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NBC, IBAN Ruffle The Airwaves Over Levy, Networking

Tempers are again on the rise in the Nigerian broadcasting industry. The National Broadcasting Commission (NBC) the government's industry ombudsman and independent broadcast operators are at dagger drawn following demands on broadcasters by the NBC to pay 2.5 per cent of their annual gross income into the coffers of the commission. The NBC in a letter dated September 4, 2001, circulated to the operators of virtually all the private broadcast stations in the country threatened that it would shut their stations if by September 20 the monies were not paid.

In the letter endorsed by its director-general, Mallam Nasir Danlandi Bako, the NBC said it wished to remind the broadcasters that Section 8 of the third Schedule which states that: "A licence may be revoked by the commission…where the prescribed fee has not been paid on the due date".

The letter further accused the broadcasters of non-compliance "with the provisions of section 5(a), (b) and (c) which prescribe the submission of synopsis of each of the programmes on air quarterly, as well as 40 per cent bench-mark of local content".

It warned that: "These violations are very grave, and I wish to inform you that your continued operations or transmission will be halted if you do not comply by the 20th of September. "Your 2.5 per cent must be accompanied with your audited report provided by regulation".

But in a swift reaction, the broadcasters, acting under the umbrella of the Independent Broadcasting Association of Nigeria (IBAN), on September 14 in Abuja filed a case at the Federal High Court of Nigeria, Abuja, seeking to restrain the commission from carrying out its threat.

In the suit, which joined the NBC and the Information and National Orientation Minister as defendants, IBAN seeks, among others, an order compelling the defendants to enter into meaningful dialogue and negotiations over what fees, levy shall be payable by member of the plaintiff association.

Essentially, IBAN wants a declaration that Section 14(2)(a) of the NBC Decree No. 38 of 1991 as amended by Section 6(a) of NBC (Amendment) Decree No.55 of 1999 does not in any way confer absolute or unfettered powers on NBC to "unilaterally and arbitrarily" fix any
fees/levy as it deems fit on private broadcasters without involving IBAN members in some form of dialogue, negotiations or consensual agreement, or without taking cognizance of the economic background or peculiar financial constraints of private owners.

In addition, IBAN wants a declaration that the written threat of immediate shut-down of IBAN stations over "a disputed fee/levy unilaterally and arbitrarily imposed by NBC without room for negotiation is excessive, oppressive and disproportionate to an alleged breach of the Code of Conduct or Decree which is not conceded) that the defendants may rely upon".

In an affidavit sworn to by Chief (Dr.) Raymond Aleogho Dokpesi exercising his position as the IBAN chairman in support of the suit, he claimed that the levies although applicable to all electronic media houses (public or private), "have only been selectively imposed on private broadcasting stations, with an excessively buoyant government's station being left out".

Indeed, Chief Dopkesi spoke to Media Rights Monitor on the issue and alleged that attempts by IBAN to get the NBC to address the issue of payment of 2.5 per cent of the gross annual turnover on the income of stations with its members have been frustrated. Even the Minister for Information has not been of any assistance in resolving the matter as appeals to him have been disregarded.

Chief Dopkesi explained that it was agreed at a public hearing involving the minister, chief executives and proprietors of the private broadcasting stations, Senate Committee on Information, and other stakeholders in the industry that a joint special committee be constituted to undertake a comprehensive review of all laws including the NBC Decrees, regulations, policies governing the industry. In the interim, the broadcasters were asked to pay a flat sum of N150,000 each.

As a follow up, IBAN on August 1 wrote the commission to solicit its continued understanding and support. In the letter signed by its chairman, Chief Dokpesi, he cited lack of revenue, skyrocketing inflation, high cost of operations, high cost of procuring foreign exchange for purposes of broadcasting equipment, spare parts and other allied equipment, high maintenance and programme, production and procurement costs as the major problems confronting the members of the group, which have made it difficult for them to be able to pay 2.5 per cent levy.

But the NBC seems to be unimpressed by the peace brokered by the National Assembly and the supplications of IBAN. The NBC also does not appear to recognize IBAN because the September 4 letter it issued threatening to disrupt the operations of the affected stations if it fails to pay up, was directed to individual broadcaster.

Besides the issue of payment of the levy over which the NBC and IBAN are at war, Daar Communications is having its own running battle with the NBC. The matter bothers on attempts by Daar Communications, owners of Africa Independent Television (AIT), Raypower FM Radio and Raypower 2, to broadcast on a national network in collaboration with some private and state owned stations. The NBC is contending that Daar Communications does not have the pre-requisite licence for such an operation. This position was conveyed to Daar Communications on May 28, 2001. In the letter signed by Danladi Bako, the NBC boss said:

"I have received your letter on the above issue and also I write with reference to the Vanguard Newspapers of Wednesday, 23rd May, 2001 in which it was stated that:

"AIT already has a network by virtue of the licence received from the National Broadcasting Commission (NBC).

"In the same write up you were reported to have said that:

"The entire radio and TV stations operated by state governments are going to be fully represented in our meeting. Here we are going to announce the declaration of a national network".

"The purpose of this letter is to let you know that none of the licences granted your company entitles you to automatically launch a network in Nigeria. Consequently, I advise you against networking as you have being reported to contemplate."
Faced with this scenario, Chief Dokpesi, speaking for IBAN in the interview with Media Rights Monitor accused the NBC of acting in bad faith and is attempting to cripple private ownership and consign it to oblivion.

Although he did not admit outright that he has any personal problem with Danladi Bako, he alleged that the NBC director general is blackmailing him, obviously on account of their personal earlier personal dealings. According to him, "somebody, people that were in APP (All People's Party) before, that brought APP members to me as their consultant, want to justify their position with PDP (Peoples Democratic Party) today". He alleged that Danladi Bako once brought Alhaji Umaru Shinkafi to him as APP consultant, but in order to appear loyal to the ruling PDP, he (Bako) is trying to blackmail him (Dokpesi).

However, Daar Communications on September 14, filed a suit seeking among others, a declaration that it has been duly licenced and given appropriate approval to transmit its programmes in the country and globally on a network basis, which, therefore, makes the May 28 letter of the NBC, irregular, unconscionable, oppressive, over-reaching, null and void, and of no effect whatsoever.

Dokpesi’s view that the NBC is acting in bad faith was threaded by a group of Non-Governmental organizations (NGOs), under the aegis of NGO Coalition for Freedom of Expression and the Press who addressed a press conference on June 12. In a statement endorsed by Richard Akinola, a human right activist on behalf of the group, they expressed displeasure about the threats and accused the NBC of attempting by its action "to stifle independent broadcasting in Nigeria, alternative views, press freedom and freedom of expression and national quest to consolidate democracy".

The statement criticised NBC for asking Daar Communications to desist from operating a National Network for which it said the NBC had earlier issued a license under a previous military administration.

The group described as an irony that "approvals made under the military dictatorships would now be mindlessly reversed in a democracy that needs an unfettered press to thrive", and lamented that two foreign media organization, DSTV and South Africa's TV Africa, have been allowed to operate in the country and broadcast networks, while local independent broadcast stations are being denied similar treatment by the NBC.

The NBC in a September 13 press statement endorsed by Mark Ojiah, Head of Public Affairs, in reaction to the September 12 press conference, said it was acting strictly within the law and its powers and has never been influenced by government directives and actions. It denied accusations that the commission was out to stifle independent broadcasting and accused the NGO group of making unsubstantiated claims stating that "they obviously have not read the NBC Act and the National Broadcasting Code". According to the NBC, the issue of payment of dues pre-dated the entry of any player, even the NBC, into the deregulated broadcast industry.

In a response to a questionnaire interview with Media Rights Monitor, Mr. Ojiah not only insisted that the Commission is acting within the bounds of the law, he debunked the impression that the demand has been directed at the private stations alone. He also said that the claim of private broadcasters that the economy is depressed is untenable, as the commission has noticed a very high demand from existing station owners for additional broadcast licences to set up new stations.

On the charge that it may be deliberately denying Daar Communications network transmission when government-owed NTA and FRCN, and some foreign stations are extended such facilities, Mr. Ojiah said the company only has a terrestrial and global satellite transmission licence and not a network licence, and that the network rights of NTA and FRCN were given to them by the Acts setting them up.

He explained further that the Mauritius based TV Africa has no networking stations in Nigeria, but it only provides programme using satellite as a mode for delivery.
Chief Dokpesi said the latest development will lay the "basis of where broadcasting will go in this country". He said IBAN members have resolved to oppose "official intimidation, repression and a calculated attempt to suppress free speech in the Federal Republic of Nigeria" and threatened that in the event that the NBC shuts down a single station, all the private stations would shut down.

Luckily, what would have amounted to information blackout was averted when the National Assembly stepped in just in time to get the parties to shield their arsenal. The National Assembly has resolved to hold a public hearing on the whole issues. As a show of good faith, IBAN has been urged to withdraw its suit while the NBC withdraws its threat letters.

While hopes are high that the National Assembly may be able to resolve the issue and other related matters pending in the industry, media watchers and free expression promoters have maintained the view that the bane of the Nigerian media are the stringent legal framework and the often hostile posture of regulatory agencies.

The Law Is Our Shepherd - NBC

In an attempt to get the position of the National Broadcasting Commission, Media Rights Monitor, sent a questionnaire to its Public Affairs Manager, Mr. Mark Ojiah. Below are the questions and responses:

**How would the NBC justify the demand for 2.5 per cent of independent broadcasters' gross income in the face of the distress in the industry?**

The enabling laws of the commission are very clear on the financial provision. Act 38(1992) section 14 says:

"The Commission shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Commission.

14(2)(a)

Such percentage of fees and levy to be charged by the Commission on the annual income of licenced broadcasting station"

Therefore, resisting to meet this legal demand and blaming it on a depressed economy or for whatever reason is untenable, as we have noticed a very high demand from existing station owners for additional broadcast licences to set up new stations.

**Don't you think that rather than demand 2.5 per cent of gross income it would have been more appropriate if the NBC say 2.5 per cent of profit, having regard to the fact that the broadcasters would have paid commissions to advert agencies?**

Apart from what the law says, let me try to rationalise this. It is a known fact that job orders from advert agencies have their Commission calculated up front; Commission to advert agencies are deducted before money is paid to the station, therefore payment of Commission dues does not affect the payment of 21/2%. The National Broadcasting Commission demands only 21/2% of gross income. If stations can pay between 10-15% to advert agencies and canvassers, 21/2% is negligible.

**How would the NBC also justify the fact that this demand is applicable only to private broadcasters and does not include publicly funded media who get government subvention and also compete for advertisement with their private counterpart?**

This demand is not applicable only to private broadcasters, section 124 of the Principal Act and as amended in Act 55 of 1999 says:

"Such percentage of fees and levy to be charged by the Commission on the annual income of licenced broadcasting stations owned, established or operated by private individual(s), Federal, State or Local Government".
How would you react to the suggestion that the NBC should be ready to bear the burden with independent broadcasters whenever they operate at a loss, if they are to be justified in their demand for 2.5 per cent of gross income?

The 2.5% as demanded is a levy on sales/turnover and is meant to be charged at the point of sales i.e. value added tax, on agency fees, purchase of decoders etc. this is a levy on airtime or services sold. This does not belong to the station or vendor of the airtime but to the authorized collector which is the National Broadcasting Commission.

The NBC does not assume that any registered company will go into an unprofitable business and therefore the NBC will not share any loss which from experiences usually arise from ineptitude and mismanagement of a company. When directors and stations owners decide to undertake frivolous foreign trips and acquire properties to the detriment of their stations and turn round at the end of the year to declare a loss does not sit well with the Commission. The Commission will also not gullibly buy untrue stories of running at a loss from stations that are visibly doing well and applying to extend their frontiers.

The role of the NBC is to ensure the development of the broadcast media. How in specific terms does the NBC do this? What are the things it has done in furtherance of this objective?

The role of the Commission is to develop broadcasting as you have rightly stated. The Commission has made available to every legal licensee facilities to ease importation of boardcast equipment and our engineers to assist in the supervision during the installation of their equipment to meet laid down standards. To upgrade professional skills and standards, the Commission has organized several training workshops and seminars at almost no cost to participants and stations. It has also organized public fora and attended trade fairs to educate and enlighten the public on their responsibility to broadcasting. The Commission has also being in the fore-fore against piracy and to encourage creativity and local programming.

