Digital Political Communications

Digitization has provided political actors with more avenues to reach their audiences. In addition to the widespread use of SMS as a campaigning and promotional tool, politicians now routinely make use of websites and listservs to reach their constituents, especially opinion leaders who cascade this information to the electorate.

The use of online resources for political communication and campaigning ranges from banner advertisements to social networking. It is particularly common amongst politicians campaigning in urbanized areas. A number of governorship aspirants in Ogun and Lagos states, for instance, where there are relatively high levels of internet penetration, have extensively exploited online resources since the 2007 election. The most significant recent example of the use of digital media for national political campaigning was President Jonathan's emergence on Facebook, shortly after he publicly urged colleagues in government to exploit information and communications technology for development.

Superficially, the president's appearance on Facebook has availed many Nigerians of the opportunity to interact virtually with him, thus constituting some sort of communication channel between the president and the citizens. There is also a perception that this mechanism obfuscates physical barriers between the national populace and political leadership, although the extent to which it is effective remains to be seen. Many perceive this as posturing and a mere display of superficial intentions for interaction, but the president went on to publish a book based on the encounter, entitled *My Friends and I*.¹⁰⁸ Notwithstanding the clear public relations drive behind social media engagement by political leaders, the expansion and recording of political communications that result may pioneer a novel means of holding elected leaders accountable for their promises.

106. Network of Mobile Election Monitors (NMEM), "Election Monitoring Report," at http://www.kiwanja.net/miscellaneous/NMEM_Election_Report.pdf (accessed 21 March 2011).

107. Interview with Lanre Arogundade, Director, International Press Center. Lagos, 17 January 2012.

108. *My Friends and I*, published 2010, is a verbatim reproduction of selected dispatches of some Nigerians who have Facebook accounts to President Jonathan, who also has a Facebook account and proclaims that the account gives him an unprecedented way to feel the citizens' pulse.

While there is the opportunity for increased diversity of voices, especially in enhancing greater representation of marginal groups, this diversity is still dependent on variables that continue to significantly exacerbate the digital divide. These include the irregular power supply, low literacy levels, high cost of digital facilities relative to GDP, and limited access to technology by physically challenged persons. The gender divide is particularly acute, with women constituting less than 1 percent of the online population.^{109, 110}

Civil society activists, especially pro-democracy groups, have equally taken ample advantage of digital media. Following the leadership gap created by the late President Yar'Adua's illness, an organization known as the Save Nigeria Group (SNG) roused Nigerians to action using SMS. Promptly, SNG deployed texts massively around the country alerting Nigerians to the unconstitutionality of preventing the vice-president, Goodluck Jonathan, from assuming the presidency in the absence of the president. Following this it convened a rally in Abuja on 10 March 2010 targeted at the National Assembly complex where the protesters were eventually addressed by the then Speaker of the House of Representatives.¹¹¹ Ultimately, politicians in and out of government embarked on deliberations, which finally led to Mr Jonathan's assumption of the presidency.

As a beneficiary of digital activism, President Jonathan was consequently confronted with this same phenomenon following his decision to remove petroleum subsidies, resulting in the pump price hike of petroleum products in early 2012. The Occupy Nigeria movement which this event gave rise to has since become the most widespread and enduring popular protest in the nation's political history (see section 3.2.1).

But these have not come without consequences, particularly for journalists who are active and vocal in their reporting on political issues. Many have fled and continue to report and publish local issues online for Nigerians abroad and local audiences. One example is Sahara Reporters (see section 3.1.3). The extent to which this sort of activism contributes to the protection of local sources and whistle-blowers has not been determined.

109. R.H. Wade, "Bridging the Digital Divide: New Route to Development or New Form of Dependency?," *Global Governance*, 8 (2002), pp. 443–466; N. Hafkin and N. Taggart, *Gender, Information Technology, and Developing Countries: An Analytic Study*, Office of Women in Development Bureau for Global Program, Field Support and Research, USAID, Washington, D.C., 2001 (hereafter Hafkin and Taggart, *Gender, Information Technology, and Developing Countries*).

110. Hafkin and Taggart, *Gender, Information Technology, and Developing Countries*, p. 15.

111. This researcher as a civil rights activist received a couple of such texts from SNG. For more details, see http://234next.com/csp/sites/Next/Home/5536019-146/save_nigeria_group_calls_for_another.csp (accessed 12 June 2011).

4.5 Assessments

Digitization has changed the work of journalists in a number of ways. The emergence of personal computers, desktop publishing, digital audio, digital cameras, multifunctional mobile phones, and broadband internet have all necessitated a degree of retooling and reskilling in the newsroom. The result has been an increase in the efficiency of news production. But the ever-increasing role of journalists in the production process has meant that many are overstretched and unable to focus on sourcing, verifying, and writing stories.

Digitization has also led to greater difficulty in verifying information, as journalists become more reliant on online sources, including UGC of various kinds, rather than first-hand reporting.

Digitization has made it easier both for established politicians and for civil society groups to get their message across. Digital media have also enabled greater public scrutiny of elections through real-time reporting tools such as SMS and photo and video uploads.

Perhaps most crucially, digitization has made it more difficult for the authorities to control the flow of information.

5. Digital Media and Technology

5.1 Spectrum

5.1.1 Spectrum Allocation Policy

Responsibility for spectrum allocation in Nigeria is split among different bodies. Overall, the system favors state-owned media, in spite of steps towards liberalization in 2003 (see section 6.1.1). More acutely from the point of view of democracy, the system of spectrum allocation perpetuates a degree of presidential patronage, influence, and political ties with respect to private broadcasters (see section 5.2.3) and provides only a limited degree of regulatory autonomy vis-à-vis the government (see section 7.2.2). The following discussion outlines the allocation framework as it currently stands and assesses some implications of recent spectrum awards.

The National Frequency Management Council (NFMC) was established by the Nigerian Communications Act of 2003 as an oversight body for managing spectrum. It comprises the Minister of Information and Communication, who is the chair of the council; representatives from the Ministries of Aviation, Transport, Science and Technology; and members from the NBC, the Nigerian Communications Commission (NCC), and the security agencies. The NFMC is responsible for advising the minister on spectrum management, and, inter alia, international and regional spectrum allocation; preparing, updating, and publishing national frequency allocation tables; and carrying out bulk cross-sector allocation of spectrum to statutory bodies such as the NCC and the NBC, which are also authorized by law to allocate spectrum to end-users.¹¹²

According to the National Policy on Telecommunications, introduced in 2000,¹¹³ the NCC is responsible for the regulation of service providers and issuance of telecoms licenses. The policy spells out the establishment, functions, and governing structure of the NCC, requiring it to facilitate private-sector investments in telecoms, promote a fair competitive environment, and establish and enforce operational standards and practices. The Communications Act of 2003 extended the NCC's role to cover spectrum management for the telecoms industry and enshrined measures to ensure its autonomy from other agencies, namely the Ministry

112. Nigerian Communications Commission, "The Nigerian Communications Act 2003," at <http://www.ncc.gov.ng/RegulatorFramework/Nigerian%20Communications%20Act,%202003.pdf> (accessed 30 December 2010) (hereafter NCC, Nigerian Communications Act 2003).

113. National Frequency Management Council, "National Policy on Telecommunications," 2000, at <http://nfmcc.gov.ng/telecompolicy.pdf> (accessed 30 December 2010).

of Information and Communications, which was previously responsible for both broadcast and telecoms spectrum management. The act was also intended to clarify its role as distinct from the NFMCC, which has a general oversight function for spectrum management. Finally, the 2003 Act established a Universal Service Provision Fund (USPF) to promote the widespread availability and use of network services and application services throughout the country to unserved and underserved areas, groups, and communities.¹¹⁴ Membership of the NFMCC board and nominations to the board of the NCC are by presidential appointment and senate approval. The NFMCC board consists of the Minister of Information and Communications and representatives from the Ministry of Finance, the National Planning Commission, and the private sector. The commission houses the USP secretariat and oversees everyday administration.

The NFMCC and the NCC are not the only institutions that regulate spectrum. Although the NFMCC is situated within the Ministry of Information and Communications, it also maintains its own Department of Spectrum Management (formerly called the Technical Services Department),¹¹⁵ which is responsible for the management of radio frequency spectrum for government and miscellaneous groups, including private users such as production and construction organizations, oil companies, private security outfits, diplomatic missions, government security agents, and voluntary and humanitarian organizations such as the Red Cross.¹¹⁶

The NBC is another institution that regulates spectrum, specifically broadcast spectrum. Its functions include the planning, management, and monitoring of broadcast frequency spectrum allocated to it by the NFMCC and the assignment of bands within this allocation to commercial, private, and government users.¹¹⁷ It licenses frequencies in the FM and UHF bands for radio and television respectively and allocates spectrum for cable and satellite broadcasting.

The NBC's remit reflects the 1979 constitutional provision that any person is entitled "to own, establish and operate any medium for the dissemination of information, ideas and opinion."¹¹⁸ At the same time, the constitution prevents anyone "other than the government of the Federation or of a state or any other person or body authorized by the President on the fulfillment of conditions laid down by an Act of the National Assembly, [to] own, establish or operate a television or wireless broadcasting station for any purpose whatsoever."¹¹⁹ This apparent contradiction in principles was intended to distinguish between frequencies licensed for telecoms and those for broadcasting. Although the telecoms sector enjoys a high degree of autonomy from political power, this is not the case with the broadcast sector.

114. NCC, National Communications Act 2003.

115. This Department was under the former Ministry of Communications, which was merged with the Ministry of Information to form the New Ministry of Information and Communications. See Ministry of Information and Communications, "Departments," 2010, at <http://www.fmic.gov.ng/pages.asp?Index=146&parentid=130&phead=199> (accessed 30 December 2010) (hereafter Ministry of Information and Communications, "Departments").

116. Ministry of Information and Communications, "Departments."

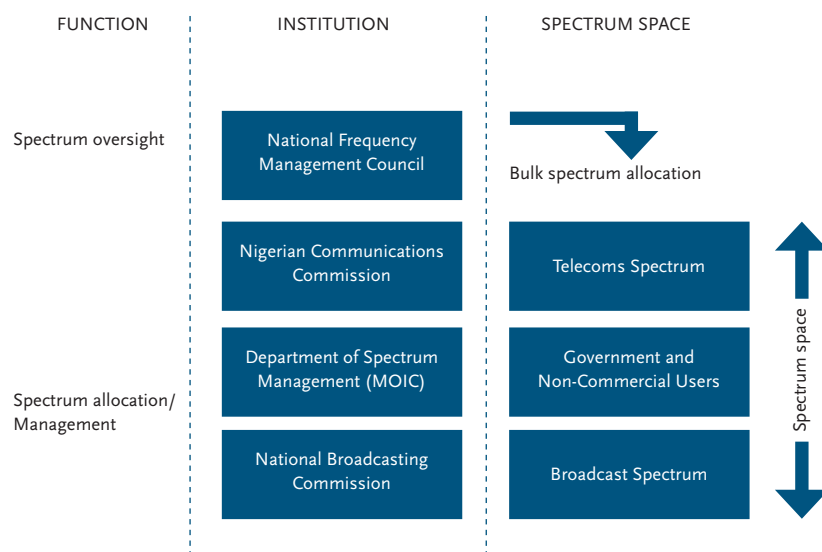
117. NCC, "National Radio Frequency Spectrum" (n.d.), at http://www.ncc.gov.ng/SpectrumIssues/National_Radio_Frequency_Spectrum.pdf (accessed 12 March 2011).

