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Ernest-Samuel, Gloria Chimeziem

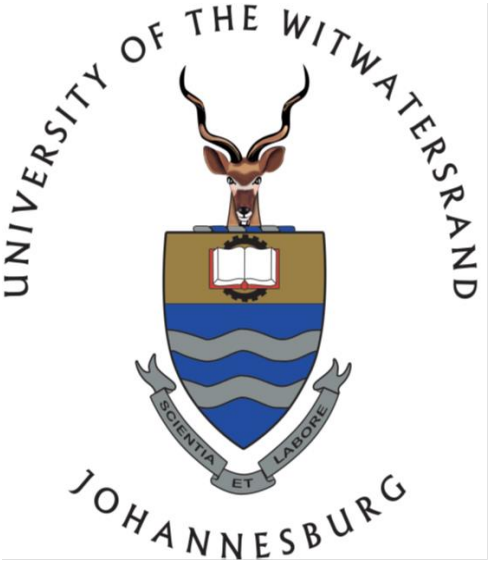
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THE ROLE AND SIGNIFICANCE OF MULTICHOICE AND ITS AFRICA MAGIC CHANNELS IN THE DEVELOPMENT OF NOLLYWOOD

ERNEST-SAMUEL, GLORIA CHIMEZIEM

Thesis submitted to the Faculty of Humanities, University of the Witwatersrand, Johannesburg, in fulfillment of the requirement for the degree of Doctor of Philosophy. Johannesburg, 2017.

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Declaration

We declare that this thesis on "The Role and Significance of Multichoice and its Africa Magic Channels in the Development of Nollywood" is an original work carried out without aids. It is submitted for the degree of Doctor of Philosophy at the University of the Witwatersrand, Johannesburg. It has not been submitted in any university before for any degree or examination.



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Ernest-Samuel, Gloria Chimeziem (707059)

2017



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Dr. Cobus van Staden (Supervisor)

Dedication

To Chimereze, the one I call Professor, my 5 months old son I abandoned in Nigeria to pursue this dream, when the South African embassy denied him a visa.

To Ernest, my husband and lover, who turned into a mother, to cater for the children in my absence;

To Kelechi, Doodo and Jide, the lovely children that made me so proud; for whose sake this program could not be abandoned because they want their mother to be a "Doctor!"

I thank God, we made it!

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I thank the Humanities Graduate Centre management; especially Prof. Eric Worby for the completion grant which helped alleviate my financial woes during the course of this program; and importantly, Lerato Seohatse, my writing consultant at the Wits Writing Centre .

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And finally to my academic father, Prof. Kalu Uka, “Gloria, get this thing done with!” Prof, I have done it!

Abstract

This thesis explores the contribution and significance of Multichoice Nigeria and its Africa Magic channels in the development of the Nigerian film industry. The main objective of the study is an interrogation of the terms of Multichoice contracts with Nollywood content producers as well as a review of the effect of the programmes of Multichoice on content producers. The second key objective is to examine the development impacts of these initiatives on the Nigerian film industry. Semi-structured in-depth interviews were conducted with industry practitioners, representatives of the Multichoice and officials of government agencies in Nigeria in addition to analysis of policy documents. The thesis is influenced by critical political economy and the critical media industry studies approach developed by Haves, Lotz and Tinic (2009) whose study of creative and entertainment industries focuses on content producers and cultures of production in media corporations. The study examines Multichoice's production initiatives as perceived by Nollywood content producers, and provides situated accounts of Nollywood filmmakers' experiences, encounters, pressures and tensions which undermine Multichoice's apparent social objectives. It modifies the production culture to the culture of business in the media industry and exposes the need for industry practitioners to engage intellectual property lawyers in their business dealings with Multichoice and other corporate agencies in order to forestall exploitation. While highlighting the complexities, contradictions and ambiguities in the Multichoice-Nollywood relationship, as well as the challenges confronting Nollywood, I argue that contrary to the reservations of the content producers, the industry has benefited from Multichoice in direct and indirect ways. These include improved quality of film production, the increased online presence of Nollywood films, enhancing the local tourism and hospitality industry and promoting professionalism. The study therefore recommends government intervention to address the existing mistrust between Multichoice and Nollywood. The study inspires the "early bird theory" to interpret the Multichoice-Nollywood relationship and experience; studying similar relationships between media corporations and the local film industries in Third World nations. This thesis makes original contribution to knowledge by providing resource material to the scarce literature in critical media industry studies with particular regard to the African film industry.

Key words: Nollywood, Multichoice, Africa Magic, agency, exploitation, domination, contracts, development.

Abbreviations

ADVOD	Ad-based video on demand
AIT	African Independent Television
AMOF	Africa Magic Original Film
AMVCA	Africa Magic Viewers' Choice Award
ANC	African National Congress
CMI	Critical Media Industry
CPE	Critical Political Economy
CSI	Corporate Social Initiative
CSR	Corporate Social Responsibility
DG	Director General
DSTV	Digital Satellite Television
DTT	Digital Terrestrial Television
FVOD	Free video on demand
GDP	Gross Development Product
IBB	Ibrahim Badamosi Babangida
IP	Intelluctual Property
MCL	Modern Communication Limited
M-Net	Electronic Media Network
NBC	National Broadcasting Commission
NCC	National Copyright Commission
NEXIM	Nigerian Export-Import Bank
NFC	National Film Corporation
NFDC	National Film Distribution Company
NFLC	National Film Licencing Framework
NFVCB	National Film and Video Censor Board
NTA	Nigerian Television Authority
NVOD	Near video on demand
NWINCO	New World Information and Communication Order
PPV	Pay per view
PR	Public Relations
PRO	Public Relation Officer
SA	South Africa
SABC	South African Broadcasting Corporation
SAP	Structural Adjustment Program
SVOD	Subscription video on demand
TBN	Trinity Broadcasting Network
VOD	Video on demand
WTR	Withdrawing Tax on Royalty.

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CHAPTER ONE:INTRODUCTION

1.0 Introduction

This study explores the role of Multichoice and its Africa Magic channels in the development of the Nigerian film industry popularly known as Nollywood. It seeks to understand the relationship between Multichoice and Nollywood filmmakers and marketers[1], in terms of exchange of the entertainment content supplied to Multichoice for broadcasting on its Africa Magic channels. To this end, the study focuses on the contractual terms and conditions which Multichoice gives film producers and marketers in Nollywood and its mechanisms of control of industry practitioners. Secondly, it aims to highlight the contributions of Multichoice to the industry as well as Nollywood's response to the role of Multichoice. This study thus enhances understandings of the politics of production and distribution that mark the interface between Multichoice's Africa Magic channels and Nollywood. Focusing on industry practitioners, the study exposes the perceptions of Nollywood content producers of their experiences with Multichoice, how this affects their business relationship with Multichoice, and how it contributes to the development of the industry. In these ways, the study reveals how the organizational and media industry factors instituted by Multichoice affect Nollywood and how Nollywood as an industry responds. The study adopts the critical media industry studies approach to enable close scrutiny of the relationship from a micro-level perspective.

This introductory chapter is divided into three sections. The first section provides a detailed historical context of the Nigerian film industry, its regulatory agencies and Multichoice. The second section discusses the research problem, research objectives and questions and rationale of the study. The concluding section briefly describes the way the study is organized.

[1] The terms filmmaker, marketer, and content producer are used interchangeably in this study since they all supply Multichoice with the entertainment content they broadcast in the channels.

1.1 Framing the Social and Political Context of Nigerian Film Industry

1.1.1 Nigeria and Nollywood

Nigeria is a multi-ethnic nation with an estimated total of about two hundred and fifty ethnic groups with three major ethnic groups, Igbo, Hausa and Yoruba (Alli, 2012). Nigeria has an estimated population of about one hundred and forty million (140 million) as at 2006 (the last national census) and one hundred and eighty-two million (182 million) by 2015 (Olorunnisola and Akani, 2005). It occupies a land mass of 355,668 square miles considered an equivalent to Texas, Michigan, South Carolina and North Columbia in the USA (Olorunnisola and Akani, 2005). Nigeria, like most African countries, has a history which includes colonial administration, independence, and political turbulence which brought in military regimes, as well as deregulation and liberalization which are fall-outs from Structural Adjustment Programmes in most Third World nations (see Diawara, 1984; Tomaselli, 1972; Ekwuazi, 1987; Balogun, 1987; Mgbejume, 1989; Ayakaroma, 2014; Adedeji, 2004).

Although Nigeria had a promising economy during colonial rule and immediately thereafter, the country's economy suffered in the early 1980s following corruption, poor political and economic decision making and ethnic tensions (Eze, 1997). The poor economic conditions of the country led to the overthrow of the democratic government of President Shehu Shagari by General Muhammadu Buhari in December 1983. General Buhari was later ousted in a coup d'etat led by General Ibrahim Babangida in 1985 (Anyanwu, 1992). Babangida's administration instituted the International Monetary Fund's Structural Adjustment Programme (SAP)[2] to aid the repayment of the country's crushing international debt which most federal revenue was dedicated to servicing. Some of the conditions of the SAP included "removal of subsidies on petroleum products and fertiliser, privatization and commercialization, trade liberalization and interest rate deregulation" (Anyanwu, 1992: 5).

[2] SAP is an economic package suggest by IMF and World for ailing economies in developing countries to reverse its worsening economic fortunes.

Nigeria's economic misfortune is attributed to many factors, among them political instability, rooted in the nation's inability to forge a national entity which transcends ethnic, regional, religious and economic interests (NCEMA, 2004). These economic ailments and policies crippled every sector of the economy adversely. The Structural Adjustment Programme severely battered the economic, social and political fibre of the country (Anyanwu, 1992; Sulaiman *et. al*, 2014; NCEMA, 2004). The Nigerian cinema industry which relied on overseas companies for the processing of the films was crippled as were many other sectors of the economy and many of the trained filmmakers and actors were sent out of business (Ekwuazi, 1987; Mgbejume, 1989). Trade was equally stagnant due to inflation.

The attempt by Kenneth Nnebue, an electronics products importer, to duplicate his locally-produced drama on video cassettes and sell to the public, gave birth to *Living in Bondage*, the film that marked the emergence of Nollywood in 1992 (Haynes, 2008, 2013). Nollywood was therefore a southern Nigeria invention involving the Igbo and Yoruba,[3] although it was led by the Igbo. The industry was totally ignored by subsequent administrations in Nigeria in spite of its popularity, and the industry became a highly informal industry[4] controlled by traders based at the Idumota and Alaba markets in Lagos where electronics products are marketed (Paulsol, 2012; Jedlowski, 2012; McCall, 2014).

The film industry was reported to have contributed about N5billion and 1.5 million jobs to Nigeria's economy in 2014 alone (UNESCO, 2012). It is rated by UNESCO as the third largest film industry in the world in terms of number of productions and economic yields after Hollywood and Bollywood, although some scholars have criticized that report (see Jedlowski, 2010). Unlike the Southerners, the Northerners had cinema going habits but preferred to patronize Indian films because their cultural lives and styles are similar (Larkin,

[3] The Yorubas dominated the travelling theatre and dominated the era of cinema in Nigeria, an era that will be discussed in detail in the next chapter.
[4] The informality of Nollywood implies that the film industry was not regulated by government or practitioners. This means that business operation were left to the whims and caprices of the local content producers.

2008; Johnson, 1995; Adamu, 2013; 2014). This is why the filmmakers who participated in this study were selected from the southern part of Nigeria. There had been no active government interest or intervention in Nollywood since it's inception in 1992 until 2010 when the administration of former President Goodluck Jonathan set up the Project ACT fund to support the industry.

In summary, the Nigerian film industry moved from total colonial control to total state control. In recent times, it moves from a vibrant system of extreme levels of decentralized control to a dynamic system within which Multichoice is now playing a role of recentralizing control. Details of the entry of Multichoice into Nollywood will be discussed briefly in this chapter. The popularity of Nollywood is linked to its portrayal of reality in ways that all Africans can relate to. This popularity means that the Nigerian government could no longer continue to ignore the industry. This led to the belated establishment of regulatory structures which are briefly discussed in the subsection to follow.

1.1.2 Structural Establishments that Shape Operations in Nollywood

The media regulatory bodies in Nigeria are the National Broadcasting Commission (NBC), the National Film and Video Censors Board (NFVCB), the National Film Corporation (NFC) and the National Copyright Commission (NCC). The NBC, NFVCB and NCC are at the forefront of regulating the film industry and have active engagements with media organizations interested in operating within the film industry. For its part, the National Film Corporation (NFC) deals directly with filmmakers who produce content and are therefore not very active in regulation.

(a) National Broadcasting Commission (NBC)

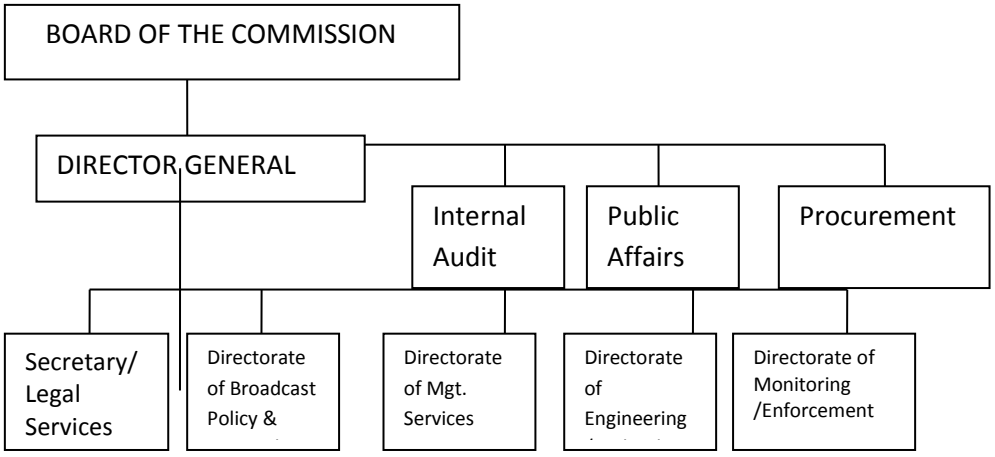
Before 1992, broadcasting was exclusively funded by the federal government. In line with the requirement of Structural Adjustment Programme, broadcasting was deregulated in 1992 and allow for private participation in the industry and the liberalization of other sectors. The NBC was established by Decree No. 38 of 1992 (referred to as the NBC Act) to regulate broadcasting in Nigeria and was given jurisdiction over the electronic media covering radio, television, cable, and satellite platforms. The NBC Act covers the following:

a) Advising the Federal Military Government generally on the implementation of the National Mass Communication policy with particular reference to broadcasting;
b) Receiving, processing and considering applications for the ownership of radio and television stations including cable television services, direct satellite broadcast and any other medium of broadcasting;
c) Recommending applications through the minister to the president, Commander-in-Chief of the Armed Forces for grant of radio and television licenses;
d) Regulating and controlling the broadcast industry;
e) Undertaking research and development in the broadcast industry;
f) Receiving, considering and investigating complaints from individual and corporate bodies regarding the contents of a broadcast and the conduct of a broadcasting station;
g) Upholding the principles of equity and fairness in broadcasting; among many other functions.