The Commission hosts a bi-ennial International Conference of Broadcasters in Nigeria. The Conference is designed to share and exchange ideas and to fashion our ways of improving broadcasting in Nigeria and Africa. It sponsors the broadcasting awards in DAME and the Nigerian Media Merit award. Recently, the Commission introduced the award of excellence to Broadcast Veterans from within and outside Nigeria. The list goes on.

Why do you objects to the Africa Independent Television (AIT) Network broadcasting even when it has a Global satellite transmission license?

Africa Independent Television has a terrestrial and global satellite transmission licence and not a network licence.

Against the backdrop that government owned NTA isn't so restricted and Southern African-based TV Africa has a license to operate a broadcasting network in Nigeria, do you not see your position rather suspect?

Act 22 of 1977 that set up the NTA gives it the legal backing to Network in Nigeria. The Commission as at now, does not have a legal instrument to authorize Networking by any broadcast station except as granted by law to NTA and FRCN. The Mauritius based TV Africa has no networking stations in Nigeria. Our understanding is that TV Africa is a programme provider using satellite as a mode for delivering programmes and stations in Nigeria that relate with them are authorized to schedule such programmes at times convenient to them as long as the programmes do not go against the 60.40% ratio local/foreign programmes allowed. TV Africa has also applied for a programmes distribution licence which is being processed.

This Is Blackmail –Dokpesi

Once again, it seems like war from all fronts for Daar Communications Limited, owners of African Independent Television (AIT), Raypower 100.5 FM and Raypower 2.

Fresh from a protracted tussle with a consortium of banks over failure to meet its obligation on loan facilities granted it to expand, the company, along with other independent
broadcast operators, is faced with fresh threats of closure. The threat this time is coming from the National Broadcasting Commission (NBC), the government appointed broadcast industry's ombudsman.

The NBC has threatened to shut any independent broadcast stations which fails to pay a 2.5 per cent fee out of its gross revenue. The broadcasters are shouting blue murder and allege selective application of powers on the part of the NBC, which has left out publicly-funded broadcast stations in the demand for the payment of the fees.

Besides this, Daar Communications is having a second burden placed on it by the NBC. Attempts by the organisation to commence a Network broadcast with a number of state-owned broadcast media has been opposed by the NBC.

In this interview with Osaro Odemwingie, Chief Raymond Dokpesi, Chairman of the Independent Broadcasters Association of Nigeria (IBAN), and Chief Executive Officer of Daar Communications accuses the management of the NBC of bad faith and witch-hunt.

**The National Broadcasting Commission (NBC) has threatened to shut-down your broadcasting stations if you fail to pay the 2.5 per cent of your gross income in accordance with provisions of the National Broadcasting Commission Decree. They claim that you are aware of this even before you applied for a licence. What is your reaction?**

Well, the truth of the matter is that in Section 14.2(a) of the National Broadcasting Commission Decree of 1992, that is Decree 38, as well as its amendment by section 6(b) of the 1999 Decree 55 amending the earlier decree, there is a stipulation that as one of the sources for funding the National Broadcasting Commission, it should levy both public and private stations a certain percentage to augment its sources of funding. There is no provision in that Act that stipulates that it is x percentage or that percentage. And right from the beginning, right from 1994, when Daar Communications started with Raypower as the first private station that came up on air full blown, the Independent Broadcasters have at all time appealed to the NBC and drawn its attention to the effect that we cannot afford to pay that amount because it is excessive, because the economic environment cannot sustain that type of payment. We are still battling to meet the cost of spare parts in foreign exchange, pay salary of members of staff and all going costs, unstable and unreliable power supply, and then we are being asked to pay two and a half per cent of our gross income. Not two and a half cent of our profit, not two and a half per cent of our net revenue, two and half of our gross revenue. That is whatever is on our rate card multiplied by the number of adverts that we get, not bearing in mind that you are going to be paying agency commission, you are paying other things.

When we started democratic values, we appealed to the NBC, we held several meetings with the Minister of Information, with the Director General of the NBC on this matter, informing them that this rate is very excessive, it is arbitrary. That in a democratic environment we would have expected that the NBC will sit down with IBAN to discuss the issue at stake, we will be able to interact on the problems and challenges confronting private broadcasting in Nigerian and come out with something amicable. But that is not the case. The people at the NBC just believe that it is their right, that there in no need for any negotiation and they do not need to talk to anybody. That whatever they do they are protected by law and that they can do anything they want.

Well, the members of IBAN apart from going to the National Assembly; we made presentation one year ago, this year again we re-affirmed it during the public hearing, we have appealed to the NBC to please allow the on-going process, the Senate Committee on Information said the Minister of Information should constitute a committee to review the entire law guiding broadcasting in Nigeria. But under that review that this issue will be taken up. But pending the time that we are going to have that review and so on, members (of IBAN) to show that we are good corporate citizens, we are aware of the fact that if it is the wish of government that we should contribute to the well being of the NBC, that we are ready to pay N150,000 flat pending the resolution, and then whatever happens we go with it. Majority of our members have paid the NBC the N150,000. No, they say that it is not acceptable to them, it must be 2.5 per cent which
they whimsically, and arbitrarily fixed. It is not true that we were aware of the fact that there was such a provision before we agreed to apply for licences. Yes, there is a provision that you have to contribute, but who said it has to be 2.5 per cent of your gross revenue?

I am sure that there is nobody at the NBC, including Danladi Bako himself, with due respect, that has run a broadcasting station before and understands the complexity, the problems and challenges confronting private broadcasting in Nigeria. They brought the young man from wherever they brought him from, to ruin the efforts of all those that have invested in the industry and we are going to resist it with our last drop of blood.

Since you received this letter from the NBC threatening to shut you down if you failed to pay, have you gone back to the Senate which set up the committee to look at all the issues and recommended the N150,000 base-line payment to intimate them of this breach of understanding?

Well, co-incidentally, it is the stock in trade of the NBC to put a date on a letter and deliver it several days later. That letter was dated 4th September but the members of IBAN did not get it until around the 12th or 13th and so on. Immediately we got the letters, I made a letter to the chairman of the Senate Committee on Information, the Chairman of the Committee on Information of the House of Representative and put it to them, and I want to specifically inform you that we have also gone to court. Those are the steps available to us that we have attempted to take.

I can see in the court papers that you are suing as IBAN. But the NBC did not address their letter to you as IBAN but as individual stations. Is it that the NBC does not recognise IBAN?

Well, you know that people that are not honest, people that are not straightforward, they cannot face stark reality as it stands. IBAN, Independent Broadcasting Association of Nigeria, is a legal entity duly approved and allowed, it is limited by Guarantee Company in the Federal Republic of Nigeria. One of its objectives is to promote and project and protect the interest of private broadcasters in the Federal Republic of Nigeria and all licenced broadcasters in Nigeria operate in that umbrella. Indeed, in one of the letters that Mallam Danladi Bako wrote to the members of IBAN he went to the extent of stating that he never licenced IBAN and so he does not have anything to do with IBAN.

I will tell you that Channels (Television) has been ready to start off in Abuja for some time now, but Mallam Danladi Bako would not grant them licence until they have come to pay the 2.5 per cent. Rhythm wants to start transmission in Abuja but he said that he would not grant them permission to start test transmission until they have paid the 2.5 per cent. All those types of arm-twisting tactics is what he uses to blackmail… he tell lies to other members, he says 'oh, that person was here yesterday and has paid, it is only you that is not paying'. The childish divide and rule tactics. But this time around IBAN has said nothing of that nature is going to work.

We are not in a situation to cope with the 2.5 per cent. We have met with the National Assembly, we have met with the Director General of the NBC, we have met with the Vice-President and are looking forward to meeting with the President on this very issue. If they shutdown one station all of us we shutdown, no station will operate anymore. We have had enough, we are pushed to the wall, we have simply had enough and can't take it anymore.

But one would have expected a proactive approach to these issues rather than wait for such anxious moments. I recall that in October 1999 the NBC also shutdown some stations over non-payment of license renewal fees until the issue was resolved. Has that aspect of the problem been fully resolved? Is there an understanding that the fees are waved or reduced?

Up till this moment all that has fallen on deaf ears. But that is not the issue right now. What they have drawn our attention to is money… they get subversion from the Federal Government of Nigeria. The decree says that all private and publicly owned stations should pay this levy. But they are not even asking public stations to pay, it is only the private stations that they have threatened to shutdown. So we want the court to really tell us whether the law actually empowers the NBC to unilaterally, arbitrarily and whimsically fix the fees without consultations, without dialogue with those that are involved. I cannot raise Daar
Communications' advert rates without going through a certain process. And they go, in a
democratic environment, they just decide … supposing they decide on 10 per cent, supposing
they decide on 20 per cent on my gross income.

Let's look at the second suit concerning Daar Communications Vs. The NBC where you are
contesting the NBC’s position that you do not have a licence to broadcast Network within
Nigeria despite the fact that you have a global satellite licence. What is their major point of
argument and at what point do you disagree with each other?

Well, let me put it this way that I have not had any opportunity till date to sit down with
NBC to discuss what their worries and fears are. The situation started like this; I must state the
fact that Daar Communications was granted a global satellite licence in 1995. The press release
issued by the NBC was very, very explicit, it was dated 14 June 1995. Paragraph two of it says
that "this licence empowers Daar Communications to transmit television signals in the country
and to the entire world".

But in spite of that, I did not say that 'oh, that is very clear, that we are free to transmit', I
still said I want to be allocated frequencies to be able to go ahead to carry on the expansion in
the country. The NBC approved it. Before they gave approval, they said in a letter:
"Given the number of stations requested for in your letter, the Commission believes that
you may not be able to commence operations in all of them at the same time.
"Consequently, to facilitate the request, you are please required to furnish the
commission with a schedule of when you intend to install equipment and commence operation in
the various locations indicated in your letter".

They went further and said on the 9th of December that:
"I am pleased to inform you that the commission has approved your request."
And indeed in another letter on July 8 1999 entitled: Approval for Television Station in
Abuja, the NBC wrote:
"Reference earlier request for a television channel in Abuja and the deliberation of the
board of management, I am pleased to inform you that Channel 29 has been allocated to you for
the Abuja operation.
"This decision was guided by the fact that you have previously been given approval for
global networking.
"All the conditions binding your operations for global service remain so in the Abuja
channel."

The same thing with Raypower 100.5 FM, ditto Raypower 2.

Now, all of a sudden a young man wakes up and comes to tell me; 'oh, no', because I
want to set up in Zamfara, I want to set up in Gombe, I want to set up in Rivers State to cover
the geo-political zones effectively, he says no I am no more licenced. Because I invited some
General Managers of state owned radio and television stations to come to Lagos, I briefed them, I
said I wanted input into my news coverage and I want them to also down link the news that was
going to be coming down. A communiqué was signed by all those state-owned stations with
Daar Communications and they became uncomfortable with that. And what did I get? A letter
from Mallam Danladi Bako saying that:
"The purpose of this letter is to let you know that none of the licences granted your
company entitles you to automatically launch a network in Nigeria. Consequently, I advise you
against networking as you have being reported to contemplate."

I believe that because he is new as the Director General he just didn't have the facts and I
sent him all the replies, including the fact that the expansion programme is already on course but
we had problems and so on with the consortium of banks, we are resuming.

As a matter of fact, Nigerians are aware that during the FIFA 1998 Youth Football
Championship it was networked by AIT from here with all the state stations, which we provided
decoders to down link. We want to remind Nigerians that at the time we were having the
presidential debate it took off here, that the present vice president of Nigeria spoke from this
dome and it was transmitted across the nation and internationally. And that we have had several
networking arrangements and yet some body comes up all of a sudden and says it cannot work,
and I said why can it not work? He wants me to only distribute to a few. There is a lot of
political undertone, a lot of political undertone.

