
STATE REGULATION OF TELECOMMUNICATION AND CONSUMER PROTECTION IN NIGERIA: INTERROGATING THE IMPACT OF THE CONSUMER CODE OF PRACTICE REGULATION OF 2007

Semshak Danladi Kassem¹**Shakira Hanna Osasona²**^{1&2}Department of Political Science

Federal University, Lokoja

Kogi State, Nigeria

ABSTRACT

Over the years, telecommunication in Nigeria has witnessed a lot of transformation as a result of technological advancement in the sector. It has become a vital engine room for socio-economic and political development yet without much surge in the protection of the telecom's consumers. Using qualitative research design, this paper interrogated the link between state regulation of telecommunication and consumer protection in Nigeria, with a specific focus on examining the impact of the consumer code of practice regulation of 2007 on the protection of the rights of consumers of telecommunication services in Nigeria. The Neo-liberal theory of the state was adopted as the theoretical framework of analysis. The data for the study was drawn from multiple sources including articles from referred Journals, books, newspapers, magazines and was analysed using content analysis. The findings of the study revealed that the consumer code of practice regulation of 2007 significantly accounted for protection of the rights of consumers of telecommunications services in Nigeria. Based on this, the study recommended that the Nigerian Communication Commission (NCC) and CPC should establish offices in all the States of the federation and have outposts in every local government area with a view to tackling the problems that hamper the rights of telecom consumers in Nigeria.

Keywords: *State regulation, Telecommunication, consumer protection*

1. Introduction

It has been observed by scholars overtime that economic regulation by states represents a fundamental instrument through which governments intervene in market dynamics to correct systemic failures, protect interest and foster sustainable growth. This therefore explains why governments across countries embarked on regulating various sectors of the economy, and Nigeria is not an exception to that as evident in regulated sectors such as the environment, public health, banking, energy and the telecommunication sector. Telecommunication networks not only promote global information exchange, but also put citizens in touch with each other,

their media and their government institutions. They also provide valuable feedback where it is needed (Thompson & Garbacz 2007 cited in Iwuagwu, 2014).

The term ‘telecommunication’ is derived from the Greek word *tele* (τηλε-) which means ‘distant’ or ‘far off’ and the Latin word *commūnicāre* which means ‘to share’. However, the term was first coined as a French word - *télécommunication* in 1904 by Edouard Estaunié, a French writer and engineer. Generally, ‘telecommunication’ is used to refer to communications that involve the electronic transmission of information over long distances. According to Odion (2016), ‘telecommunication’ refers to “the art and science of communicating over a distance by telephone, telegraph and radio (which includes) the transmission, reception and switching of signals, such as electrical or optical, by wire, fibre or electromagnetic means. It is a vital engine of economic growth and an essential infrastructure that promotes the development of other sectors such as agriculture, education, industry, health, banking, defence, transportation and tourism (Iwuagwu, 2014).

Telecommunication in Nigeria has witnessed a lot of transformation, yet the sector could be summed up to be a change in technological advancement, and dynamism without much surge in the protection of the telecoms consumers. The consequence of the foregoing is the exposure of consumers/subscribers against unfriendly market forces which inform issues of drop calls, unsolicited adverts, network failure, and ineffective consumer complaint mechanism. Hence, the need for the consumer codes of practice.

The Consumer Codes of Practice is a guideline formulated by the Nigerian Communications Commission (NCC) and directed at the GSM service providers as the benchmark for rendering qualitative service and at affordable rates to the subscribers (consumers). This Code is arrived at on the basis of a consensus between the GSM service providers, the subscribers and the commission. However, the modalities for its effective operations are encapsulated in Section 106 of the commissions Act of 2003. The Act empowers the Commission *inter alia* to designate a body to be a Consumer Forum and to prepare a consumer code. The Consumer Code prepared by the forum shall be subject to the prior approval of and ratification by the Commission. The Commission may require licensees to prepare individual consumer code for their respective customers, and such consumer code shall also be subject to the prior approval of and ratification by the Nigerian Communication Commission (Ogu et al, 2023). A consumer code prepared by the consumer forum, the Commission or a licensee shall include, among other things, model procedures for: reasonably meeting consumer requirements; the provision of information to customers regarding services, rates and performance; the advertising or representation of services; customer charging, billing, collection and credit practices any other matter which, in the opinion of the Commission, may be of concern to consumers. Pursuant to this, the Commission has made and published

the Consumer Code of Practice Regulations 2007 (CCPR 2007), the specific objectives of which are to confirm and clarify the procedures to be followed by licensees in preparing their consumer codes of practice, and to determine and describe the required contents and features of any consumer code prepared by, or otherwise applicable to licensees.