These responsibilities were aimed at creating an enabling environment for the injection of private capital into broadcasting and to allow for competition between private and public

sector players especially given that before this period broadcasting was controlled solely by government. Prospective practitioners were expected to operate in compliance with these guidelines. The decree was amended in 1999 to Decree 55 of 1999 which extended the operational horizon of the NBC. The NBC was headed by a board and a Director-General who acts as its Chief Executive Officer as shown in the organogram below:

Figure 1.1: The Organizational Structure of the NBC.*Courtesy of Directorate of Broadcast Policy &Research (2016)*



The NBC and the other regulatory bodies work directly under the Federal Ministry of Information and Culture which sets out their social, cultural, economic, political, technological and professional objectives. All satellite television broadcasting corporations in Nigeria are licensed by the NBC and the commission reserves the right to query or revoke the license of any defaulter in the industry. Broadcasters are expected to meet broad social, cultural, economic, political and professional objectives. For instance, in economic terms, broadcasting is expected to "foster the spirit of hard work and productivity to improve the quality of life of the people; it is also to encourage the production and consumption of local products to achieve self-sufficiency and self-reliance" (NBC Code: 12). Politically, it is supposed to "promote social justice based on the responsibilities and rights of the individuals in society" (NBC Code: 13) while, in terms of cultural objectives, broadcasters are required

to "provide through programming, a service essentially to the maintenance and enhancement of national identity and cultural sovereignty" (NBC Code: 11). There is little or no documentation yet on the relationship between filmmakers and media organizations who broadcast cultural content. This is one of the knowledge gaps that this study promises to fill.

(b) National Film and Video Censors Board (NFVCB)

The National Film and Video Censors Board (NFVCB) was set up through Decree No.85 of 1993 and commenced operations in 1994. According to Ademola (1996), the board is mandated to do the following:

(a) To license
    (i) persons to exhibit films and video works;
    (ii) premises for the purpose of exhibiting films and video works;
(b) to censor films and video works;
(c) to regulate and prescribe safety precautions to be observed in licensed premises;
(d) to regulate and control cinematographic exhibitions;
(e) to keep a register of all films and video works
    (i) submitted for approval for exhibition throughout Nigeria;
    (ii) approved unconditionally;
    (iii) refused approval subject to such conditions as the board may impose;
(f) to keep a register of all
    (i) licensed film and video exhibition premises;
    (ii) film and video distribution companies; and
    (iii) video shops, centres, clubs or associations.
(g) to keep a register of all films and video exhibitors;

(h) to keep a record of all necessary information on a film or video producer whose works are to be distributed or exhibited in Nigeria; and to perform such other functions as are necessary or expedient for the full discharge of all or any of the functions conferred on the Board by the Decree.

The NFVCB is empowered by Section 37 of the NFVCB Act to ensure that videos or film productions meet certain educational and entertainment standards (Amos, 2013, Ademola, 1996). Films may not undermine national security; induce or reinforce the corruption of private or public morality; encourage or glorify the use of violence; expose the people of African heritage to ridicule or contempt; encourage racial, religious or ethnic discrimination or conflict; encourage illegal or criminal acts; posses content that is blasphemous or obscene. To ensure adherence to these guidelines, the board operates a form of censorship that has implications on freedom of speech, a situation that is linked to the fact that the NFVCB Act was enacted by a military regime. Film censorship involves the assessment, examination of a motion picture for its possible moral, sociological and psychological impact and effects on the viewers who vary in terms of age and gender. Film censorship is designed for the benefit of the larger society (Emmanuel, 2010). Films that fall short of the board's standards above are not approved, and if such films have been mass produced, they are impounded and prevented from going into circulation.

An additional censorship mechanism is the classification of films to regulate their content types and audiences as well as to prescribe additional scheduling of films by broadcasters. At the inception of NFVCB, the categories of classification prescribed were as follows: 'G' (general exhibition); 'NTBB' (not to be broadcast); C' (children); 'NC' (not intended for children); '18' (for mature audiences); 'RE' (restricted exhibition); and such other classifications as may be prescribed by regulations made by the board (Oladitan, 1996: 54). This classification was changed and a colour code was introduced in 2004. Given this

situation, media organizations such as Multichoice are expected to ensure that filmmakers send their films to the board before selling the broadcast rights to these films.

Figure 1.2 : The new NFVCB film classification



Source: National Film Video Censors Board (2015)

The NFVCB has a similar organizational structure like the NBC and is headed by a Director-General. Owing to the popularity of Nollywood films, the NFVCB has been quite active within the film industry. The NFVCB introduced the National Distribution and Exhibition Framework (NDEF) in 2010 in response to the high levels of piracy in the industry (Classifier, 2010). The framework is a formal process of establishing how films are distributed, by who and where, to enable the board keep track of all filmmakers and marketers in the country.

(c) National Copyright Commission (NCC)

The National Copyright Commission was established to protect the intellectual property (IP) rights of creative works including literary works, musicals, artistic works, cinematograph films, sound recordings and broadcasts. [5] The commision's mandate includes the determination of ownership rights, verification of authorization, de-registration or prohibition

[5]Incidentally, the Act provided no definition of copyright.

of exhibition centres, monitoring of re-productions of film and video works, and organizing periodic enlightenment to create awareness on infringement and its implications. The National Copyright Act was first enacted by the Nigerian government in 1970, but due to inadequacies, the Copyright Decree was amended in 1990 (Dare, 1996). Black's Law dictionary defines copyright as:

> The right of literary property owner as recognized and sanctioned by positive law. An intangible incorporeal right granted by statute to the author or originator of certain literary or artistic productions, whereby he is invested for a limited period with the sole and exclusive privilege of multiplying copies of the same and publishing and selling them (see Dare, 1996: 68).

Copyright enables intellectual property owners to reap the fruits of their labour. The financial gain from a copyright owner's work contributes to his sustenance and serves as motivation for him to create more works (Ekpo, 1996; Mehra, 2002). The NCC apprehends film pirates and protects the right of creative artists, filmmakers and marketers. To do this, it relies on law enforcement agencies and the justice system. The agency also protects intellectual property owners from big media organizations like Multichoice.

(d) National Film Corporation (NFC)

The National Film Corporation was established to help develop the film industry. The corporation was established by Decree 61 of 1979, and became operational in 1982 after the inauguration of its pioneer board members (NFC Manual, n.d.). Just like the other regulatory bodies discussed here, the commission is headed by a chairman and representatives from the national ministries of Information and Culture and Education, and the NTA as well as practitioners from cognate disciplines such as performing arts, literary arts and commerce. The functions of NFC includes the following: to produce films for domestic use and for

export; to establish and maintain facilities for film production; encourage production of films and the development of cinemas as well as other sundry forms of assisting the industry. The corporation is also expected to acquire and distribute films, establish National Films Archives, train technicians and other professionals in the film industry and to conduct research on the industry (Balogun, 1987).

The NFC seems to be estranged from Nollywood due to the operations of the National Film Distribution Company (NFDC) which seems to replicate the roles of the NFC especially given that the NFDC is directly under the Ministry of Information and Culture whereas the NFC is not.[6] Moreover, the NFC is based in Jos, Plataeu state in northern Nigeria while Nollywood is a based in Lagos and Onitsha in the south of the country. The distance between these locations makes it difficult for Nollywood stakeholders to access the services of the corporation and prevents the corporation from being abreast of events in the industry. Interestingly, the better positioned NFDC does not have enough power to contribute effectively to the industry. Furthermore, the NFC is not involved in the disbursement of the special government intervention fund (Project ACT) which was set up in 2013 to assist Nollywood. The fund is administered instead by the Ministry of Finance.

Project ACT aims to improve and promote key components of the film value chain through the provision of grant schemes designed to support existing or aspiring practitioners (Classifier, 2013). The fund's N3 billion-budget is meant to support the industry in three major ways namely, capacity building, film production and distribution and it is available to recognized and registered practitioners or organizations for short term training course in Nigeria or abroad, or to be used for upgrading facilities, the procurement of equipment and development of curricula. The non-involvement of NFC in the administration of this fund directly contradicts the commission's supposed role in film development in the country.

[6] In an interview with Armstrong Idachaba, a Director of the DG's office at the NBC, he reveals that NFC faces the challenge of having its role being duplicated and at times usurped by the National Film Distribution Commission, which affects its role in the industry.

1.2 Background to Nigeria's and South Africa's Partnership for Development

Nigeria and South Africa have significantly different political backgrounds. In the 1960s, Nigeria spearheaded opposition to apartheid in South Africa through various forms. Nigeria provided support to the main South African anti-apartheid organization, the African National Congress (ANC), joined in isolating the apartheid government and in mobilizing the international community to impose sanctions on the apartheid government (Ijeoma, 2010). Ironically, a couple of years later, the democratic South African government spearheaded the suspension of Nigeria from the Commonwealth during military rule in Nigeria (Ebegbulam, 2013). After Nigeria's return to democracy in 1999, Nigeria and South Africa established strong economic, social and political partnerships. Both countries were the largest economies in Africa and were proponents of development for African nations (Ijeoma, 2010; Ebegbulam,2013). Part of the Nigerian government's effort in this direction was the establishment of the South Africa/Nigeria Bi-National Commision (BNC) which was mandated to review cooperation between the two countries, particularly, on foreign affairs, public enterprises, infrastructure, agriculture, minerals and energy, trade, industry and finance among others (Ebegbulam. 2013). The Bi-National Commission was expected to encourage foreign direct investment in both countries as a means of achieving socio-economic development through economies of scale, enhanced global competitiveness and improved regional co-operation within Africa (Ijeoma, 2010). Nigeria introduced a trade policy known as internationalization aimed at eradicating all forms of obstacles to trade and investment. This opened the doors of Nigeria for South African media corporations like Multichoice and Mobile Telecommunication Network (MTN)-a communication media, to invest in the country. Ever since, South African companies have become heavily involved in Nigeria's media and entertainment sectors (Omojola, 2006; Ebegbulam, 2013). Subscribers of DSTV,

the satellite broadcasting platform of Multichoice accounted for 90% of satellite TV subscription in Nigeria between 2005 and 2009 (Omojola, 2006) making the company the sixth largest company listed on the Lagos Stock Exchange.

1.3 A historical background to the operation of Multichoice in Nigeria

Multichoice is a subsidiary of Naspers Group,[7] a media conglomerate with interest in different businesses and with a long history in South Africa's information and communication development landscape.[8] Established in 1986, Multichoice has grown to become the flagship brand under the MIH Holdings. It provides television and internet services to over two million paying subscribers in Africa and the Ocean Island, including the Mediterranean and Asia (Multichoice Flyer, n.d.). According to the Enriching Lives flyer, the list of Multichoice services to more than 50 countries in the continent includes:

1. **DStv:** MultiChoice's flagship product, DStv (Digital Satellite TV), often regarded as the best in stay-at-home entertainment.
2. **M-Net:** One of the first private subscription TV services to launch outside of the United States, M-Net is wholly owned by MultiChoice and delivers premium thematic channels and exclusive content to all DStv customers.
3. **SuperSpor**t: The best on-field action and sporting commentary is delivered courtesy of SuperSport, a provider of comprehensive coverage on both the local and global arenas. SuperSport is the largest contributor to sports funding on the African continent.

[7]Although Multichoice prefers to be simply acknowledged as a subsidiary of Naspers, arguably the idea is to obviate its link to the corporation known as a "racist corporation" which contributed to and sponsored the violation of human rights by the apartheid government in South Africa (see:See Lewis David on the profile of a racist corporation : http://historymatters.co.za/content/apartheid-inc-%E2%80%93-profile-racist-corporation-june-9-2010).

[8]See Lewis David on the profile of a racist corporation : http://historymatters.co.za/content/apartheid-inc-%E2%80%93-profile-racist-corporation-june-9-2010

4. **DStv Media Sales:** Handles commercial airtime sales, on-air sponsorship across M-Net, SuperSport and on the majority of the DStv international channels. Airtime is sold on over 70 pay TV commercial channels in addition to the two terrestrial M-Net channels.
5. **DStv Digital Media:** Marries video and internet to offer customers the best possible entertainment experience. DStv Digital Media also provides a range of popular services through their successful websites - DStv.com, SuperSport.com, Mnet.co.za, VUZU.tv and AfricanFilmLibrary.com.
6. **MWEB:** South Africa's second largest Internet Service Provider (ISP). Other than Internet data, MWEB supplies VoIP (Voice Over Internet Protocol), network security, email and cloud-based services, ADSL and 3G.
7. **GOtv:** This low cost DTT (Digital Terrestrial Television) offering provides great family entertainment at a price everyone can afford.[9]

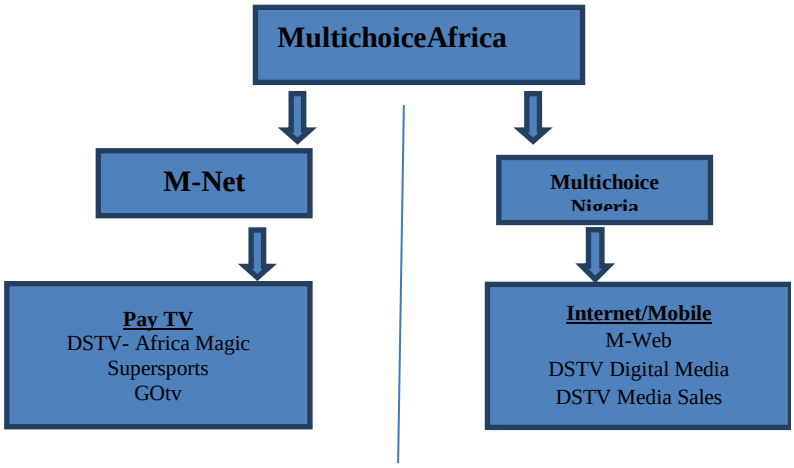
In Nigeria, Multichoice secured long term rights to premium movies, major sporting events and children's entertainment which are directed at local markets. The Multichoice brand come in two forms, the corporate and the product**.** Controlled by Electronic Media Network (M-Net), DSTV is the satellite broadcasting arm of the company and serves the entertainment needs of its audience based on economic affordability. It launched its operations via satellite in twenty countries in Africa including Nigeria in 1992. In 2003, Multichoice Nigeria launched the transmission of Nollywood films with its Africa Magic Channel 102 which was later replaced by African Magic Entertainment (Channel 128) on DSTV in 2012.

Multichoice started operating in Nigeria with DSTV. It also operated the Video Band, a digital internet based entertainment. M-Net is in charge of the acquisition of content under

[9] See: http://www.revolvy.com/main/index.php?s=MultiChoice

Multichoice which outsources content from international television agencies such as CNN (Adejunmobi, 2011), while M-Net West Africa is the home of Africa Magic channels, and is in charge of acquisition of content from Nollywood (see Diagram 1.3). (Note: The 'product' is controlled by M-Net and provides pay-TV services, while the 'corporate' is controlled by Multichoice and provides internet and other services).

Diagram 1.3 : **Multichoice packages in Nigeria** *Courtesy of Researcher*



The popularity of Nigerian films led to the launch of the Africa Magic channel (Barrot, 2008). In order to access the channels, a subscriber requires a satellite dish, a DSTV decoder, a smart card and a remote control. The signals are encrypted and subscribers get access to the channels when they slot their pre-paid smart cards into the decoder (naijatechguide.com website). DSTV subscribers in Nigeria have five bouquets (broadcasting service packages) to choose from: DSTV Premium, DSTV Compact Plus, DSTV Compact, DSTV Family and DSTV Access. All the bouquets feature all the Africa Magic channels except DSTV Access, which features about two out of the four old Africa Magic channels.