Meanwhile, his argument is that in the National Broadcasting Commission Decree of
1992, there is a reference to paragraph 9.5, which says that it shall be illegal for any person to
have controlling shares in more than two television stations. And subsequent section 45
amended that paragraph to state the fact that it shall be illegal for anyone to have controlling
shares in more than two sectors of the broadcast industry. NBC's interpretation of that is the fact
we have a station in Lagos, we have a re-lay station in Abuja, we have a re-lay station in Kano,
so that is already illegal, we have contravened the law. Well, in that particular circumstance, the
NBC did not tell me that that is what their worry and constraint were. If they had clearly come
out, I would have sat them down explained to them and draw their attention to what it is actually
that is suppose to be coming on. Unfortunately they did not do that.

I have visited Abuja several times, I have visited the NBC at least seven times. If I have
succeeded in seeing the Director General of the NBC it would be at best twice. Five times I did
not see him. I have called him over a hundred times, he has not returned one call. I have sent
him faxes over eight times, he has not replied one. And when I went to the Minister of
Information to say "ah, Honourable Minister of Information they say you have been on tour, I
saw Mallam Danladi Bako during the Presidential Retreat on Security and he told me that this
matter is … leave the matter in my hand that as soon as the minister comes back this matter will
get resolved, he is just waiting for the minister. Honourable Minister, now that you have a break
what about this issue?" And the Honourable Minister told me that the Director General of the
NBC is supposed to have sent me a letter and I said I have not gotten it.

And I faxed a letter on the 1st of September to the Director General of the NBC to say
that since last week you are supposed to have sent me a letter and that I have not gotten it. Please
if you have a problem can you fax it to me, just like they faxed me a press release today. Fax
me a copy whilst I wait for the original. Then reluctantly the letter dated 31st August was faxed
across to me on the 10th and what was it saying? That it was illegal for me to have established…
then I said if that was your problem then we should have sat down … People peddle a lot of rumour,
and it is disheartening; it is most unfortunate that the NBC can degrade itself to that level of decay..

Exactly, their point is that Raypower in Lagos as a base station, Raypower in Abuja,
Raypower in Gombe, Raypower in this place and that one is a contravention of the law. And I
say no. What the law says is that I, Raymond Dokpsi, cannot have controlling shares in AIT, and
in Minaj and want to have controlling shares in DBN. The definition of a station is clearly spelt
out in the decree. There is no part of the world in the broadcasting industry where you have a
limit to satellite station or re-lay stations. Between here, Alagbado, and Lagos, I can run a re-lay
for my television signals and the NBC is mandated to provide me frequencies. I am transmitting one
and the same signals. I am supposed to distribute my signal in the country, how do I distribute it?

It would appear that from the beginning up till about late 1999 and early 2000 you had a very
cordial relationship with the commission and the problems you seem to be having with it now
began early year 2000. Why would you say this is so? Is it a result of change of orientation by
the NBC or perhaps personnel changes that have taken place at the commission?

I have had time without number... people when they want to curry favour they tell blatant
lies; 'oh, Raymond Dokpesi was a friend of the military, Raymond Dokpesi obtained his
broadcast licences from government of that time by just going to see Abacha and Abacha will
sign for him'. That is what they have been telling the Minister and the Presidency right now. And
this is what is being insinuated also in this paragraph of the press release (he pointed to one of
the paragraphs of the NBC's September 13 press statement signed by Mark Ojiah). But I will just
take my time to be able to show you very clearly that somebody, people that were in APP (All
People's Party) before, that brought APP members to me as their consultant, want to justify their
position with PDP (Peoples Democratic Party) today. (He moved off to a corner of the office and picked up a small size muslim praying mat and said) This was given to me by Danladi Bako. Danladi Bako brought (Alhaji Umaru) Shinkafi here as APP consultant. Today because he married the grand daughter of the Sultan of Sokoto he wants to say that he is PDP. Bloody lie. So, in trying to do that he must blackmail as possible. The answer is straightforward and I will be able to show you.

Number one, the radio licence that we have… in 1992, after the de-regulation, 22 people were recommended for radio licences. Of these 22 people, nobody was courageous to go ahead with the investment on broadcasting in Nigeria because they said the political environment was sick. Only Daar Communications went ahead. Daar Communications discussed with the NBC, NBC discussed also with Clapper Board. Clapper Board started a television station and Daar Communications started Raypower radio. But 22 people were recommended by the board and management of the NBC to the Head of State and Commander-in-Chief at that time, General Sani Abacha. The Interim Head of State Chief Shonekon had decided to cancel private broadcasting during his tenure as Head of State. Then we said ok, fine, there is nothing that we can do about it, we will go ahead. By that time we had fixed all our equipments, set up everything that were required. I went to Sani Abacha and said 'Sir, we have employed staff, we have gotten everybody ready, the NBC gave approval, but I know that there is a final approval to come form your office, I have set up fully and he said no, it is very sensitive, security report, I am a business partner of the Bashorun of Yoruba land, Chief Abiola, for that he was not going to go ahead. I said no sir, Daar Communications Limited is Dokpesi Anthony Aleogho Raymond, DAAR, no other person and I showed him the equipment and the staff that were with me. Based on the recommendation of the NBC.

Indeed, here (he reached for a pile of documents and extracted one) you will be able to see very clearly that the letter of approval for Raypower, dated August 16, 1994, says:

"I am pleased to inform you that in accordance with Section 2 (1)c of Decree 38 of 1992, the Head of State of the Federal Republic of Nigeria has graciously approved this commission's recommendation for granting your organisation a licence to operate an FM Radio station."

The commission's recommendations! The NBC recommended Daar Communications for a licence.

Secondly, that as far as radio, television is concerned… (he went off again to get another pile of documents and returned. Opening up one of them he said) you can see this was written by the Federal Ministry of Information on February 1st 1995: Daar Communications - Request for UHF TV Licence, addressed to the Head of State, General Sani Abacha:

"I write to forward to you the application of Daar Communications for UHF T.V Licence for the consideration and approval of the Head of State and Commander-in-Chief.

"After a thorough examination of the presentation made by the company, the National Broadcasting Commission undertook a tour of the facilities and infrastructure put in place by the said company. Report submitted to me confirmed that the company is competent and can effectively and creditably handle private broadcasting.

"In view of government's policy of promoting and encouraging democratization of the broadcast media in Nigeria, we strongly support the application of DAAR Communications for UHF T.V Licence. So far this company has operated its Radio Station with vision, patriotism and dedication to excellence."

At every stage that we have had, we went through the due process as prescribed by the law to obtain licence. The NBC … I have heard from various high offices that they claim that… oh, I am proud and happy to be able to say that I saw General Sani Abacha, I associated with General Sani Abacha and I applied for the licences I required to be able to operate and I have operated very creditably. In all the investigations about General Sani Abacha have I been found to be involved in anything? To be associated with anything? I am proud of the vision and
determination and support that both IBB and General Sani Abacha brought to the development of the broadcasting industry.

They say they are looking for a level playing ground. In a level playing ground, anybody that is interested in undertaking global satellite transmission should please apply and get it. This is a recommendation that went through the NBC, I said I want this thing and they said okay go ahead. I don't understand where they are coming from.

So, I don't have anything against Danladi Bako, I don't have any personal clash with him... at the best, what I can see is that a judicial interpretation of the law will help us to see whether or not he is a fit and proper person to head the NBC. If there is a declaration in favour of IBAN and in favour of Daar Communications Limited, the only option left for government is to dismiss him, because we don't have any confidence in him, you cannot have a blind man leading people with eyes. We will not follow that leadership anymore and that is very clear. There is nothing personal about it, it is a matter of here you are, you are confronted with an investment, somebody claims that he knows the law, that he is in a position to interpret the law better than those that operate it and so on. I am sure there is a short fall right down there otherwise they won't be misleading the government now.

On one hand, TV Africa is allowed to network in Nigeria where they say AIT cannot network. T.V Africa network with 18 television stations across the nation and yet AIT is not allowed. So my position, this is not a Daar Communications' issue, it is the basis of where broadcasting will go in this country. This issue will have to be clarified.

What has been the response of the stations you have planned to network with regarding this NBC's attempt to halt it?

I have not informed them. I believe up till this moment that it will be possible for the NBC and Daar Communications to arrive at an amicable resolution of the issue. But you see, the truth is that when people don't come honestly to inform you what their problems are then you are not able to understand. well, they first of all said I didn't have the licence. When I provided the licence and so on, then they kept quiet for almost one month and then they came back and said 'oh, you see the re-lay station in Abuja, re-lay in this thing is now offensive to the law and all that'. Again they are wrong. They are just looking for excuses.

Meanwhile the same law is applicable to NTA. So, if you say I am not allowed to do it, why should NTA be allowed to do it, why should FRCN be allowed to do it, why? What is the basis if we are all equal before the law?

So we now go before the judiciary to interpret to us whether the NBC is not trying to be tyrannical, is not trying to be oppressive in its interpretation, whether they are not trying to use official powers to settle personal scores. An apology is due to the Nigerian listening public.

House of Representatives Holds Public Hearing on FOI Bill

The democratic process is once again showing a burst of life with efforts at enacting The Freedom of Information Law in Nigeria gathering steam at the lower House. The Committee on Information of the House of Representatives under the prompting of the House, has scheduled a public hearing for October 3 and 4. The event will take place at the National Assembly and scores of eminent Nigerians from several works of life will make presentation at the hearing. The Bill is intended to make government held information readily available to the public.

Mr. Olisa Agbakoba (SAN), President of Hurilaws, is expected to lead many other prominent Nigerians who have indicated interest in making inputs into the Bill at the hearing.

And among other eminent Nigerians expected to make presentation at the hearing are President of the Nigeria Labour Congress (NLC), Comrade Adams Oshiomhole; a member of the Human Rights Violation Investigation Commission (HRVIC), Revd Matthew Hassan Kukah; poet, writer and essayist Mr. Odia Ofeimun; Executive Director of the Constitutional
Rights Projects (CRP), Mr. Clement Nwankwo; public commentator and teacher at the Lagos Business School, Dr. Pat Utomi; Mr. Bankole Aluko (SAN); Mr. Anthony Idigbe (SAN); Mr. Eyimofe Atake (SAN); Executive Director of the Civil Liberties Organisation, Mr. Abdul Oroh; Lagos-based lawyer and human rights activist, Mr. Femi Falana; Prof. Isabella Okagbue and lawyer and former Minister for Information, Chief Tony Momoh.

Others are Chief executive of Newswatch magazine, Mr. Ray Ekpu; President of the Nigeria Guild of Editors, Mrs. Remi Oyo; President of the Nigeria Union of Journalists (NUJ), Mr. Smart Adeyemi; Mass Communications teacher, Prof. Ralph Akinfeleye, Dr. Idowu Sobowale, former NUJ President, Mr. Sani Zorro, Mohammed Haruna, Alhaji Abdulsalami Zubairu Tunde Fagbohunlu, Nike Kuti and Prof. Celestine Bassey.

The hearing is part of the process of enabling a broad section of Nigerians make informed input into the Bill. It is also to satisfy one of the benchmarks of the House of Representatives that the Bill is a popular choice, desirable and useful for Nigerians and that it is not elitist in nature and content. The House of Representatives also expects other interested members of the public to participate as well as send in their views and comments through the House Committee on Information.

The Freedom of Information Bill presently before the House of Representatives is at the behest of Media Rights Agenda. Dr. Jerry Sonny Ugokwe, Hon. Tony Anyawu, Hon. Nduka Irabor and scores of other members of the House are sponsoring the Bill in the House. The Bill is guided by a set of universally acknowledged principles. The principles are based on international and regional laws and standards, involving state practices (as reflected, inter-alia, in national laws and judgements of national courts) and the general principles of law recognised by the comity of nations.

Efforts to enact the Bill, which began soon after the inauguration of the present democratic government in May 1999, coincided with recent appreciation by the international community that a successful prosecution of the anti-corruption crusade rests on clearly defined legal and constitutionally empowered access to public records for citizens. This has echoed a growing recognition for a freedom of access to information by numerous persons, national and international organisations and governments.