118. Nigerian Constitution (1979), Section 39(1), at <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (accessed 30 December 2010).

119. Nigerian Constitution (1979), Section 39(1)(2), at <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (accessed 30 December 2010).

The regulation of non-fee-paying licensed spectrum, such as that reserved for amateur, citizen, industrial, scientific, and medical uses, is the responsibility of the Nigerian Amateur Radio Society (NARS)¹²⁰ with oversight from the Ministry of Information and Communications. This is in accordance with both the National Radio Frequency Policy¹²¹ and recommendations of the ITU. See Figure 16.

Figure 16.
Management of radio frequency, 2010



Source: Association for Progressive Communication/Open Society Institute, “Open Spectrum for Development—Nigeria Case Study,” at <http://www.apc.org/en/node/11699> (accessed 30 December 2010)

The NCC’s preferred method of allocating spectrum to end-users is through a spectrum auction process. The highest bid wins the license and the licensee can operate once it fulfills the obligations of the license requirements, including fee payment. Clearly the high financial outlay presents a barrier to entry and discriminates against smaller new entrants in favor of incumbents. According to the NCC, the telecoms spectrum value is determined by the frequency band that is up for bidding, and by licensing area or location, which is tiered in accordance with the market potential and the level of economic activity of that location. The licensing areas are split into five tiers and frequency is allocated accordingly.¹²² For instance, the NCC’s information memorandum for the 2007 spectrum auction fixes the reserve price of the 800 Mhz frequency

120. International Amateur Radio Union, *Nigerian Amateur Radio Society*, 2010, at http://www.iaru-r1.org/index.php?option=com_mqcontacts&view=contact&cid=59%3Anigeria-amateur-radio-society&catid=38%3Amember-societies&Itemid=83 (accessed 30 December 2010).

121. Nigerian Communications Commission, *National Radio Frequency Management Policy* (undated), at http://www.ncc.gov.ng/SpectrumIssues/National_Radio_Frequency_Spectrum.pdf (accessed 30 December 2010).

122. See NCC, “Spectrum Pricing 2000” (n.d.), at <http://www.ncc.gov.ng/SpectrumIssues/spectrumpricing2000.pdf> (accessed 30 December 2010).

band at NGN 480 million (approximately US\$3 million).^{123, 124} By contrast, an auction for spectrum release in the 2 GHz band, conducted in the same year, carried a reserve price of NGN 2.4 billion (approximately US\$150 million).¹²⁵ See Table 10.

Table 10.
NCC's zoning system for pricing frequency assignments and allocations, 2010

Tier	States	Popula- tion ¹²⁶	% of total population	Area ¹²⁷ (km ²)	% of gross area	Annual unit price per MHz (US\$)
1	Lagos	9,113,605	6.5	3,671	0.4	20,000
2	Delta, Federal Capital Territory— Abuja, Kaduna, Kano, Rivers	26,232,191	18.7	98,051	10.8	10,000
3	Abia, Anambra, Edo, Ogun, Oyo	19,588,608	13.9	71,582	7.9	8,000
4	Akwalbom, Bauchi, Benue, Borno, Cross River, Enugu, Imo, Kogi, Kwara, Niger, Ondo, Osun, Plateau	46,786,785	33.3	378,407	41.6	4,000
5	Adamawa, Bayelsa, Ebonyi, Ekiti, Gombe, Jigawa, Katsina, Kebbi, Nassarawa, Sokoto, Taraba, Yobe, Zamfara	38,710,601	27.6	357,909	39.3	2,000

Source: Association for Progressive Communication/Open Society Institute, “Open Spectrum for Development—Nigeria Case Study,” at <http://www.apc.org/en/node/11699> (accessed 30 December 2010)

Before October 2010, community radio was not specifically legislated for. It has recently been announced, however, that licensing authority for community radio would be “devolved to the Commission ... without further recourse to the Presidency.”¹²⁸ This is a considerable shift from previous policies where every public broadcast license had to acquire the president’s approval. Before the declaration, there had been a groundswell of support for community radio legislation, Nigeria being the only country in sub-Saharan Africa without it. This was given added impetus by the first campus radio license awarded to the University of Lagos in 2010.

In light of the regulatory set-up, reporting lines follow individual channels to the president through the different ministries to which the regulators are responsible. Various spectrum bands are allocated to the different regulators by the NFMCA such as are appropriate for their specific oversight function. For instance, the NBC will concern itself solely with broadcast frequency allocation, and the NCC with telecoms spectrum.

123. NCC, “Information Memorandum: 800 MHz Spectrum Auction,” 2007, at <http://www.ncc.gov.ng/SLA/800%20MHz%20Auction/Published%20Information%20Memorandum%20for%20800MHz%20Spectrum%20Auction%20190607.pdf> (accessed 30 December 2010).

124. The reserve price is the value at which spectrum bidding starts in the NCC’s auction of frequency spectrum, its preferred mode for frequency allocation.

125. NCC, “Information Memorandum: 2GHz Spectrum Auction,” 2007, at http://www.ncc.gov.ng/3G/07_02_23_B_2GHz_Spectrum_Auction_IM.pdf (accessed 30 December 2010).

126. National Population Commission, 2006, at <http://www.population.gov.ng/files/nationalfinal.pdf> (accessed 30 December 2010).

127. National Bureau of Statistics, at <http://www.nigerianstat.gov.ng> (accessed 30 December 2010).

128. NBC, “Federal Government’s Gift to Broadcasters at Africast 2010,” at <http://www.nbc.gov.ng/highlight.php?id=36> (accessed 30 December 2010).

As regards the convergence of telecoms and broadcast functions, there are no current examples of crosscutting license (or unified license) mechanisms that allow a particular institution to provide both telecoms and broadcast services. The existing regulatory mechanisms clearly separate these two functions.

It is unclear how much coordination takes place between the NCC and NBC. Some informal communication structures may be present due to the overlapping compositions of the NFMC and the NCC board. The extent to which this structure influences the allocation of spectrum is not known.

5.1.2 Transparency

Between 2007 and 2009, the NCC conducted spectrum auctions for a 3.75 MHz license in the 800 MHz spectrum band;¹²⁹ four slots of 10 MHz each in the 3 GHz spectrum band for 3G services;¹³⁰ and four slots of 20 MHz each in the 2.3 GHz spectrum band.¹³¹ In each case, as part of its spectrum management policy, the NCC claims to hold regular consultations with industry and academic experts and strives to maintain a close liaison with all stakeholders, including the general public and other regulators.¹³² However, the 2.3 GHz spectrum auctions were not free from controversy. At one point the president intervened through the then Ministry of Information and Communications in a bid to cancel an auction on account of allegations that it lacked transparency. This decision was eventually overturned by a court action initiated by Mobitel, a winning bidder that claimed that the auctions were indeed fair and transparent.¹³³ The court decision was based on the Telecommunications Act of 2003, which grants the regulator sole rights in the management of spectrum without interference from the ministry.

Conversely, the NBC adopts an approval procedure that involves the government, routing applications first through its own board and then on to the Ministry of Information and Communications, and finally the president. Despite explicit details of license procedure provided on NBC's website, the actual process is anything but transparent, with final approval resting with the president and the grounds of decision remaining secret.¹³⁴ The NBC lists some media institutions and the frequencies they have been assigned on its websites but does not provide a spectrum map of frequency allocations. While the National Radio Frequency Policy grants the NBC the rights to compile and update a "computerized database of all radio

129. Awarded to Visafone Communications at NGN 400 million.

130. Awarded to Alheri Engineering Co., Celtel Nigeria (now Airtel), Globalco, and MTN Nigeria Communications, for US\$150 million each, generating revenue of US\$600 million.

131. Awarded to Mobitel Nigeria, Spectranet, and Multilinks Telkom for NGN 1.368 billion each, totalling NGN 4.104 billion in revenue.

132. NCC, "Commercial Frequency Management Policy: Administrative Procedures and Technical Guidelines," 2007, at http://www.ncc.gov.ng/SpectrumIssues/Frequency_mangt_policy_07.pdf (accessed 30 December 2010) (hereafter NCC, "Commercial Frequency Management Policy").

133. E. Aginam, "At last, NCC issues 2.3 GHz License to Mobitel," Vanguard Online, 2010, at <http://www.vanguardngr.com/2010/03/at-last-ncc-issues-2-3ghz-licence-to-mobitel/> (accessed 30 December 2010).

134. F. Odufuwa, "Open Spectrum for Development—Nigeria Case Study," 2010, Association for Progressive Communications, at http://www.apc.org/en/system/files/OpenSpectrumNigeria_EN+modified+3.pdf (accessed 14 March 2011); NBC, *Licensing*, 2010, at <http://www.nbc.gov.ng/licensing.php> (accessed 12 April 2012).

frequencies assigned by the Commission,¹³⁵ it restricts its public disclosure. “All records relating to frequency allocation and assignments are classified documents whose contents can only be released to third parties with the express approval of the Honorable Minister of Communications. Unauthorized disclosure would amount to violations of the Official Secrets Acts.”¹³⁶

In a bid to align itself closer with the NCC, the NBC issued an information memorandum in 2009 inviting members of the public to bid for one radio and television license. However, it was made clear that final discretion still rested with the president, who had the power to reject license applications even if they win the bid.^{137, 138} In the event, the bid was won by Silverbird Communications for a value of NGN 5 billion (approximately US\$31.3 million) in February 2010, and it commenced operating this license by establishing radio and television services in six states.¹³⁹

5.1.3 Competition for Spectrum

There is no known case of any broadcast or telecoms spectrum hoarding by any operator. The use-or-lose-it conditionality in the frequency management policy which applies to all telecoms frequencies restricts operators from engaging in spectrum hoarding, stating that “any frequency license that is not put to use within the time stipulated in the license will automatically lapse, [and] an existing (subsisting) operator who goes out of service for 24 months continuously will automatically lose its frequency license even if renewal fees have been paid.”¹⁴⁰

Similarly, the National Broadcasting Commission Decree No. 38 of 1992 (later amended by Decree No. 55 of 1999) and its subsequent amendments grant the NBC the rights to revoke any license if “the license has not been put to use after a period of one year of issuance.”¹⁴¹

Despite these legal provisions, the extent to which they are enforced is unknown given the lack of transparency identified above (see section 5.1.2) and the absence of a properly conducted nationwide spectrum audit.

Competition for broadcast spectrum is bounded by the licensing rules defined by the NBC and those of telecoms spectrum by the NCC. In the case of telecoms licenses, the auctions approach seems to sufficiently

135. NCC, “Commercial Frequency Management Policy.”

136. NCC, “Commercial Frequency Management Policy.”

137. According to the NBC, a network is “a content provider with a premier station serving as the nucleus for the production, acquisition and transmission of *indigenous content* of national appeal and having the nation as coverage area through diverse affiliates/associates. The network shall be content driven.” NBC, “Information Memorandum on the Grant of Radio and Television Broadcasting Network Service Licenses,” 2009, at <http://www.nbc.gov.ng/broadcast.php?menu=1&submenu=4> (accessed 30 December 2010).

138. NCC, “NBC announces Bid Process for Private Network Licenses,” 2009, at <http://www.nbc.gov.ng/highlight.php?id=19> (accessed 30 December 2010).