The broadcast-publisher and subscription manager initially broadcasts imported programmes and content, which were sourced mainly from America (Teer-Tomaselli *et al*,

2010). With the introduction of the Africa Magic channel, it resorted to sourcing for entertainment content within Africa. Multichoice had already taken over the South African media landscape before venturing into Nigeria, following Nigeria's deregulation and privatization of broadcasting. The implementation of the Structural Adjustment Programme by the military administration broke government's stranglehold and monopoly of most sectors in the economy including the media. This was the hallmark of free trade, privatization, commercialization and deregulation in the nation (Ernest-Samuel, 2005).

Multichoice and M-Net were the first foreign media to invest in Nigeria following the liberalization of the Nigerian economy. The corporation introduced the Africa Magic channel to broadcast Nigerian video films (Adejunmobi, 2011; Teer-Tomaselli *et al*, 2010) and Nollywood thereafter became the company's first market where local and indigenous entertainment content was sourced. At the inception of its broadcasting in Nigeria, Multichoice ran a library content and was not into any form of in-house production. It relied on soliciting for content from independent filmmakers to satisfy its subscribers. The first Africa Magic channel was English. The patronage and popularity of the English language Nigerian films among African audiences all over Africa was unprecedented, and its use of English language arguably affected Nollywood films' acceptance all over Africa (see Adejunmobi, 202). In August, 2014, M-Net introduced new channels, namely, Africa Magic Epic (which focuses on epic movies), Africa Magic Urban[10] (contemporary movies), Africa Magic Showcase (trending series and soaps etc.), Africa Magic Family (showing programmes with domestic and related issues), and the Africa Magic Hausa and Africa Magic Yoruba channels which focus on Nollywood films produced in those languages respectively.

[10] On 16th March 2015, Multichoice changed Africa Magic Urban Movies channel to Africa Magic Urban to allow for inclusion of sitcoms, soaps, magazines and reality shows in the channel. The Regional Director (West) announced that it was a part of their ongoing "development strategy to enhance viewers' experience." (see : http://africamagic.dstv.com/2015/02/19/africamagic-refreshes-channels/)

These new channels increased the number of Africa Magic channels to seven.[11] The eighth channel, Africa Magic Igbo commenced transmission on 2nd April, 2015.[12] M-Net now embarks on in-house productions as a content provider, and also commissions production outfits to produce such programmes as *Tinsel, Jacob's Cross, Jara, Big Brother Africa* and *Changes*.

Multichoice and M-Net are the pioneer and best known platforms for accessing Nollywood films outside the open market. The popularity of Nollywood films inspired the resuscitation of many dormant local film industries in Ghana, Kenya, Senegal and South Africa (See Haynes, 2007; Garritano,2012, Aveh, 2014). As one of the first two subscription television services established outside of the USA (NOS Report, 2014), Multichoice's venture in providing local entertainment content gives the company both economic and political power within Africa and indeed across the Global South. This informs the need to understand the depth of its contribution to the Nigerian film industry particularly since Multichoice has been in Nigeria for two decades now. This investigation has the additional advantage of shedding light on the relationship between Multichoice and the key players in Nollywood, and this could provide a reference point in discussions of not only the flow of cultural products but also the complexities, tensions, pressures and contradictions that characterise such business exchanges. In this way, the study contributes towards understandings of cultural exchanges and flows within Africa.

1.4 Research Problem

[11] Interview with Africa Magic Public Relation Representative on 5th Dec. 2014.
[12] This was reported at the Africa Magic website news on 17th March, 2015 and has since taken effect with Obi Emelonye's film, *OnyeOzi the Messenger* (which won the AMAA 2015 best Igbo film award) as the first Igbo film to be aired on the channel.

In spite of Nollywood's popularity and Multichoice's importance in Nigeria, little is known about their business practices and relationships. Media reporting on Multichoice and its Nollywood partners have remained unclear despite the interest, debates and academic discourses they have generated. Among the limited studies on Multichoice is that of Geston (2006), who used interviews to conduct an audience investigation on how Multichoice is viewed by African students in America. Teer-Tomaselli, Wasserman and Beer (2007) adopted a historical approach in exploring South Africa's role as a media power in Africa in view of the dominance of Multichoice and South Africa Broadcasting Corporation (SABC) among many others. Ekwuazi (2014) has also conducted an audience survey of the appreciation of Africa Magic channels in Nigeria. Tomaselli's (2012) study is a reportage and summary of proceedings at a conference on Nollywood film distribution sponsored by Multichoice. Although all these studies focus on Multichoice, none of them explored the relationhip between Multichoice and Nollywood, and none of them is conducted from the perspective of industry practitioners.

The terms of Multichoice's contract with Nollywood practitioners have remained a secret, at least within academic discourses. To the best of my knowledge, there is no literature on the nature of the business contracts between media organisations and entertainment content providers in Africa. Studies on contracts are often located within the disciplines of law, political science and history. This study therefore provides a pioneering investigation into contract agreements and terms in African from the perspective of the media industry.

Apart from the role of Multichoice in the promotion of Nollywood films and actors globally, not much has been explored about its media initiatives and how such initiatives directly or indirectly affect the entertainment content producers and the local film industries in Africa. This is why there is scarce information on the Multichoice-Nollywood business relationship and why many scholars believe there is a lopsided flow of information and

culture from the Global North to the Global South.[13] This study sheds light on the business practices of an African media corporation in an African film industry and will therefore contribute to knowledge on South-South cultural flows and exchanges and African media studies broadly.

Although records are limited, there have been improvements in South-South cultural flows over the years. South-South communication and cultural products are presently circulating in both the Global North and South. It has been observed that China, Korea, Jamaica, India to mention but a few, have media corporations that are gradually becoming globalised. For instance, Aljeezera has a huge followership in Europe, America and Africa. Some scholars have observed that Brazilian televisions and films enjoy considerable viewership in China (Thussu, 2007). This phenomenon has been termed a contra-flow of information and culture (Thussu, 2007). It is argued that with the emergence of global media corporations, Global South nations are equally involved in global information and cultural exchange. Often, the South-South exchange of information has been celebrated for, among other factors, promoting cultural identity, energizing dis-empowered groups, creating political coalition, and strengthening the cultural industries in the Global South (Thussu, 2007). This is an empirical inquiry that explores the practices of a transnational African media within an African film industry in order to understand the cultural, political and economic exchanges that occur between them.

[13] The Global South refers to the developing countries, the "Third World," and the "under-developed" nations of the world. The United Nations Development Programme (UNDP) report of 2004, states that the Global South was formed in 1974 and was initially known as Technical Cooperation among Developing Countries (TCDC). The name was changed in 2003 to South-South Cooperation. The South-South Cooperation bulletin uses the term to refer to developing countries mainly located in the Southern hemisphere, and defines South-South cooperation as the "collaboration among developing countries in the political, economic, social, cultural, environmental and technical domains."(South-South Cooperation, UNDP, n.d.) Member countries listed as part of the Global South make up a total of 133 nations out of 197 nations of the world and are drawn from parts of Africa, Asia, and Latin America/Caribbean (International Politicis, 207, n.d.) whereas the Global North is used to define the developed nations located in the Northern hemisphere. Only two countries – Australia and New Zealand – located in the Southern hemisphere belong to the Global North.

Although there is growing literature on South-South cultural flows, most of it is confined to Asia, Latin America and the Carribean such as the studies by Sonwalker (2001), Ang (2007), Ang and Stratton (1996), most of which, contrary to Thussu's thesis of promoting cultural identity, reveal some level of media and cultural imperialism (see Boyd-Barret and Xie, 2008; Ang, 2007; Sonwalker, 2001).Very little of such research has been conducted in sub-Saharan Africa, except perhaps Ndlovu (2011) who investigates South African media to ascertain their impacts on local contents. Ndlovu's study seeks to understand the meaning and growth implications of South African media, particularly Multichoice considering its link to other local media orgnaisations like SABC. Ndlovu predicts that South African media may pose a threat to local content providers and that the media may be an agent of Western cultural imperialism. This study seeks to fill gaps within the literature on the African media landscape by conducting in-depth investigation into the business practices, exchanges and interfaces involving a dominant African media organisation and a local film industry while exploring questions of media power, politics, exploitation and domination. By adopting a media industry studies approach in this study, I seek to focus on the nature of the challenges, opportunities, contradictions and tensions that exist between various social actors that are significant in increasing African cultural flows.

1.4.1 Objectives and Research Questions

The objectives of this study are:

- To understand the legal or ethical factors that shape the relationship between Multichoice and Nollywood;
- To critically examine the role and significance of Multichoice and its Africa Magic channels in the growth of Nollywood.
- To understand the dynamics of the relationship between Multichoice and Nollywood.

The research questions are:

(a.) What is the nature of Multichoice's contractual terms, and how do these affect and shape the Nigerian film industry?

(b.) What initiatives of Multichoice contribute to the development of Nollywood and how and in what ways do Nollywood practitioners experience the contributions of Multichoice and/or its Africa Magic channels?

(c.) How has Nollywood filmmakers and marketers responded to Multichoice's business models and how has their relationship affected the Nigerian film industry and the Nigerian government?

1.4.2 Rationale of the Study

As a Nigerian, I have been fascinated by the explosion and popularity of the Nigerian film industry. Nollywood's boom in the 1990s was an exciting development. The popularity of the art form and the fact that many next-door neighbours, relations, school and classmates were involved in different areas of specialization in the emerging film industry makes it even more interesting. Arguably, the broadcasting of early Nollywood films on many national television channels as well as Multichoice's Africa Magic channels generated excitement and national pride amongst many Nigerians. My research is a personal attempt to connect with the industry and to investigate an aspect of development in the industry which is yet to be investigated.

Secondly, even with the popularity of the Africa Magic channels, a Google search for "Africa Magic" only provides links to the Africa Magic and DSTV website, while a search of the word on Google scholar prompts essays on magic, religion and witchcraft. This is an indication that interest in Multichoice and its popular channels, is yet to attract serious academic attention, regardless of its significant position in the flow of entertainment among

South-South popular culture. While it is arguable that this might be connected to the search term used, the importance of the Africa Magic channels as a key word in this study has the potential to affect google search results in near future, as it will not only launch it as an academic term, but generate more results and debates in the future. Moreover, although Multichoice is known globally, its mode of operation seems to be shrouded from the public with the exception of official reports and public service releases. Such a study as this one, which is neither sponsored nor motivated by Multichoice, is therefore important as a means of generating knowledge about the organization and its operations in Nigeria.

Thirdly, this study is unique as it is presumably the first study on the relationship between Multichoice and Nollywood from the perspective of critical media industry studies. Furthermore, it is the first study to broach the issue of analyzing entertainment contracts in Africa (particularly that of a transnational media corporation like Multichoice), as well as the first study to attempt an examination of how the business model of a transnational media corporation can engender agency among industry practitioners from whom it acquires entertainment content. This is a new aspect of media industry practice which is not common in Africa and the Global South.

1.4.3 Organization of the thesis

This thesis is divided into seven chapters. Following this introductory chapter, Chapter Two provides the historical context of the study which forms part of the literature review while Chapter Three discusses the study's conceptual and theoretical frameworks. The study adopts the critical media industry analysis approach proposed by Hayens *et al*. (2009). In this regard, the chapter focuses on the concepts of contract, and cultural globalization among others, and describes how these are applied in the thesis.

Chapter Four focuses on research methods including research design and analysis. It provides details on the research subjects, location of the study as well as data collection and interpretation techniques. It equally includes the numerous challenges encountered in the course of the study. The data analysis is presented in Chapters Five and Six with Chapter Five focused on Multichoice policy and archival documents as well as interview transcripts. The chapter explores the company's business practices by examing its contract terms with Nollywood, its support initiatives and other significant interactions with stakeholders as well as how these interactions affect the industry as a whole.

Chapter Six presents an analysis of the perceived consequences of the Multichoice relationship with Nollywood filmmakers and marketers. This is divided into three parts - the first part analyzes Multichoices' treatment of the industry practitioners; the second discusses the various reactions of Nollywood as resistance against Multichoice while the third section examines the intervention of the Nigerian government in the industry. These issues in no small way expose the contributions and significance of Multichoice in the development of the Nigerian film industry.

The summary and conclusion of the study is presented in Chapter Seven which also includes comments, observations and general discussions. The contributions made by the study methodologically and theoretically are highlighted in this chapter and the implication of its findings to practitioners is reinforced.

An appendix is attached to the end of the thesis after the bibliography and includes copies of important research instruments such as the retracted copy of Multichoice contract with Nollywood and South Africa filmmakers, a letter to the Multichoice director in Nigeria, ethics clearance certificate, the participants' information sheet, letter of consent, questionnaires and interview schedules.

CHAPTER TWO: LITERATURE REVIEW

2.0 Introduction

In the relatively short period since its emergence, Nollywood has inspired immense scholarship owing to its popularity among film scholars, critics and enthusiasts. Haynes (2010) explains this as the result of interest in Nollywood films among many Nigerian academics regardless of their locations and affiliations, and the compelling way the films generate discussions on various social themes. Most of the early studies produced on Nollywood are edited volumes from different scholars and special issue journals published locally and internationally as well as proceedings of film conferences (see Haynes, 1994; 2000; Barrot, 2008; Saul and Austen, 2010; Krings and Okome, 2013). There are also an increasing number of postgraduate studies on Nollywood. While it is not possible to review all the literature written on the film industry in a study like this, it is germane to review critical works that have contributed to our understanding of the development of Nollywood, and which expose the depth of scholarship already conducted in the field.

This literature review will therefore be divided into five main parts. The first part examines emergent literature on Nollywood history and historical studies on Nollywood within the film industry and across Africa. The second part examines literature on developments within the industry while the third part focuses on literature on Multichoice, Africa Magic channels and Nollywood. The fourth part explores the specific contributions of this study to literature and which will be followed by a brief conclusion.

2.1 Nollywood: A brief History

The name, "Nollywood" is coined from two existing and popular film industries in America and India (that is the West and Asia respectively) namely, Hollywood and Bollywood (Onuzulike, 1995; Haynes, 2010; McCain, 2012; Okagbue, 2007; Marston, 2012). Haynes

(2010) notes that the term, 'Nollywood' was first coined by Matt Steinglass, an American New York Times journalist,[14] in an article in 2002. Although the name has been criticized for its foreign frames of reference (see Okagbue, 2007; Haynes 2010, Marston et al, 2007), it has eventually stuck. McCain (2012) argues that it conceals the numerous ethnic films that exist in Nigeria, which form the majority of the films produced annually in Nigeria. Drawing on her knowledge of Hausa films (also called Kannywood due to the fact that they are mostly produced in the northern cities of Kano and Kaduna), she argues that Hausa videos emerged earlier than the English speaking Nollywood films but because the videos were basically produced in and consumed in the north of the country, they were not well known. McCain points out furthermore that conferences and seminars on Nollywood tend to focus on the English speaking films, while films produced in indigenous languages such as Hausa, Tiv and Bini are classified as 'others.' She holds the view that Nollywood filmmakers (based in the south) deliberately exclude Hausa films from Nollywood. However, Adamu (2013) a northern film critic argues that Hausa filmmakers ostracized themselves from Nollywood because they are intolerant of any other religion outside Islam. Adamu (2013: 300) notes that "some of the early Nollywood-Kanywood hybrid video films attempted to create themes of national unity that were not well received by the Muslim Hausa." Some of the films he listed include *Almara, Dan Adam Butulu, Holy law and National Unity*. He states further that "many of the hybrid films that focused on Islam and cultural mediations often generate vitriol against southern Nigerian producers" and thus discouraged Nollywood producers from partnering with them. An interesting example is *Dangerous Twins* with which a northern producer used "Islam to create the "metonymic" association between filmmaking and Islamic values" (297). This indicates that contrary to McCain's claim, Hausa filmmakers deliberately disconnected themselves from Nollywood.