For example, the Commonwealth Head of Government Meeting (CHOGM) in Durban, South Africa, in November 1999, adopted a freedom of information principles. The organisation in a communiqué at the end of its meeting said it took note of the Commonwealth Freedom of Information Principles earlier endorsed by Commonwealth Law Ministers and forwarded to Heads of Government. It, therefore, declared its recognition of "the importance of public access to official information, both in promoting transparency and accountable governance and in encouraging the full participation of citizens in the democratic process."

Numerous countries in the world, including South Africa, Costa Rica, Guatemala, India, Malawi, United States, Australia, Canada, New Zealand, Norway, Denmark, Holland, Sweden and South Korea, have constitutional guarantees of access to government-held information. Many more others have explicit legislative provisions on freedom of information. Sweden has had a freedom of information legislation for over 200 years. In all these countries, accountability and transparency in public life are almost legendary.

But the opposite is the case in Nigeria. Besides a plethora of administrative bottlenecks meant to enforce denial of access to public information, governments, including those that make pretensions about being democratic in orientation, routinely erect legal huddles, thereby leaving a veil of secrecy to surround public information held by government. Even the most mundane of information suffers from this tendency.

For example, with an excuse of lack of terms and conditions for granting public access to declarations made to it by public office holders, the Code of Conduct Bureau denied Media Rights Agenda access to information regarding assets and liabilities declared by public office holders in the present government. This is in spite of the fact that the Bureau acknowledges the
constitutional guarantee given under Paragraph 3 of Part One to the Third Schedule of the 1999 Constitution to members of the public who may be interested in such information.

This denial has effectively made it impossible for persons and institutions interested in helping to infuse accountability and transparency into the governing process of the country. Such denials nurtured and protected by numerous secrecy clauses usually under very broad "public interest" claims and sundry Acts and the criminal Code, which provides penal sanction for citizens who undertake to blow the whistle on wrong doers in the public sector and government, has effectively ensured that acts of corruption remain largely unprosecuted. This has effectively stunted the nation's development.

The Nigerian FOI Bill, therefore, aims to eliminate unnecessary official secrecy and to give citizens and non-citizens alike the legal right to information in custody of government officials and agencies, public institutions and/or private bodies carrying out public functions. Such information could be of interest to the person(s) making the request for any special or general purpose: either because they need it for research or to hold public officers properly accountable. It also seeks to provide the disclosure of public records or information by public officers without authorisation thereof provided it is for public interest and such officials are protected from adverse consequences flowing from such disclosure. It is made up of nine basic principles. These include: Maximum disclosure; Obligation to publish; Promotion of open government; Scope of exemptions; and Process to facilitate access. Others include: Costs; Disclosure takes precedence; and Protection for whistle-blowers. Government is, however, obliged to withhold information, but only if it could show that disclosure would cause real harm to essential interest, such as defence, security, law enforcement and privacy.

The FOI Bill, presently before the Lower House of the National Assembly, had undergone its second reading and received input from the House Committee on Information. However, during the third and final reading at the House of representatives, intended to be the last before it is passed on for the consideration of the Senate, several other related issues arose that made the House to direct its committee on information to hold a public hearing to enable further input from Nigerians.

It is hoped that President Obasanjo would match his words with action by institutionalizing the structures for his anti-corruption crusade. It is also expected that he will act in consonance with the National Assembly by voting for a regime of a FOI as an essential tool for a meaningful anti-corruption crusade.

House Of Representatives Announcement Of The Public Hearing On The FOI Bill

HOUSE OF REPRESENTATIVES
COMMITTEE ON INFORMATION
NATIONAL ASSEMBLY
THE THREE-ARMAS ZONE,
P.M.B. 141, GARKI - ABUJA, NIGERIA

PUBLIC HEARING ON THE
"ACCESS TO PUBLIC RECORDS AND INFORMATION BILL"

On Wednesday, 29th March 2000, the House of Representatives referred the "Access to Public Records and Information Bill (HB.20), 1999" to the Committee on Information for an in-depth study. The Committee presented its report to the House on 25th July 2000. But after a hot debate by members on 15th March 2001, the House passed RESOLUTION mandating the Committee to conduct a Public Hearing so that all stakeholders - the legislature, the executive,
the judiciary, the civil society, the labour, the academia, the media, and indeed, the entire citizenry - can contribute their own quota into the making of this very important law.

The objectives of the Bill include:

1. To provide, as of right, free and uninhibited access to public information or records kept by Government, public institutions and/or private organisations carrying out public functions for citizens and non-citizens of the country provided such information or records are not injurious to the conduct of international affairs and the defence of Nigeria, do not jeopardise law enforcement and investigation, and do not affect economic interest of the country;

2. To increase the availability of public records and information to citizens of the country so that they can participate more effectively in the administration of laws and the formulation of public policies as this will, in turn, promote probity and accountability of public officers;

3. To ensure that public officers disclose public records or information, in the public interest, without authorization and to protect these officers from adverse consequences emanating from such disclosure;

4. And to complement, not replace, existing procedures for access to public records and information and so, not intended to limit in any way, access to those types of official information that might have hitherto been normally available to the general public.

After an initial lull occasioned by some logistic problems, the Committee has now fixed the Public Hearing as follows:

Dates: Wednesday, 3rd October and Thursday 4th October 2001
Venue: Hearing Room 2, House of Representatives, Abuja
Time: 10.00a.m. each day.

Members of the PUBLIC are hereby invited to participate in the public hearing; and those who wish to reduce their views and comments on the Bill into a brief memorandum are encouraged to send such to:

Hon. Patrick Ene Okn
Committee on Information
House of Representatives Committee Room 5
National Assembly Complex
Abuja.
Or telephone: 09-2340009, Ext. 4033

A copy of the Bill can be obtained from the Committee Secretary in Committee Room 5, House of Representatives, Abuja.

(Signed) (SIGNED)
HON. PARTICK ENE OKON, fnipr HON. EDEOGA CHIJOKE
Chairman, Sub Committee on Chairman
Media Practice and Regulations Committee on Information


Media Rights Monitor is published monthly by the Media Rights Agenda (MRA), an independent, non-governmental organisation established for the purpose of promoting and protecting press freedom and freedom of expression in Nigeria. MRA is registered under Nigerian law and has Observer Status with the African Commission on Human and Peoples’ Rights.
Dear Readers,

Nigeria's traditionally vibrant press has come under massive attack in recent years, especially since 1993, resulting in frequent arrest and detention of journalists, confiscation of publications, closure of media facilities, banning of publications, assault on journalists, promulgation of repressive press decrees, as well as other forms of censorship.
Despite these constant attacks on the press, there was no regular medium for monitoring
and documenting abuses of press freedom and freedom of expression and, therefore, drawing
local and international attention to them. The result was that many violations went unnoticed and
unreported. Besides, many journalists also remained largely ignorant about basic issues affecting
their journalism practice or their rights and privileges.

In addition, many journalists had no idea how press laws in Nigeria as well as
administrative practices relating to the media comply with constitutional provisions and
international standards of free expression. Also, many journalists had no knowledge of the
numerous opportunities that are available internationally for self-improvement.

Nigeria's poor communications infrastructure ensured that very little information was
available outside the country on a regular basis about the situation of the media. This often
enabled the military government to claim at local and international fora, despite the
contradictory reality, of having the freest press in Africa and one of the freest in the world.

It was to correct this anomalous situation that Media Rights Agenda in April 1995 began
to publish Media Rights Monitor.

From a modest few copies of about 200, MRA now publishes 3,000 copies of the Media
Rights Monitor newsletter every month.

The publications are distributed primarily to journalists in Nigeria, who are the main
target. The object of this was to be able to reach them directly and influence their attitudes
about human rights, especially with regard to press freedom and freedom of expression.

Copies are also distributed to other human rights organisations in Nigeria, diplomatic
missions, press associations within and outside Nigeria, international human rights non-
governmental organisations and government departments and agencies whose functions and
activities affect the media.

At the risk of being immodest, we would say we have achieved modest success with the
journal. And we have done this with the support of several donor groups who themselves depend
on the goodwill of other groups and persons. We remain eternally grateful to them.

However, since the last couple of months, it has become increasingly difficult to get
resources to continue the publication of the journal.

Believing that the journal remains relevant in the quest for a viable media industry and
the promotion and protection of freedom of expression in Nigeria, and in order to continue to
meet our obligation to publish the journal, we have, therefore, decided to charge a minimum
subscription fee beginning from the issue of January 2002. This will just be enough to cover the
cost of production and postage.

The subscription rates and other necessary information shall subsequently be
communicated to you on these pages.

Thank you.

LETTER

A Big Thank You

I would first of all like to say a BIB THANK YOU to you guys for this laudable effort. It is
reassuring to know that there is an organization that is committed to being a voice for those
who shout themselves hoarse over the plight of humanity.

It is even more heartening to know that you go to great length to ensure that Media
Rights Monitor gets to our tables regularly and on time. Like we say in journalistic parlance, you
guys do meet your deadlines.

I urge you to continue in this spirit and never be undaunted by any mitigating
circumstance.

Thank you once again.
Editor’s Note

Following our recent published notices urging persons who are interested in receiving our journal to supply their mailing information, we have continued to receive requests for inclusion of names. While a large number of the requests are from journalists, media managers and other stakeholders in the media industry, a rather significant number of these request are from members of the public of diverse background. Many of these persons say they came across the journal through friends or some other means and they find it educative and beneficial in one way or the other.

We are, indeed, truly gratified by this development. We are, however, constrained to note that we are unable to meet these requests. The available lean resources have made it imperative that we limit our scope of coverage to journalists and primary stakeholders in the media who are our target group.

But we feel encouraged by the interest showed by members of the public and keep note of this fact. We can only promise that should we be able in the future to broaden our resource base, we shall not hesitate to expand out mailing list to accommodate such individuals.

Thank you nonetheless for the interest.

ACKNOWLEDGMENT

Media Rights Agenda (MRA) is grateful to The Ford Foundation for providing the grant for the publication of this Journal.

EXECUTIVE WATCH:

Nigerians Oppose Use of ID Card for Elections, Support Independent Candidature

By a significant margin, Nigerians have indicated their opposition to the use of the National Identification Card for voting in upcoming elections but endorsed the campaign for independent candidates to stand elections.

They have also expressed their support for calls that the Independent Electoral Commission (INEC), should register more political parties in addition to the present three which include the Alliance for Democracy (AD), All Peoples' Party (APP) and Peoples' Democratic Party (PDP).

These are the outcome of a survey conducted between August 6 and 31, 2001, by Media Rights Agenda under its Executive Watch project. The questionnaire for the survey contained ten structured questions, all of which were close-ended, requiring respondents to indicate either 'Yes' or 'No'.

Nigeria’s return to democracy on May 29, 1999, after more than 15 years of military rule, have been criticized for not ensuring popular participation. The guidelines, which regulated elections during the political transition programme, have also been similarly criticized as being too restrictive.

In an effort to correct this situation, the Independent National Electoral Commission (INEC), recently prepared and presented to the National Assembly for consideration and passage a draft Electoral Bill that would regulate the conduct of future elections in the country.
However, the Draft Electoral Bill has also been widely criticized by political observers and civil society organizations because of its numerous shortcomings, which they insist, must be amended before genuine democratic electoral reforms may be said to have taken place.

Besides criticising the Draft Electoral Bill, civil society organisations have maintained the view that many otherwise eligible voters will be disenfranchise if the National ID card is used for the up-coming 2003 elections. They hinge their position on the fact that the National ID card registration process, which contract is still a subject of intense controversy, would require well trained manpower who will be required to use sophisticated electric powered machines which are lacking in most rural communities, and are heavily in short supply in virtually all the urban areas. This is in addition to problems such as inaccessible terrain in the mangrove swamp area of the Niger Delta.

They, therefore, counseled that such a scheme should be considered for elections that would come after 2003, when hopefully the government would have used the advantage of the time between now and then to ensure adequate preparation.

Media Rights Agenda in this survey, sought the views of the Nigerian public on some provisions of the Draft Bill and the proposals by civil society organizations aimed at enhancing and improving Nigeria's electoral laws.

Specifically, 5,250 respondents (72 per cent) out of a total of 7,294 respondents, objected to the proposal for the use of the National Identity Card for voting at the upcoming 2003 elections as against 2,016 respondents (28 per cent) who supported the suggestion.