139. Silverbird Group, “Silverbird Communications,” 2012, at http://www.silverbirdgroup.com/index.php?option=com_k2&view=item&layout=item&id=32&Itemid=116 (accessed 12 May 2012).

140. NCC, “Commercial Frequency Management Policy.”

141. NBC Decree No. 38 of 1992, Laws of the Federation of Nigeria, International Center for Nigerian Law, 1992, at <http://www.nigeria-law.org/National%20Broadcasting%20Commission%20Decree%201992.htm> (accessed 30 December 2010).

restrain potential licensees from any lobbying and anti-competitive behavior related to the acquisition of licensing. Local advocacy groups, however, demand better access through the deployment of last-mile services.

Perhaps the most significant of these advocacy efforts concerns adherence to technical standards, with the biggest clamor stemming from the Nigerian Internet Group (NIG).¹⁴² The NIG is a not-for-profit organization, and was particularly vocal in the build-up to the 2.3 GHz spectrum auction by the NCC (see section 5.1.2). Its president, Lanre Ajayi, criticized the NCC for not giving due consideration to emerging technologies such as WiMAX. He argued that contrary to internationally agreed spectrum allocation for WiMAX deployment, only the 2.3 GHz spectrum was available since the 2.5 GHz had been allocated to the NBC, and the 3.5 GHz to the Nigerian Communications Satellite company (NICOMSAT) for satellite operations. This, according to Mr Ajayi, places a significant constraint on the last-mile deployment of voice, data, and improved internet penetration.¹⁴³

5.2 Digital Gatekeeping

5.2.1 Technical Standards

The choice of technical standards for digital broadcast signals in Nigeria will depend largely on economic factors rather than on the outcome of any public debate.¹⁴⁴ Although there are some public consultation procedures for telecoms policies through the NCC, these are much more opaque in the broadcasting space governed by the NBC. Whereas the NCC maintains a Consumer Affairs Bureau (CAB), the closest equivalent in the broadcasting context is the Presidential Advisory Committee (PAC) on the transition from analog to digital broadcasting.¹⁴⁵

One part of the NCC's public consultation process is the Telecom Consumer Parliament which holds a monthly public consultation on consumer and telecoms issues. The PAC, on the other hand, is made up predominantly of policymakers and powerful stakeholders, including representatives from the NBC, the NCC, and the Nigerian Copyright Commission; government ministries; the state media (such as the NTA and the FRCN); the National Film Board; press and broadcasting corporations (Silverbird Communications, Daar Communications, *The Guardian*); the Nigerian Customs Service; industry groups and trade bodies (SPEX Nig. Ltd., Delta Cables);¹⁴⁶ and certain members of the public. The PAC has submitted its report on digitization, but the report has not been made public (see section 2.1.3).

142. Nigerian Internet Group (NIG), 2010, at <http://www.nig.org.ng> (accessed 30 December 2010).

143. "Nigeria: Power Tussle Over 2.3GHz Spectrum—Who Blinks First?" 2010, at <http://allafrica.com/stories/201003300173.html> (accessed 30 December 2010).

144. S.O.M. Okpanachi, "Radio Development: The Case of Radio Nigeria," Commonwealth Broadcasting Association Conference, Nassau, Bahamas, 2008, at http://www.cba.org.uk/conferences_and_events/documents/RadioDevelopment-NigeriaStand.pdf (accessed 30 December 2010).

145. NBC, "Transition from Analogue to Digital Broadcasting in Nigeria" (n.d.), at <http://www.nbc.gov.ng/aboutdtv.php> (accessed 30 December 2010).

146. See <http://www.nbc.gov.ng/broadcast.php?menu=1&submenu=6> (accessed 11 June 2012).

5.2.2 Gatekeepers

There are no cases of problems connected with access posed by digital gatekeepers in Nigeria. Multichoice Nigeria is one cable service provider that bundles a large number of television channels but that cannot be considered as gatekeeping. Any other digital service provider is allowed to provide their own program package in a market that is generally characterized by competition rather than specific gatekeeping activities.

5.2.3 Transmission Networks

The closest to transmission networks that exist in the country is the power holding company, which is a national government-owned entity responsible for power transmission. There have been attempts in recent years to privatize this company, but this has been difficult and challenging. Recently the company announced plans to open the sector to private-sector investment. The extent to which this will contribute to spectrum allocation and signal distribution is still unknown, and unpredictable.¹⁴⁷

5.3 Telecommunications

5.3.1 Telecoms and News

The engagement of telecoms companies in news provision has been limited to joint ventures with broadcasters and the provision of internet services. A recent example is a partnership between Multichoice Nigeria, MTN, and Nokia (a phone manufacturer) to offer a package of entertainment, news, and sports programs delivered on a mobile platform. The service is restricted to users of particular Nokia phones and is limited to major urban centers.¹⁴⁸

Glo, another mobile service provider and the second largest national operator by sales revenues, also launched a digital satellite TV service on its network in December 2010. Unlike MTN, Glo allows its service on any handset with the appropriate technology enabled.¹⁴⁹

Only NTA¹⁵⁰ and one private station, Channels TV,¹⁵¹ currently stream content online. There are no broadcast stations that offer on-demand or IPTV services in the country. Network neutrality remains an under-discussed issue and there seems to be no present interest in providing premium services to any content by the internet service providers. Even though a few companies such as Starcomms and Visaphone have suggested they will offer access to social media services such as Twitter and Facebook, these have not been implemented. There are no rules that require them to carry or ban any form of content, unlike the broadcast rule that requires a certain quota of locally produced content.

147. See http://www.pennenergy.com/index/power/display/5053144607/articles/pennenergy/power/transmission/2012/march/nigeria-opens_electricity.html (accessed 15 May 2012).

148. See <http://www.mtnonline.com/products-services/internet-services/dstv> (accessed 11 June 2012).

149. See <http://marketingworldmag.com/wp/globacom-launches-dstv-mobile-on-glo-network.html> (accessed 11 June 2012).

150. See <http://suncastv.ae/watch-now/nta-live-streaming> (accessed 15 May 2012).

151. See http://channelstv.com/global/live_video.php (accessed 15 May 2012).

5.3.2 Pressure of Telecoms on News Providers

Cable and telecoms service providers could potentially apply pressure on news content providers, but so far there is little evidence that they are doing so. The telecoms market in Nigeria is dominated by fierce competition among mobile providers, and consumers have been concerned primarily with voice and SMS, and more recently data services, rather than content such as news on their devices.

5.4 Assessments

The spectrum allocation processes in Nigeria are complex and politicized at various levels. A recent example of this in telecoms licensing concerned the auction of 2.3 GHz spectrum in 2009, which was halted following government intervention. This demonstrated the importance of regulatory independence. On the other hand, the fact that Mobitel managed to reverse this action through the courts is an indication that executive power is not beyond challenge, at least not by large corporations.

On the whole, spectrum regulation has ensured efficient and competitive markets in both telecoms and broadcasting, particularly as spectrum auctions rather than “beauty contests” become increasingly the norm in licensing new spectrum. The liberalization of spectrum has helped to spur the rapid expansion of the mobile sector, with all its potential for delivering universal service. There is also an indication that universal service obligations imposed on telecoms licensees since 2007 have had some success in expanding the network. Nevertheless, many of the new services provided as a result of new spectrum remain restricted to small numbers of users in urban areas.

The adoption of public auctions has also effectively discriminated against smaller new entrants that do not have the capital to compete in the bidding process. Broadcasting allocation in particular remains largely under the authority of the president in a process that is neither contestable nor publicized. Although there have been signs that the NBC is moving closer towards the more transparent processes adopted by the NCC, it is too early to determine whether such moves will create real transparency, rather than just an impression of it.

6. Digital Business

6.1 Ownership

6.1.1 Legal Developments in Media Ownership

The turning point for media ownership in Nigeria was the deregulation of the broadcast landscape through the enactment of the National Broadcasting Commission Decree No. 38 of 1992 (amended by Decree No. 55 of 1999) setting up the NBC in 1992. Up to this time, all broadcast media were government-owned and only a very few newspapers were privately owned. The deregulation of broadcasting brought to an end the monopoly control of the sector by government. Today, a large number of private, independent newspapers and commercial radio and television stations have emerged and there are no restrictions on the ownership of print and broadcast media except for political and religious uses. There have been no fundamental changes to the laws governing the ownership of media in Nigeria since 1992.

6.1.2 New Entrants in the News Market

Following on from the liberalization of the media landscape in 1992, there have been domestic launches of new news media ventures and publications, the most notable of which include the following.

- *ThisDay*: Published as a national newspaper by Leaders & Company since 22 January 1995, *ThisDay* has grown to become a contemporary media powerhouse in Nigeria. With an annual turnover in excess of NGN 5.6 billion (US\$35 million) and a daily circulation reported to be in the range of 100,000,¹⁵² the newspaper is a market leader for innovation, breaking exclusive news both in politics and entertainment. It was arguably the first West African newspaper to introduce color printing.
- *Daily Sun*: Reputed to be the largest news daily by circulation in Nigeria with up to 130,000 copies,¹⁵³ the *Daily Sun* was launched in June 2003 and features entertainment, general, and human-interest stories patterned after its U.K. namesake, *The Sun*.
- *BusinessDay*: Founded in 2005 and published as a weekday business newspaper in Nigeria and Ghana, *BusinessDay* has eclipsed *Financial Standard*, which was perhaps Nigeria's first successful modern business newspaper. *BusinessDay* has the backing of Nigeria's biggest private equity firm, Capital Alliance, and features market analysis, business news, and financial advisory material to an informed audience.

152. See <http://en.wikipedia.org/wiki/Thisday> (accessed 2 April 2012).

153. Source: [http://en.wikipedia.org/wiki/The_Sun_\(Nigeria\)](http://en.wikipedia.org/wiki/The_Sun_(Nigeria)) (accessed 2 April 2012); figures unverified.

- *234Next*: Published since 2004 by Timbuktu Media, an outfit founded by the Nigerian Pulitzer Prize winner, Dele Olojede, *234Next* quickly developed a reputation for being the boldest and most ambitious publication in three decades. It has exploited the burgeoning social media sector and online news reporting to expand its readership. Though launched with NGN 3.2 billion (US\$20 million) in startup capital,¹⁵⁴ the newspaper closed both its print and web editions at the end of 2011 due to cash-flow constraints arising from an “inability to attract official advertising patronage.”¹⁵⁵
- *Daily Trust*: Owned by Media Trust, publishers of *Weekly Trust* and the Hausa-language *Aminiya* newspaper, *Daily Trust* is the dominant daily in northern Nigeria.¹⁵⁶ Launched in 2001 following on from the success of its sister publication, *Weekly Trust*, and as a counter to southern-dominated media, *Daily Trust* has grown to become a credible platform for alternative views on Nigerian issues. Content from the newspaper’s online edition is regularly republished by the authoritative AllAfrica.com website.

The most significant post-deregulation broadcast news media launches in Nigeria include the following.