Therefore, this paper interrogated the link between state regulation of telecommunication sector and consumer protection in Nigeria, with a specific focus on examining the impact of the consumer code of practice regulation of 2007 on the protection of the rights of consumers of telecommunication services in Nigeria.

2. Literature Review

2.1 Conceptual Clarifications

State Regulation

According to Ogu et al (2023), state regulation means regulation made by the State Authorities under the Act. It means the whole or part of a state agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of a state agency and which is duly promulgated in accordance with established behaviour.

Telecommunication

According to Odion (2016), ‘telecommunication’ refers to “the art and science of communicating over a distance by telephone, telegraph and radio (which includes) the transmission, reception and switching of signals, such as electrical or optical, by wire, fibre or electromagnetic means.

Consumer Protection

Consumer protection is the practice of safeguarding buyers of goods and services, and the public, against unfair practices in the marketplace (Ogu et al, 2023). Consumer protection measures are often established by law.

2.2 Theoretical Framework

Neo-liberal theory of the state was adopted as it is seen as the most suitable theoretical framework of analysis for State regulation of telecommunication and consumer protection in Nigeria. Neo-liberal theory of the state emerges by the mid-1970s and extending up to the middle of the 80s. The theory emerged in response to extreme degree of anger and disenchantment with the Welfare State in liberal capitalist democracies where the State too was angry and perplexed with the citizens’ due to seemingly never-ending demands and disinclination towards improving their lot through private initiative in the UK, the USA and other western

democracies. The major exponents of this theory include: Friedrich von Hayek, Robert Nozick in his two main works *Anarchy, State and Utopia* (1974) and *Philosophical Explanations* (1981) and Milton Friedman.

Neo-liberal view of the state is premised on following basic assumptions:

- i. The state must act as the regulator and guarantor of economic competition via the provision and enforcement of competition (antitrust) law.
- ii. Market liberalism or market driven economy.
- iii. Primacy of individualism/individual freedom.
- iv. Entrepreneurship and state contraction.
- v. Monetarism.

The Neo-liberals are the advocates of a ‘Minimalist Role for the State’. They are ‘inherently suspicious of the State. They regard State activity as interfering in the natural order of life – be this in relation to the functioning of the market or the way in which social relations within society are formed and played out. In summing up the sequel, Neo-liberal philosophy-advocated the State’s withdrawal from both the economy and society and the pursuit of a monetarist supply side economic strategy and competitiveness that are primary and fundamental for effective functioning of the market (Davies, 2014; Dardot & Laval, 2014; Brown, 2015). Applying this theory to the study help us comes to terms with the fact that the Neo-liberals are the advocates of a minimalist role for the state. That the role of the state should regulatory. In this sense, the ‘free’ market needs the state to act as its lawgiver and policeman just as much as the liberal state needs the market to provide it with discipline. Hence, the role of the state is to create and preserve an institutional framework appropriate to such practices as greater freedom leads to greater innovation and progress in the telecom industry which ordinarily would not occur where the State owns or controls the means of production. Additionally, using the neoliberal lens also help us to understand the interplay between the code of practice and the consumer protection act. The Consumer Codes of Practice is arrived at on the basis of a consensus between the GSM service providers, the subscribers, and the modalities for its effective operations are encapsulated in Section 106 of the commissions Act of 2003 as a result of the regulatory role played by the state to ensue qualitative service delivery.