On a city-by-city basis, the survey showed that the objection to the use of the National Identity Card for voting cuts across all the cities polled. Specifically, in Abuja, 300 respondents (32.4 %) expressed preference for the idea while 621 (67.1) said no; Benin/Asaba, 143 (18.1 %) for, 647 (81.9 %) against; Enugu, 319 (30.5 %) for, 726 (69.5 %) against; Ibadan, 152 (18.8 %) for, 656 (81.2 %) against; Kaduna, 300 (32.7 %) for, 619 (67.3 %) against; Kano, 215 (28.9 %) for, 529 (69 %) against; Lagos, 235 (31 %) for, 522 (69 %) against; and Port Harcourt and environs, 352 (27 %) for, 930 (71.2 %) against.

Regarding the question of whether INEC should register more political parties, 4,275 respondents (58.6 per cent) indicated their support for the proposal while 2,848 other respondents (39 per cent) said no.

Except in Abuja where more of the respondents said they are not in support the registration of more political parties, majority of respondents from all other cities polled said they support the registration of more political parties. This support is highest in Port Harcourt and its environs where over 80 per cent of the respondents indicates their support.

But the data showed that in most of the cities polled, particularly Enugu, Ibadan, Kaduna, Kano and Lagos, the margin is very minimal.

By a clear majority, Nigerians indicated that they do not support the tradition of charging political parties exorbitant registration fees. While 2,349 respondents (32,2 per cent) approve of high political parties registration fees, 4,940 other respondents (67.7 per cent) frowned at the practice.

Similarly, while 2,436 respondents (33.4 per cent) support the practice of charging candidates vying for political exorbitant fees, 4,853 other respondents (66.5 per cent) frowned at this. The five remaining respondents (0.1 per cent) were undecided. These practices have often been identified as the main reason for the wide-spread corruption in government when office holders corruptly enrich themselves in a bid to re-coup the huge sums of money they had spent in securing their offices.

Majority of the respondents, however, do not support the requirement that political associations seeking registration as political parties should meet the provision that it should have offices in two-thirds of the states and local government of the federation before being registered. Specifically, 4,641 respondents (63.6 per cent) do not support the requirement while 2,489 other respondents (34 per cent) say they support the requirement. One hundred and seventy-six respondents (1.8 per cent) were undecided.
This opinion was shared enthusiastically by majority of respondents in Abuja, Benin/Asaba, Enugu and Port Harcourt and environs. But respondents from Kaduna and to a great extent, Kano, Ibadan and Lagos, did not share this view in great majority.

In what seems a further boost to the calls for an open process in the registration of more political parties, majority of respondents, precisely 4,856 (66.6 per cent), say INEC should not be given discretionary powers to accomplish this, where a prospective political party has satisfied conditions specified in the constitution. Two thousand three hundred other respondents (31.5 per cent), however, are of the view that INEC should be invested with discretionary powers on matters of political parties' registration irrespective of whether or not such political associations seeking registration have satisfied the constitutional provisions. One hundred and thirty-seven respondents (1.9 per cent) were undecided.

Opposition to INEC being given discretionary powers to register political parties, is mostly high in Abuja, Benin/Asaba, Ibadan, Lagos and Port Harcourt and environs. Majority of respondents in Enugu and close to 50 per cent of those from Kano feel otherwise.

In line with recent heightened agitation for provision to be made for willing Nigerians to stand election as independent candidates at future elections, majority of respondents, precisely 4,599 (63 per cent) said yes to the idea, while 2,688 other respondents (36.9 per cent) said no. Seven respondents (0.1 per cent) were undecided.

An analysis of the response pattern showed that as it is in the response to the question of whether respondents support the registration of more political parties, it is only in Abuja that majority of respondents did not support the agitations for the independent candidates in future elections.

Regarding whether respondent support the recommendation that at least 30 per cent of elective positions in government and within political parties offices be compulsorily reserved for women, only a marginal majority of respondents, precisely 3,747 (52.4 per cent) were in support, while the remaining 3,541 respondents (48.5 per cent) said no. Six respondents (0.1 per cent) were undecided.

Respondents by a slight majority also said no to the suggestion that Nigerians abroad and prison inmates should be allowed to vote at subsequent elections.

In the survey, 8,710 questionnaires were produced and administered out of which 7,294 were returned, this number represents 83.7 per cent. One thousand four hundred and sixteen were however not returned. This represents 16.3 per cent.

One thousand questionnaires were administered in five of the cities covered in this exercise. These include, Ibadan, Kano, Kaduna, Lagos, and the Federal Capital Territory, Abuja. Others cities are Benin 1,050, Enugu 1,110 questionnaires, Port Harcourt 1,140 questionnaires.

In an effort to further widen the scope of coverage, the questionnaires were also administered in Yenegoa, Trofani and Perimabiri in Bayelsa State; Agbor, Warri and Asaba in Delta State; and Ahoada, Emuoha, Baa-lueku and Omoku in Rivers State.

The questionnaires were deliberately distributed to capture, in significant ratio, Nigerians who had formal education and those educated up to post secondary education.

The exercise showed that 4,090 out of the total respondents numbering 7,294, representing 56.1 per cent, are male and the remaining 3,204 respondents, representing 43.9 per cent, are female. It also shows that 3,359 of the respondents are single, 3,554 are married, 280 are widowed, 101 are separated.

The survey also showed that 3,044 of the respondents are between the ages of 18 and 30 years, 2,995 are in the range of 31 to 50 years old and 944 are between the bracket of 51 to 60 years old. Three hundred and eleven respondents are over 60 years old.

The occupation of the respondents ranges from civil servants, professionals, artisans, traders, housewives, unemployed persons and faith ministers.
MEDIA MONITORING PROJECT: Focus On Human Rights, Accountability Still Low

Although there were no radical surprises regarding the evaluatory benchmarks of its Media Monitoring project, Media Rights Agenda has described the performance of the Nigerian media during the month of July as not particularly helpful.

In terms of editorial standard, the report accused the media of publishing many reports that were not balanced and weak in backgrounding. It also said the print media was weak in editorial gate keeping with the result that errors and opinionated writing were rampant in news reports.

There was also a preponderance of repetition of news items in all the 12 radio and television stations monitored. The report said some stations indulged in this exercise to the extent that some news items were repeated in all the bulletins throughout the day. Similarly common was instances of the use of voice-over instead of sound-bite among the broadcasting stations.

These findings are contained in two reports recently released by the organisation, each covering the print and electronic media in its July 2001 monitoring.

But the report on the print monitoring exercise noted that if the benchmark of percentage comparison between the news reports which fall under the project's topic/variables and others which do not, are taken, it would be fair to conclude that while the reportage in the relevant news reports is quantitatively heavy, in relative terms, it is much less than the volume of reportage in the other areas. The report on the print media said further that the sector still has some way to go before it can authoritatively say that it adequately covers important issues of public interest.

In the report from the monitoring exercise of the electronic media, MRA noted that all the stations, perhaps, took it for granted that listeners and viewers knew where the reports originated from as they routinely failed to mention areas their reports originated from in their bulletins. Newscasters similarly failed to issue apologies whenever there was a break in transmission.

In the exercise, which began in April this year and aimed to help the media to evaluate its reportage of politics, the practice of democracy, the accountability of public officials to the citizenry and lastly, human and institutional rights, MRA noted in the report that government at all levels continued to get most of the mention, with the Federal Government getting the highest positive mention followed by the states, individuals and the masses. Other political associations and opposition groups were generally given a low coverage in July.

Besides, the report noted that most reports during the month were sourced from the Federal Capital Territory (FCT), Abuja. The local area where the station is located followed next in terms of the place of origin of news.

Specifically, regarding the localisation of news sources, the report said that all the Lagos-based stations had Lagos coming second as their highest area of news sources, while Minaj Broadcasting International, which is based in Obosi in the South-Eastern state of Anambra featured mainly reports from the South-South and South-East regions. Similarly, Kaduna-based FRCN and the state radio as well as the local NTA station had Kaduna as second highest while Port-Harcourt-based Radio Rivers sourced its news from Rivers, and other eastern states.

The report said the 12 radio and television stations monitored indulged in repetition of news items and it specifically mentioned Channels TV which routinely repeated its 5.00p.m Prime News in its 6.00 p.m, 7.00p.m and 8.00p.m Newstrack, and Radio Nigeria 2 FM, Lagos (RN2), in its news programmes between 23rd and 31st, when it repeated 33 news items in three news programmes.

The stations were also carpeted for routine use of voice-over instead of sound-bite, with Aso FM 93.5, Abuja, and NTA 2 Channel 5, Lagos, particularly mentioned in this regard, even when actualities were shown.
The report on the broadcast media also noted that whenever there was a break in transmission, which was rampant in July, the newscasters did not bother about apologies again. Transmission mostly continued as if nothing had happened, even on NTA 2, which formerly did not indulge in such practice.

The report commended Minaj Broadcasting International (MBI) Obosi and Radio Nigeria 2 FM, Lagos for giving individuals and the masses more mentions than any other station during the month.

In terms of the institution or individual that was significantly promoted by the mass media, the Federal Government got the highest positive mention in both the print and electronic media, followed by the state, individuals and the masses. Other political associations and opposition groups were generally given a low coverage.

The broadcast monitoring report indicated that during the month of July under review, a total of 7,556 news items were broadcast on the radio and television stations for 207 hours, 49 minutes and 04 seconds.

Out of the total of 7,556 news reports on broadcasts stations monitored, 3,358 fell under the project's topic variables with a duration of 47 hours, 09 minutes and 02 seconds.

On its part, the print media was under pressure in some quarters. This pressure was symptomatised by the workers' strike which forced The Guardian newspaper off the streets for over one week, and other pressures such as the steadily shrinking patronage by readers; the high cost of procuring inputs such as newsprint, photographic film, computers, cameras and other pre-production consumables; distribution; shrinking patronage by advertisers and the allied problem; high turn-over in the newsroom; and activities of media regulatory and governmental authorities.

The report said in quantitative terms, there were far more news reports recorded for democracy variable than any other. This is followed by Political Issues; Human Rights; and Public Accountability. In essence, they underline the media's laudable pre-occupation with democracy and politics generally. The figures clearly indicate that editors pay less attention to issues of human rights and accountability in governance.

In terms of news sources, the Federal Capital Territory has edged out Lagos and Kaduna states as the area which generates the most news reports. However, with regard to geo-political zones, the South-west still generates more news than the FCT. On the whole, the trend of extending editorial coverage beyond the publishing base has continued and virtually all publications had a fairly wide spread of reports from both north and south. The Trust is probably the weakest in this area while The Punch may be the best. The geographical scope of the majority of the reports is Nigeria.

Having regard to editorial standards, far too many reports still suffer from lack of balance and weak back-grounding. Editorial gate-keeping is generally weak with the result that silly errors and opinionated writing creep into news reports. Apart from that, the editorial judgment of some publications is suspect considering the poor news value of the reports which are sometimes published as front page lead. A somewhat related matter is that with quite a few publications, the hitherto rigid demarcation between editorial matter and sponsored material is disappearing. This development was referred to in the June report. There were not too many missed issues but both The Guardian and National Interest failed to appear for some days during the month.

The reports, therefore, recommended that editors should allow those who are charged with gate-keeping functions in the newsroom to do their work without hindrance. This includes the authority to do rewrites if need be. And perhaps most importantly, the gatekeepers themselves have to be knowledgeable people who have some experience.

It further recommended that the media should beef up its focus on rural areas, and noted that the relentless spotlight on urban areas leads to unnecessary glamourisation of the cities with the result that the rural people abandon the place in their millions each year. This in turn holds grave consequences for the country.
INSIDE THE NEWSROOM:
Charlatans Are Threatening The Media - Oyo

The Nigerian media has come under intense criticism in recent times. Several persons and groups have accused it of all manners of unprofessional practices, including blatant fabrication of reports, sensationalism, under reporting and outright blackmail. If the cub reporter could be excused for lack of maturity and appreciation of the unique role of the journalist in the society, on account of his/her being a rookie, not so the editor. An Editor is expected to have spent several years in practice, grilled on the ethics of the profession and have had sufficient experience to handle the position of the gate keeper of a news media.