[14] There is a contradiction here which is yet to be resolved. Contrary to Haynes' account, Abdalla Adamu in his essay, "Transgressing Boundaries: Reinterpretation of Nollywood Films in Muslim Northern Nigeria" credited the term to Norimitsu Onishi, in an article on page 288 of *The New York Times* of September 16, 2002.

It has been stated elsewhere that the Nollywood boom started after the release of Kenneth Nnebue's *Living in Bondage* in 1992 (Haynes, 1997; 2007). The rush by electronics dealers to imitate Nnebue's success resulted in the boom of the video film industry. Okome (2007; 2004), Haynes (2007; 2011; 2014), McCall (2004; 2014), Ebewo (2007), Ogunleye (1997) and Adesokan (2007) have provided several accounts of the industry, each focusing of different aspects of its evolution. Nollywood has been viewed as a popular art trend (Haynes and Okome, 1997) and as an informal industry (McCall, 2014; Lobato, 2012; Paulson, 2012). While examining some of the challenges encountered by the industry and its prospects, Ebewo (2007) attributes the popularity of Nollywood films to their indigenous content, their treatment of issues relevant to a mass audience and their re-creation of sociopolitical and cultural events occurring within and beyond the country's borders. He notes that the industry saved Nigerians the cost of procuring expensive films from the West, and serves as a voice of the people, while responding to "the drudgery of a socioeconomic existence characterized by high unemployment and dwindling opportunities" (47).

This argument is supported by Okome (2010) who believes that the portrayal of the socio-political realities of African people contributed to the popularity of the industry. Such arguments have been made in regard to Bollywood which is popular among Indians due to its representation of the Hindu culture (Desai, 2004). McCall (2004) describes Nollywood as informal industry that needs to be appreciated as a symbol of a unique kind of pan-Africanism. There is a concensus among scholars that Nollywood's mass appeal among Nigerians and Africans both at home and in the Diaspora has made it a global phenomenon which has created significant impacts on other African countries such as Ghana, Senegal and South Africa (Haynes, 2007; Aveh, 2014; Okome and Krings, 2013; Ekwuazi, 2007; McCall, 2004; Jedlowski, 2013). Nollywood videos serve as popular gifts for Nigerians in the

Diaspora.[15] Businessmen also buy the films to sell to, and/or show friends and relations abroad (Ebewo 2003, Hecker 2013, Bryce 2013, Krings 2013). In this way, they function as both cultural and economic exports from Nigeria.

2.1.1 Historical studies on Nollywood

Some of the earliest studies on Nollywood are historical in nature (Ukadike, 1994; Ekwuazi, 1987; Balogun, 1987; Mgbejume, 1989). Relying on policy documents and official memos, most of these books focus on issues and challenges encountered in the course of promoting films from the colonial and post-colonial eras up to the era of Nigerian cinema. Ukadike's (1994) work had a significant number of chapters devoted to discussions of Anglophone films in Africa whin which Nigeria occupies an important position. Ukadike discusses the politics of filmmaking in the colonial era and notes that Europeans and "their agents superimposed Western ideology upon Africans by convincing them that they had no culture worth preserving; the European culture was promoted as superior and anybody who wanted to succeed in the society had to adopt the European culture" (1994: 29). Ukadike also pays attention to the development of independent film productions in other African countries such as Ghana, Niger and Burkina Faso. He however notes that because Francophone filmmakers were sponsored by the French government, their films were produced to serve the purpose of the French government, and were not popular with the masses. This is why Okome (1997) refers to those films, which were usually screened in the French embassies, as "embassy films."

In regard to post-colonial development of film in Nigeria, Ukadike echoes Obaseki's (2008) assertion that Nigerian film was a child of "television" (42) by highlighting the role

[15] As a guest producer and newscaster at the Nigerian Television Authority (NTA) Owerri, it was my duty to select films to be broadcast in the newly established station. It was normal at that time, for some NTA viewers to plead with me to help them dub some of these films to send to their relatives abroad. There were also appeals for repeat broadcasts as power outages presented some viewers from watching the initial broadcasts.

played by the Nigerian Television Authority (NTA). Ukadike equally explores the role and the use of oral tradition, African literature and myths in the early films, noting that most early African films regretfully reinforce stereotypes. Ukadike's study remains invaluable for understanding the background of film development in not just Nigeria but other African nations such as South Africa, Burkina Faso and Senegal.

Ekwuazi (1987), Balogun (1987) and Mgbejume (1989) each provides independent accounts of the Nigerian film history and the development of Nollywood. While Ekwuazi and Mgbejume's books are parts of their academic research, Francois Balogun's contribution was drawn from an insider's account, as a relation and partner to the prominent filmmaker, Ola Balogun. Francois Balogun's account outside narrating the colonial involvement in the industry dwelt more on the early filmmakers in the industry such as Francis Oladele, Sanya Dosumu, Ola Balogun, Adamu Halilu, Kunle Bello, and Eddie Ugboma. Others are theatre actors particularly from the Yoruba theatre such as Hubert Ogunde, Ade Afolayan and Moses Olajumo. Balogun's work may possibly be referred to as the first to dwell on Nigerian filmmakers. Perhaps, Balogun was interested in preserving a history which aims to immortalize his partner and his professional colleagues. One of the major weaknesses of the study is its reliance on extracts from daily newspapers and memos rather than on rigorously researched academic works.

Ekwuazi (1987) and Mgbejume (1989) gave different one-on-one accounts of early post-independence Nigerian national and indigenous films focusing on the challenges which early Nigerian filmmakers faced, and some of the major causes of the decline of film or cinema in Nigeria. Ekwuazi's account is thorough and in-depth, and provides valuable information on the sociology of films in Nigeria. It further provides structured strategies of teaching films and decolonization of Nigerian films; including the discourse of issues on censorship, marketing and exhibition of films at that era. One can attribute his in-depth

research to the fact that he enjoyed the support of the Nigerian Film Corporation, Jos, where he later served as a director, unlike Mgbejume who did his research as a research scholar in the United States of America, and so concentrated on structures or establishments instituted to regulate Nigerian films. The result is that Mgbejume's work lacked depth when compared to Ekwuazi's. Okome (2008:3) referred to Ekwuazi's work as the most "ambitious book on Nigeria film history."

Okome (2007), Haynes (2012), Ekwuazi (2008) trace the emergence of Nollywood to economic factors resulting from the high cost of producing on celluloid while others believe that Nollywood was an accidental occurrence from the Nigerian government's implementation of the Structural Adjustment Programme (Shaka, 2003), which forced an Igbo video cassette importer to experiment with recording a drama production on the cassettes he imported from Taiwan. The production, *Living in Bondage*, which became a huge and instant success, according to this school triggered the interest of many other traders to join in video production with the emergence of many more successful and mainly Igbo films like *Circle of Doom, Glamour Girls, Nneka, the Pretty Serpent,* and *Taboo*.

Ekwuazi (2008: 136) argues that the emergence of Nollywood is not accidental because, "an accident, by nature is not planned; any product (film) whose very production and distribution are indissolubly aligned to market forces simply cannot in any way result from accident." Arguably, the emergence of the Nigerian film industry may be attributed to several factors which are part of Nigeria's development process. Evidently, this is applicable to Senegal, Kenya, South Africa and others (see Diawara, 1984; Ukadike, 1992; 2013; Tomaselli, 1972). Military rule and the structural adjustment programme adversely affected celluloid film production in Nigeria and contributed to the emergence of Nollywood. Ekwuazi (2008: 137-138) argues that:

> The indigenous cine film was not born stiff but it acquired a stunted growth – partly on account of the economy of want, partly on account of piracy; but, in the main, the reason must be deposed on the relationship between the technology of the celluloid film and the national economy; the technology could not adapt to/be sustained on the fragile environment of the government's Structural Adjustment Program: SAP.

Uchenunu (2008: 27) believes that economic recession in Nigeria did not increase the problem in Nigeria "but unearthed smaller, but hidden, pre-existing ones." For Uchenunu, global politics played a part in the stunted growth of Nigerian cinema because between 1970 and 1989 during which Nigeria was only mentioned in passing in two important cinema books. The first is Geoffrey Nowell-Smith's 1997 *The Oxford History of World Cinema: The Definitive History of Cinema Worldwide*, which defined Nigerian Cinema in twelve words, and related it to Ola Balogun. The second book is *Film History: An Introduction (Second edition)* by Kristin Thompson and David Bordwell, which discussed Nigerian cinema in only six pages. Uchenunu thus argues that the western world, particularly Britain and America contributed to the subjugation of the Nigerian film industry, as the world powers initially did not want Africans to embark on filmmaking due to their belief in its power to influence people. Many other scholars have argued in this way (Diawara, 1984; Tomaselli, 1972).

Within Nigeria, Uchenunu notes that the ethnicitization of Nigeria by the colonists adversely affected Nigerian cinema. Other factors include mass urbanization and increased levels of crime, resistance from religious institutions which view the cinema as ungodly and adverse government policies cinema

The earliest and best known scholars of Nollywood films are Jonathan Haynes and Onookome Okome whose 1997 article "Evolving Popular Media: Nigeria Video Films" remains seminal. It was later revised and expanded in 2000 with illustrations and additional contributions by Carmela Garritano. Citing Karin Barber, Haynes and Okome (1997: 53) described Nollywood films as popular arts; "the large class of new unofficial art forms which are syncretic, concerned with social change, and associated with the masses." They analyzed

some of the early Nollywood films to substantiate their concern for social change. For instance, Ekwuazi (1997) looks at the socio-economic factors that resulted in social change in Nnebue's seminal production, *Living in Bondage* while Okome (1997) focuses on gender and class issues in Zeb Ejiro's *Onome* and discusses the change confronting people in contemporary Nigeria. The book, *Nigeria Video Film* originally in nine chapters, includes different chapters of interest on the emerging video film industry, and mainly addresses the popular features of the emerging Nollywood films, from the film format to ethnic and linguistic interventions revolving in the industry. Some of the ambitious chapters include the introduction by Haynes, Adesanya's essay on "From Film to Video," Ekwuazi's essay on "The Igbo Film: A Glimpse on the Cult of the Individual," and Okome's "Onome: Ethnicity, Class and Gender," among others. Most of the chapters were analysis based on the previewing and content analyses of the early Nollywood films. The book remains an important reference point for Nigerian cultural studies through the video lenses, particularly given its close alignment with the social cultural realities of Nigeria (see also Garritano, 2012; Ernest-Samuel, 2011).

Haynes and Okome (1995) provide various historical accounts of the emergence of cinema in Nigeria within the context of colonialism. An extract of Okome's dissertation appeared in the volume as a chapter titled, "*The Character of Popular Indigenous Cinema in Nigeria*." The essay which deals with the Yoruba Travelling Theatre has remained one of the most popular essays in tracing the history of Nigerian film. One would have expected Haynes and Okome to address the numerous national films in West Africa given the title of the collection. However, out of the six essays in the collection, four were on Nigerian cinema and films, while the other two essays, both written by Haynes discuss film development in three Francophone West African countries, namely, Senegal, Mali and Burkina Faso. The last of the chapters discusses two narratives from Cameroun and Mali, and the use of the films in

fostering social change and development in those countries. Although the book has remained valuable in the literature on Nigerian cinema and film, it does not sufficiently address film and cinema on West African cinema as its title suggests.

Adesokan (2006) and Ogunleye (2010) both write on the history of the Nollywood. They both acknowledge that most Nollywood flims are released through video cassettes and Video Compact Discs (VCD), instead of in theatres. A critical problem with many academic works by Nigerians is that most of these studies neither adopt empirical approaches nor ethnographic methods. This is not unrelated to the fact that most of the studies are not funded with scholars preferring to engage in content analysis or observations and/or media previews. The result is that both studies are descriptive and based their reports on observations of society. Moreover, unlike Hollywood (see Moul, 2005; Wasko, 2004; Desai, 2004; Moul and Shuga, 2005), Nollywood films are not shown in cinema houses, because they are shot straight onto video tapes, replicated and sold for home viewing. It was the ingenuity of the home video format that changed the face of the Nigerian film industry (Akpabio, 2007: 90).

Ogunleye's (2003) account, a more detailed historical analysis compared to Adesokan's, traces the emergence of Nollywood from the era of indigenization to the video boom and examines the development of genres in Nigeria as well as the methods, challenges and economics of home videos at the beginning of Nollywood. While Adesokan was critical of the industry given the quality of productions of that era, Oguleye was optimistic of its future potentials. During its early stages, most Nollywood's critics failed to appreciate its challenges relating to poor funding, poor equipment and lack of experience.

2.1.2 Critical issues relating to Nollywood films

Nollywood films have generated thriving scholarschip over the years. In a content analysis of three early Nollywood films, namely; *For Real* (parts 1 and 2) [2004], *Back from America*

(2004) and *London Boy* (2005), Offord (2007: 10)[16] explores trends in Nollywood films and traces of colonial influence which she blamed on the "dual influences of Bollywood and Hollywood." Offord refers to foreign influence as colonial even though the influencer is not a colonialist in the right sense of the word. His focus on films produced by Nigerians in the diaspora for diaspora audiences seems problematic given that these films were produced in western environments and are bound to demonstrate western influences. His argument that "Nollywood films touch every Hollywood genre – melodrama, romance, comedy, satire" (2007: 12) is a highly debatable and controversial assertion because Nollywood films are still emerging. While Nollywood may lay claims to popular genres like comedy, it is difficult to conclude whether Nollywood has satires, science fictions, cartoons or horror, particularly given that the nature of Nollywood films are alien to audiences who grew up within Hollywood cultures.

In another critical study, Anyanwu (2008) criticizes Nollywood films for the consistent re-cycling of themes and plots from other Nollywood and Hollywood films. He argues that "the nature of the imitation in the Nigerian home video industry is such that it provokes and insults the sensibilities and sensitivities of the viewer" (2008: 131). Some examples of Hollywood films he listed as re-cycled by Nollywood filmmakers include, *Basic Instinct* which was re-cycled as *Game of Death*; *Last American Virgin* recycled as *Not Man Enough*; *Silent Night* recycled as *Silent Night* in Nollywood; *Juliet Must Die* recycled as *Romeo Must Die*; and *Coming to America* recycled as *Worlds Apart*. This suggests perhaps that Anyanwu is yet to study other film industries like Hollywood and Bollywood closely because the recycling of themes is actually a universal phenomenon with indications that about 60 percent of Indian films are adaptations of Hollywood films (see Desai, 2005, Neu, 2006; Hoffheimer, 2001). A clear example is the recycling of Barbara Taylor's novel and

[16] Although this is masters dissertation, it is important to review it here because many young scholars are fond of criticizing Nollywood using foreign frames of reference.

film into a serial in India with the title, *Karishma: the Miracle of Destiny* by Sahara Media Entertainment. In a celebrated case, Barbara Taylor Bradford filed a law suit against the Indian entertainment media for reproducing her novel and film *Woman of Substance* without her copyright approval.[17] Taylor however lost the case and was ordered to pay a fine to the entertainment outfit for using a court injunction to delay the release of the film. Taylor lost the case because the story had been adapted to reflect indigenous Indian cultural values different from the original. This demonstrates the fact that most copyright laws all over the world, including Nigeria, protect the expression of ideas and not the ideas themselves (see Neu, 2006; Desai, 2005; Hoffheimer, 1989; Fenning, 1929).[18] Although this example relates directly to copyright, it is equally relevant to the issue of the recycling of storylines. The adaptations of themes, ideas, and stories in different cultural environments, what Desai (2005: 259) calls the production of "cultural copies," is a form of creativity that is legal.

