

**MEDIA REGULATION AND REGULATORY AGENCIES IN NIGERIA****By****OLATUNJI Olalekan**

*Faculty of Communication and Media Studies, Ajayi Crowther University, Oyo, Oyo State, Nigeria.*  
Leksy4real135@gmail.com 08038342333

**EzekielSANYAOLU Oluwaseyi, Ph.D**

*Department of Mass Communication, Precious Cornerstone University, Ibadan, Oyo State, Nigeria. PUCRID Center, SDG 4 (Quality Education), Precious Cornerstone University, Ibadan, Oyo State, Nigeria.*  
Oluwaseyisanyaolu@pcu.edu.ng, 08036849648

**AKIN-MORAKINYO Vivien A**

*Department of Mass Communication and Media Technology, Lead City University, Ibadan, Oyo State, Nigeria.*  
vivien.ajayi@gmail.com, 08032472403

**Abstract**

Nations of the world design and implement various measures of controlling the operations of media practitioners. This paper poised with the purpose of putting into perspectives, the activities of regulatory agencies concerning media regulation within the media industry in Nigeria, considered the methods adopted by National Press Council and National Broadcasting Commission. In its consideration, the Social Responsibility and Gatekeeping theories formed the theoretical framework of the paper. This paper in its review of recent actions of regulatory agencies in Nigeria, pointed out, that media organizations always come under stiff sanctions like fines, bans, etc from these institutions' especially the National Broadcasting Commission, thus leading to the hindrance of press freedom. Also, it noted that, media professionals frown at the harsh operations of these regulatory agencies leading to judicial pronouncements that these institutions are acting contrary to their enabling laws. In its conclusion, media regulatory agencies in Nigeria, sometimes, operate beyond their statutory responsibilities, thus caging media freedom. This paper recommended that Nigerian media regulatory institutions should perform their duties within the ambits of their permissive laws towards enhancing media freedom in the country.

**Key words:** Media; Media Regulation; Regulatory Agencies; Social Responsibility; Gatekeeping.

**Introduction**

Media regulation is an effective ingredient in maintaining responsible practice in the mass communication sector. The media and communication industry is comprised of Journalism, Broadcast, Public Relations, Advertising, Photography, Book Publishing, Film/Video, Interpersonal Communication, Cross-cultural/Global Communication, Information Communication Technology (ICT) and other emerging media. Practitioners in this industry operate on certain principles and norms according to ethical guidelines.

In addition, eac national government sets up regulatory framework for each professional practice with the aim of meeting societal needs. All over the world, governments regulate various fields of human endeavour. Thus, banking, education, health care delivery, hotels, etc., are regulated. This means these industries are provided with basic structures for their operation. The mass media industry is equally regulated. However, because of the peculiar nature of the mass media as vehicles for free expression, which is a fundamental human right, government is careful to regulate the media only to the extent consistent with the expectations of a democratic society (Okoye, Edemode, Ofulue & Onwubere 2008, p.20). For over the years, government intervention in the control of the mass media had impacted on the growth and development of the media either negatively or positively (Sunday & Ofulue 2006, p.119).

In Nigerian media landscape, the federal government through her different regulatory agencies has been in the pursuit of ensuring that the interests of the country are adequately protected and enhanced. The essence of this paper is to appraise the operations of the regulatory institutions in media practice with specific reference to Broadcast and Journalism in Nigeria, with the intention of enriching the body of knowledge in the field of media and communication.

**Conceptual Review****Media as a Concept**

Media is plural of medium, which means a channel or vehicle through which something is carried or transmitted. In other words, mass media are channels of communication in a modern society, primarily the print and the

electronic media in Ate, Sunday, Ofulue and Onwubere (2008, p.12). Media refers to the devices or means through which understandable and meaningful symbols or messages are exchanged between the senders and receivers.

As people exchange messages between themselves, they adopt the means that best convey their messages. These could be spoken language, smites, smoke signal, numbers, alphabets, gun shots, flute or other things people believe will best convey their messages. The mass media is a large-audience platform of communication. It deals with a large group over who one may not be able to exercise control.