It is in this regard that the Nigeria Guild of Editors should be seen as a necessary platform for editors to articulate a common agenda to ensure adherence to professional code of ethics and find common solution to any breach.

But despite the presence of the Guild and its activities, unprofessional practices in the media have continued unabated. This has raised several questions, among them being the relevance of the Guild in the Nigerian media? Is it just another gathering of the clan for the fun of it or a case of a rain drop in the desert?

In this interview with Osaro Odemwingie, Mrs. Remi Oyo, President of the Nigerian Guild of Editor who only recently got the mandate of her colleagues for another term of office to pilot the affairs of the organization, say that the Guild has had its troubles alright, but it has succeeded in positively influencing the direction of the media and promotes the ideals of journalism among its members. She blames charlatans and carpetbaggers for the woes of the media and say the Guild is set to get it all right. Excerpts:

What precisely are the aims and objectives of the Nigeria Guild of Editors?

The Guild was set up 39 years ago as a professional body of editors in the print and electronic media in the country. Since then, the scope has widened to include Nigerian editors who work for international wire agencies, the radio and television. But principally, as a professional group, the role of the Nigerian Guild of Editors is to be an organisation that promotes the ideals of journalism by way of the interactions that its members can have among themselves and the larger publics, that is the public that we profess to serve and other international organisations.

In the past 39 years, the Guild has had its troubles. There were times that the Guild had problems, but that was quickly settled and it was back in line. By and large, it has been like the conscience of the editors. It has been one that promotes professionalism among members and also act as a watchdog generally in the profession to make sure that the younger colleagues who will be editors tomorrow imbibe the ideas, respect and ethics of the profession.

Principally, that is what the Guild is doing. It is not a union but a powerful group that can act as peer pressure on its members and also can contribute to ensuring that humanity is served in our country.

Is there any instrument by which the Guild monitors the activities of its members so as to ensure that they abide by these objectives and also bring pressure to bear on any member who may engage in an activity that does not edify the Guild?

The beauty of the Guild is that it is a very, very coercive organisation because it is set up to promote the best. And there is nobody who doesn't want to associate with the best. There is a constitution of the Guild of the Editors and all members are supposed to uphold that constitution. It is under-going some review now so that it can conform with the 21st century. But there is no member who would want to attract opprobrium from the entire membership. The idea is not to sanction. We don't believe in it. And I can't recall anytime in the entire history of the Guild that sanction has had to been brought to bear directly by the Guild on any editor. But I do know that editors have collaborated in ensuring, at least on one occasion, that a magazine that published falsehood was publicly disowned. And that can serve as enough warning. I don't think
that any editor worth his salt and who is a member of the Guilds of Editors would want to attract any negative vibe from the Guild or its members.

Of course we do have sub-committees that deals with all sorts of things including awards, recognition and discipline. But I am glad to say that we haven't had to apply that and I think … before you become an editor, you have an idea of what is expected of you by the society. You are a role model, you are the main gate keeper of the organisation, so you are always on your toes that you are walking a tightrope. So we haven't had to discipline any editor.

We have a 14-piont code of ethics that we agreed upon sometime ago at Ilorin in the mid 90s and it was agreed upon by the constituent members of the Nigeria Press Organisation (NPO); the Newspaper Proprietors Association of Nigeria (NPAN), the Guild of Editors and the Nigeria Union of Journalists (NUJ). That code still subsists till today and it is what every journalists or editors must respect and I am proud to say that is what exist among the membership of the Guild. If there is anyone that has broken the code, it has not come to the official notice of the Guild.

How does one become a member of the Guild; is it automatic by virtue of being an editor of any title or broadcast media, or are there specific processes?

It is not by sitting in your house and publishing just about anything and then you hope to become a member of the Guild. It is a specialists' group for any editor who has a publication for sale and publishes regularly. Not those who publishes today and in the next six months you are not publishing. That is not what we are talking about, we are talking about senior media managers in the radio and television. I think in radio the position starts from what is generally known as manager news and in the News Agency of Nigeria it starts from the assistant editor-in-chief who are the last point through which stories get to the public.

Of course you know that to be a journalist in Nigeria, the union of journalists is by law empowered to set minimum standards. The last pronouncement of the President of the NUJ is the Higher National Diploma (HND). So first of all you must be qualified educationally. I know the constitution allows every man to impact opinions and whatever, but this is different. You mustn't be seen to be doing anything against the constitution of the Federal Republic of Nigeria, but to be a member of the Nigeria Guild of Editors, you must have to meet those criteria that I am talking about i.e. you have to be educated enough, you have to be working regularly for a particular organisation, you have to be a main gate keeper of the organisation you have to offer for sale. So if you are doing an in-house magazine in your organisation, that is not what we are talking about.

I am looking also at even some soft-sell and evening tabloids which rake mud and recycle reports from some morning papers. Although such persons are editors or whatever they may chose to call themselves, can they become members of the Guild?

Membership of the Guild is not automatic. There is a membership sub-committee that looks at these criteria and creates new ones as the situation dictates. At least I know about two credible afternoon papers whose editors are members of the Guild. Those that are not qualified journalists and are not qualified editors don't move near the Guild and don't seek membership, so I don't worry about them. They could argue that what they are doing is not against the constitution but they are not members of the Guild and I don't worry about them.

What is the Guild's relationship with the NUJ, NAWOJ, NPAN…

The Guild has always maintained a strong fraternal relationship with the constituent principal professional organisations in the media sector such as the Newspaper Proprietors Association of Nigeria (NPAN), Broadcasting Organisation of Nigeria (BON), the NUJ. And you know, the Guild cuts across the print and electronic media like the NUJ, and also we work together.

Together with two of them we belong to the Nigerian Press Council (NPC) and there are no major decisions taken that the Guild are not involved in. Together with the NPAN and the
NUJ, we form the core stakeholders in the Nigerian Institute of Journalism (NIJ). So we have always worked together and I don't see it happening differently. It is one for all, all for one.

**How would you rate the Nigerian media in terms of the adherence to professional code of ethics?**

Let me say that the Nigerian media is vibrant. If you travel throughout Africa, you will find that we most probably have more newspapers than any other country. Perhaps besides South Africa, we most probably have more electronic stations than any other country. And I believe that majority of Nigerian journalists are professionals, majority mean well, majority of Nigerian journalists want to do the best that they can. However, my worry is that carpetbaggers and charlatans are beginning to gain some dominance in the public perception of the capability of Nigerian journalists because there are people that do things that should not be done. It is like one bad apple in a basket that smells on the good ones. That is what saddens me, it saddens the Guild of Editors. That is the bit that I am not comfortable with, and that is the bit that I and members of the Guild are willing to work together with the proprietors to see the end of these carpetbaggers in our profession.

Every profession has its bad eggs and all of that, and every profession must devise ways to take care of them and ours is no less so. Just as you have unqualified doctors, unqualified lawyers or whatever, we also have problems within our profession. For us to deny that is for us not to mean well for our profession, for us to deny that is to deny our strong and constitutionally sanctioned role in the society. We must be seen to be doing self-cleansing from time to time. That is one of the things that the leadership of the Guild is insisting that we must do.

During the convention that we had earlier, two weeks ago, we had a seminar on Enhancing Media Credibility. Editors closed the door, we didn't allow reporters and press photographers in except editors, at which we talked to ourselves and said 'no', this thing should stop; we are not going to let this to continue to happen, we are not going to let these people take over our journalism. Every time somebody turns up at an assignment and he doesn't come from anywhere, he is not working or stringing for any media organisation, he is claiming to be working for a reputable organisation, he is damaging our reputation. Every time somebody turns up and tries to blackmail somebody with some nonsensical stories, he is damaging our profession. Every time you come out of a press conference and people are waiting outside saying, "your boys are here-o", you are damaging the profession. So together we must work hard to make sure that doesn't happen again. And certainly, the Guild frowns at a situation where you have cartels.

We have no problem with specialisation; specialisation must be encouraged for our profession to grow. Just like you have gynecologists and obstetricians in medicine, you have optometrists, we also must have specialists in our profession. But it is not specialisation that you use to prevent other people from coming into the profession. But when people gather themselves together and say they are correspondents for this particular beat and they do not allow incomers... I can't walk in and say I am going to cover an assignment as a reporter that I am. The chances are if somebody there does not know me as Remi Oyo, President of the Guild of Editors, I am not going to be allowed to cover that assignment. The Guild frowns at that and we are going to fight it and that is the sort of thing that I don't like.

But I want to say that I am proud to be a Nigerian and I am proud to be a journalist. I think that because we have the resilience as a people and because we have the brilliance as a people, I think it is possible for Nigerian journalists to perform even better than we are doing now.

**Looking at the problems of the beat associations, they have been with us for a long while now. It is surprising that you say the Guild is only just about to begin to do something about it.**

That is not what I meant, if that is what it sounded like. I became President of the Guild of Editors in 1998 for the first time. And from day one, I spoke about it. And my predecessors had always spoken about it and had fought it. And let me say that Nigerian editors are not happy about this. Most people who say they belong to these beat associations know that they cannot go
to their offices and claim that they belong to them. It is like a bad sore and you have to be putting medicament on it until it is healed. What the Guild of Editors is trying to stop is a festooning of the sore, because it is spreading and we have to find a way to stop it. I don't believe they are unemployment problems and all that, and I think that it is a problem that should be left for the Guild of Editors or the NUJ alone. I think that we should as journalists be able to feel proud of our profession. Because every time we give award to people who don't belong to our profession I worry, because we are supposed to be watchdog on behalf of the people, who are we to make claims on behalf of the people? The people will speak at election as to whether they are satisfied whether this public officer did well or not. We are supposed to be watchdog on the government; we can't be seen to be to be giving the result of governance before the people who we are serving. And that is what all those 'cartelling' is giving rise to.

I do not have problem with specialisation. As a matter of fact, I encourage it. We should be able to attract lawyers and doctors to join the profession, all be it they have to study journalism in addition to whatever it is that they are bringing in so that they would become better journalists, even if they are medical correspondents and so on. We see it on the CNN and BBC of this world. But what I am saying is that all of us; editors, reporters, directors, anybody who loves journalism should stop this bad side of these beat associations.

Looking at the legal framework under which the Nigeria media operates, you would find that virtually all the laws which the military routinely applied to muzzle the Nigeria media are still in the statute books with no effort to bring them to conform with international standards. How much do you think these are responsible for the problems in the media and impact on its performance?

Let me say that I don't believe that nothing has been done as regards trying to harmonize existing media laws. Media Rights Agenda has been at the forefront of getting review done, and I know there are other media bills before the National Assembly currently. I know that the Guild has been involved in lobbying the lawmakers to ensure that the statutes that are inimical to journalistic performance are removed from the books. I know that we have spoken to the Senate President about this and we have also spoken to the Speaker of the House of Representatives and the two of them are favourably inclined to removing anything that is undemocratic that concerns press freedom. I think the wheels of progress in this direction have moved very, very slowly and too slowly for us as journalists. I believe that these laws are not helping us to do our job well.

You remember the Freedom of Information Bill initiated by Media Rights Agenda that is before the National Assembly, I think that by now it ought to have been passed. I think that there shouldn't be anything that should be hidden under the carpet in a democratic dispensation and I believe that these laws when they are removed or harmonised will help us to perform out duty better. I don't believe that Nigerian journalists given our antecedents as champions of independence and democracy should be treated any differently from other sectors. I believe that the executive and other arms of government including the judiciary and legislature must be seen to be helping the Fourth Estate of the Realm so that we can together serve the people.

However, the statute notwithstanding, we have continued to contribute our level best to serving the people and cover what we should cover and uncover what we should uncover. I think we are such a courageous set of professionals that no amount of laws can really put us down. The military tried it but they failed. But I think that our democracy is incomplete if these statutes are not removed, democracy can't be complete without the laws that are shackling us down are removed. For crying out loud, some of those laws are as old as 1964 when Nigeria just became independent and they are not in tune with the 21st century and certainly not in tune with the shrinking of the world into the little village that it has become. I know that with time the legislators will have to do something about it but I guess they had some problems pre-occupying them at the beginning, but they have since settled down and I think we should keep up the lobby so that we can get back to the front burner.
Looking at the harsh economic environment under which the media practice, how hamstrung is the media by this factor?