- Multichoice Nigeria: The South African company Multichoice is Africa’s foremost digital satellite television (DSTV) operator and has been offering a variety of local and foreign radio and pay-TV channels in Nigeria since 1994. Multichoice runs its satellite services through dishes and decoders equipped to receive satellite transmissions, and has of late been exploiting the desktop PC and mobile phone/tablet delivery channels. Multichoice Nigeria controls two-thirds of the Nigerian satellite market¹⁵⁷ and contributes 51 percent to the group’s share of the satellite market.¹⁵⁸
- Raypower/AIT: Established in 1994 by Daar Communications, Raypower is Nigeria’s first private radio station and with the launch of its satellite television channel, Africa Independent Television (AIT) two years later, the media company has grown in leaps and bounds to become the first broadcast company to be listed on the Nigerian stock exchange.¹⁵⁹ Following on from the success of its first station, Daar has gone on to build a national network of radio and television stations across the entire country. In 2009 it launched Daarsat, a premium content international satellite pay-TV network touted as the first to wholly operate from within the country.¹⁶⁰ With a 50-channel package offering entertainment, sports, movies, and news, Daarsat was launched in 2008 with great expectations achieved through a massive nationwide media campaign tagged “Catch da fever.” However, Daarsat has been out of business since early 2010 for a variety of reasons, including limited content, poor differentiation, and weak mass appeal.¹⁶¹

154. See <http://www.globalnewsnig.com/?p=140> (accessed 2 April 2012).

155. See <http://www.thenationonlineng.net/2011/index.php/columnist/tuesday/olatunji-dare/37376-what-next-for-next.html> (accessed 2 April 2012).

156. See http://en.wikipedia.org/wiki/Media_Trust (accessed 2 April 2012).

157. See <http://www.nairaland.com/484254/dstv-regains-lucrative-english-premiership> (accessed 2 April 2012).

158. See <http://nationalmirroronline.net/media/27585.html> (accessed 2 April 2012).

159. See <http://www.daargroup.com/about-daar.php> (accessed 2 April 2012.)

160. See http://en.wikipedia.org/wiki/Raymond_Dokpesi (accessed 6 June 2012).

161. See “Nigeria’s 10 Marketing Mistakes of 2010 and their Lessons,” at <http://m2weekly.com/commentary/nigeria%E2%80%99s-10-marketing-mistakes-of-2010-and-their-lessons-i/> (accessed 2 April 2012).

- Channels TV: founded in 1993 by John Momoh, Channels TV is one of the first private stations to be launched since liberalization. Set up as a news channel patterned after CNN and focusing on in-depth investigation of domestic issues, Channels TV has carved a niche as a key source of independent news and information and has won six of the last 10 “Nigeria TV Station of the Year” awards.¹⁶²
- HiTV: another new entrant to the domestic media scene is the Hi Media Group, a media and entertainment company which owns HiTV, a popular pay-TV network launched in 2007, which had 26 percent of the Nigerian pay-TV market by 2010.¹⁶³ This was a very impressive achievement considering the near monopoly which Multichoice DSTV had enjoyed since 1993. HiTV offers a package of 30 channels covering a wide range of interests, including entertainment, movies, news, and sports. Until August 2010, it owned the exclusive rights in Nigeria to English Premier League football, which was largely responsible for the massive uptake of subscriptions. However, the company lost the Premier League rights to DSTV in 2010. This contributed to its recent failure to meet repayment agreements for a loan facility offered by a local financial institution.¹⁶⁴ HiTV’s premises were sealed in November 2011, when it went bankrupt.¹⁶⁵

6.1.3 Ownership Consolidation

On the surface, the structure of media ownership has provided significant pluralism, to the extent that there are competing state broadcasters at both the national and regional level (see section 2.1.1) and a competitive press industry (see section 1.3.1). Furthermore, commercial media markets in Nigeria are characterized by low levels of merger and acquisition activity and a high rate of new entrants across both traditional and new media platforms (see section 6.1.2). This has been helped to some extent by liberalization measures introduced for both licensing (see section 5.1.1) and ownership (see section 6.1.1).

However, the legal and regulatory framework requires that mainstream commercial media outlets in both print and broadcasting sectors must retain state approval whether tacitly or explicitly (as in the case of licensing). In such a climate, it is not uncommon for broadcasters to be threatened with license revocation in the event of airing content unfavorable to their political masters. One such case was when the former President Yar’Adua wanted to shut down AIT for airing content that he deemed a threat to national security.¹⁶⁶

Diversity is also limited by access divides that persist across various demographics (see section 3.2.2). Most broadcast and print media cater to audiences according to their geographies. For instance, newspapers such as the *Daily Trust* (see section 6.1.2) cater to northern audiences. Urban audiences are the focus of both print and broadcast media in terms of reach and distribution, thus creating an access barrier for rural audiences.

162. See <http://www.channelstv.com/home/aboutus/> (accessed 2 April 2012).

163. See “Daarsat Brings New Experience to Pay TV,” *Vanguard*, 3 September 2008, at <http://allafrica.com/stories/200809030396.html> (accessed 25 January 2011).

164. See B. Kazeem, “Why Daarsat is Losing Out in the Pay TV War,” *Brand Work Nigeria* (n.d.), at <http://www.brandworknigeria.com/articlesdetail.php?id=37> (accessed 25 January 2011).

165. Media Planning Services, *All Media and Products Survey 2010*.

166. “Yar’adua Threatens to Shut Down AIT,” 2009, at <http://www.pointblanknews.com/os2343.html> (accessed 15 December 2010).

In the same vein, media ownership is concentrated along these lines where they have the greatest potential to generate revenue. With the recent legislation opening up a community radio sector, rural communities may be able to own their own broadcast media that cater to their specific audiences. This potentially makes room for new entrants that will contribute to diversity and plurality of ownership, but it remains to be seen who the actual owners of community media will be.

6.1.4 Telecoms Business and the Media

There have been significant joint ventures in recent years between mobile telecoms and cable/satellite providers, which are both driving and responding to demand for new data services and in particular, mobile television (see section 5.3.1). But perhaps the single most significant involvement of the telecoms industry in the media is in advertising. Advertising of telecoms products now accounts for more advertising spend than anything else, with 16 percent of the total above-the-line¹⁶⁷ advertising expenditure in 2009, totaling NGN 90.9 billion (US\$566.25 million). Most of this spending went into television, followed by outdoor advertising, according to data from the media buyer mediaReach OMD. See Table 11.

Table 11.
Above-the-line advertising expenditure, by product categories, 2009

Category	Value (NGN billion)
Telecoms	15.096
Banking and finance	6.176
Personal paid/classified ads	5.278
Public service	3.806
Corporate	3.359
Entertainment, leisure, and tourism	3.339

Source: mediaReach OMD, “Media facts book 2009 addendum,” p. 9, at http://www.mediareachomd.com/index.php?option=com_phocadownload&view=category&cid=4:media-facts-book-2009-addendum&Itemid=37 (accessed 15 December 2010)

6.1.5 Transparency of Media Ownership

The ownership of media in Nigeria is far from transparent. Very little information is made public about the ownership structures of private print or broadcast media. Ironically, commercial media in particular have been vocal supporters of the Freedom of Information Act, which was made law on 28 May 2011. The act sets out the public’s right to know with regard to information held by public bodies, but it does not affect private corporations. Periodic financial publications or annual audit reports are not usually issued by private media businesses, hence the difficulty of ascertaining media ownership and revenue sources.¹⁶⁸ Nor have the regulators taken any initiative in publishing ownership information.

167. Above-the-line (ATL) is defined in the advertising industry as press, radio, and television advertising, as opposed to direct mail and telemarketing, which are known as below-the-line, or BTL, because it earns a commission for the advertising agency which contracts the advertising space and broadcast time on behalf of a client.

168. The Audit Bureau of Circulation, a global media auditing organization, is currently inactive in Nigeria.

Regulators such as the NBC have information about the ownership structures of private stations. Since all companies must receive their licenses from the organization that registers companies, the Corporate Affairs Commission, information about ownership may be available in their central registry. However, neither institution is obliged to disclose information relating to registration or ownership to the general public. The Freedom of Information Act may compel them to do so in the future. Besides statutory legal and regulatory requirements¹⁶⁹ that require broadcasters to engage with the regulator, for example when they want to renew their broadcast licenses, media owners are under no obligation to disclose their ownership. Even then, any disclosed information remains solely with the NBC.

6.2 Media Funding

6.2.1 Public and Private Funding

No information is available about how much tax revenue goes to the state broadcaster, or how much it gets from advertising. The 2011 budgetary proposal pledged to renew funding for all state broadcasters and regulatory institutions.¹⁷⁰ There is no tradition of license fee funding in Nigeria, and any proposals to supplement or displace funding from direct taxation are likely to be met with fierce resistance. Indeed, as new media markets become increasingly open and competitive, and as budget allocations and spending become more transparent as a result of the FoI act, growing public resistance to state-funded media is likely to surface (see section 2.2.1).

According to a 2006 report, advertising is the main source of revenue for both state-owned and private broadcast media.¹⁷¹ Liberalization since the early 1990s has significantly reduced the proportion of media funding by the state. Although state-owned outlets have retained some public funding, this has not neutralized competitive pressures from commercial media, as state media are still reliant on a given share of the advertising market.

The dependence especially of private media on advertising revenue could be problematic if the market experiences turmoil similar to the recent global economic downturn. Private media that are well capitalized may be able to withstand the downturn, at least for a period, while public funding may continue to support state-owned media. The implication is that smaller, independent media organizations are most vulnerable to cyclical pressures.

169. Legal requirements that concern license renewal as stipulated in the Nigerian Broadcasting Commission Decree No.38 of 1992 suggest that an application is made to the regulator six months before expiration of the license (see <http://www.nigeria-law.org/National%20Broadcasting%20Commission%20Decree%201992.htm>). Regulatory requirements for license renewal suggest that a public hearing should be held, including the disclosure of outstanding financial and administrative obligations to the commission. However, no explicit demand is made of the applicant regarding the public disclosure of ownership and share structure, even though the renewal process does require the completion of a form which includes information about the shares and ownership structure of the applicant (see <http://www.nbc.gov.ng/licensing.php>).

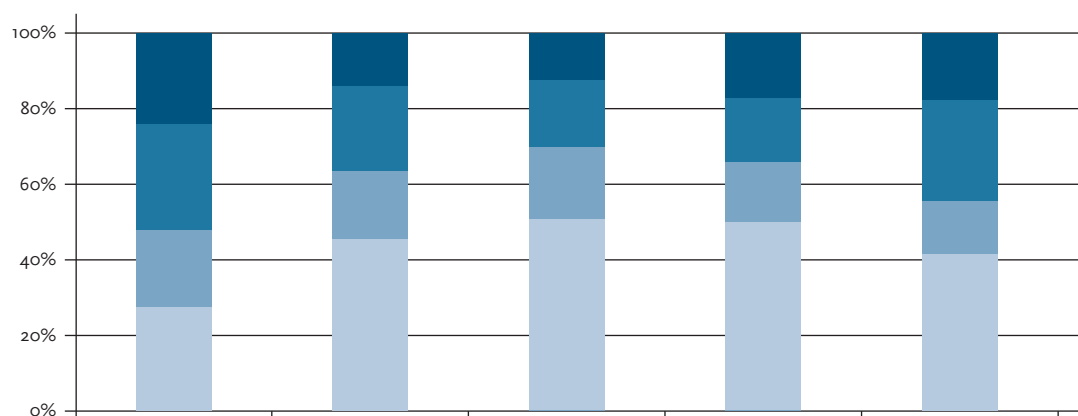
170. Ministry of Information and Communications, "2011 Budget Proposal Summary," 2011, at http://www.budgetoffice.gov.ng/2011_budget/proposal_2011/change/18.%20Summary_Information%20&%20Comm.pdf (accessed 25 January 2011).