2.3 Empirical Literature

Communication is very important to the economy of any country both developed and developing. This is what spurred the Federal Government of Nigeria to embark on regulation of the communications sector in the country due to its utilitarian value to the society with a view to: ensuring that the consumers have access to affordable and quality telecommunications services, to protect its huge investments in the sector as well as committing its resources in the area of broadcasting especially the

acquisition and utilization of radio frequency spectrum which improves the level of communication, protect its monopoly by not allowing other competitors into the sector through its powers of licensing and regulation under the law, (Ogu et al, 2023). Consequently, state regulation of telecom industry has been applauded by many practitioners and investors due to the aforementioned reasons and its tangible impact on Nigerian economy as manifested in the following areas: Boosting local and foreign direct investment (FDI) in the country, providing mobile operators the opportunity to invest several billion dollars in infrastructure deployments, network rollouts, upgrades and expansions, support mobile infrastructure. Also, by helping telecom operators embark on building backbone networks as evidenced in areas of fibre-optic cables, base stations and satellite connections, transmitting traffic between cities and to other countries (Ndukwe, 2014).

However, while not disputing these evidence of tremendous improvement in the telecom sector via state regulation, the question of license has been a tale of mixed grill for subscribers in the sector due to the challenges of exploitative tendencies and antics of telecom companies which hinder the consumers access to affordable and quality telecommunications services in spite of the elaborate legal and institutional measure put in place by the Government to ensure that these operators live within the powers of licensing and regulation under the law, (Thornton et al., 2006; Abayomi, 2011). In view of the foregoing, some scholars have tried to provide explanations as to why the challenges of exploitative tendencies and antics of telecom companies have persisted in spite of the elaborate legal and institutional measure put in place to address it. For instance, ALTON (2010) reported that difficulty faced by operators in this sector is that of infrastructural shortage, reason being that the existing infrastructural facilities in Nigeria are not sufficient to support telecom operations. Echoing similar spectrum of thought, Otieno and Aligula (2006), observed by noting that similar to the situation in Kenya, the operating costs of mobile service providers in Nigeria are also high due to poor infrastructure and inadequate power supply. They are of the view that the standing electric power supply is not able to satisfy the requirements of the mobile communications sector in Nigeria.

For Odion (2016), import and long tedious authorization and clearance processes are part of the telecom challenge. Odion rightly observes that about 95% of the instruments and equipment used by the operators in Nigeria are imported and these imports are subjected to long tedious authorization and clearance processes which in turn delay the network deployment. He also attributed difficulties associated with telecom to over-taxation as several licensed GSM operators are currently struggling with the high demands for levies, taxes and many other charges at all levels and governmental tiers which most times leads to regressive and double taxations. The foregoing is the brain behind avalanche of problems surrounding the

issue consumer protection in Nigeria which constitute a challenge to the judiciary's rigid adherence to strict legal rules that make it very difficult for consumers of telecommunication services to prevail. In view of the foregoing, some framework has been institutionalized to address these consumer problems. These take the form of administrative interventions that regulate the activities of manufacturers and suppliers of goods and services based on best practices. In Nigeria, the federal government had maintained a monopoly in the business of communication through telephones and the related wireless communication services. This was made possible by the regulatory provisions of the then Telegraphy Act of 1961 which was repealed by the Wireless Telegraphy Act of 1966, the Nigerian Communications Act of 2003, the cybercrime prohibition/prevention Act of 2015, Investment and securities Act of 2017 which made provisions for licenses to private operators in the telecommunications industry.

In addition to the above, the consumer protection council of 1992 was established in line with the United Nations Guidelines on consumer protection. For instance, the mandate of the council covers both goods and services and its function include providing speedy redress to consumers complaints through negotiations, mediation and reconciliation; eliminating hazardous products from the markets and causing offenders to replace defective products with safer and more appropriate alternative; publishing from time to time list of products whose consumption and sale have been banned, withdrawn, restricted or not approved within or out the country; issue guidelines to manufacturers, importers, dealers and wholesalers in relation to their obligation under the Act; encourage trade industry and professional associations to develop and enforce in their various fields by promoting quality standards designed to safeguard the interest of the consumer and encourage formation of voluntary consumer associations for consumer well-being (Lloyd, Nwafor & Amaucheazi, 2017; Ogu et al, 2023). Furthermore, the courts in Nigeria also partnered with Consumer Protection Council (CPC) to enforce consumer legislation and award appropriate remedies to aggrieved consumers and punishment to the erring manufacturers and suppliers.