Brown (2008) criticizes the negative images which some comical Nollywood films produce of Africa, especially, by reinforcing stereotypes which western films have thrived on. Using *Osuofia in London* as a case study, Brown, a Fullbright scholar on an exchange programme in Nigeria based his judgement on his limited understanding of Nigerian culture and orientation, and so faulted several aspects of the film, including the characterization of Osuofia, his costume, family, dialogue, the setting and the implication of most actions in the film. Therefore, in his opinion, the film "plays out in a mischievous and convoluted way. Rather than counter neocolonial claims about Nigeria by portraying it as a paradise, or a land of perfect tolerance, the film deposits Samatha (Osuofia's London wife) amongst a swarm of mocking derisive characters…" (2008: 69). He thus describes the film as a ridiculous parody. Okome (2013: 154), by contrast, argues that "*Osuofia in London* is much more than the

[17] See Sundara Rajan's (2011) *Moral Rights: Principles, Practice and new Technology*, particularly Chapter 27.
[18] See: https://www.scribd.com/document/213987077/Barbara-Taylor-Bradford-vs-Sahara- Media-Entertainment-Ltd-on-16-July-2003

parodying of society, even if this is done in a meaningful and sustained way. The transnational debate, which it institutes as part of this narrative order, marks it out as one of the most telling narratives in Nollywood so far." Okome's view is logical, because although *Osuofia in London* may look ridiculous to someone outside the African cultural and social space, it redeems the central ridiculous impression of the foolish African losing out to the Europeans in their dealings. This therefore implies that reading and understanding films go beyond peripheral criticisms of the narrative as Brown has done.

It is not only the criticisms of film critics and scholars that Nollywood has endured but also that of journalists. Akande (2010) examines several issues concerning Nollywood which are basically critical of the industry. Some of these include the ways in which government officials politicise issues relating to the industry among others. Akande's criticisms were based more on journalistic exuberance rather than on thorough academic rigor. While blaming Nollywood producers, he criticizes the government for not providing the required facilities that will develop the industry thereby exonerating film producers inadvertently. His interest in the role of government is appreciable given that journalists are always likely to seek solutions to social problems from the government which controls, regulates and dictates business interaction and practices.

Adedokun (2008: 259) also criticizes Nollywood films for being "a comedy of errors in camera and continuity interplay." Criticisms are necessary in order to encourage changes which bring growth and development. However, critics tend to base their criticisms on their orientations, understanding and perception without placing the conditions, history, state and era of the production into consideration. Like all the other critics, Adedokun failed to appreciate the fact that at the time of his criticism, Nollywood was barely ten years in existence and that it was dominated by traders and videographers a situation which reflected on the quality of the productions. Even after twenty years, Nollywood can still be described

as an emerging industry in comparison with Hollywood and Bollywood. Critics fail to recognize that as a film industry within its first two decades of existence, it must be confronted with narrative and technical problems and that it will continue to improve as time progresses. Such improvements are evident in the New Nollywood films.

2.1.3 Nollywood and magic

Many scholars have shown interest in the apparent obsession with the occult, witchcraft; horror and rituals in Nollywood films (see Garritano, 2012; Emasealu, 2008; Green-Simms, 2012). Emasealu (2008) examines three films – *Arusi Iyi, Handkerchief, My Mission 1 & 2* – and criticizes the use of rituals and occultism in Nollywood to evoke fear, horror, shock and disgust among viewers. Emesealu's critique of rituals and occultism in African films could be read in the same frame with Garritano (2012) and Green-Simms (2012) because regardless of its negative connotation, rituals and occultism remain part of the elements of African traditional cultural practices that western education has not been able to do eradicate. As far as Nigerians or Africans believe in the supernatural, rituals and occultism will continue to be a part of cultural practices and will remain as parts of indigenous filmic expressions. This is one of the reasons why Nollywood films are popular across Africa.

In the course of research, Bryce's (2013) encounter in Barbados with a Nollywood fan, concerning the portrayal of occultism and rituals (*obeah* in the Barbados local language) in Nollywood films is instructive. The young man's acknowledgement that rituals are a "part of the culture, so I don't have a problem with it" (2013:.240) makes Bryce to note that "there is no doubt that part of the appeal of Nollywood in the Caribbean arises from the deep-rooted belief in evil, and in the devil as a living reality, which local audiences share with West African counterparts." This shows the futility of attempting to ignore or wish away rituals and occultism from African films, because although rituals are associated with evil, they remain part of African culture. In fact, the portrayal of rituals and occultism remains one of

the most common criticisms often brought against Nollywood films, which ironically is one of the major reasons why the films are popular around the Africa continent.

Okome (2010) takes on the many critics of Nollywood including heads of cultural agencies, the intelligentsia, the literati and old generation filmmakers, observing that their criticisms result from "the educational regime that colonialism bequeathed to Africa" (35). He argues that such critics perceive their task as one of correcting the presumably erroneous and banal way that Nollywood films represent Nigeria before various audiences. He goes on to state that Nollywood films are popular because they address the problems of the common man and woman in the street, and that Nollywood offers "a medley of social, political and cultural discourses framed within the discursive regime of the popular, commodified, and commercialized in the informal machine of the popular-arts production in Nigeria" (35). In his view, the symbolic fetish flourishes in the industry because it is part of the psychology of a large proportion of Nigerians. Thus, in Okome's opinion, Africans patronize Nollywood films because they focus "on the social and cultural forces of the local and how they cope with the global on their own terms" (2010:37). He argues further that Nollywood uses fetish to "explain to a bewildered population the drift and rot on contemporary Nigerian society" (36).

For her part, Garritano (2012) criticizes the depiction of lust for easy and quick wealth which lures many people into cultism and other occult practices in Nollywood films. One of the unique characteristics of these narratives is that they are drawn out of seeming real life situations, and end with morals which are expected to teach the audience about the ills of bad association and rewards for good behaviour. Although the films show the alluring power of the wealth, through flashy cars, grand estates, posh apartments, glamorous women and flamboyant lives, these are later nullified by the terrors and nightmares. Using some Nigerian and Ghanaian films in her analysis, Garritano observes that Nigeria and Ghana have been

subjected to IMF and World Bank structural adjustment regimes. Consequently, the citizens rise from a background of global marginalization and scarcity to seek fast solutions to economic issues through occult and ritual films. In her view, Nollywood and Ghollywood filmmakers can be seen as outsiders who denounce the social forces that drive people to criminal lifestyles.

Garritano invokes Meyer's (1998: 54) argument that the films under consideration "probe the sinister, secret sources of capital and express deep discontent with the unjust allocation of wealth under neo-liberal capitalism", and are drawn from events that happen in the society. For instance, *Blood Money* is based on what was called the Otokoto Saga in the Nigerian press following the murder of an innocent boy, Innocent Okonkwo in Owerri, Imo State while, *Nkrabea,* a Ghanaian film, is based on a popular story about the murder of a boy in Accra, Ghana. These films condemn man's inhumanity to man in the quest for insatiable wealth and do not end without moral lessons for the audience. As Garritano observes, "when occult movies end with the torture and death of the greedy capitalist, the point is that he get what he deserves, and the audiences' own desire for wealth or their own envy of the rich are contained by this public, moral resolution"(2012: 61). Garritano however fails to take a position on neo-liberal materialism. Rather, she seems to eulogize *Blood Money* and occult narratives as normal developments in neo-liberal societies expected in nations like Ghana and Nigeria.

Another important study is Kuwenda (2007)'s examination of Ukpabio's *End of the Wicked* and *The Child of Promise.* Kuwenda interrogates the popularlity of images and codes of witchcraft, magic, ritual killing, occult and religion in Nollywood films through close textual analysis. She focuses on camera shots, lighting, editing and other semiotic codes as tool to understand the films. The range of criticisms and reactions to occult, witchcraft, ritual and diabolical Nollywood films is not unrelated to their deployment of an "aesthetic of

outrage" (Larkin, 2010:61) while relying on "magical technologies" (Green-Simms, 2012). Critics of occult and ritual African films are people living in denial of the existence of occult, witchcraft and ritual in our society, because, "the films make the occult world visible and therefore believable, wresting it out of mere rumor" (Green-Simms, 2012:31).

Nollywood as an industry is limited by its informal nature and by what Lobato (2012: 39) describes as the "shadow economies" in which it operrates. Lobato defined shadow economies as "economic production and exchange occurring within capitalist economies but outside the purview of the state" and recognizes that all informal systems demonstrate "a degree of empirical invisibility or a tendency towards unregulation" (43). In Lobato's opinion, Nollywood's invisibility explains why it rarely appeared in discussions of global cinema for a very long time; why it had invisible systems of accounting and a distribution network controlled by small time enterpreneurs, pirates and marketers; no formal structure of distribution and little or no regulation. This lack of regulation informs the production of "atrociously made films" (Haynes quoted in McCall, 2004:107). Nollywood's informality is linked to the efforts of semi-educated small-time businessmen to eke a living from film production. Thus, while the industry is a geniunine opportunity for legitimate financial success, it has been mostly criticized because of its informality which also accounts for the success of Multichoice's strategy of individual negotiation with practitioners.

2.1.4 Socio-cultural readings of Nollywood films

Many scholars have written about the role of Nollywood films in the preservation, representation and reflection of Nigerian society and its culture. Nigeria's cultural policy defines culture as the totality of the way of life evolved by a people in their attempts to meet the challenge of living in their environment, and that which gives order and meaning to their social, political, economic, aesthetic and religious norms. As a result, culture defines a

society, and every society is defined by its culture. As a means of reflecting or preserving culture, the film may present the past, which is either outdated or contemporary. Nollywood films have served as cultural products to address issues that affect and reflect the Nigerian society and most of the films adopt content or textual analysis in the interpretation of their studies.

Nollywood films have addressed many issues which affect both the past and contemporary Nigeria. For instance, *Issakaba*, a film in four parts represent the role, rise and fall of a popular local vigilante group in Aba, Abia state, in the southeast of the country. The vigilante group was recruited at the Bakassi Market area in Aba, took over the security of the life and property of the people when it became apparent that criminals were terrorizing innocent people with the conspiracy of the Nigerian police and some prominent people in the society. Chimamanda Adichie's *Half of a Yellow Sun,* a tale of the Nigerian-Biafra war of 1967-1970 has also been produced into a Biyi Bamidele film of same title. In 2014, Nigeria was threatened by the spread of the deadly ebola disease from other parts of West Afric and this experience is dramatized in the film, *Ebola Doctor* (Ernest Samuel, 2017).

These films are designed to educate, inform and entertain and their uses of different dramatic techniques are often the subject of scrutiny. Okome (2004) and Brock (2009) have interrogated the portrayal of women and negative characters in several Nollywood films. While Okome focuses on the new images of women and their changing roles in society, Brock (2009) has focused on their positions within the films through his analysis of the following films: *The Mistress, Keep my Will, More Than Sisters, Holy City* and *My Christian Faith*. He observes that the films portray the Nigerian women in both positive and negative lights, highlighting the role of women particularly in family debates involving marriage and religion. These reflections support Bordwell and Staingler's (1996) position on the role of film.

In an ethnographic study of popular (i.e. street) audiences, Okome (2007) examines the politics of street video viewership in Warri and Lagos to understand how the popular art form is consumed and assimilated. Okome's investigation reveals that the street audience relates with poor heroes and heroines of the harsh society, because they identify with their plights. This highlights how group identification with a film hero is made possible when the character is constrained by social structure rather than when the hero choses to make certain tragic mistakes due to his/her own social ambitions.

These are newer ways of distinguishing new Nollywood films from the old ones (see Adejunmobi, 2015). In an internet audience study, Obiaya (2010) studies the presence of the Nigerian video film audience in order to decipher their online presence and the forces that drive audience interest on Nollywood blogs and sites. A pre-study survey attempts to ascertain the level of the audience involvement on some film blogs and websites which discuss Nollywood films and issues. The new study exposes different levels of consistent viewership of Nollywood and provides insights for future researchers on new strategies for approaching audience perception in particular, given the growing interest on internet streaming and surfing. This method is an interesting way of investigating digital issues in this technological era.

Several scholars have sought to explore the role of the film industry in laundering Nigeria's image abroad. Utoh-Ezeajugh (2008) argues that Nollywood films have improved country's global image against the bad press generated by news of corruption associated with the country's political leaders. For his part, Ayakoroma (2007) uses Imaseun's *Home in Exile* to argue that Nollywood films contribute to the improvement of the society. Akinola (2013)'s study emphasizes the positive potential of the industry but reiterates the need for government to support the industry in view of its potential for nation building and improving the

country's reputation as Hollywood and Bollywood have done to the US and India respectively.

Smart-Babalola (2008), Evulocha (2008), Paulson (2012), Madichie (2010) and Barnard and Tuomi (2008) focus on different aspects of marketing and distribution in Nollywood. While Smart-Babalola shares personal experiences as a Nollywood insider marketing his own films in Europe, Madichie (2010) uses a survey to investigate factors that mitigate the acceptability and appreciation of Nollywood films at home and in the diaspora. Paulson (2010) applies an ethnographic method to explore the challenges of Nollywood film marketing and piracy given their huge economic implications to the society. His study reiterates the point that informality is a major problem. Barnard and Tuomi (2008) offer a comparative study of Nigerian and South African film industries highlighting the strengths and weaknesses of each industry.

These studies reveal a gap in knowledge relating to agency of filmmakers in the industry as most of the studies focus on content and the representation of socio-cultural realities. This highlights the need for research into the challenges and encounters of filmmakers and marketers in Nollywood such as that offered in this study of the relationships between Nollywood practitioners and Multichoice.

2.2 Industrial Developments in the Nigerian film industry

From its emergence in the early 1990s till date, Nollywood has grown from mere 'Nigerian video films' (Haynes, 1995) to an industry of reckoning (see Tsika, 2015). There is no gainsaying that globalization has contributed to its rapid development in every aspect from production, distribution, and exhibition to its influence of neighboring nations. Haynes (2007) explores the "video boom" or "video revolution" in Nigeria and its effect in Ghana and other neighbouring nations while Ondego (2008) and Fuita and Lumisa (2008) examine its influences in Kenya and the Democratic Republic of the Congo (see Barrot, 2008). For his

part, Aveh (2014) is interested in "the Nigerianization of Ghanaian Eyes" exploring the ways in which Nollywood has affected the Ghanaian film productions, television shows and even magazine contents leading to many co-productions between Nollywood and Ghanian filmmakers. Whereas Aveh's was not based on any specific theoretical approach, Rasul and Proffitt (2012) apply a critical political economy in their interpretation of the economic logic in co-productions between Hollywood and Bollywood.