171. A.M. Adeyanju and J.Z. Okwori, "Nigeria: Research Findings and Conclusions," *African Media Development Initiative*, 2006, at http://www.radiopeaceafrica.org/assets/texts/pdf/NIG_AMDI_Report_pp4%201.pdf (accessed 15 March 2011).

Overall, however, in spite of the global economic downturn, advertising revenue remained more or less stable between 2005 and 2009, with all sectors enjoying year on year growth and television retaining the lion's share. It is likely that overall growth in advertising has at least in part been sustained by the rapid expansion of mobile telephony and the accompanying rise in advertising expenditure by operators (see section 6.1.4). But although advertising growth reinforces the financial independence of media institutions from the state, this growth is unlikely to sever existing ties to the political establishment (see section 6.1.3). See Figure 17.

Figure 17.

Advertising spend in Nigeria (NGN billion), 2005–2009



	2005	2006	2007	2008	2009
■ Press	5.516	4.373	4.801	9.193	15.815
■ Outdoor	6.532	7.384	7.167	9.516	24.251
■ Radio	4.735	5.668	7.519	8.817	12.511
■ Television	6.446	14.99	20.54	28.288	38.35

Source: mediaReach OMD, “Media facts book 2009—abridged version,” p. 18, at http://www.mediareachomd.com/index.php?option=com_phocadownload&view=category&id=1:2009&Itemid=37 (accessed 14 May 2012)

There is a total lack of data on revenue generated from the sales of print publications or internet advertising, which has become an increasingly prominent feature of online newspapers. Most online newspapers now offer free classified advertisements that they hope will provide a revenue stream through commission on e-commerce transactions.

6.2.2 Other Sources of Funding

An example of a new type of funding in the Nigerian media is the 2010 launch of StarTimes, a public-private partnership between Star Communication Network China and the NTA,¹⁷² resulting in US\$70 million in new investment for pay-TV services (see section 2.1.3).¹⁷³ StarTimes Nigeria offers a package of 38 channels

172. See http://www.startimes.com.ng/About_Us/259138.shtml (accessed 6 June 2012).

173. See <http://businessdayonline.com/NG/index.php/markets/companies-and-market/30612-star-times-invests-70million-dollarsinnigeria> (accessed 6 June 2012).

of news, sport, entertainment, and documentary, bundled at a relatively low monthly subscription cost for its basic package (NGN 1,000 or US\$6.25) and premium bouquet (NGN 1,800 or US\$11.25). As of November 2010, the service had a subscriber base of 400,000, 10 months after it commenced operations,¹⁷⁴ and is currently available in six major cities: Lagos, Abuja, Kano, Kaduna, Ibadan, and Port Harcourt.

6.3 Media Business Models

6.3.1 Changes in Media Business Models

Conventional advertising continues to be the most significant source of media funding in Nigeria. However, potential new models may yet emerge. Online news provision might be monetized through subscription models that govern access to archived or premium content. The potential target market for these services may lie mostly with Nigerians abroad. However, such pay walls are yet to emerge.

6.4 Assessments

Digitization has seen significant new entrants particularly in the internet and pay-TV sectors, widening the field of competition in news provision and challenging the dominance of state broadcasters. Competition in Nigerian media markets as a whole has been sustained by the rapidly growing mobile sector and, partly as a consequence, the burgeoning media advertising market.

However, there is little to suggest that increased competition and commercial media expansion have had a meaningful impact on performance and independence. Commercial broadcasters that stray too far from a government-approved editorial line have been threatened with license revocation, while journalists continue to face a range of implicit and explicit threats from official sources.

In this context, the news content of mainstream commercial outlets differs little from state broadcasters and as such, particular types of media funding and ownership have little effect on diversity in news. State broadcasters themselves are reliant on some advertising revenue, although the Government has recently pledged to renew funding from direct taxation for state broadcasters, despite the growth in commercial outlets.

174. See <http://talkmedianigeria.com/2011/08/09/startimes-wins-uefa-2012-2015-dtt-media-rights-for-sub-saharan-africa/> (accessed 6 June 2012).

7. Policies, Laws, and Regulators

7.1 Policies and Laws

7.1.1 Digital Switch-over of Terrestrial Transmission

Access and Affordability

There are currently no legal obligations on broadcasters to guarantee citizen access to digital platforms or measures to ensure the affordability of digital broadcasting, in part because terrestrial television itself has not achieved universal penetration.

Nevertheless, in 2010 the president in his address at the opening of the eighth International Conference of Africa Broadcasters (Africast)¹⁷⁵ stated that the country had completed the preliminary stages of digitization, noting that “all non-terrestrial broadcasters have already gone digital, and that virtually all the production and studio equipment of the broadcast stations in this country are all in the digital format.” Indeed, the country was now said to be in “the final stage, the transmission phase,” which the president identified as the most crucial, because it “directly reconfigures the operational format of the industry and affects the public.”¹⁷⁶

Such pronouncements can be taken to be an acknowledgment of the impending impact of digitization on the public and the need to address it, rather than an indication of progress. The official position on the switch-over date has changed over the years. In July 2011, the director-general of the broadcasting regulator in Nigeria insisted that the switch-off date would be in 2012.¹⁷⁷ Hardly anyone thought that this deadline would be met, and a new deadline of January 2015 was recently (April 2012) approved (see below).

A Presidential Advisory Committee (PAC) on the Transition from Analogue to Digital Broadcasting was set up in 2008 to help fashion a strategy for achieving digital migration (see section 2.1.3). The president stated in the same 2010 address that the Government had reviewed the PAC report, and would issue a White

175. This is an annual conference of African broadcasters.

176. Goodluck Jonathan, “Opening speech of the president at Africast 2010,” Nigeria Community Radio, 19 October 2010, at http://nigeriacommunityradio.org/africast_2010.php (accessed 28 April 2012).

177. O. Chukwuwezam, “Nigeria may miss digital broadcast migration deadline,” *Information Nigeria*, 9 July 2011.

Paper “which will drastically alter the way in which we conduct the business of broadcasting in Nigeria.” The Government also intends to present a bill to the National Assembly, drawing on recommendations in the White Paper to establish a legal framework for the transition, dealing with issues relating to signal distribution, the licensing framework, spectrum planning, broadcasting standards, training, and set-top boxes. This bill is likely to replace the NBC Decree.

The White Paper on Transition from Analogue to Digital Terrestrial Broadcasting in Nigeria was finally approved by the Federal Executive Council on 4 April 2012.¹⁷⁸ Neither the White Paper, nor the PAC report on which it is based, has been published or presented in full. Some elements have been disclosed, however, and they suffice to show that the White Paper calls for a significant restructuring of the broadcasting industry. For example, news reports indicate that more than one signal distributor will be licensed at the commencement of the digitization process.¹⁷⁹ Furthermore, a multi-stakeholder digital implementation team will be inaugurated, and will have responsibility for supervising the transition.

While the PAC calls for the Government to consider the “accessibility and affordability of the general public to the new programming regime through the traditional set-top box,”¹⁸⁰ it is impossible to assess the nature or prospects of this recommendation. There is an important difference between ensuring availability and ensuring affordability. Currently, all digital television in Nigeria is offered as pay-TV services. Providing for citizens to access digital platforms is one thing, ensuring that programs (and their contents) are accessible is another.

In telecoms, the Universal Service Provision Fund (USPF) has been used predominantly (if not exclusively) for supply-side projects such as the establishment of community communication centers and to subsidize infrastructure-sharing by operators in rural areas. This fund was set up in Nigeria through the 2003 Communications Act to allow for allocation of grants to private companies that wish to serve the universal access market. To date, the fund has not been used to subsidize end-user devices such as mobile phones or personal computers.

Overall, progress in the transition to digital broadcasting has been made in supply-side indicators, focusing on the digitization by broadcasters of their production processes as opposed to demand-side factors like the ability of consumers to receive digital content. Based on this policy emphasis and the precedence set by the disbursement of the USPF, it is unlikely that provisions of affordability requirements will be proffered as a condition for the switch-over from analog to digital signals.

178. Ahamefula Ogbu “FEC Okays 2015 Deadline for Digital Broadcasting Migration,” *ThisDay Live*, 5 April 2012, at <http://www.thisdaylive.com/articles/fec-okays-2015-deadline-for-digital-broadcasting-migration/113022/> (accessed 6 June 2012).

179. Ahamefula Ogbu “FEC Okays 2015 Deadline for Digital Broadcasting Migration,” *ThisDay Live*, 5 April 2012, at <http://www.thisdaylive.com/articles/fec-okays-2015-deadline-for-digital-broadcasting-migration/113022/> (accessed 6 June 2012).

180. Nigeria Community Radio Coalition, “Digitization of Broadcasting in Nigeria,” *Media Policy Briefings* No. 2, at <http://nigeriacommunityradio.org/media%20policy%20-%20Volume%202.pdf> (accessed 10 January 2011) (hereafter Nigeria Community Radio Coalition, “Digitization of Broadcasting in Nigeria”).

Without any exact data for the existing analog television households, it is difficult to predict what the effects will be on most television consumers when switch-over occurs if no assistance is provided.

Subsidies for Equipment

There are currently no schemes in Nigeria to subsidize digital reception equipment such as set-top boxes or digital television sets. Instead, the Government intends to encourage local manufacturers of such equipment through incentives and subsidies in the hope that these will be passed on to consumers.¹⁸¹

Legal Provisions on Public Interest

As noted, the only official document pertaining to digital switch-over, the PAC report, is not currently in the public domain. The White Paper on digital migration has been approved by the Government,¹⁸² but is also currently not in the public domain; and the bill to be presented to the National Assembly¹⁸³ is still in development.

References to the public interest can be found in the law establishing and governing the regulator of the sector. Section 2(1) of the NBC Decree of 1992 outlines the duties of the NBC as including: “(g) Upholding the principles of equity and fairness in broadcasting;” “(i) Promoting Nigerian indigenous cultures, and moral and community life through broadcasting;” and “(n) Determining and applying sanctions, including revocation of licenses of defaulting stations, which do not operate in accordance with the broadcast Code and in the public interest.”¹⁸⁴ The protection of the public interest is therefore directly linked to the NBC’s mandate to enforce its broadcasting code. The notion of the public interest is positioned primarily as a tool of sanction.¹⁸⁵ (For more on the independence of the regulator, see section 7.2.2.)

Public Consultation

The fact that the only official document concerning switch-over has not been published is an indication of a significant transparency deficit in respect of digital policy.

The NBC states on its website that it has held stakeholders’ conferences and meetings and has conducted awareness campaigns on digital switch-over. In June 2008, the regulator held a stakeholders’ conference which (according to its website) had more than 400 participants “from the public sector, including law makers and chief executives of federal and state government-owned, as well as private broadcasting stations,

181. Elizabeth Embu, “FEC approves migration to digital broadcasting,” *Daily Times*, 5 April 2012, at <http://dailytimes.com.ng/article/fec-approves-migration-digital-broadcasting> (accessed 6 June 2012).

182. Vincent Ikuomola, Olugbenga Adanikin, and Adebowale Adenike, “Fed Govt sets 2015 digital migration deadline,” *The Nation*, 5 April 2012, at <http://www.thenationonline.net/2011/index.php/business/42082-fed-govt-sets-2015-digital-migration-deadline.html> (accessed 6 June 2012).