Despite these aforementioned measures, Nigerian telecom market and shops are still replete with fake, adulterated and substandard goods while most of the time, services rendered to consumers are not commensurate with the price they pay for them. The consequence of this unpleasant reality is the reason that consumers in Nigeria are daily exploited by manufacturers, importers, middlemen, sellers and service agencies to such extent that sometimes consumer's health is jeopardized and sometimes there are losses of lives and properties, inadequate tariff regulations, meeting consumer expectations, reinforcement of the institution as well as the enlightenment of the consumers remained unabated and appears to be intensifying.

3. Methodology

The study adopted the qualitative research design as its methodology. Data for the study were obtained from secondary sources which include books, Journals, and internet materials. The choice of employing the qualitative method is due to the surpassing advantages evident in its application which first and foremost, eliminates "the research effect", ensures availability of materials for the study, affordability and reliability of data which could not be gotten otherwise, saves time and ensures cost effectiveness of data collection. Hence, the advantages of this method informed the choice. The study adopted content analytical method to analyse the generated data. The reason for the choice of this method of data analysis is that it enables the researcher to sift through large volumes of data with relative ease in a systematic fashion.

Table 1: Logical Data Framework

Research questions	Major variables of the hypothesis	Empirical indicators of the variables	Sources of data	Method of data collection	Method of data analysis
Does the consumer code of practice regulation of 2007 account for protection of the rights of consumers of telecommunications services in Nigeria?	Independent (X) The consumer code of practice regulation of 2007.	<ul style="list-style-type: none"> Guideline for consumer complaints and resolution. The guideline for customer charges and billing. 	<ul style="list-style-type: none"> Books Journals Newspaper Government publications Internets sources 	Documentary method	Content analysis rooted on Neo-liberal theory of the state.
	Dependent (Y) Protection of the rights of consumers of telecommunications services in Nigeria.	<ul style="list-style-type: none"> The right to redress. The right to privacy and protection of personal information. 			

Source: Authors' compilation

4. Guideline for Consumer Complaints/Resolution and the Right to Redress

With Regards to the Resolution of Disputes, the NCC Act, 2003, in Section 105(1) empowers the Commission to use its powers under the Act to resolve complaints received from consumers in relation to matters of consumer service and consumer protections. This Includes issues but not limited to matters involving the quality of service or failure by a licensee to comply with the Consumer Code prepared by virtue of this chapter. Similarly, NCC Dispute Resolution Guidelines 2004 Pursuant to sections 4 (p) and 75 (2) of the Nigerian Communications Act, 2003, the Commission has established procedures or guidelines for the making, receipt and handling of complaints of consumers regarding the conduct or operation of licensees. The Dispute Resolution Guidelines, 2004 incorporates the procedure for the resolution of small consumer claims not exceeding One Million Naira and which do not involve complicated issues of law or examination of witnesses. The main objective of the Guidelines is to obtain fair resolution of disputes by arbitration without unnecessary delay and expense. Therefore, the procedure is designed to provide a forum for inexpensive, fair, impartial and effective arbitration as a means of resolving consumer-related disputes in the telecommunications sector. The Commission administers arbitration under the procedure independently, and not under the Arbitration and Conciliation Act (Laws of the Federation of Nigeria, 2004). Arbitrators are selected by appointment from the Commission's panel of experienced arbitrators in order to ensure fairness.

However, an application for arbitration under these Rules does not relieve either party of any obligation to pay any amounts, which are due to the other party and are not in dispute. An arbitrator appointed under the Guidelines may issue an interim ruling where a dispute directly affects the ability of a party to continue to provide uninterrupted services to its customers. The arbitrator shall issue final decision and file same with the Commission not later than six months after the filing of the petition for arbitration which period may be extended by the arbitrator after due consultation with the Commission. The Arbitrator's decision must be reasoned and ensure the resolution of issues presented by the parties such that the resolution meets the requirements of the Act (NCC regulations and guidelines, Chap. 2 paragraphs 5 and 6 of the NCC Regulations Guidelines, 2004). It should, where appropriate, indicate schedules for the implementation of the decision. The Commission shall review the arbitrator's draft decision with a view to ensuring that same complies with the requirements of the Act and NCC regulations and guidelines. No decision shall be rendered by the Arbitrator until it has been approved by the NCC. The decision of the arbitrator as approved by the Commission is final and binding until set aside by a competent court of law (NCC regulations and guidelines, Chap. 3, paragraph 10). Fixing deadlines for the conclusion of proceedings under the procedure is proper so as to prevent delays

that could prolong proceedings reminiscent of adjudication. However, the requirement that the arbitrator's decision should be submitted to the Commission in draft for approval may not make for independence of the arbitrator or arbitral tribunal. It would have been better if the arbitrator or tribunal is allowed to hand out a decision which is made subject to review by the Commission if any of the parties expressed dissatisfaction with same. Further details in view of the above abound in Table 2.