The mass media comprises of television, radio, newspapers, magazine, books, journals, movies and now the internet. They are not personal communication and they have the ability to reach large audiences, they concluded. Media imply generally accessible means of communication, in particular the mass media of print, television, radio, film and online platforms.

### **Media Regulation**

Media regulation refers to all means by which media organizations are formally restrained or directed in their activities. In this context, the reference is primarily to external control by way of public policy, law, and regulation, although it also includes some forms of self-regulation, especially when these are intended to meet public concerns. Media regulation may also apply to the distribution infrastructure, including cable, wireless, satellite, etc. New means of communication, especially the Internet, may be an object of regulation, especially where they are used as public means of communication. The emphasis in this entry is on the external regulation in the public interest and with attention to matters of organization and content rather than economic and technical matters. Internal regulation is only considered where it has public causes or consequences. going by <https://onlinelibrary.wiley.com/doi/abs/10.1002/9781405165518.wbeosm069>

Media regulation is the procedure of establishing and implementing rules and guidelines for media outputs and activities. Globally, media regulation is enforced by governments, self-regulatory bodies, professional associations within the industry or independent monitors and watchdogs. The central ideals of media regulation are focused on the protection of public interest, diversity advancement and pluralism, maintenance of accuracy and fairness, and prevention of harmful content and wrongdoing. The scope of media regulation can cover the various facets of production and distribution in media industry, in the areas of licensing, ownership, appraisal of content, advertising, privacy, copyright, and public interest among others.

### **Media Regulatory Agencies in Nigeria**

Media regulatory agencies in Nigeria are mostly government institutions charged with the responsibility of executing procedures, rules and guidelines for media practitioners and their operational conducts. Nigerian Press Council and National Broadcasting Commission as regulatory agencies shall be put into consideration for this purpose.

#### **Nigerian Press Council**

The Nigerian Press Council (NPC) is a parastatal established by the Nigerian Press Council Act No. 85 of 1992 (as amended in Act 60 of 1999) to ensure the maintenance of high professional standards for the Nigerian Press. Like most other Press Councils around the world, the functions of the Nigerian Press Council revolve around ethical standards, according to <http://new.presscouncil.gov.ng/about-us>.

The Council, therefore, has as one of its major functions, the duty to enquire into complaints against the Press from the Public and also into Complaints from the Press about the conduct of persons or organizations towards the Press. Simply put, the Council serves as a buffer between the Press and the public.

The current statute, the Nigerian Press Council Act No. 85 is more or less a consensus Act arising from hard bargaining between government and the Nigerian Press Organization (NPO), an umbrella body for the major stakeholders in the industry. These stakeholders include the Nigeria Union of Journalists (NUJ); the Nigerian Guild of Editors (NGE); and the Newspapers Proprietors' Association of Nigeria (NPAN).

Ate, et al (2008, p.40), press councils by way of definition are self-regulatory bodies which enforce moral sanctions in the practice of journalism profession. According to Daramola (2005, p.239), "a press council is mainly to investigate and rule on public complaint and against the press to make it more responsible, and also to fend-off restrictive government regulations and interference".

On the reasons for the establishment of Press Council, Ate, et al (2008, p.41), press councils are desirable and inevitable in the practice of journalism anywhere in the world. The major reason for putting in place press councils is to maintain the character of the press in accordance with the highest professional and commercial standards.

Another cardinal reason for setting up press councils is to ensure the freedom of press in the belief that such preservation is crucial to the existence and independence of the press and vital to the society that the press serves Daramola (2005, p.239).

### **Functions of the Nigerian Press Council**

The council is to among other things, perform the following functions as stated by Daramola (2005, p.241) thus:

- i. Enquire into complaints about the press and the conduct of any person or organization towards the press;
- ii. Research into contemporary press development and engage in updating press documentations;
- iii. Review developments likely to restrict the flow of information and advice on measures aimed at remedying such developments;
- iv. Ensure the protection of the rights and privileges of journalists in the lawful performance and maintenance of high professional standards by the Nigerian Press;
- v. Foster the achievement and maintenance of high professional standard by the Nigerian Press Council.