The influence of globalization is manifest in most recent Nollywood films as highlighted in Haynes (2014) studies of the 'new Nollywood' phenomenon. According to him, the new Nollywood phenomenon began

> buzzing in Lagos and other places around 2010 and has a new, well defined business strategy, screening films at the new upscale multiplex theatres… and then taking the films abroad to screen for diasporic Nigerians and other African audiences and sometimes film festivals (Haynes, 2013:10).

Haynes observes that these films are "cosmopolitan" and that their scripts are influenced by international film culture, are partly shot in Nigeria and abroad, and appeal to elite audiences. The new Nollywood is the subject of Novia's (2012) memoir and Chamley's (2012) article, in *Cineaste*. Chamley notes that these films compete "in cinemas against big-budget Hollywood imports" (21). Haynes (2014) study focuses on Kunle Afolayan's productions as representative of the new Nollywood. It is important to note that Haynes 2014 and 2015 focuses on Kunle Afolayan and Kenneth Nnebue respectively, however, the studies concentrate more on auteur perspectives, instead of on agency of filmmakers. Therefore, one yawning gap in these accounts of new Nollywood is a lack of concrete investigation that focuses on filmmakers to understand issues in the emergence of the new Nollywood phenomenon. It is interesting equally surprising though, that some scholars have attempted to link the new Nollywood to globalization and to suggest that developments in far away nations can determine events happening elsewhere.

Adejumobi (2015) in a recent study provides refreshingly new insight into comparisons between the new and the old Nollywood while adopting a new style of reading the storytelling culture of both dispensations. Focusing on Obi Emelonye's *Last Flight to Abuja,* and *Mirror Boy*, Kunle Afolayan's *The Figurine*, and Mamood's *Tango with Me*, Adejunmobi argues that "the outcomes for characters in new Nollywood films depend not on structural constraints, but on the choice they make…thus new Nollywood alternative palette of stories offer portraits of individuals endowed with initiatives in a world without constraints" (2015:439). The study is very brilliant and clearly sets a bar for future studies of new Nollywood.

Using ethnographic methods, Miller (2012) studies the role of globalization in the provision of film production equipment and distribution in Nollywood. Although this study focuses on filmmakers and producers, it concentrates on how they access the equipment they use for their productions and the role of global equipment and electronic distribution companies. This study provides an opportunity for exploring the personal experiences of filmmakers, their perceptions of the new Nollywood phenomenon, interactions with Multichoice, and how such experiences have helped their business practice.

For their part, Krings and Okome (2013) curate various studies on the impacts, effects and developments of Nollywood outside Nigeria in a collection of fifteen essays from Africa, Europe and America. The essays in this collection include the following: Jedlowski's "From Nollywood to Nollyworld: Processes of Transnationalization in the Nigerian Video Film Industry," "Nollywood made in Europe" written by Sophis Samyn, Hoffman's "Made in America: Urban Immigrant Spaces in Transnational Nollywood Films," and Santanera's "Consuming Nollywood in Turin, Italy" among others. The collection offers robust readings of Nollywood films in different places although it does not provide an explicit analysis of the

transnational appreciation of Nollywood in places like India, whose Bollywood has demonstrably influences on Hausa films (Kannywood) in Nigeria.

Similarly, Saul and Austen (2010) concentrate on African films and cinema in their edited collection of thirteen insightful conference papers. Haynes's (2010) study examines the idea of redesigning Nollywood studies to reflect on academic curriculla of film studies, particularly in Nigeria. In the essay, *"What is to be done: Film Studies and Nigerian and Ghanaian Videos,"* Haynes stresses the need to re-package and include Nollywood in school curriculla in Nigeria arguing that "there are screenings at festivals, but outside of competitions, festival audiences or students are treated to documentaries about Nollywood made by foreigners, but not Nollywood films themselves" (13). Adejunmobi (2007) x-rays Nollywood as a minor transnational practice and a popular regional medium which serves national, transnational and regional interests. On the other hand, the non-commercial practice was classified as global ethnic (e.g. Ousmane Sembene's production), funded by the global media, but does not command as much audience and popularity within the region as does the regional popular. Nollywood is therefore described as an "unaccented cinema"(73) because it draws from minor genres and minor technologies of dominant global culture, notably, in this case, melodrama, film, and video technology among others, and have brash producers who seem unaware of their own marginality relative to dominant global culture.

In another study, Adejunmobi (2014) argues that a minor transnational film acquires its "status by comparison of its distribution models with alternatives; specifically, the detachment of investment in production from investment in distribution, [and] the undercapitalization of distribution …" (76). Adejunmobi uses Iroko TV as a case study to show why such media prefer to operate within Nigeria instead of in the UK or America. She argues that Nollywood's transnationalism relates more to distribution and reception than to

content, although the industry is characterized by co-productions involving different countries.

This is similar to Jedlowski's (2010) proposal of a genealogy of Nollywood films using new media theory. Jedlowski argues that although Nollywood productions are known as films, they may be located between cinema and television, because their informal production and distribution reflect complex processes of remediation which determines the success and definition of the industry. These studies are examples of forms of progressive switch from tangible to non-tangible technologies which affect and influence the transformation of Nollywood. Thus, this study of Multichoice's role is significant in view of its focus on another aspect of influence on the film industry in terms of the contributions of Multichoice to Nollywood's transformation.

Several scholars have attempted to draw comparisons between professional practices in Hollywood and Nollywood and have examined how globalization influenced both. Highlighting the divergencies between the two, Ajibade and Williams (2012) draw attention to the differences in length of film shooting and scripting. While scripts are important in Hollywood, Ajibade and Williams observe that Nollywood films use storylines which are improvisational. Nollywood productions do not involve storyboards, and dialogues are primary, while Hollywood involves storyboards and visuals are given greater importance than dialogue. Most castings in Nollywood are done by marketers, while Hollywood engages the services of professionals in conducting casting for a production. Ajibade and Williams describe the video film as a new visual art form that is ubiquitous in Africa, a situation that affects Nollywood productions and reduce the economic cost of film production. They argue that African visual culture has appropriated the video format and uses it in the same way western cinema uses celluloid or digital formats to distribute motion pictures to audiences. They note that the social and visual environments of Nollywood films are basically different

from those of Hollywood, and that Nollywood uses global technologies and techniques in local ways. It is pertinent to state that although Ajibade and Williams published the study about three years ago, the Nollywood film production they discussed was basically the Nollywood of the 1990s, as new Nollywood films practically copy most of modern Hollywood format in the film making.

Pager (2012/3) examines the development of intellectual property in developing countries. Because intellectual properties rights serve the public interest, he argues for the need to prevent under-protection or over-protection. Ironically, he notes that, intellectual properties are often discussed in the context of western industries like Hollywood because western governments have strict policies in that regard, whereas Nigeria, whose films outsell Hollywood imports made with higher budgets, do not have strict policies. As Nigeria's highest employer of labour, Nollywood is affected by piracy and the lack of copyright protection forces filmmakers to pursue a churn strategy that rushes new videos to the market weekly to beat pirates (Pager, 2012/3). Pager's position is timely as it touches one of the areas which this study is interested in namely, the investigation of contracts and the copyright of creative artistes. The exploitation of copyrights adversely affects the industry adversely as filmmakers end up getting back only a fraction of their investments a situation that makes the industry suffers from underinvestment. This foregrounds the need for active intellectual property lawyers to draft workable terms for creative artists in the industry.

Marston, Woodward and Jones (2007) examine series of singularities which constitute Nollywood's processes of production, consumption and circulation in the era of globalization using Nollywood as site of reference. To them, "Hollywood has become a powerful coding mechanism such that the label, 'Nollywood' makes whatever happens there look like Hollywood, but also not Hollywood" (2007: 53). This highlights the fact that the name Nollywood is unavoidably recognized by film professionals as well as non-African audiences

as derivative of Hollywood. In other words, the film industry is assessed as a "less sophisticated and amateurish"(55) imitative industry which produces Hollywood and Bollywood movies contrary to its real indigenous nature. In their critique of Nollywood's seeming- affiliation to Hollywood, it becomes difficult to comprehend whether Marston *et al*. prefer that Nollywood do not answer its name simply to obviate criticisms, or whether they should adopt a name to distinguish the Nigerian film industry from Hollywood and Bollywood, and how that poses a problem for anyone in the globalized world.

Lobato (2012) examines the ways in which Nollywood's informality reflects on the industry's production and distribution style even though it maintains a distinct quality that gives Nigeria a cultural edge over other African nations. He observes that Nollywood films are accessible globally, are not connected to global media, with only a little amount of its revenues returning to the producers and the industry due to its informal nature. Yet, Nigerian filmmakers and films continue to thrive. To succeed, Miller (2012) proposes that Nollywood adopts formal agreements and contracts which may deter global networks from associating with the industry but would ensure their control of the film market. While the idea of adopting agreements and contracts is necessary for stakeholders in the industry to protect their rights, and agreement is important, this does not guarantee the complete formalisation of the industry (Lobato, 2012).

In a recent study, Akudinobi (2015) examines unfolding events in Nollywood against the globalized popular culture and the creative identities in which they occurr. Exploring the numerous means through which Nollywood films are accessed globally from satellites, internet streaming, video purchase and others, Akudinobi notes that Nollywood has contributed to the development of Nigeria as its productions are valuable as cinematic and cultural archives. He adds that they have enabled Nigerian filmmakers to experimenting with strategies which eventually result in "structural changes" in the industry. With Nollywood's

huge contribution of $5.1 billion to the Nigerian economy in 2014 alone (Anyanwu, 2014), the required changes capable of structurally overhauling the industry lies in the ambit of government, particularly, considering the gigantic problem of institutionalized piracy, which Paulson (2010) and many other scholars have discussed in various studies.

Although arguably, Hollywood and Bollywood may remain the two most dominant film industries in the world, Nollywood's recent ascent as the second largest film producing film industry after Bollywood (UNESCO, 2008) is significant. These different industries however intersect in many ways as the film literature attests to. Yet, there remains scope for new angles to research into these interconnected industries. While several of the studies on Hollywood and Bollywood adopt ethnographic and critical political economy analytical methods, most of the researches on Nollywood use textual analysis and surveys. In this regard, the critical media industries approach undertaken by this study of the relationships between Multichoice and Nollywood represents an invaluable theoretical and conceptual contribution to film scholarship.

2.3 Multichoice in African and Nollywood discourses

Not many works have been done in this area. However, Adejunmobi (2011) has explored the operations of Multichoice as a regional force in broadcasting and distributing local contents. In this study, Adejumobi argues that organisations like Multichoice pose a threat to local media outfits. Using Nollywood as an example, she notes that the popularity of the industry across African countries with many different languages spurred Multichoice to establish language channels. Adejunmobi notes that the ploy to co-opt local media organisations in different ways has some implications for the local media and may "constitute a significant takeover of important portions of the Nigerian film industry" (2011: 76). Adejumobi's thesis is vital to this study which may validate, disprove or modify her theory. Since Adejunmobi's

study was not based on empirical investigation, this study provides data based on field inquiry which could provide a conclusive test for Adejumobi's theory.

One of the objectives of Ekwuazi's (2014) study of the perceptions of Africa Magic channels is determine how audiences access information about Nollywood films. The research had a population of 500 respondents, mainly Nollywood fans spread across Lagos, Onitsha/Aba and Kano. The study shows that Africa Magic Yoruba is the most popular channel followed by Africa Magic English/Igbo. The research reveals furthermore that qualification does not affect channel preference, neither does age, nor marital status. The statistics shows that equal percentage of the respondents consent and rebute the idea of watching Africa Magic channels based on tribal group. The most preferred genre is love/romance and crime/gangster, while the least preferred is horror and prostitution/ghetto. Most of the respondents like Nollywood films because of their interesting stories and moral lessons and many of them believe that African Magic channels have positive effects on Nollywood. A significant number of them view Africa Magic positively and supports broadcasting of the films to the world as the channels encourage competition among the filmmakers. Those who do not view the channels positively believe the films reinforce western stereotypes of Africans. Majority of the respondents feel concerned that they do not know beforehand which films to watch.

In a similar study with one thousand respondents in Lagos, Akpabio (2007) investigates the effect of negative themes on Nollywood audiences. The study reveals that audiences are actually aware of and attracted by these negative themes. Furthermore, the study shows that complaints from fans about certain films arouse the curiosity of others, who would want to watch and those films for themselves. In this age when filmmakers groan under the burden of lack of patronage, audience research becomes a good guide for filmmakers or marketers interested in improving the viewership of his productions. While

these studies are relevant, they differ from this particulars study's focus on industry practitioners.

Multichoice has co-funded a project that interrogates the dynamics of Nollywood and that involves practitioners from across Africa (Tomaselli, 2014). The project, which also presented an opportunity for collaborations between film stakeholders from the Global North, sought to answer the following questions:

> (1)What drives Nollywood? (2) What is it about the content that results in this popularity? (3) What are the ethnographies of reception? (4) How are Nollywood titles distributed, apart from DSTV and national TV (DVD, Youtube, pirated versions etc. (5) How is the Nollywood value-chain constructed? (2014:14)

A key contribution to the project was proposals by Passchier towards the development of a sustainable low budget film industry in South Africa that will respond to the demands of audiences rather than the expectations of filmmakers. Tomaselli also discussed McCall's paper on the "Nollywood and the Pan-Africanism we have." Jyoti Mistry and Jordache Ellapen note that Nollywood was an abrogation of the Third Cinema, while Vuyo Lima one of the researchers, used some of the Nollywood-like budget films produced in South Africa to discuss film distribution through the Nollywood style. Although he notes that not all the questions were answered at the conference, Tomaselli and his sponsors saw the project as fruitful and successful and looked forward to re-visiting some of the issues in future projects.

While it is evident that the popularity of Nollywood films motivated Multichoice to establish the first Africa Magic Channel in 2003 (Barrot, 2008), industry enthusiasts believe the channels also gave Nollywood the global exposure which made the films popular and accessible within the continent and beyond (see Tsika, 2015). Two schools of thought exist in relation to the Africa Magic-Nollywood business relationship. Among those who view Africa

Magic as a blessing to Nollywood is Pierre Barrot (2008) who argues that the channel contributed to the improvement of the technical quality of Nigerian films. Evidence of this includes a capacity development programme for Nigerian sound engineers organised by M-Net in 2004.

There are those who believe that Africa Magic is responsible for the low distribution and patronage of Nollywood films. Adejunmobi (2011), for instance, reports that DSTV was accused of broadcasting Nigerian films without paying royalties to actors and film producers. It has also been accused of paying too little for individual films when it did pay, and of compromising the value of films by showing them repeatedly. According to Jedlowski (2013), the launch of Africa Magic and increasing piracy negatively affected the sales of original films in Nollywood and other Anglophone African countries. In a newspaper interview, a veteran Nigerian actress, Clarion Chukwurah criticized Africa Magic and its role in Nollywood stating that it pays a flat rate of $1000 per movie which is broadcast repeatedly.[19] However, Africa Magic has been defended by Fidelis Duker, himself a prominent Nollywood filmmaker and director Fidelis Duker:[20] In his words,

> Africa Magic remains the only platform that has paid the highest amount to Nigerian Producers so far. Africa Magic has paid as much as $5000 for a film. I think it is unfair to criticize them. Apart from the payment, Africa Magic has given our actors and actresses a pride of place in Africa.