Table 2: Guideline for consumer complaints and Resolution Schedule 1 of Condition 9 for Arbitration of Disputes with Customers in Nigerian Communications Commissions' Guideline

S/N	Guideline	Condition	Stipulations
1	Schedule 1	9.1	The Licensee shall include in the standard terms and conditions on which it provides telecommunication services, provisions giving persons who have entered into contracts with it for the provision of telecommunication services the opportunity to refer to an inexpensive independent arbitration procedure, instead of to a court of law, any dispute relating to the provision of these services which does not involve a complicated issue of law or a sum greater than such sum as the Commission may from time to time determine. The arbitration procedures and the method of appointment of the arbitrators shall be subject to consultation with the Commission.
2	1	9.2	The Commission shall settle; a) Any dispute between the Licensee and the customer relating to the provision of the Services which the Commission is capable of resolving in accordance with the established procedure for redressing grievances of customers, and b) Any other dispute between the Licensees and the customers within the scope of the powers given under the Act.

Source: Researcher's compilation from Schedule 1 of Condition 9 for Arbitration of Disputes with Customers in Nigerian Communications Commission under Section 6 of Wireless Telegraphy Act of 1990.

The Commission also articulates the procedure for consumer complaints and resolution. In particular, it makes it mandatory for operators to provide easily understandable information about their complaint process. The information includes a reminder to the subscriber of his right to complain as well as the procedure for channelling such complaints. In order to ensure full compliance with this regulation, the commission has the power to monitor the operators, this it does by supervising the operators with regards to how they receive these reports and address them. The Commission equally assists the operators in the verification of complaints and the scope of compliance by the operators which ultimately inform the brain behind the right to redress.

The right to redress goes with the compensation of consumers who have suffered damage or loss as the hallmark of consumer protection. In Nigeria, the NCC is conferred with powers to resolve disputes between persons who are subject to the Act regarding any matter under the Act or its subsidiary legislation. Consumers of telecommunication services in Nigeria can obtain redress under statute or under the general law. The statutes identified as relevant in this regard include the Nigerian Communications Act, 2003, the Consumer Protection Council Act, 1992, the Utilities Charges Commission Act, 19927 and the Public Complaints Commission Act, 1975. However, prior to this, an attempt shall first be made by the parties to resolve any dispute between them through negotiation before the involvement of the Commission. The Commission may publish guidelines setting out the principles and procedures that it may take into account in resolving disputes or a class of disputes. Subject to the objects of the Act and any guidelines issued by the Commission, it may resolve the dispute in such manner including but not limited to alternative dispute resolution (ADR) processes and upon such terms and conditions as it may deem fit. In carrying out its dispute resolution functions, the Commission is to be guided by the objective of establishing a sustained dispute resolution process that is fair, just, economical and effective and shall not be bound by technicalities, legal forms or rules of evidence and shall at all times act according to the ethics of justice and the merits of each case (The Dispute Resolution Guidelines (DRG) 2004, 2 Section 74(1)). The Commission is also empowered to use its powers under the Act in the resolution of complaints received from consumers in relation to matters of customer service and consumer protection including but not limited to quality of service or the failure by a licensee to comply with a consumer code. It is required to establish procedures or guidelines for the making, receipt and handling of complaints of consumers regarding the conduct or operation of licensees and may, at its discretion, institute alternative dispute resolution processes for the resolution of the complaints or disputes provided that the licensee's dispute resolution

procedures shall first have been exhausted by the consumer before presentation of the complaint to the Commission.