### **National Broadcasting Commission**

The National Broadcasting Commission is a parastatal of the Federal Government of Nigeria established by Section 1 of the National Broadcasting Commission Act, Cap. NII, laws of the Federation, 2004 and vested with the responsibilities of, amongst other things, regulating and controlling the broadcasting Industry in Nigeria, according to <https://nbc.gov.ng>.

In addition, the Act of the National Assembly empowers the Commission, to carry out a number of duties, some of which include, licensing monitoring, regulating and conducting research in broadcasting in Nigeria. It is also the duty of the Commission, to ensure the development, in a dynamic manner, through the accreditation of the mass communication curricula in all the tertiary and other institution related to broadcasting.

According to broadcasting code, (2016, p.13-14) of National Broadcasting Commission, the regulation is to ensure that broadcasting plays a pivotal role in the social, cultural, technological, economic, and political lives of the people of Nigeria; therefore:

- a. Broadcasting shall adhere to the general principles of legality, decency, truth, integrity and respect for human dignity as well as the cultural, moral and social values of the people within the provisions of the Constitution;
- b. Nigerian broadcasting shall meet the best professional standards;
- c. The framework for the regulation of broadcasting in Nigeria shall meet local needs without compromising international standards;
- d. Broadcasting in Nigeria shall provide the entire range of sound and vision services that cater for, and reflect the diverse range of Nigerian cultures and communities through effective distribution of public, commercial and community broadcasting services;
- e. Broadcasting in Nigeria shall be at least 70% owned and operated by Nigerians.
- f. Broadcasting shall ensure the protection and the development of women, children and other persons requiring special care and consideration; among others.

### **Cases of Media Regulatory Instances in Nigeria**

1. Nigerian Commission, NBC Sanctions 25 Broadcast Stations for 'Announcing Election Results before INEC, Other Infractions'
2. NBC's fines on media firms violate press freedom  
<https://punchng.com/nbc-fines-on-media-firms-violate-press-freedom/>
3. Court bars NBC from imposing fines on broadcast stations in Nigeria  
<https://guardian.ng/news/court-bars-nbc-from-imposing-fines-on-broadcast-stations-in-nigeria/>
4. Why we can not sanction erring media houses on Code of Ethics — Press Council

### **Theoretical Framework**

This work on the examination of media regulatory agencies in Nigeria is situated on Social Responsibility Media Theory and Gatekeeping Media Theory. These theoretical orientations are considered applicable as they concerned with guidelines and regulations toward high professional practice and ethical standards of mass media.

### **Social Responsibility Media Theory**

In Folarin, Ofulue and Onwubere (2006, p.56-57), Social Responsibility Media Theory owes its origin to the Hutchins Commission on Freedom of the Press, set up in the United States of America in 1947 to re-examine the concept of press freedom as enunciated in the Libertarian (Free Press) Media Theory.

In general, socially acceptable press behaviour was to be anchored on self-regulation, but if the press would not voluntarily behave properly, then there must be definite social structures to ensure that it does behave in compliance with recognized social standards.

The chief duty of the media operating with this theory is to raise conflict to the plane of discussion (with proposals for resolution). In principle, the media can be used by anyone who has an idea to express, but they are forbidden to invade private rights or disrupt vital social structures or interests. The only serious constraints on them are exercised by community opinion, consumer protest and professional ethics.

### **The Gatekeeping Theory**

In Folarin, et al (2006, p.104), the term “gatekeeping” was coined to describe those individuals who control food channels and use within groups during World War I and later, to describe those who control the transmission of media fare generally. The point is that no media establishment can transmit all messages it receives in the course of a day’s routine. Some individuals have to decide which information to transmit, which to defer, which to modify, which to delete entirely. Such individuals, as it were, open and close the “gate” that stands between the information source and the recipient. Gatekeeping is not restricted to accepting and rejecting of information. It involves shaping, display, timing, repeating the message for emphasis, and so on.