183. The National Assembly is the bicameral legislature and highest elective law-making body of the country.

184. NBC Decree No. 38 of 1992, at <http://www.nigeria-law.org/National%20Broadcasting%20Commission%20Decree%201992.htm> (accessed 10 January 2011).

185. BBC World Service Trust, “African Media Development Initiative: Nigeria Context,” 2006, at http://www.bbc.co.uk/worldservice/trust/researchlearning/story/2006/12/061206_ami_nigeria.shtml (accessed 10 January 2011).

policy makers, non-governmental organizations and the general public from across the nation.”¹⁸⁶ According to the NBC, the results of the conference included “sustained publicity in the press, radio and television to sensitize the public on the implications of digitization;” as well as the creation of the PAC. The authors of this study were, however, unable to find any third-party references to the conference or other similar consultations. In fact, the conference went completely unreported by independent media.

Digital migration has been discussed in meetings held by industry bodies such as the Association of Licensed Telecommunication Operators of Nigeria (ALTON), and has been the focus of international conferences and exhibitions, including Africast 2010. Some civil society organizations have also developed position papers on the subject, among them the Nigerian Community Radio Coalition¹⁸⁷ and the Media Rights Agenda.¹⁸⁸

In its media briefing report,¹⁸⁹ the Nigerian Community Radio Coalition highlighted a number of issues in respect of switch-over, including:

- The need for the PAC to meet its commitment to set up the fast-track Digital Transmission Implementation Team (a recommendation from its report which was disclosed),¹⁹⁰ which might have helped to accelerate digitization and achieve the June 2012 (now January 2015) switch-over date.
- Use of the digital dividend that will result from a digital switch-over: efficient use of spectrum, higher audio and video quality, availability of extra bandwidth, interactive programming, and mobile reception of video, internet, and multimedia data.
- The economic, political, social, and technological concerns that will result from the switch-over, including the cost of acquiring set-top boxes imposed on consumers who may be unable to afford them; the high cost of procuring upgrades and replacement for analog equipment; production of sufficient content to fill available channels; and capacity-building requirements for technical staff of broadcast operators and content providers; and the ability of the NBC to provide regulatory oversight given its budgetary constraints and potential lack of independence from the Government.
- The role that the Government needs to play to stem the influx of obsolete equipment such as television, radio, and CD players and equipment for broadcasters and operators.
- The need for careful consideration of what digital standards Nigeria will adopt given that the development of digital standards—among them Digital Audio Broadcasting (DAB), In-Band on-Channel (IBOC), and Digital Radio Mondiale (DRM)—are still in their experimental stages.

186. NBC, “Transition from Analogue to Digital Broadcasting in Nigeria” (n.d.), at <http://www.nbc.gov.ng/broadcast.php?menu=1&submenu=6> (accessed 10 January 2011).

187. Nigeria Community Radio Coalition, “Digitization of Broadcasting in Nigeria.”

188. Media Rights Agenda and ARTICLE 19, *Broadcasting in Nigeria: Unlocking the Airwaves*. Report on the framework for broadcasting and telecommunications in Nigeria, February 2001, at <http://www.mediarightsagenda.net/other%20publications/Broadcasting%20In%20Nigeria.pdf> (accessed 10 January 2011).

189. Nigeria Community Radio Coalition, “Digitization of Broadcasting in Nigeria.”

190. ITREALMS Online, *Digital migration attainable by 2012—Akunyili*, at <http://www.itrealms.com.ng/2009/07/digital-migration-attainable-by-2012.html> (accessed 6 June 2012).

- The importance of retaining FM and AM broadcasting services until a proven and viable digital replacement has been achieved.
- Recommendations that call for the preservation of an equitable proportion of freed spectrum for the development of community radio stations.
- Recommendations that the Government should handle policy reform with seriousness, especially broadcast policy; revision of the obsolete Nigerian broadcasting law; and regulatory mechanisms should become more dynamic in the face of digitization than they currently are.

The role that civil society will play in digital migration is still unclear, as the PAC report and the White Paper have not yet been published. The White Paper will probably be released in the not too distant future. When this happens, civil society groups should be ready to push for the implementation of its positive recommendations. It is not clear that the Government will invite public consultation. However, following recent activities around the invitation of public comments on the draft Nigerian ICT policy¹⁹¹ by the Ministry of Communication Technology, the NBC may yet do the same for the bill or bills that will be developed from the White Paper. Public and civil society involvement would probably improve such bills before their presentation in the National Assembly.

7.1.2 The Internet

Regulation of News on the Internet

There are no specific legal requirements covering content on the internet and on mobile phones. Existing requirements for broadcast content provision do not apply to the provision of content on the internet and on mobile phones, with the exception of rules governing rebroadcasting of foreign news (see below).

It should be noted, however, that a telecoms operator wishing to broadcast content in Nigeria must apply for a broadcast license (or partner with an organization that has one).

Legal Liability for Internet Content

Rebroadcasting of foreign content is severely restricted in Nigeria. Section 5 of the Broadcasting Code states: “A terrestrial free-to-air station shall not relay foreign news content ‘live’ ... shall not relay foreign news content in its entirety, even delayed ... [But these provisions] do not preclude the universal practice of using excerpts for news; in which circumstances, the local station assumes editorial responsibility.”¹⁹²

191. See <http://www.technologytimesng.com/news/2011/12/draft-ict-policy-goes-online-for-public-input-on-january-9-commtech-minister-says/> (accessed 15 May 2012).

192. National Broadcasting Commission, *Broadcasting Code*, 2010 (5th edition), at <http://resourcedat.com/wp-content/uploads/2011/09/Nigeria-Broadcasting-code.pdf> (accessed 6 June 2012).

This section of the act was used by the NBC in April 2004 to ban the relay of live news and news programs of foreign stations.¹⁹³ It can be applied to the relay of live streams or verbatim news content from foreign channels by a news aggregation website based in Nigeria (which therefore falls under the jurisdiction of the NBC). And the section specifically states that in cases where news from a foreign source is modified and broadcast by a Nigerian station, that station assumes editorial responsibility (and is thus held liable). In the case of the internet, this has significant implications: online news sites tend to exercise less editorial control over content than their offline counterparts. There is no knowledge of any online news site that has been sanctioned by the NBC for such breaches.

Online news sites are also potentially restrained by the fact that freedom of speech is severely limited by law. The constitution qualifies the right to free speech (in Chapter IV, Section 39) with the following caveat (in Section 39(3)): “Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society ... for the purpose of preventing the disclosure of information received in confidence, maintaining the authority and independence of courts or regulating telephony, wireless broadcasting, television or the exhibition of cinematographic films.”¹⁹⁴

In addition, there are stringent laws concerning libel, defamation, and protection of the national interest. The Offensive Publications Decree of 1993 allows for the seizure and confiscation of any publication which the Government believes is likely to disrupt, hinder, or prevent the “peace and public order” of Nigeria. The Newspaper Registration Board Decree of 1993 and until recently the Nigerian Press Council Decree of 1992 (see section 7.2.1) allow for the Nigerian Press Council to investigate cases of insult and defamation, enforce codes of conduct, and punish non-compliant media organizations and journalists with fines and imprisonment.

A news website not located in Nigeria can circumvent these restrictions. One notable example is Sahara Reporters (see section 3.1.3), which publishes its online content on a generic top-level domain name (gTLD) owned and hosted in the United States (.com) and not Nigeria (.com.ng). As a result, this domain falls under the jurisdiction and jurisprudence of the country where it is hosted. For instance, a call for “cancelations, transfers, and changes” to a domain are handled by the International Corporation for Assigned Names and Numbers (ICANN).

193. IRIN, “Nigeria: Regulator bans live relay of foreign news broadcasts,” 5 April 2004, at <http://www.irinnews.org/report.aspx?reportid=49403> (accessed 10 January 2011).

194. “Constitution of the Federal Republic of Nigeria,” 1999, at <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> (accessed 10 January 2011).

7.2 Regulators

7.2.1 Changes in Content Regulation

There has been no change in the structure of media content regulation in Nigeria over the past five years. Broadcasting regulation is performed by the NBC, which publishes (and is expected by law to periodically review) the Nigeria Broadcasting Code. Its most recent review is the fifth edition draft version of 2010, which touches on some aspects of internet broadcasting. While it covers several forms of digital media including satellite and internet broadcasting, little is known about the extent of its application, since it is still in draft form. However, the scope of what it covers is worth mentioning.

It categorizes broadcast in several forms, for the purposes of licensing, as follows.

- Terrestrial broadcast; free-to-air (sound and television)
- Satellite broadcast; free-to-air (sound and television)
- Terrestrial broadcast; subscription (sound and television)
- Satellite broadcast; subscription (DSB sound and television)
- Satellite (multi-channel) subscription (DTH sound and television)
- Cable television subscription
- Community (radio and television)
- Networking (radio and television)
- Content distribution (syndication)
- Internet broadcasting
- Signal distribution

The licensing provisions stipulated in the code forbid the transmission of sound or vision by the above media from anywhere in the country without the proper license.¹⁹⁵ It is unclear how the NBC will bring into compliance existing operators currently broadcasting internet content when this code goes into effect. It could, however, become a tool for regulating the industry and for regulating content.

Another recent addition to the policy landscape is the 2012 draft information and communications technology (ICT) policy document, which recognizes broadcasting as an information and communication technology. The draft also recognizes the different information and communications sectors such as telecoms information technology and postal services, and attempts to harmonize the various services, laws, and policies guiding

195. See <http://resourcedat.com/wp-content/uploads/2011/09/Nigeria-Broadcasting-code.pdf> (accessed 15 May 2012).

these sectors. The policy document was subjected to public consultation on 9 March 2012, but at the time of writing, a revised draft has not yet been published.

As at present, and given the draft nature of the NBC code, no known case has emerged where it has been applicable in specifically regulating content or the media.

With successive military administrations and an increasing number of decrees, it is difficult to keep track of which are still active and which have been annulled. An example of this is the case of two journalists, one working for AIT and the other for the *Daily Independent* newspaper, who were arrested and put on trial in June 2006 for reporting stories speculating on the age of a newly purchased presidential jet that the Government reported as being brand new. Both journalists were charged (by the Federal government) under the Sedition Act. However, the relevant Act had been annulled by the Court of Appeal in 1983.

Actual examples of the regulation of content in the press are predominantly carried out by the state through a series of decrees and laws dating back to previous civilian administrations, military regimes, and even colonial rule. These have been predominantly restrictive and oppressive (as highlighted above), although less so in recent times. The manner in which regulators will change to cope with digital broadcasting is not known. A merger of the telecoms and broadcasting regulators has been announced but no concrete steps have been taken towards this.

The most relevant document relating to possible restructuring for content regulation is the report produced by the PAC on the migration to digital transmission (see section 2.1.3). Although not available in the public domain, at its presentation to the Minister of Information and Communications, members of the PAC highlighted some of their recommendations, including the restructuring of the broadcasting model to one that separates broadcast content from broadcast signal distribution. This would result in two types of licenses being dispensed, for content provision and for signal distribution. Implementing these recommendations is likely to draw attention to the NBC's ability to regulate content (via its regulation of the content providers). It remains to be seen if these recommendations are included in the Government's White Paper and draft bill.