Commendable as the provisions of the relevant statutes are, however, there are a few problems which hamper consumer access to redress through the agencies. For example, NCC like the CPC does not have offices in all the States of the Federation. This situation may affect the number of consumer complaints made to the Commission when compared with the volume of telecommunication business and the number of consumers of telecommunications in Nigeria. Presently, the level of consumer satisfaction with the industry is quite low as one constantly hears complaints of frustrations encountered by the consumers in making and answering calls. It is therefore, recommended that to ensure effective coverage of the grassroots, the relevant regulatory agencies: NCC and CPC should establish offices in all the States of the federation and have outposts in every local government area.

The Guideline for Customer Charges and Billing and the Right to Privacy and Protection of Personal Information

The guideline for customer charges and billing are procedures that mandated telecom operators to justify the basis of their billings. The reason is to ensure that subscribers are not directly or indirectly shortchanged by the operators with respect to pricing. Accordingly, the operators are required to ensure that their billings are accurate and timely; in addition, such billings should be verifiable by the subscriber. The operator is equally enjoined to ensure that such billing information contain the subscriber's name, address and other requisite particulars. Therefore, an operator is not expected to divulge this information amongst others to third parties except so authorized to so do in exceptional circumstances (Odion, 2016, p. 19-21). This is to enable the regulatory agency to maintain a feedback mechanism on such bills. Further information on customers' guideline for charges and billing arrangements are exemplified in Table 3.

The guideline also required telecom operators to provide the consumer with information regarding any compensation, refund or other arrangements, which may apply if contracted quality service levels are not met, along with the procedures and methods for resolving disputes in respect of the service contract; free access to operator assistance at all times, and on request, free directory of all subscribers on the same network within the consumer's local area. It is on this basis that the basic right of consumers to information was brought to bear.

Table 3: Guideline for Customers' Charges and Billing Arrangements

S/N	Guideline	Condition 34	Requirements
1	Schedule 2	34.1	The Licensee shall on request provide each of its Customers, [save pre-paid customers], at no additional cost, with an itemised bill which shall contain, amongst other details, the name, address, telephone number, account number, number called, time of call, call duration and call charge.
2	2	34.2	The Licensee shall not render any bill in respect of any description of telecommunications services provided by the Licensee unless every amount (other than an indication of unit charge) stated in that bill is no higher than an amount which represents the true extent of any such Service actually provided by the Licensee to the customer in question.
3	2	34.3	Without prejudice to the generality of Condition 34.2 the Licensee shall at all times maintain in operation such a Billing Process as facilitates compliance by the Licensee with, and is calculated to prevent contravention by it of that paragraph.
4	2	34.4	The Licensee shall keep such records as may be necessary or as may be determined by the Commission to be necessary for the purpose of satisfying the Commission that the Billing Process has the characteristics required by Condition 34.3.
5	2	34.5	The Licensee shall install and use metering and billing systems that are reliable and accurately record the extent of the Service provided to its Customers and any other Operator.
6	2	34.6	The Licensee shall set out in any account or invoice sent to any such operator or Customer the true extent of the Service actually provided to that Operator or Customer in the period to which the account or invoice relates.

Table 3 (Continued)

S/N	Guideline	Condition 34	Requirements
7	2	34.7	The Licensee shall: (j) Upon the written request of the Commission and within 14 (fourteen) days of such request, conduct tests on the metering equipment to assess its accuracy, reliability, and conformity to the technical standards, if any, specified by the Commission.
8	2	34.8	Pursuant to Condition 34.7(ii), the Commission shall inspect the metering and billing systems at reasonable times and on giving reasonable notice to the Licensee except in any circumstance where giving such notice would frustrate the purpose of the inspection.
9	2	34.9	Before specifying any alteration, adaptation, modification or improvement on any metering or billing system, the Commission shall consult the Licensee and take full account of any representation made by the Licensee.

Source: Researcher's compilation from Schedule 2 of Condition 34 for Customers' Charges and Billing Arrangements in Nigerian Communications Commission under Section 6 of Wireless Telegraphy Act of 1990.