The Gatekeeping theory stipulates that gatekeeping amounts to screening of the information to be published. Folarin, et al (2006, p.105), added, gatekeeping means communicating some themes and suppressing others. The “screening” can take place at any of the several levels in the media house hierarchy: the reporter, editor or publisher. In print as in electronic newsrooms, the processing starts with the reporter rewriting his/her own report for submission at the sub-desk, where the news copy may be completely reworked to make it conform to house policy, which in essence translates to the publisher’s or proprietor’s world-view, they ended.

Concerning media regulatory mechanisms, these two factors among others, influence gatekeeping and regulatory decisions of media organizations as provided by Folarin, et al (2006, p.107) are looked into considered thus:

i. Legal Considerations: The law of defamation as well as of seditious libel hangs over the journalists like the Sword of Damocles. All journalists are expected to be aware of them and to strive to avoid running foul of them. Newspapers have legal departments and broadcasting houses have internal censors who screen news items in particular to ensure that they are free of libelous content. Besides defamation and sedition, there are other offences that journalists try to avoid, such as contempt of court, which may arise from a few sources including commenting unconscionably on a matter that is subjudice; that is, undergoing trial in a law court.

ii. Professional Ethics: Objectivity, balance fairness, social responsibility etc. is ethical terms that are bandied about among journalists and media scholars. But they are not easy to practicalize because of their indeterminacy, (they are not governed by any precise rules or guidelines). Still, all journalists are expected to be sensitive to them in gathering, processing, and reporting news.

The above factors explained corroborated the applicability of gatekeeping theory in media regulation towards ethical standard and public good.

Thus, the Nigerian Press Council and National Broadcasting Commission are government agencies, serve to keep the Nigerian media on its toes and preserve the principles of social responsibility and gatekeeping alive, and help advance national interest.

### **Conclusion and Recommendation**

Universally, regulation is a basic requirement for media practice. Considering the basic essence of media regulation, being an essential instrument employed by a national government to review mass media content and presentation in societal interests.

Analysis of recent activities especially harsh actions by regulatory agencies in Nigeria, made media organizations to be always at the receiving end with the imposition of stiff sanctions like heavy fines, bans etc from these agencies especially the National Broadcasting Commission, thus leading to the obstruction of media freedom. Media professionals and legal personalities are unpleased at unpleasant operations of the nation's regulatory institutions leading to judicial pronouncements that these institutions are acting in contravention of their enabling laws and operational guidelines.

Nigerian media regulatory institutions should adopt the principles of free press and create fairly conducive environment for all organizations in the media industry. This will make the country's media establishments operate at optimal level and compete favourably with their international counterparts without let or hindrance.

**References:**

Ate, A. A., Sunday, O., Ofulue, C. I. & Onwubere C. H. (2008). *Media and Society*. National Open University of Nigeria Press.

Broadcasting code, (6th Edition, 2016:13-14) draft, a publication of National Broadcasting Commission

Daramola, I. (2005). *Mass Media and Society*. Rothan Press.

Folarin, B. Ofulue, C. I. & Onwubere, C. H. (2006). *Advanced Theories In Mass Communication*. National Open University of Nigeria Press.

Okoye, I., Edemode, J., Ofulue, C. I. & Onwubere, C. H. (2008). *Media Law and Ethics*. National Open University of Nigeria Press.

Sunday, O. & Ofulue, C. I (2006). *News Reporting*. National Open University of Nigeria Press.

<https://guardian.ng/news/court-bars-nbc-from-imposing-fines-on-broadcast-stations-in-nigeria/>

<https://nbc.gov.ng>,

<http://new.presscouncil.gov.ng/about-us>

<https://onlinelibrary.wiley.com/doi/abs/10.1002/9781405165518.wbeosm069>

<https://punchng.com/nbcs-fines-on-media-firms-violate-press-freedom/>

<https://saharareporters.com/2023/03/15/nigerian-commission-nbc-sanctions-25-broadcast-stations-announcing-election-results-inec>.

<https://tribuneonlineng.com/why-we-cant-sanction-erring-media-houses-on-code-of-ethics-%E2%80%95press-council>