7.2.2 Regulatory Independence

The NBC oversees radio and television (including pay-TV and satellite television), while the NCC oversees telecoms and related service providers and operators. There is no regulator for internet content, but the NBC is likely to gain this role, since it has addressed internet broadcasting in its present draft broadcasting code (see section 7.2.1). Providers of internet access (fixed and mobile telephone operators and internet service providers) are regulated by the NCC

In addition, several bills relating to the prevention of cyber-crime have been brought before the National Assembly. Although a bill has yet to be passed into law, the various drafts recommend the creation of an agency that would regulate content on the internet with a focus on fraud detection and prevention. Also related is the protection of intellectual property via the regulation of copyrighted material (including infringement on the internet) by the Nigerian Copyright Commission.

Under the NBC Decree No. 38 of 1992¹⁹⁶ the Minister for Information and Communications has the following powers and responsibilities:

- to give “directives of a general character” to the commission, with which “it shall be the duty of the commission to comply” (Section 6);
- to approve or reject any attempt by the commission to borrow money;
- to receive annual budgets and reports, including audited accounts.

The decree stipulates that the commission be made up of a chairman, a director-general, and nine other members representing the following interests: law, business, performing arts, education, social science, media, and public affairs. The 1999 amendment increased the number of members by one and expanded the range of interests that should be represented to include culture (replacing performing arts), broadcasting (replacing media), engineering, state security, and the Federal Ministry of Information and Culture (now the Ministry of Information and Communications).

Members of the commission, including the chair and the director-general, are all appointed by the president on the recommendation of the Minister for Information and Communications. Recommendations for appointment are made at the discretion of the minister and there is no public participation in the selection and appointment process. All members are appointed initially for three years and may have their appointment renewed for another three years by the president, apart from the director-general who is appointed initially for five years and can be reappointed for an indefinite period of time or as stated in the 1992 decree.

All members of the commission can be removed at any time by the president if he or she is “satisfied that it is not in the interest of the commission or the interest of the public that the member should continue in office.” The Government alone defines the “interest of the commission” and the “interest of the public.” These provisions have the combined effect of denying the regulatory body independent powers and make the regulatory process arbitrary.

Not surprisingly, the regulator has come under criticism over its lack of independence. A report published in 2010 by the Open Society Initiative for West Africa assessed the regulator’s independence as follows: “The NBC lacks independence and adequate protection against political and economic interference and is accountable to the executive arm of government. The licensing procedures are shrouded in secrecy and the granting of licences is left to the discretion of the president. Complaints and sanctions procedures concentrate all powers in the NBC, leaving no room for appeals and judicial processes.”¹⁹⁷

196. NBC Decree No. 38 of 1992, at <http://www.nigeria-law.org/National%20Broadcasting%20Commission%20Decree%201992.htm> (accessed 10 January 2011).

197. A. Akingbulu, “Nigeria,” in Hendrik Bussiek (ed.), *Public Broadcasting in Africa Series*, a survey by the Africa Governance Monitoring and Advocacy Project (AfriMAP), Open Society Initiative for West Africa (OSIWA), Open Society Media Program (OSMP), 2010, at http://www.afriMAP.org/english/images/report/AfriMAP_Nigeria_Broadcasting_2011.pdf (accessed 10 May 2012).

With the recent devolution of power to the NBC for licensing community radios, however, its regulatory independence is likely to be somewhat enhanced.

7.2.3 Digital Licensing

According to the draft Broadcast Code, the process of acquiring internet broadcast licenses is similar to those governing traditional radio and television licensing in the analog era. The draft stipulates in respect to internet broadcasting regulations (section 11.18) that:

- all internet radio and television broadcasting streaming signals from, and into, Nigeria shall be licensed by the Commission;
- all regulations governing news, programmes, advertising, and sponsorship shall apply to this category of broadcasting;
- the local content obligation for this category of licence shall be 80 percent of total broadcast time;
- all conditions governing other categories of broadcast licence shall apply;
- all subscription-based internet radio and television outlets that seek subscribers in Nigeria shall be licensed by the Commission.

Concerning UGC (Section 3.15.2), it stipulates that a broadcaster shall take cognizance of new and emerging technologies which have made possible the development of UGC, but such content shall meet all relevant provisions of the Code.

The process of licensing in the current analog era is that the NBC receives and processes applications for broadcasting licenses and forwards them with its recommendation to the Minister for Information and Communications, who in turn submits his or her recommendation to the president for approval. The decision-making process for licensing is not transparent and has no fixed schedule. Each stage—NBC, minister, and presidency—works at its own pace. Applicants often wait for years without getting results and the regulatory body is not obliged to offer any explanation.

Section 9(3) of the 1992 NBC decree states that compliance with the requirements specified in sub-section (1) of this section shall not entitle an applicant to the grant of a license but the grant of a license by the commission shall not be unreasonably withheld. But there is no provision for appeal if a license is withheld and unsuccessful applicants have not been going to court to seek redress.

Application forms are purchased from the NBC at a cost of NGN 50,000 (approximately US\$312) and are submitted to the NBC along with supporting documents including a feasibility study showing the engineering design of the proposed station as well as an undertaking that the station will be used to promote the national interest, unity, and cohesion, and not offend religious sensibilities or promote ethnicity, sectionalism, hatred, and disaffection among the peoples of Nigeria. The “national interest, unity, and cohesion” are not defined in the act and are determined by the NBC.

A broadcasting license is valid for five years in the first instance and a renewal is required if a licensee wants to continue operating. The NBC may refuse to renew a license after considering past performance if it is not in the “national or public interest” or in the interest of the broadcast industry to do so. Again, the national or public interest or that of the broadcast industry are not defined, and are determined by the NBC on a case by case basis. Public hearings have been held in some exceptional cases of license renewal, particularly concerning broadcasters around whom controversy had developed.

Section 10 of the decree states that political and religious organizations cannot be granted a broadcasting license. This exclusion also applies to Parliament: in January 2011, the NBC refused an application by the National Assembly for a television and radio license, arguing that the legislative arm of the Government is a political entity and ineligible for a broadcasting license.¹⁹⁸

7.2.4 Role of Self-regulatory Mechanisms

The Code of Ethics for Nigerian Journalists, published in 1998 and approved by the Nigerian Press Organization (NPO), sets out principles for journalistic ethics on a wide range of issues.¹⁹⁹ The code is defined as a “handbook to assist journalists, media organizations and media groups in the onerous tasks of reporting, analyzing and commenting on conflicts generally and the coverage of elections in particular.” According to the IPC, which published the booklet, “It examines the ethical and professional issues inherent in the processes. Much of the content deals with the review of the 2003 general elections in the country and guidelines for election coverage in general.”

This publication, according to the IPC, is the first in the series of a “Nigerian Media Reform Manifesto,” the main objective of which is to encourage greater emphasis on ethical and professional issues in the journalism profession. Its production was facilitated by two roundtables focusing on conflicts and coverage of elections and whose proceedings form the main content. The roundtables were organized with the funding support of IDASA-Nigeria,²⁰⁰ the International Federation of Journalists (IFJ), and LO-TCO, Sweden.

Two of its provisions are particularly relevant in the digital age. Article 13 on plagiarism states that “a journalist should not copy wholesale or in part, other people’s work without attribution and/or consent,” Article 14 on copyright states that “where a journalist reproduces a work be it in print, broadcast, artwork or design, proper acknowledgement should be accorded the author.” Further, “a journalist should abide by all rules of copyright, established by national and international laws and conventions.”²⁰¹

198. D. Obi, “NBC likely to remain rigid on NASS TV, radio license request,” *BusinessDay*, 15 February 2011, at <http://www.businessdayonline.com/NG/index.php/media-business/18195-nbc-likely-to-remain-rigid-on-nass-tv-radio-licence-request> (accessed 15 July 2011).

199. Nigerian Press Organization (NPO) and Nigerian Press Council (NPC), *Code of Ethics for Nigerian Journalists*, 1998, at <http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/WPFD2009/pdf/Nigeria...code%20of%20ethics.pdf> (accessed 6 June 2012).

200. See <http://www.idasa.org/countries/country/nigeria/> (accessed 15 February 2012).

201. IPC, “The Ethics Handbook. Incorporating Nigeria Press Organisation’s Code of Ethics for Nigerian Journalists,” 2004; International Federation of Journalists (IFJ), “Principles on the Conduct of Journalists,” p. 9 (2004), Lagos, 2004.

7.3 Government Interference

7.3.1 The Market

Perhaps the most significant disruption that directly affects the media market revolves around the funding of state television and radio broadcasters. As of 2005, there were 14 private free-to-air television stations compared with 32 run by state governments, and 97 local affiliates of the national channel. Eighty out of the approximately 100 radio stations were owned by the Government at the state or federal level.²⁰² All these government stations get funding from the state and at the same time compete with the private stations for advertising revenue, which is the primary source of funding for the latter. Government-owned stations are therefore at somewhat of an advantage, which is tempered by the control that government has over their operations and content.

7.3.2 The Regulator

The NBC is the investigator and arbitrator for complaints about bad reception or programming, but it is at times unclear whether it has followed its own investigative procedures prior to taking action or implementing sanctions. Complaints and conflict management mechanisms have been provided for in the Broadcasting Code and stations are expected to adhere to NBC's six-stage complaints and resolution procedure:

1. an aggrieved person, group or institution lodges a complaint with the commission within 14 days after the occurrence of an act or omission;
2. upon receipt of complaint, the commission informs and requires the station to provide a response within 72 hours, although an extension of time may be given;
3. within 14 days after receipt of response from the station, the commission investigates and arbitrates;
4. then it notifies the parties to the complaint on the progress of its investigation, findings and reasons;
5. if the complaint is upheld, the station is directed to comply with the findings (meaning decisions) of the NBC "within a specified time;"
6. the findings are made public.

The process is entirely handled within the NBC. There is no separate or specially constituted complaints mechanism or a provision for appeals within the NBC. Sanctions imposed by the NBC on private stations are usually criticized for having not adhered to the procedure described above. The successful challenge by Adaba 88.5 FM and the temporary closure of AIT and RayPower (see section 7.3.3) are examples of where actions of the NBC have been criticized for not having been the result of the implementation of its own procedures. In particular, broadcasters state that they receive little or no communications from NBC during its investigations.

202. Guy Berger, "Media legislation in Africa: a comparative legal survey," published for UNESCO by the School of Journalism and Media Studies, Rhodes University, 2007, at http://fesmedia.org/fileadmin/files-fesmedia.org/Berger__Media_Legislation_in_Africa.pdf (accessed 15 July 2011) (hereafter Berger, "Media legislation in Africa").

7.3.3 Other Forms of Interference

As stated earlier (see section 7.1.2), there is no formal regulation of digital media; content is regulated by the NBC irrespective of the classification of media and the NCC regulates the establishment of internet service providers. Studies by such organizations as the OpenNet initiative have found no cases of direct filtering or censoring of internet content by the Government.²⁰³ However, the types of direct pressure and intimidation of print journalists appear to be applied to owners and/or editors of online content.