The economic conditions are harsh enough and media organisations are not doing well. The conditions under which they produce are so difficult. I said it at a forum about a month ago that for country whose literacy rate across the board is about 50 - 55 per cent, and for a country bent on uplifting the life of the people, we should go one little step further by ensuring that materials meant for the production of educational materials like newspapers and radio programmes should be without duty, so that people will have a level playing ground. I remember a predecessor of mine once said that if you publish newspapers without putting the ink or the written words on it, newspapers would still be running at a loss because a tonne of newsprint now cost about N90,000 if not more, not to talk of about other materials that have to go into it and all of the staff that have to be paid. It is not allowing us to grow as we should grow because newspapers can't afford to do as much investigative journalism as Nigerians demand because we don't have money. Radio and television stations can't have more educative and entertainment programmes because the money is not there because you have advertisers who are not paying up their bills. They themselves would say that they are also suffering because the capacity utilisation is very low and so they also don't have much money. The capacity of Nigerians to purchase plenty of goods is still limited. I guess we are paying for the sins of the past because there was a lot of profligacy before and so we are beginning to pay for all our sins. So maybe the media too is paying for the sins that it didn't commit, that is why we are now having this problem.

And because of that there are so many journalists that have no jobs. You see a lot of newspapers out there but Nigerians could do with a lot more newspapers. I haven't set up mine for instance. Nigerians could do with a lot more radio stations, a lot more television stations. I think the more we move, the more we grow, the better we would become. Our hope is that Nigeria will be a better country. I am an optimist. In the last two years it has gotten better although not as much as we expected, not in terms of naira and kobo, but even for the freedom of being able to hold this interview without my looking behind my back, it is something.

You recently began your second term in office, could you tell us what we should expect and as well in very specific terms what you achieved during the first term of office?

I am not going to say my achievement because we had a team. The team was headed by God almighty. We worked hard because we wanted to make a difference, and try and also build on what our predecessors had done. So we reckoned that there were so many things that needed to be done. First we needed to have an address. We used to have a small place in the press council that was used as an office of the Guild of Editors but we wanted a secretariat of our own. So we have been able to put that together. We got a lot of help from a past president of the Guild in the person of Alhaji Wada Maida who gave us space in this (News Agency of Nigeria) complex for two years for free. We also had two corporate sponsors, the NNPC and Global Bank and the rest we have been able to put in by the small money that we had in the Guild of Editors. So today we have a secretariat though it is small, it is ours and it is automated. We have computers and all of that because we want to be able to automate all the activities of the Guild of Editors so that we can have them in electronic form.

We also spent quite a lot of considerable time, in fact, throughout the first term we served, we spent it on capacity building workshop and building the capacity of the Guild and its members. We ran a total of seven workshops that were paid for by the Federal Government, international organisations such as the World Bank, the Canadian Institute of Development Agency (CIDA), UNICEF, UNFPA and indeed NAN also. So we spent time getting us updated. You know, learning never ends, so even if you are a big person in your newspaper, you still have plenty to learn. We learnt more IT skills, we learnt more about investigative journalism, editing... We talked about contemporary issues; the economy, sustainable development. We talked about conflict, we talked about women and we talked about children. Regrettably, we weren't able to do a health workshop like I wanted us to do; about HIV/ AIDS. But that brings
me to this new term, and the brown new team that we have. Again, with the help of God we would be able to go several miles further, reaching for the sky if it is possible.

We started on a good note. We have gotten a donation from the Lagos State government of a house and that would be the first time that the Guild will have a place that is truly owned by it. It is not rented, not donated for a specific time. We haven't taken possession of it. We are grateful to the Lagos State government of Governor Bola Tinubu and a former official of the Guild of Editors, Mr. Dele Alake, who was the vice-president, West. We hope that we can have a kind of resource centre. That is the way our mind is working; that we would have a resource centre that would be a library where people come to get updated on the media in Nigeria and beyond Nigeria. We don't know where the money is going to come from but from the God who did it before, He would always do it again.

We intend to continue our quest to build capacity. We also want to this time, work more closely with the private sector organisations, of course we would continue to work with the government. We hope to continue to organise capacity building workshops. We have already approached the World Bank and they are positive about helping us again. And so we would be looking at that.

We are already talking to a couple of banks because we want to re-energize our business luncheons. Because you see, when editors understand the new trends in the Nigerian economy, we can best reflect that in what we are already doing.

We also are planning that we will create some kind of forum by which we will meet with public officers at the highest level so that we can talk with them about our perceptions of what they are doing in this place, hold them accountable to the people as we go towards 2003. I think we should be able to provide, as the Guild, the back up to give independent assessment of what public officers are doing.

That is one of the major things that we are working on right now. I already talked about the electronic wiring of our membership so that we can reach all our members. We are also hoping that we will be able to conclude our web site so that anybody who wants to have access to Nigerian editors can click on our web site and know what it is that we are doing. All members of the executive are working on their own ideas of our vision, of what we should do and we hope that we would be meeting before Christmas to sit down and put wheels to those things so that we can hit the ground running.

We are hoping that before 2003 it would be possible for us to have an updated inventory of all Nigerian editors and indeed of all Nigerian media organisations. We also lay ourselves open, we are transparent about all the things we are doing so that any body who has any complaints about any media organisation can reach the editor and call the editor direct, so that we don't have anybody misrepresenting the journalism profession. I am hopeful that the best is yet to come out of the Guild of Editors.

We are reviewing our constitution so that it will be in line with modernity and of course we have already changed our logo. Our logo is no longer the pen, which is always mightier than the sword, but we have also acknowledged the fact that we have the electronic media, we have the computers that we use. So our new logo reflects this totality of the Nigerian journalistic sector.

Journalists Criticizes Self, NUJ Proposes Bill on Members' Welfare

The leadership of the Nigerian Union of Journalists (NUJ) has announced its intention to send two Bills to the National Assembly meant to improve the welfare of its members. This fact was made known by the National President of the NUJ, Mr. Smart Adeyemi, at a recent National Executive Council meeting/Conference hosted by the Lagos State council.

According to Mr. Adeyemi, one of the Bills would centre on condition of service for journalists and the other on the ownership of media houses.
Journalists also used the occasion which took place at Topo, Badagry, ion August to x-ray themselves during the past couple of months. They where unanimous that there has been an upsurge in cases of unprofessional practices by its members on account of monetary inducement by politicians.

The journalists also heaped part of the blame on the media owners in the country. They accuse media owners of seemingly deriving pleasure in paying their employees slave wages which render journalists vulnerable to monetary inducement and then engage in unethical practices as they.

This view was shared by Senate President Anyim Pius Anyim, who was special guest at the event.

"If a journalist could go without salary for several months, such a person would go to any length during the course of his duty to make money. That's why some of them sometimes write damaging stories about people as if they don't have conscience," said the Senator Anyim.

Indeed, the opening ceremony of the conference provided an opportunity for many journalists to criticise some of their colleagues who they have accused of writing under the influence of monetary inducement in the bitter feud between the Lagos State Governor Bola Tinubu and his Deputy, Kofoworola Bucknor-Akerele.

With the Deputy-Governor, Bucknor-Akerele in attendance, the Master of Ceremony Nigerian Television Authority (NTA) reporter, Diran Onifade, introduced one Mr. Femi, a director in the Ministry of Information, as the representative of the Governor of Lagos State. But members of the audience, predominantly made up of journalists from all parts of Nigeria, vehemently protested what they described as a breach of protocol, injustice and insults on the person of the Deputy-Governor. They felt that the deputy was by protocol to represent the governor or at least ought to have been recognised first even if someone else were representing the governor.

Visibly angered, Mr. Adeyemi, described the Lagos State Governor's action as an embarrassment and expressed his disgust at the "bias" the media house has taken in reporting the conflict between the governor and his deputy.

Lagos state chairperson of NUJ, Ms. Funke Fadugba, lamented that almost all the media houses have taken positions, adding, "we collectively, cannot forget in a hurry that every time there is a demise of democratic experience the media are always blamed".

She said journalists should resolve as individuals and as a collective body to place truth and fairness above all other considerations so that when the inevitable moral, ideological and sensational revolution will be carried out in the society, journalists would not be the first victims.

Lamenting the poor state of journalists, Adeyemi and Fadugba, said the poor conditions of service in the media industry has further escalated the unprofessional conducts of journalists as a means of survival.

They pointed out that Nigerian journalists are poorly remunerated while many of them are being owed salary arrears by their employers for several months.

Senate President Anyim, however, gave a commitment that the Senate would do everything it could under the legislative framework to improve the condition of service of journalists in Nigeria.

Also speaking at the occasion, the chairman of the Senate Committee on Information, Senator Jonathan Zwingina, the Senate would work to ensure the best working environment for journalists which is the only way to make the culture of brown envelop unattractive to journalists and guarantee an unbiased discharge of their duties.

**NUJ Begins Registration Of Journalists**

The Nigeria Union Of Journalists (NUJ) met in Lagos on August 11 and came out with a resolution that the registration of Nigerian journalists nationwide should commence
beginning with the Lagos State Council. The decision was on the order of the National Secretariat of the NUJ and the Lagos Council to issue and collect completed forms between August 16 and September 18 when journalists based in Lagos are expected to pick their forms, fill and return them to the Secretariat.

The NUJ registration board directed journalists in Lagos State to obtain their registration forms free from the NUJ Secretariat at Shomolu in Lagos. In a communiqué, the Lagos State Council of the NUJ urged journalists to cooperate with the registration board to help the profession keep its reputation as noble one.

In Lagos, the state council distributed the forms to the chapters asking journalists to submit their forms along with the sum of N1,000.00 (one thousand naira). It did not say why money was requested.

The exercise is going on despite opposition from some journalists and spirited campaign mounted by Media Rights Agenda. Some of the protesting journalists were of the view that such registration would effectively rule out the position of stringers and freelance journalists and those that are at the moment out of work. Media Rights Agenda had held the view that while it does not oppose a situation where as a union the NUJ would have a list of its members, the current registration exercise, besides it being tantamount to licencing people to enjoy their freedom of expression, could be used as an instrument of censorship since registered journalists could be de-listed in the event that they are considered to have aired. Besides, MRA argued such registration of journalists is clearly not in tandem with current international position.

**CPJ Urges General Babangida To Testify In Dele Giwa's Murder**

The New York-based Committee to Protect Journalists (CPJ), has urged former Nigerian military dictator General Ibrahim Babangida to testify before the Nigerian Human Rights Violations Investigations Commission over the 1986 murder of prominent journalist Dele Giwa.

The organisation's Executive Director, Ann Cooper, said in a statement: "It is time to solve the 15-year mystery of Dele Giwa's murder." "We call on General Babangida to confront the allegations implicating him in Giwa's death."

Giwa, the founding editor of the Lagos-based weekly magazine Newswatch was on October 19, 1986, killed in a parcel bomb explosion bearing the insignia of the Federal Government, which had earlier been delivered to him. According to Giwa's lawyer, Chief Gani Fawehinmi, State Security Services (SSS) officials summoned the popular editor to their headquarters on October 17, just 48 hours before he was killed.

At the SSS offices, according to Fawehinmi, Lt. Col. A.K. Togun accused Giwa of planning a social revolution and of smuggling arms into the country.

The next day, Giwa's wife received two phone calls from a man who identified himself as Col. Halilu Akilu, the head of the SSS at the time. The caller said, "The ADC [aide-de-camp] to the president wants to deliver an invitation" and asked for directions to Giwa's residence.

On the morning of October 19, Giwa received the package, which he unwrapped at the breakfast table in front of his family. Giwa was killed when the bomb exploded; no one else in the room was physically injured.

The government's coat of arms appeared on the outside of the package, prompting Mr. Giwa to exclaim: "This must be from the President", considering also the earlier phone calls from Col. Akilu indicating that the president wants to send an invitation. But police investigated the murder, no one was ever prosecuted. The investigation has been a subject of intense debate lately.