Till date, no researcher has attempted to investigate the nature of the Multichoice-Nollywood business relationship, nor has any study focused on understanding the role of Multichoice in Nollywood. Studies on Nollywood concentrate mainly on audience perception as some of the reviewed literature have shown (see Ekwuazi, 2014; Okome, 2007; Emesalu, 2008, Uchenunu,2008; Animasaun, 2011; Omooera, 2012; Akpabio, 2007), on film studies (see

[19] See Chukwura, "Africa Magic Has Done Great Harm to Nollywood", *Daily Sun*, 1st March, 2009.
[20] Also see, Duker, "Backlash: Clarion Chukwura", *Daily Sun*, 15th March, 2009.

Garitano, 2012; Brown, 2008, Okome, 2013, Ekwuazi, 1995, Ernest-Samuel, 2008) or on broad industry issues revolving around technical, marketing and industrial practice (see Ogunleye, 2010; Obiaya, 2010; Adesokan, 2007; Onuzulike, 2007, 2008; Adejumobi, 2011, 2012; Sango, 2015; Dovey, 2015; McCall, 2012). Some of the studies are historical (see Ebewo, 2007; Adesokan, 2006), while the more recent studies are comparative in nature, comparing Nollywood and other industries (see Haynes, 2007, 2008; Aveh, 2014). This research focuses on active industry stakeholders and investigates how transnational broadcasting affects a local entertainment industry, the causes of tension and pressures on their business, and how such developments improve or undermine the industry.

Some scholars have examined different aspects of media practice involving Multi-choice/Africa Magic, Nollywood or both. Teer-Tomaselli, Wessermann and Beer (2007) have traced how South Africa has become a regional media power through, on one hand, the role of Multichoice in relation to its digital satellite television (DSTV) transmission within and beyond the African continent, and South Africa Broadcasting Corporation (SABC) and the Print on the other hand. Comparing the operations of South Africa through the instrument of DSTV/Multi-choice against Chadha and Kavoori's philosophy of 'the erosion of local identities, cultures and ideologies;' and Boyd Barrett's 'generic' model of media imperialism, which predicts 'imperialistic tendencies' with nations occupying peripheral positions within global arena, Teer-Tomaselli *et al*. argue that though a rising media power, South Africa's position is unique and highlights the complexity of South African media position (with Multi-choice and M-Net as the major focus). They suggest that there is a contra-flow of barrages of information against the one-direction flow of information emanating from media experts from the so-called 'imperialistic global media.'

2.4 Specific contributions of this study to the literature

This case study on Multichoice and Nollywood contributes to the existing literature by expanding on Adejunmobi's study with which it remains in conversation. This is so given that Adejunmobi examined Multichoice's impact on Nollywood from a macro-level perspective (global media) whereas this study examines Multichoice as a transnational media operating in Nigeria from a micro-level perspective. This helicopter-view[21] examines the business transactions and encounters existing between Multichoice and Nollywood practitioners, which is outside Adejunmobi's purview.

While several scholars have explored the development of 'new Nollywood' (see Chamley, 2012; Haynes, 2011; 2014; Novia, 2012), they do not do this in relation to Multichoice neither do they investigate its role in the emergence of the new Nollywood. As a part of its contribution to the existing knowledge on Nollywood, this study will provide further theoretically exploration of the new Nollywood phenomenon while providing a template for differentiating the 'new' from the 'old' Nollywood. Furthermore, the study examines the failure of the NFVCB's new film licensing and distribution framework (see Obianya, 2013; Bud, 2014; Jedlowski, 2010)

This study equally provides a pioneering investigation into contracts agreements and terms used within the African media landscape..

2.5 Chapter summary

This chapter traces the history of Nollywood and examines criticisms of the industry. It explores the impact of globalization on the industry and the ways in which it may intersect with Hollywood and Bollywood. The chapter also discusses debates on a range of issues related to Nollywood such as technical quality, content and the representation of socio-cultural issues. The concluding part of the review examines literature on perceptions on

[21] Helicopter view is one of Havens et al's (2009) approaches to critical media industries studies.

Multichoice in Africa and Nigeria and on their business relationships. The chapter ends with a restatement of the expected contributions of this study to the existing literature.

CHAPTER THREE:THEORETICAL AND CONCEPTUAL FRAMEWORK

3.0 Introduction

This study adopts a critical media industry analysis approach and is influenced by critical political economy (CPE) in terms of how media ownership affects the production of content. The CPE angle is evident in lack of a legal architecture in Nigeria, and even in the challenges of accessing information from Multichoice Nigeria. The lack of co-operation by the management of of Multichoice in discussing their operations with the filmmakers, are aspects of CPE focus. However, the critical media industry studies approach is appropriate for this study because of its focus on entertainment producers. This chapter begins with a history and definition of critical political economy (which is one of the earliest critical theory used in media studies) and connects it to critical media industry studies. This chapter provides a background of the critical media industry studies approach and its relationship with critical political economy and provides a justification of its use in the study.

Critical media industry studies approach is an emerging approach in the study of media industries, and this accounts for the paucity of scholarly literature on it. It is underpinned by three analytical frameworks that are dubbed the helicopter view, production of culture and power role by which the different forms of relationship between entertainment content producers and media organizations may be explored. In this study, I use the production of culture model which examines six aspects of production including law and regulation, technology, industry structure, organizational structure and marketing. While these are relevant to the culture of production in western societies, I make a case for the business culture model for studying the operations of an African media and film industry. This model allows for the use of contract documents analysis and qualitative interviews with filmmakers, marketers and representatives of media organizations and regulatory agencies. I agree with Garnham's (2005: 486) observation that critical political economy "can tell us

very little directly about content" but solicits for "a detailed analysis of the production process and a focus on cultural producers as a status or class group." This study addresses these concerns by incorporating elements of the production of culture model within the business culture model in addressing various industry practises, and in evaluating the role of Multichoice and its Africa Magic channels in the development of the Nigerian film industry.

In order to examine the culture of production in Nollywood, it is expedient to understand the culture of the business practises existing in the industry.

3.1 The Critical Political Economy Theory: Definition and History

According to Hoogvelt (1973), the term 'political economy' was first used by the French writer, Monchretien de Watteville, in 1615. Hoogvelt notes that the term explains the science of wealth acquisition common to both state and the family. However, in contemporary studies, political economy is attributed to 18th century Scottish enlightenment philosophy and its 19th century critique by Marx and Engels (Wasco, 2004). Adorno and Horkheimer (1944; 1993) drew on Marx and Engel's critique in their work, "Culture Industry: Enlightenment as Mass Deception" which criticizes mass culture and its monopolistic tendencies. They focus on the ways in which workers are implicated in their own rather than on the welfare of workers.

Due to the fact that the concept of political economy in invoked in various disciplines, it is defined in different ways by conservatives, socialists, Marxists, feminists, and environmentalists (Boyd-Barrett, 1995). Sociologists and political scientists associate political economy with the Frankfurt School and draw on the works of Adorno (1944, 1993), Mosco (1996), Wasko (2004, 2005), and Guback (1969), among many others who became known as the traditional political economists. Critical political economy involves the analysis of how economic classes are affected, how people access communication technologies, how

capitalism affects the media and cultural industries and how corporate ownership affects what the media produces (Lee, 2015). Murdock and Golding differentiate between classical economics and critical political economy. According to them, mainstream economics sees the economy as a separate and specialized domain, while critical political economy concentrates more on the interplay between economic organization and political, social and cultural life (Murdock and Golding, 1991; Maweu, 2012).

Mosco (1996: 25) offers one of the most popular and accepted definitions: "Political economy is the study of the social relations, particularly the power relations, that mutually constitute the production, distribution, and consumption of resources, including communication resources." Political economy therefore involves the quest for survival and control, the organization of societies, the requirements for survival, and strategies for maintaining order in order to maintain societal goals. Mosco identifies three processes that constitute the beginning of political economy investigation, namely: commodification, spatialization and structuration.

3.2 Examining approaches to political economy

McChesney (2008), Wasko (2005) and Cannor (2011) are all of the view that a political economy study may be approached in two ways, namely the Marxist political economist approach (a variant form of political economy of communication or media) and the institutionist economist approach.

3.2.1 Institutionist approach

Political economists who adopt the institutionist approach focus more on patterns of partnership and competition between and within media institutions. Most times, institutionist political economists concentrate on highlighting or projecting the formal industrial duties of the establishment. Sometimes, this approach is called celebratory approach (Wasko and

Meehan, 2007) because the proponents tend to celebrate the industries. For instance, in *How Hollywood Works,* Wasko (2005) analyses the official operations of Hollywood, which will aid in drawing a comparison between the industry and others. In *Brand Bollywood*, Bose (2006) equally concentrates on formal patterns of operation in the Hindu film industry, and observes that political economists often critiqued the methods of creating and preventing competition, the interrelationship between incumbent and insurgent media entities, as well as means of access and equity (see Golding and Murdock, 1997; Compaine and Gomery, 2000; Gomery, 1993, 1997; Mansell, 1999, 2004). Whereas a study of Multichoice operations may be viewed as an institutionist approach, this study is not an institutionist study because it is not celebratory. It is critical and unveils the significance and problems posed by the relationship of the social actors in the study.

3.2.2 Marxist approach

With the Marxist approach, investigated media industries are probed in terms of the concentration of ownership, the hegemony within global media flows, labour relations and exploitation, and the production of ideology (McChesney, 2008; Baker, 2007; Goodwin and Doyle, 2006). The Marxist approach examines a wide range of issues surrounding the economics of the media sector, and how these issues affect the politics of a nation. It focuses on exploitation of labour, welfare, and domination among others. Central to understanding Marxist framework is the formulation by Murdock and Golding (1974: 205-6) that "the mass media are first and foremost industrial and commercial organizations which produce and distribute commodities." Therefore, Marxists study the media as commodities produced by capitalist industries and equally focus on consolidation, concentration (including integration and diversification), and internationalization of media institutions (see Wasko, 2005: 28). Central to Marxism is the question of power and domination (Thussu, 2000), which is also relevant to this study. Although this study shares some concerns with Marxists, it does not

adopt the Marxist approach because of the broader interest of Marxists on, for instance, the examination of the concentration of ownership, and interest in the implication of its investigation at the macro-level of a state.

Claude Ake (1981) in his *A Political Economy of Africa,* provides an approach to political economy study in Africa which focuses on "dialective materialism" and which assumes that "material conditions, particularly the economic systems, are the decisive formative influences on social life, and constitute the essential point of departure for discovering the laws of motion of a society and for explainingit" (1981: vii). Ake observes that the "pervasive influence of the economic system in a society" should determine the study of Africa as it ensures a comprehensive instead of an abstract study of the society. Ake therefore provides concepts for the study of the economic and socio-economic formation to include; necessary and surplus labour, surplus product, labour process, social relations of production, economic systems (mode of production), socio-economic formation and the capitalist mode of production. Ake's prescriptions for CPE studies in Africa thus make the critical media industry studies approach relevant and important in this study.

3.3 Critical Media Industry (CMI) studies approach

The Critical Media Industry Studies approach is credited to Havens, Lotz and Tinic (2009: 235) whose background is in critical cultural studies which "emphasizes the complex interplay of economic and cultural forces, as well as the forms of struggle and compliance that take place throughout society at large and within the media industries in particular" (p.235). They made two significant observations about media studies:

(a) That, the traditional ways of studying the media, categorized into three areas, industry, text and audience, favour only text and audience, against industry. (This does not mean they ignored the contribution of scholars from other disciplines).

(b) That critical research on media industries is often conducted from a political economy perspective which emphasizes macro-level structural issues of regulatory regimes, concentration of media ownership, etc.

Their belief in a newer approach to the study of the media industry which emphasizes more micro industrial practises, led to the critical media industry studies (CMI) approach which proposes "new ways of understanding, conceiving, and studying the media industries from a critical perspective" (2009: 235). Their thesis contrasted with Murdock and Golding's (2005) which holds that the main focus of cultural studies is on literary and art historical studies, because of some valuable early scholarships in cultural studies, particularly from the Birmingham School[22] which generated lots of debates on the socio-cultural role of the media.

Havens *et al.* (2009: 35) argue that the study of the media "should take on a more prominent role in cultural studies research at this historical juncture. Thus, critical political economy approaches which focus on macro level of media industry operations, and mainly concentrate of news except for few examples, have been used by most critical media scholars. Owing to these observations, critical media industry studies approach is used to study a nascent and growing body of work that locates industry research on specific organizations, agents, and practices within what have become vast media conglomerates operating at a global level. It was designed to be in conversation with CPE, to fill the vacuum left by CPE, particularly in respect to its focus. Therefore, it emphasizes "mid-level fieldwork in industry analysis, which accounts for the complex interactions among cultural and economic forces" (2009: 237) drawn from their review of media industry scholarship and personal researches. This provides opportunity for culture to be considered in two ways:

[22] The Birmingham School is a reference to scholars and scholarship from the University of Birmingham, Centre of Contemporary Cultural Studies headed by Stuart Hall until 1979.

(a) From an anthropological point of view, examining the business culture of media industries to understand how text, audience, and the industry circulate and change and how they influence textual and industrial practices, which is what this study does.

(b) From an aesthetic point of view, to understand how a particular media text arises from and reshapes mid-level industrial practices, by adopting power derived from Foucault (1979) and Gramsci (1971).[23]

Havens *et al* (2009) have pointed out that the limitations of the CPE approach to media industry studies are as a result of their consistent focus on the larger level operations of media institutions, to include:

(a) General disregard of entertainment programming;

(b) Laisses faire treatment of the human agents (except for those in positions of authority within the organizational hierarchies) in interpreting, focusing, and redirecting economic forces that provide for complexity and contractions within media industries;

(c) A neglect of "quotidian practises and competing goals, which are not subject to direct and regular oversight by corporate owners, and which define the experiences of those within the industry" (2009: 236);

(d) When popular culture is considered within political-economic analysis, it is treated as a form of commodified culture operating with capitalist interest; without room to examine moments of creativity and struggles over representational practises.

It has also been established that they are interested in the question of power and how it is located and practised within the media industry which is important to this study.

In this regard, Havens *et al* are not interested in displacing the CPE framework but seek a conversation that will allow for CPE and critical media industries studies to complement each other in their attempt to provide answers to certain industrial activities.

[23] Havens *et al* understand power as productive in the sense that it produces specific ways of conceptualizing audiences, texts and economics instead of envisioning power as economic control over media organizations and labourers. Their concept of power was therefore derived from Gramsian (1971).

This conversation is very important to this study because the critical media industries studies approach provides a neo-liberal reading or interpretation of micro-level industrial activities instead of adopting the macro-level, "differing interpretations and adaptations of Marxist theory" (Havens *et al*, 2009: 237). Moreover, critical media industry does not invoke a political preoccupation, apparently, what the framework signals is a consideration of the operation of power within a media industry study.

Meehan and Wasko (2013) and Wasko and Meehan (2014) have argued that critical political economy addresses most of the concerns of critical media industry scholars, however, critical media industry studies approach is adopted to provide an entirely new perspective to the study of the operation of an African media.

3.4 Traditions of Critical Media Industry Approach

According to Havens *et al.* (2009: 238), scholars like Schiller (1989) and Smythe (1981) use CPE which has "reproduced by generations of academics who maintain an unreconstructed Marxist theoretical framework." Based on perceived shortcomings of Marxist theory, particularly, its "inability or perhaps reluctance, to acknowledge how the contradictions account for instances of creativity, resistance and change" (Havens *et al,* 2009: 238). They reject the idea that textual production and industry practices reflect only the interest of those in high echelons of authority who control the means of production. Thus, their expectation for critical media industry scholarship tradition is a focus on producers of entertainment content, rather than management. This is part of why this framework is considered suitable for this study that focuses on content producers rather than managers, to examine how the intersection of creativity, resistance and change form part of their business relationship and contestations.