The media in Nigeria have generally experienced state interference in a number of ways. Examples have been primarily in prosecuting reporters and journalists for sedition using the laws and decrees that date back to military rule. The operations of television and radio stations have also been disrupted due to political reasons. For example, in May 2009 the NBC sought to suspend the license of the radio station Adaba 88.5 FM for two weeks citing non-payment of a fine. This was applied to the station for broadcasting “materials that were capable of inciting members of the public to violence and consequently leading to breakdown of law and order” during rerun elections in Ekiti state (where the station is located). The radio station successfully challenged the suspension in court.²⁰⁴

In another example, AIT and RayPower FM stations were temporarily shut down for their apparently inappropriate reporting of a plane crash in the country in 2005. But these broadcasters believe that they were sanctioned because their reporting challenged those of the government broadcasters and accused the civil aviation authority of negligence.²⁰⁵

Disruptions have also taken the form of physical damage to property. In June 2007 the business premises and studio of AIT in Abuja were demolished. Although the reason given for the demolition was a violation of a planning order, AIT maintains that it did not receive communication of this prior to the event and believes it was targeted due to its reporting.²⁰⁶

While there have been no cases of imprisonment for online activities in Nigeria at the time of writing, there have so far been two cases of detention reported in the public domain (both of bloggers who are resident outside the country). Jonathan Elendu, author of the website Elendureports.com and who has connections with Sahara Reporters, was arrested in October 2008 by the state security service. He was questioned about

203. OpenNet Initiative, “Country Profile: Nigeria,” 1 October 2009, at <http://opennet.net/research/profiles/nigeria> (accessed 15 July 2011); OpenNet Initiative, “Internet Watch Report: The 2007 Presidential Elections in Nigeria,” November 2007, at <http://opennet.net/research/bulletins/014> (accessed 15 July 2011).

204. Damisi Ojo, “Federal High Court restrains NBC on Adaba FM closure,” *The Nation*, 13 May 2009, at <http://thenationonline.net/web2/articles/3333/1/Federal-High-Court-restrains-NBC-on-Adaba-FM-closure/Page1.html> (accessed 15 July 2011).

205. Berger, “Media legislation in Africa.”

206. Reporters Without Borders, “Government uses planning pretext to demolish TV station’s studios in Abuja without warning,” 15 June 2007, at <http://en.rsf.org/nigeria-government-uses-planning-pretext-15-06-2007,22564> (accessed 15 July 2011).

national security and for “sponsoring a guerrilla news agency.”²⁰⁷ He was released after two weeks without facing charges.²⁰⁸

Another online journalist, Emmanuel Emeka Asiwe, editor of Huhuonline.com, was detained in November 2008. The state security service again stated that Asiwe was being questioned about “matters of national security;” but no criminal charges were made and he was released a week later.²⁰⁹

7.4 Assessments

There have been recent movements to comply with the migration from analog to digital in connection with the acquisition and use of digital production and studio equipment. However, there are still uncertainties over the affordability of end-user devices and therefore over citizens’ access to digital content when the switch-over occurs in 2015. This concern is mentioned in the PAC report, which has not yet been released to the public, although snippets of it have surfaced publicly. One scheme that can help consumers benefit from migration is the USPF, which could be applied to provide subsidies for set-top boxes.

There are no policy or regulatory instruments governing broadcasting on the internet, although two policies are being drafted, namely the ICT policy which seeks to harmonize all regulatory instruments and laws for communications, information technology, and posts; and the draft NBC code of 2010 which covers internet broadcasting. These instruments are still in their draft stages and so are not presently used to regulate internet broadcasting. The ICT policy has gone through public consultation and it is likely that the broadcast code may follow suit. Before they become law, they remain on paper and nothing is implemented. One potential challenge lies in bringing existing broadcasters who already provide internet content into compliance with these instruments.

Efforts by the Nigerian government to regulate internet content have had less to do with filtering information and censorship, and more to do with tackling economic fraud perpetuated via electronic media, infringements of industrial and intellectual property, and cyber-security. This is welcomed in helping to reduce harmful exploitation of the emerging digital environment. However, these policies and laws should be implemented in cognizance of constitutional rights to freedom of speech and expression so as to prevent the powers that are made available to legitimately fight crime being illegitimately employed as tools of oppression.

The process of digitization needs to be facilitated by the Government. While there have been increases in the penetration of some digital equipment among the population (see section 1), ownership of personal

207. Ndesanjo Macha, “Nigerian Blogger Arrested for Sponsoring a ‘Guerrilla News Agency,’” 24 October 2008, at <http://globalvoicesonline.org/2008/10/24/nigerian-blogger-arrested-for-sponsoring-a-guerilla-news-agency> (accessed 15 July 2011).

208. Freedom House, “Freedom on the Net 2011, Nigeria,” at http://www.freedomhouse.org/sites/default/files/inline_images/Nigeria_FOTN2011.pdf (accessed 15 July 2011).

209. Reporters Without Borders, “Nigeria: Online Journalist Emmanuel Emeka Asiwe Freed After One Week,” news release, 18 November 2008, at <http://allafrica.com/stories/200811181177.html> (accessed 15 July 2011).

computers and internet penetration remain low. Plans for increasing penetration and use of digital devices need to be developed through a consultative process. This is of particular relevance to the financing of the migration to digital broadcasting, specifically the means by which vast segments of the population will have access to set-top boxes. While the NCC has a regular forum (known as the Consumer Forum) through which it interacts with the public, its broadcasting counterpart does not.

8. Conclusions

8.1 Media Today

8.1.1 Positive Aspects

It is generally accepted that the broadcasting framework, law, and regulation in Nigeria need to be updated to meet the demands of a rapidly evolving sector. In addition to working towards digital switch-over, the Government needs to implement a reform process that can realize the potential of digitization to support economic growth as well as social cohesion and development. On the other hand, the Government needs to be mindful of the harmful exploitations that can occur, particularly in an environment of uncertainty and indecisiveness.

The passing of the Freedom of Information Act in May 2011 (see section 6.1.5) has been celebrated by a cross-section of stakeholders. Other laws that have been used to repress the free flow of information and knowledge need to be repealed or reviewed. Doing so will lay the foundation for free and independent news production and dissemination. Also important is the need to empower the regulator of the sector and increase its independence. In the address given at the Africast 2010 conference it was announced that the presidency had devolved to NBC the power to consider and issue community radio licenses without recourse to it (once the applicant had met the legal conditions).²¹⁰ This devolution of power needs to be extended to all types of licenses that fall within the scope of the NBC's mandate. Such a move would increase confidence in the sector and encourage more private-sector participation.

One of the most notable characteristics of the Nigerian media today is the rapid expansion of the mobile sector's new services and penetration in the population. This has had knock-on effects, from expanding access to the internet to increasing competition in commercial media markets. Whether it will have a long-term impact on sustaining journalism or increasing access to news remains to be seen.

210. Awwalu Salihu, "President Jonathan declares open Africast 2010" (n.d.), at <http://www.africastabuja.com/newsdetail.php?id=19> (accessed 15 July 2011).

8.1.2 Negative Aspects

The continued expansion of the commercial media sector, partly driven by mobile growth and partly by policy and regulation liberalization, has done little if anything to enhance the media's independence and diversity. Commercial media owners retain close links to the political establishment and both broadcasters and press outlets face a wall of legal and extra-legal obstacles if they stray too far from a government-approved script.

Even more serious is the apparent increase in threats towards and attacks on individual journalists, particularly those engaged in investigative reporting. The enhancements that digitization has provided to this sector, in terms of both reporting tools and dissemination, has perhaps exacerbated the threats that journalists face in their everyday work (see section 4).

The legal, regulatory, and policy framework has not been particularly responsive to digitization. Media and telecoms regulation continues to be conducted by separate authorities, despite rapid convergence between the sectors. On switch-over, the policy emphasis to date has been all but entirely placed upon commercial broadcasters with little sign of free-to-air television becoming available digitally any time soon. There has been little if any meaningful consultation or transparency in the formation of switch-over policy.

8.2 Media Tomorrow

The growth of the internet and the tendency for broadcasters to exploit the convergence of the media, as well as the emergence of alternative and niche news providers online, may lead to improvements in news diversity. Consumption patterns may be influenced as mobile proliferation grows and mobile broadband becomes more prevalent.

How the broadcast sector is regulated by the NBC may be in the process of change, to conform to similar models of spectrum auction undertaken by its telecoms counterpart, the NCC. Whether this will have a positive impact on growth, innovation, diversity, and pluralism is unclear. A good start might be made if the NBC were afforded similar autonomy and independence in the licensing process to that of the NCC.

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List of Abbreviations, Figures, Tables, and Companies

Abbreviations and Acronyms

ALTON	Association of Licensed Telecommunication Operators of Nigeria
ANPP	All-Nigerian People's Party
CAB	Consumer Affairs Bureau
CPC	Congress for Progressive Change
DAB	Digital Audio Broadcasting
DRM	Digital Radio Mondiale
DSTV	digital satellite television
DVB	digital video broadcast
DVB-H	Digital Video Broadcast—Handheld
DVB-T	Digital Video Broadcast—Terrestrial
FRCN	Federal Radio Corporation of Nigeria
IBOC	In-Band on-Channel
ICANN	International Corporation for Assigned Names and Numbers
IFJ	International Federation of Journalists
IPC	International Press Center
IPTV	internet protocol television
ITU	International Telecommunication Union
JFC	Journalists for Christ
LO-TCO	Swedish Trade Union Confederation (<i>Landsorganisationen</i> , LO) and Swedish Confederation of Professional Employees (<i>Tjänstemännens centralorganisation</i> , TCO)
MOSOP	Movement for the Survival of the Ogoni People
MoU	Memorandum of Understanding
MRA	Media Rights Agenda
NARS	Nigerian Amateur Radio Society
NATCOMS	National Association of Telephone Subscribers
NBC	Nigerian Broadcasting Commission

NCC	Nigerian Communications Commission
NFMC	National Frequency Management Council
NGO	non-governmental organization
NICOMSAT	Nigerian Communications Satellite Company
NIG	Nigerian Internet Group
NMEM	Network of Mobile Election Monitors
NPAN	Newspaper Proprietors Association of Nigeria
NPO	Nigerian Press Organization
NSCIA	Nigeria Supreme Council for Islamic Affairs
NTA	National Television Authority
NUJ	Nigeria Union of Journalists
NYSE	New York Stock Exchange
OSIWA	Open Society Institute West Africa
PAC	Presidential Advisory Committee
PDP	People's Democratic Party
PPPRA	Petroleum Products Pricing Regulatory Agency
SNG	Save Nigeria Group
SPDC	Shell Petroleum Development Company
UAF	Universal Access Fund
UDRP	Uniform Domain-Name Dispute-Resolution Policy
USP	Universal Service Provision
VON	Voice of Nigeria
VPN	Virtual Private Network

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Companies

Africa Capital Alliance
 Alheri Engineering
 Celtel Nigeria (now Airtel)
 Channels TV
 Daar Communications
 Daily Trust
 Delta Cables
 Globacom
 Hi Media Group
 Leaders & Company
 Media Trust

Mobitel
MTN
Multichoice Nigeria
Multilinks
Nigerian Communications Satellite Company (NICOMSAT)
Nigerian Telecommunications Limited (NITEL)
Nokia
Silverbird Communications
Spectranet
StarTimes
Starcomms
Timbuktu Media
Visafone Communications

Mapping Digital Media: Country Reports

1. Romania
2. Thailand
3. Mexico
4. Morocco
5. United Kingdom
6. Sweden
7. Russia
8. Lithuania
9. Italy
10. Germany
11. United States
12. Latvia
13. Serbia
14. Netherlands
15. Albania
16. Hungary
17. Moldova
18. Japan
19. Argentina
20. South Africa
21. Turkey
22. Lebanon
23. Macedonia
24. Bosnia and Herzegovina
25. Poland
26. Montenegro
27. Georgia

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