Efforts have been on by Fawehinmi to get General Babangida to appear before the Human Rights Violations Investigations Commission, also known as the Oputa Panel, established in June 1999 by the nation's first democratically elected president, Olusegun Obasanjo.

The panel is charged with investigating human rights abuses committed under the military regimes that ruled Nigeria from January 1966 to May 1998. Its mandate also includes
determining whether these abuses resulted from "deliberate state policy or the policy of any of its organs or institutions."

Since the commission began holding hearings, Babangida and two other former heads of state have consistently turned down invitations to testify. Their refusals have caused significant controversy in Nigeria. President Obasanjo, who has himself made two appearances before the panel, has appealed to all three former leaders to come forward and clear their names.

Public pressure for testimony has been particularly intense in the case of General Babangida, who ruled Nigeria from 1985 until 1993 before retiring to become a wealthy businessman.

In November 2000, the commission heard the testimony of Christine Anyanwu, then-editor and publisher of The Sunday Magazine, who in July 1995 was wrongfully convicted of plotting a coup against Gen. Sani Abacha, Nigerian dictator from 1993 until his death in 1998. At the commission, Alhaji Zakari Biu, the retired assistant commissioner of police who had assaulted Anyanwu, publicly apologized to the editor, and the two embraced.

African Broadcasters Unite To Tell Own Story

Broadcasting in Africa took a giant leap recently with the successful launch of an African television network into the Nigerian broadcast market. It was initiated by South Africa-based African Broadcast Network (ABN)

The occasion which served as a prelude to the debut of ABN Hour on Lagos-based Africa Independent Television (AIT), signaled, according to the organisation, a new dawn in broadcasting landscape as ABN aims at championing the repositioning of Africa through media and technology.

According to Savannah Maziya, ABN's director of Broadcast Relations and Corporate Affairs, the organisation's partnership with AIT is intended to ensure a medium whereby Africans working together all over the continent, entertain and educate themselves through the medium of television broadcasting to change the face of Africa.

"The relationship with AIT brings one word to mind - pride - in the sense that in Nigeria, an African has set up a television station driven by one belief - 'I CAN', said Maziya.

Mrs. Yeside Oriyomi, general manager, African Barter Company (ABC), Nigeria's affiliate and facilitator of the ABN/AIT deal similarly affirmed that the intent of the partnership is to take broadcasting in Nigeria to the international realm it belongs, through the production of quality entertainment shows from the African continent, where the best African talent will have the opportunity to make world class programming for the small screen and will take control of the images of its people.

At the moment, the ABN package runs on AIT between 9 and 10 p.m. on working days with a 100 per cent foreign content. But Maziya assured that the partnership will soon expand to include local productions with Africans telling their own stories to each other.

To achieve this objective, she said ABN plans to establish an African Media Fund to help fund local productions and exportation of African programmes to the international context.

In addition, Maziya said her media outfit intend to go into research in order to give local production of programmes, opportunity of showcasing their talents.

ATTACKS ON THE PRESS IN AUGUST 2001

Security Agents Haunts Champion Reporter

Men of the State security Services (SSS), on Wednesday, August 8, visited the office of The Champion Newspapers, Abeokuta, in search of its correspondent in the state, Mr. Kola
Adejobi in connection with an investigative story he wrote. The story was published in the Sunday edition of the newspaper.

The securitymen, who called at the last floor of the building which also houses prominent newspapers at 10.30 a.m., demanded the whereabouts of Adepoju from his circulation officer, Mr. Isiaka Aliu, who informed them that he had gone on an official assignment.

Editors Raise Alarm Over Continued Threats

Editors of Insider Communications Limited, publishers of Insider Weekly newsmagazine, raised alarm over continued threats to their lives and business.

In a two-page statement signed by the magazine's Managing Editor, Obiora Chukwumba, they allege that security agents of the state were relentlessly on the trail of key directors of Insider Communications for reportedly stepping on powerful toes with their news stories. It noted that the security chiefs are accusing them of constituting themselves into opposition, practicing a reckless brand of journalism, and at a point even declaring that the magazine's editors constitute a threat to national security and could be dealt with. The editors see that statement as "akin to pronouncing a death sentence on an individual."

The statement said further that in addition to threat calls to its editors in Lagos, its editors in Abuja, Kaduna, and Kano had been trailed by "persons suspected to be agents of the state security in Abuja."

It drew attention to a meeting between the security chief and editors of some major newspapers and magazines which it claimed held in Abuja and at which the security operatives branded its editors as being reckless. The statement recalled a similar meeting held shortly before the pioneering editor-in-chief of Newswatch magazine, Dele Giwa was killed by a parcel bomb.

It stated, "We are constrained to draw a parallel with this because our security officials appear endlessly equipped to take lives." It added that in May, men of the State Security Service (SSS) made repeated visit to their corporate office in Lagos asking their editors to report at the Department of State security (DSS) Shangisha on the outskirts of Lagos for undisclosed reasons.

The magazine viewed the whole episode as an indication of a nation on a "drift to the dark days of dictatorship" and a calculated attempt to gag the press. It called on Nigerians to hold government accountable should anything untoward happens to any of its editors or directors.

Workers Threaten to Shut Down Radio Over Welfare

Workers of the Bayelsa State Radio, Radio Bayelsa have threatened to embark on a strike action and shut down the radio station for the alleged maltreatment of its workers.

Chairperson of the Radio, Television and Theatre Workers' Union (RATAWU) of Bayelsa owned radio station, Glory FM, Miss Helen Aggrey alerted the Culture and Information Commissioner of the proposed strike action.

Reports indicated that workers of the media house have on several occasions expressed their dissatisfaction with the way and manner in which the Director General of the corporation, Mr. Comish Ekiye was handling staff welfare.

Some of the workers demanded the sack of the DG

APCON Bans Tobacco Adverts

In a subtle attempt to censure the media, the Advertising Practitioners Council of Nigeria (APCON) the advertisers regulatory body in Nigeria banned the advertisement and promotion of tobacco products on television, home video and billboards with effect from January 1, 2002.

APCON Chairman, Chief Olu Falomo who announced this decision in Abuja the Federal capital Territory early August (11 or 12) at a news conference added that no pitch panel display of tobacco products (brand or pack) would be allowed in sporting arenas or stadia.
Advertisement of tobacco in newspapers and magazines would be restricted to inside covers and run-off pages and would no longer be allowed to go on their outside covers and would no longer be in colour while no tobacco advertisement would be carried in publications targeted at sporting events according to Chief Falomo.

Chief Falomo said APCON would continue to liaise with government agencies and ministries to secure their cooperation in enforcing the council’s Act.

**Religious Sect Threatens The Press**

The Brotherhood of the Cross and Star (BCS) led by Olumba Olumba Obu (OOO) which had been enmeshed in crises since January 2001 has issued a caveat stating that any press statement, press release, announcement and publication purporting to originate from the headquarters of the group must be with clearance from Obu or his son, Roland, whom he has crowned his successor, a move that has resulted in discord in the group.

The 'decree' states that, "Any statements that purport to originate from the BCS world headquarters, the father's vestry or the leader's office must henceforth be accompanied with a written clearance properly designated and signified by the father's thumbprint with the proper jurat witnessed by the father's attorney or in the case of clearance from the chairman of the BCS Executive Council, by his usual and known signature, now hereunder affixed beside the father's thumbprint."

The statement warned that any mass media that fail, refuse and/or neglect to get the said clearance and goes ahead to broadcast or print any statement, release or purporting to originate from the BCS world headquarters was courting a law suit. Such, the statement demands, should first be cross checked and clearance received in writing and under the hand and signature of OOO before publication.

**Governor Accuses Journalist of Bias**

Governor Boni Haruna of Adamawa State on August 17 accused journalists on national media tour of being rented to discredit his government. He told the journalists and the Minister of Information and National Orientation, Prof. Jerry Gana, when they visited his office at the government house in Yola, that he was aware that some of the newsmen were in the state to concoct damaging stories about his government.

According to him, "We are not unaware that some of you may have been rented to come and write adverse reports that don't reflect the substance or the issues on the ground. To this kind of people, I want to suggest that you search your conscience because for the past two weeks, there have been unwarranted attacks on this government."

But at the forum to mark the end of the tour later the same day also in government house, Governor Haruna in apparent retraction of his accusation said his indictment was targeted at journalists who had earlier been hired to distort the situation in the State who came to the state earlier than the team with the Minister of Information.

**Governor Accuses Section of The Media of Bias**

Governor Ahmed Makarfi of Kaduna State on August 17 or 18 accused media operating from the southern States of Nigeria of unfair treatment of the North. Speaking at the first annual lecture of the Nigeria Union of Journalists Kaduna Council added that the southern press had in recent times tended to misinterpret the North in all its reportage.

He also accused the same section of the press of orchestrated media campaign against the North both after the annulment of the June 12 elections and during this present administration. He said the Southern press blamed the annulment of June 12 election entirely on the North which voted massively for both the late Chief M. K. O. Abiola and President Olusegun Obasanjo.
Court Bars Journalists From Proceedings

Justice Abdulahi Oyekan of a Lagos High Court on August 23 ordered newsmen out of her court saying she did not want 'a sensation out of a case of alleged abduction. It was at the hearing of a case involving the leader of a religious sect, Mrs. Lufunlayo Famowopo, alias Queen of Glory, founder of Glory Ministries along with three others on charges of abduction of three minors.

Justice Oyekan said, "I did not invite the press, gentlemen respect yourselves. We have to consider the future of the children involved in the case."

She insisted that only the parties involved should be allowed into the courtroom.

JOURNALISM / PRESS FREEDOM AWARDS

Call For Nominations And Applications For Oak Fellowship

The Oak Institute for the Study of International Human Rights is soliciting nominations and applications for the Oak Human Rights Fellowship for the Fall of 2002. The fellow is to undertake a semester-long fellowship as a scholar/activist-in-residence at Colby College in Waterville, Maine from September to December.

The Fellow will also be involved in some collaborative teaching with members of the Colby Faculty, and participate in the intellectual life of the campus to enable our students to work and study with a professional in the field. Following the period of the award, it is expected that the Fellow will return to her or his human rights work.

For this fellowship, priority will be given to a practitioner in the field of refugees and displaced populations in Asia or Africa. Also especially encouraged are applications from those who are currently or were recently involved in "on-the-ground" work at some level of personal risk.

The fellow will receive a stipend and College fringe benefits approximately up to the tune of $30,000 plus round-trip transportation from the Fellow's country, housing for a family, use of a car, and some meals on campus. The Fellow will also receive research support, including office space, secretarial support, computer and library facilities, and a student research assistant.

For more information contact Professor Mary Beth Mills, or Eliza Denoeux, e-mail: oakhrr@colby.edu Deadline for completed applications is January 15, 2002. For application forms visit: http://www.colby.edu/oak.

AAUW International Fellowships Available

Applications are being received from women graduate students from countries outside the United States for the American Association of University Women (AAUW) Educational Foundation for study or research in the United States. There are six fellowships available.

The awards are in the following areas: Postdoctoral Fellowship: $30,000, Doctoral Fellowship: $20,000, Master's/First Professional Fellowship: $18,000, Full-time graduate or postgraduate study in all disciplines for one year studies important to changing the lives of women and girls. The Foundation also awards several annual Home Country Project Grants ($5,000-$7,000 each). These grants support community-based projects designed to improve the lives of women and girls in a fellow's home country.

Interested recipients should download an application form at: http://www.aauw.org/3000/fdnfelgra/internat.html, or contact intsymp@aauw.org
“A number of criminal laws used against journalists, particularly those permitting detention without trials, maybe considered to be more repressive in general, as they violate not only the right to freedom of expression, but also the right to personal liberty and security which in turn creates a climate of self-censorship. But a media law, which seeks to licence journalist, represents a far more effective means of repressing public expression.”

Freedom to Licence Journalists
March 1999, Article 19

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44, Alhaja Kofoworola Crescent
Off Obafemi Awolowo Way, Ikeja
P. O. Box 52113, Ikoyi
Lagos, Nigeria.
Tel: 234-1-4936033, 234-1-4936034
Fax: 234-1-4930831
E-mail: pubs@mediarightsagenda.org
Web site: www.internews.org/mra