



August 13, 2020

**PRESS RELEASE**

**REACTIONS OF THE BROADCASTING ORGANISATIONS OF  
NIGERIA ON ISSUES SURROUNDING THE AMENDED  
POTIONS OF THE 6<sup>TH</sup> EDITION OF NBC CODE.**

The Broadcasting Organizations of Nigeria (BON) is a broad coalition of public and private broadcasters that are duly licensed by the National Broadcasting Commission. It is registered by the Corporate Affairs Commission as an independent, non-governmental nation's umbrella association to serve as a rallying point of members to represent, promote and advance their interest.

As a concerned strategic stakeholder in the Nigerian broadcast Industry with huge investments, BON has always followed with keen interest, all developments in the Industry that may affect the operations of its members.

The recent controversy generated by the amendments published and presented of the 6<sup>th</sup> edition of the Nigeria Broadcasting Code is of intense interest to Nigerian broadcast operators and owners that are members of BON.

BON agrees that the National Broadcasting Commission has the statutory responsibility of drawing up broadcast regulations for Nigeria.

BON also notes that, the NBC, in carrying out this responsibility, has in the last 20 years, related with stakeholders every four (4) years to draw up the regulations.

BON further notes that the process to draw up regulations for the 6<sup>th</sup> edition began in Kano under the chairmanship of Engr. Vincent Maduka. He was assisted by the then Makama Mohammed Ibrahim in 2017. The process was not completed until 2020.

The draft 6<sup>th</sup> code was Industry directed and so acceptable to the generality of broadcasters as it was not seen as censorial, because of stakeholder involvement. (BON, Academia etc)

This process enabled a buy-in and a feeling to being party to what has become the Nigeria Broadcasting Code, a self-regulatory guide to the industry.

However, amendments into the 6<sup>th</sup> edition that targeted strategic portions of the industry: News, Sports, Programming and Sanctions, specifically Sections 0.2.2.7, 2.0.3, 2.12.7, 3.15, 3.1.8. 2(e), 3.18.3,5.6, 6.0,7.8, 7.9, 9.0, 9.1, 9.4.3, 11.1.4, 11.5.4, 15.2.2 and 15.5 are critical to our content structure therefore any policy/regulatory amendment should require our collective input.

One of the issues that generated controversy is the provision against contain exclusivity. While some welcome this as a way to break monopoly of the market by few, other see this as counter productive.

There is the need to look at the provision again in order to address the likely emerging scenario where the copy right seller may jerk up its price knowing that the property will be shared on many platforms in Nigeria thereby adding extra cost to broadcast operators This is one, among other concerns .

Sanction is a consequence of regulation breached, however, for the enforcement to be seen to be transparent and well within the Constitution of the Federal Republic of Nigeria, a process is required as in APCON enabling law and code.

The NBC has acquired through the years, the status of the prosecutor, the advocate and judge.

Further stakeholder consultation is recommended to look into the Code and into other matters like composition and structure of a sanctions body, Acquisition of rights, Licensing, and Collection of Radio and Television Set Fees, Industry debt etc.

The resolution at the end of BON Central Working Committee held on Wednesday, August 12, 2020 at BON Office, No. 3, Kano Street, Area 1, Garki-Abuja noted the following:

1. BON commended NBC for the positive clauses introduced in the 6th edition, for the growth and development of Broadcasting.
2. We wish to request for one (1) year moratorium to pay the 40% debt rebate since COVID -19 has crippled business and stations have either collapsed or on the verge of same.
3. A change and an adoption of an acceptable process which will allow for judicial transparency in the sanctioning procedure.

NBC should adopt a two-layer level of implementation and imposition of sanctions like APCON which is also a regulatory body under the same Federal Ministry of Information for fair hearing.

APCON has two statutory bodies in Part V of its enabling law on discipline:

- (i). Advertising Practitioners Investigating Panel which has the responsibility to:
    - (a). conducting preliminary investigation into any case of infringement
    - (b). deciding whether the case should be referred to the Disciplinary Committee
  - (ii). Advertising Practitioners Disciplinary Committee Advertising Practitioners Investigating Panel which has the power to:
    - (a). consider any case referred to it by Advertising Practitioners Investigating Panel.
    - (b). determining appropriate penalty as prescribed by the enabling
4. The review of the Constitution to enable public broadcast Organisations collect Radio/Tv set license fees which would be their only source of fund and stop collecting adverts like BBC, SABC etc,. This would create a huge advertising market for private broadcasters to enable them survive.
  5. Completely abolish the payment of 2.5% of Income, since Licensees pay VAT, Company Income Tax, Withholding Tax, Education Tax, Stamp Duty, and others such as Industrial Training Fund, Mast levy,

Business Premises Levy, Development levy, and so on depending on the state.



**SA'A IBRAHIM**

Chairman

Broadcasting Organisations of Nigeria