In Nigeria, for instance, one of the basic rights of consumers is the right to information. Consumers are entitled to certain basic information relating to the product or service that they want to purchase. Such information includes the composition and price of the product or service as well as the identity of the producer or supplier. The justification for this is that it is only when a consumer is in possession of the relevant information relating to a product or a service that he or she can make an informed choice to purchase or use the product or service. In fact, the Consumer Code of Practice Regulation of 2012 via its guideline makes elaborate provisions for information disclosure to consumers. For instance, paragraph 6(1) of the Code provides that licensees shall provide consumers with information on their services that is complete, accurate, and up-to-date and in simple, clear language. Licensees are urged to endeavour to respond in a timely manner to consumers' requests for information on their services. Information on prices and conditions for all services offered by a particular licensee shall be

provided free of charge in print or electronic format at all retail outlets where the licensee's services are sold (including on each licensee's web site) and on the front section of any subscriber directories published by the licensee. Any change in tariff rates shall be approved by the Commission and prior notice of such a change shall be given to subscribers to be affected to by the change in a manner that will enable them comment on the charge to the Commission. Licensees are mandated to make available to the consumer, on request, a copy of the contract or agreement for the provision of services and such contracts shall be written in plain and clear language (Consumer Code of Practice Regulation, 2012, paragraph, 7).

The contract for provision of service itself is required to contain among others, information on the commencement date and period of the contract, charges, as well as terms and conditions for disconnection, reconnection, interruption, withdrawal or discontinuation of the service (Consumer Code of Practice Regulation, paragraph, 10). The guideline also mandates service providers, prior to the contract, to provide the subscriber with information relating to pricing, billing and charges as well as contractual warranties and maintenance services relating to products (if any) supplied for use in connection with the service. They are also required to provide the consumer with information regarding any compensation, refund or other arrangements, which may apply if contracted quality service levels are not met, along with the procedures and methods for resolving disputes in respect of the service contract; free access to operator assistance at all times, and on request, free directory of all subscribers on the same network within the consumer's local area. In relation to the description of the services, the Code provides that before entering into a contract for any service, consumers shall be provided a complete description of the service in clear and plain language, avoiding unnecessary technical terms (Monye, Umoh & Chukwunta, 2014). Where other services are required in order to effectively utilize the service, the consumer shall be sufficiently informed of such requirements or service dependencies (Consumer Code of Practice Regulation, paragraph, 9-14). The licensee is also required to provide information on the service quality levels offered, the waiting time for initial connection and any service areas and coverage maps, if applicable. Where services are packaged with one or more other services or products, the licensee shall provide to the consumer the description and cost of each component and be fully responsible for the effective performance of the entire package including service support, maintenance, complaints handling, dispute resolution and other administrative requirements. Where services are subject to upgrade or migration options, consumers shall be provided with clear and complete information regarding the upgrade or migration terms, including any changes in service performance and any duly approved fees or charges resulting from the upgrade or migration (Consumer Code of Practice Regulation, paragraph, 8(1) – (5)). These provisions are laudable;

however, the use of the term endeavour to in paragraph 6(2) of the Code is not strong enough to impose a mandatory obligation on service providers to take the required action.

5. Findings

The findings of the study revealed the relevance of communication to the economy of the country which informed the decision of the federal government to embark on the regulation of the sector in order to ensure that the consumers have access to affordable and quality telecommunication services.

The study also revealed that Consumer Code of Practice Regulation of 2007 accounted for the protection of the rights of telecom consumers in Nigeria via the guideline for customer charges and billing, the right to privacy and protection of personal information guideline and the guideline for consumer complaints resolution, designed with a view to mitigating the adverse effects of unfriendly market forces associated with the telecommunications companies in order to ensure standard and quality of communication services offered to consumers in Nigeria.

6. Conclusion and Recommendations

6.1 Conclusion

The Consumer Code of Practice Regulation of 2007 accounted for the protection of the rights of telecom consumers in Nigeria through its minimal regulatory role. This it does via the guideline for customer charges and billing, the right to privacy and protection of personal information guideline and the guideline for consumer complaints resolution, designed with a view to mitigating the adverse effects of unfriendly market forces associated with the telecommunications companies in order to ensure standard and quality of communication services offered to consumers in Nigeria.

6.2 Recommendations

Based on the findings and conclusion of this study, and in order to further promote and enhance the growth of the telecommunications industry, it is recommended that the NCC and CPC should establish offices in all the States of the federation and have outposts in every local government area with a view to tackling the problems that hamper the rights of telecom consumers in Nigeria.

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