Furthermore, although Havens *et al.* consider the shortcoming as a delimitation of critical political economy, Murdock and Golding's (2005: 60) argue that cultural industries

are important objects of study because "telecommunications and computer networks provide the essential infrastructure that allows businesses to coordinate activities." They however agree with Murdock and Golding that "media corporations are significant economic actors" (Murdock and Golding, 2005: 60), whose operations need examination. Havens *et al*. admit that the central assumptions of critical media industry approach should reflect a connection between economic factors and "complex practises that produce a field of images and discourses" (2005: 238). Thus, while political economists dismiss micro-politics in media institutions as insignificant, critical media industry approach affirms with Garnham (2002), on the need to examine the micro-politics in an institution. To this end, critical media industry approach supports the tradition of examining micro-politics of institutional operation and production practise. The study of the role of Multichoice in Nollywood involves the micro-politics between Multichoice and Nollywood, and that between Nollywood independent filmmakers and content suppliers who serve as middle men between Multichoice and the industry practitioners.

Garnham's (2002: 486) critique of political economy reveals that although political economy studies may provide "broad patterns of cultural output, distribution and consumption" it

> …can tell us little directly about content. This requires, in my view, a detailed analysis of the production process and *a focus on cultural producers as a status or class group on the labour process*, and on the relationship between producers and consumers. In so far as culture can be said to be ideological, this is mediated through the ways in which the intentions of producers, and the desires and needs of consumers are themselves molded by the wider capitalist social formation. (emphasis in the original)

This argument applies to this study in the sense that Nollywood filmmakers can be considered as "a class group in the labour process" (2002:487).

3.5 Approaches to Critical Media Industry Study

Havens et al. (2009) identified three major approaches to critical media industry studies, namely: the helicopter view, the production of culture model, and the power role model. However, as a contribution to knowledge, I modify the production of culture model, by introducing the business culture model as suitable for research within an environment involving both a media and a cultural industry.

(a) The Helicopter View

The patterns of investigating information in political economy and critical media industry are described in terms of "jet plane" and "helicopter" views. According to Havens et al (2009: 239), studies on the operation of power within complex media organizations provide "valuable information about how workers function, which is not illuminated by conventional critical political economy research." They state further that "the 'jet plane' vision offers a more expansive view, but many details are obscured. On the other hand, the 'helicopter' view allows us much finer details, albeit with narrower scope" (239). They argue that a closer look at industrial practises unveil the details, complexity and contradictions of power relations which are obscured from a macro-level perspective. Some examples jet plane view of a study include Haven's (2006) study of global television trade through channels in HBO Central Europe, which contrasts with Herman and McChesney (1997) study of US media conglomerates in foreign markets. In the film industry, Proffitt and Rasul's (2012) study of the collaboration between Hollywood and Bollywood made wide assumptions which have no clear-cut evidence rooted in any particular case. These examples validate the need for a helicopter view of a study.

The critical media industry approach therefore serves both as an analytical tool and a methodology; which is tightly linked and so cannot be pulled apart. Methodologically, it is safe to say that the helicopter view is akin to using case study approach which allows "much

finer details with narrow scope" (Havens et al, 2009: 239). This is evident in D'Acci's (1994) *Defining Women: The Case of Cagney and Lacey* a study which Haven's et al describe as "one of the most important and yet unconsidered examples of cultural study approaches in media industry research" (2009: 242). The study centers on the production process of a television series. In addition to its case-study focus, Havens et al observe that D'Acci used "extensive interviews and observation throughout the production process of the television series, unravelled producers' attempt at revolutionizing the portrayal of women" (2009: 245). While film production is not central to this study, D'Acci's work and this study share a lot in common as both studies unveil business practises that would expose the preoccupation of producers of cultural products.

(b) The Production of Culture Model

This model, which is used more predominantly in sociology was developed by Peterson and Anand (2004) who emphasize "how the symbolic elements of culture are shaped by the systems within which they are created, distributed, evaluated, taught, and preserved." According to Havens et al the model focuses on organizational relations and "the ways in which practises and processes yield specific outcomes, with little explicit articulation of power at either a macro- or micro-level" (2009: 240). They observe that methodologically, the production of culture operates at the 'helicopter' level. Peterson and Anand (2004) explore the six facets of this model that are necessary in critical media industry studies – the technology, law and regulation, industry structure, organization structure, occupational careers, and market which have been used in various studies (see DeNora, 1995; Goodall, 2000; Peter Manuel, 1993).

Before the introduction of the production of culture model, most studies on the culture industry, according to Peter and Anand, focus on expressive aspects of culture than on value.

They examine the processes of symbol production, apply organizational tools for their analysis, and embark on comparisons of different sites (2004: 312). The application of production of culture by Peterson and Coser (1976; 1978) brought a change to culture industry research. Therefore, some scholars choose to apply the six facets of the production of culture model (such as Manuel, 1993), or one or more of the facets as the case may be (see DeNora, 1995; Goodall, 2000; Thompson, 2002). This study argues that within African nations, research on cultural industries involves many facets and that this requires a modified model which does not necessarily have to involve all the six facets, but which provides flexible strategies for accommodating critical aspects of cultural industry relationship. Similarly, a study of media industry relations should cut across various aspects of media industry practice in order to understand the critical involvement of the social actors in the industry. Perhaps, the American and European background of Peterson and Anand inform their choices and understanding. This study thus proposes an additional facet – the Business Culture model – for studying cultural industries such as the African cultural and media industry.

(c) The Power Role Framework

The power role framework is traced to Joseph Turrow (1997)'s "power role concept" which provides an alternative view of power different from both political economy and production of culture studies approaches. According to Havens et al, Turrow propounds a concept of power which involves "the use of resources by one organization to gain compliance by another organization" (see Havens,2009: 244). Such positions move "beyond the regulators and financers that figure prominently in political economic approaches to integrate the actions of the vast staffs involved in every aspect of the production and circulation of media as well as the audience and the public" (240). This definition of power is akin to Susan

Strange (1998)'s "concept of power" which conceives of power as backward from its effect, and not in terms of its intended outcomes (see Guzzini, 1993; Guzzini, 2000; Cohen, 2013). Such power roles tend to empower those who were positioned to be powerless and is well suited to the interrogation of the position Nollywood filmmakers in relation to the business practises of Multichoice. This model is useful in exploring the role of human agents in the industry. This type of power results in agency among the industry practitioners and is significant to the study. For instance, in investigating the business practises of Multichoice and Nollywood, the power role framework is important in order to understand how the filmmakers and marketers respond to the practices and roles of Multichoice. This investigation will scrutinise two types of power, namely, the ideology of one actor using available resources and wealth to gain the compliance of the other actor, and the power of using group power to protect social actors' interests.

Incidentally, although the power role framework provides "much stronger theoretical basis for addressing the complicated and varied division of duties central to critical media industries studies," (Havens et al, 2009: 240) it has been criticized for lacking the theoretical tools to explain and explore the role human agents play in the industry. However, the criticism may not be applicable if the power role is applied to the business culture model which is applied in this study.

(d) The Business Culture Model

A critical media industry studies approach should not be strictly interested in only the cultural industry and content producers. It should make provisions for both the cultural and media industries involved in industrial relations, since the world is in a technological erawhich is pioneered by media agencies. It should equally be able to make provisions for various activities that involve the social actors in the industry. Therefore, an approach suitable for

contemporary research should take cognizance of these facts because cultural and creative industries do not thrive in isolation. The business culture model focuses on understanding the relationship of the actors operating in a cultural industryfrom three different perspectives – individual, group or industry and state.

From the individual perspective, the model will investigate how individual producers or creative artists relate in the industry in terms of laws and regulations, social benefits and welfare. From the group or industry perspective, the focus of the model will concentrate onhow the producers or artistsinteract in terms of production, distribution or marketing, welfare, social and group relationship. At the state level, the model will concentrate on the role of the organization and government agencies in the production or business as the case may be. This model is very important because it gives room for the researcher to examine aspects of micro-politics which is lacking in the culture of production model. Significantly, it provides opportunity for researchers to investigate cases of exploitation, dominationand power. Thus, with the business culture model, a focus on Turrow's Power role model is equally subsumed.

This idea further engenders the political aspect of CPE as an analytical tool as the third level of business culture model will provide a political preoccupation from a micro-level perspective.This is a significant contribution because, introducing the critical media industries approach based on the critique of the critical political economy will be defeated and useless, if critical issues common in cultural and media industry relations like (micro-politics, exploitation and domination) are not involved within the analytical tool. This study applies the model in investigating the role of Multichoice in the development of the Nigerian film industry.

The study will therefore investigate the relationship of the media corporation with producers in the Nigerian film industry in terms of exchange of content, social relations, and

various aspects of the transaction of commodity-money exchange (see Marx, 1866). It will also attempt to understand other welfare services the media corporation has provided for the film industryvis-à-vis its corporate social responsibility; and how the industry practitioners react to these initiatives. In line with the "helicopter view," it uses semi-structured in-depth interview, policy documents, observation of the filmmakers and marketers in the investigation, to illustrate ways entertainment content producers attempt to manoeuvre/ or manipulate their relationship with a transnational media or vice versa. An in-depth analysis of the contracts given by Multichoice to Nollywood practitioners will be compared to those given to South African filmmakers in order to determine the form of exploitation on the terms, or on the mode of administering the contract and other business relations. This will provide significant insight into the level of power and control wielded by Multichoice over the Nigerian film industry.

3.5.1 The Significance of Critical Media Industry Approach to this Study

The cultural industry backgrounds of Havens, Lotz and Tinic (2009) influenced their devotion or dedication to studies in media industry more as cultural industries than as creative industries. Consequently, their focus and investigation on producers are tilted to productions and the production experiences of producers. However, this study sees the producers as creative artists whose productions are negotiated for by media industries which also demands investigation on that basis; especially given that most cultural industries interact and relate with media organizations in quotidianpractises. That informs the focus on the business culture model more than on the culture of production.The business culturemodelinvestigates many aspects of the culture of production, as well as aspects generally outside the purview of critical media industry approach. This is an important contribution not only to the theory, but also to media industry studies.

Viewed from a creative industry perspective, the need to investigate the rules and regulations of business negotiations and deals informs the analysis and comparison of Multichoice contracts, the inquiry into the business relations of Multichoice and Nollywood, which involves understanding their corporate social initiatives, and the industry practitioners' relationship with the media organization. Most importantly, the "helicopter view" provides in-depth insights into the operations of the Multichoice and Nollywood, which is quite different from previous studies in Nollywood. For instance, most studies on Nollywood concentrate on the business deals of the filmmakers (see McCall, 2014; Paulson, 2012; Jedlowski, 2010). All the studies are ethnographic studies on the practices of Nollywood practitioners among themselves (as discussed in the literature review chapter). None of those studies involve Multichoice which relies on Nollywood for entertainment content. Adejunmobi (2011) already referenced in the literature, connects to Multichoice, but that study is based on the analysis of media corporations operating in Africa, which gives the impression of the jet-view approach condemned by Havens et al (2009). This makes this study novel and strategic. As a new and refreshing approach to media studies, it promises to contribute to critical media industry studies.

3.6 Major concepts and themes

3.6.1 Globalization, cultural globalization and imperialism

The word 'globalization' appeared for the first time in Webster's dictionary in 1961, although it did not appear in any academic text until around 1975 (Stohl, 2004). Since then, it has become very important particularly in discourses relating to international communications and relations. Globalization is generally perceived as

> the widening, deepening, and speeding up of worldwide interconnectedness in all aspects of contemporary social life … [and the] stretching of social, political and economic activities across frontiers such that events, decisions and activities in one region of the world can come to have significance for individuals and communities in distant regions of the globe" (Held et al., 1999:5, 15).

A narrower definition provided by Mehlika (2013: 2) describes globalization as the "integration of national economy with the world economy through trade, foreign direct investment, capital flows, migration and the spread of technology" (see also Harvey, 1989; Robertson, 1992; Rosenau, 2003). From a neo-liberalist perspective, globalization is viewed as an economic, political and cultural phenomenon:

> When globalization is viewed as an economic phenomenon, the means of production, exchange, distribution, and consumption are highlighted, neo-liberalist ideology is seen to permeate society, the world market dominates, and transnational links often transcend and supplant nation-states. When globalization is viewed as a political phenomenon, the exercise of power, coercion, surveillance, and control over people and territories is paramount. When it is conceived as a cultural phenomenon, symbolic exchanges through rituals, every day practices, mass media, face-to-face communication, and cultural performances are central (Stohl, 2004: 231).

This definition embraces the views of political scientists on social laws and sovereignty (such as Ohmea, 1995 and Holm, 2003) as well as those of economic theorists like Wallerstein who invoke globalization in the context of World systems, core, semi-periphery and periphery (see Wallerstein, 1). A focus on the cultural aspect of globalization highlights why scholars like Appadurai (1997) see cultural globalization as involving a complexity of global disjunctures which affects the economy, environment and politics, and can be understood through cultural flows. In this study, globalization is approached, in general, as multidimensional but with a focus on role in the sharing, assimilation or absorption of cultures across countries and regions (Xue, 2008). Given the transnational nature of this study, it is more interested in cultural globalization.

The belief that globalization can harm or lead to the loss of local cultures is reflected

in the notions of ‘cultural imperialism’ and ‘media imperialism’ which suggest that the media has a role in the erosion of certain cultures by influential culture (Tomlinson, 2012). According to Tomlinson (2012: 3), media imperialism refers to the “exercise of domination in cultural relationships in which the values, practices and meanings of a powerful foreign culture are imposed upon one or more native cultures.” In this regard, globalization is perceived firstly, as a means by which Western cultures dominate other cultures. Secondly, it enables the extension of economic reach through global capital leading to the commodification and homogenization of cultural practices and experiences in different places.

However, Tomlinson (2012) has argued that the notion of cultural imperialism is underpinned by a simplistic understanding of cultural transmission processes and a lack of empirical evidence. These, he argues, create problems in the understanding of globalization. While he recognizes that culture is located in a geographical place, Tomlinson uses the term “deterritorialization” to capture the transformation of local culture. According to him, it involves “material processes such as the increasing flow of people between locality, the transformation of the built environment via the introduction of “international” architectural styles or the various ways in which foreign food cultures are introduced into localities” (2012: 3). He observes that those conditions ‘dislodge’ the experiences and construction of meaning, allow global interpenetration to weaken the link between geographical locations and the resources through which meaning is constructed. In Xue’s opinion, globalization results in the severance of social, political or cultural practices from their native places and populations, a phenomenon that is linked mainly to the impact of the media. By contrast, Appadurai (1996: 37) argues that:

> Deterritorialization, in general (is) one of the central forces of the modern world because it brings laboring population into the lower class sectors and spaces of relatively wealthy societies, while sometimes creating exaggerated

> and intensified senses of criticism or attachment to politics in the home state.

Appadurai observes that deterritorialization is linked to influence of the electronic media on traditional media. He provides a five-factor elementary framework for exploring the relationship of global flows namely, the ethnoscape, the mediascape, the technoscape, the financescape and the ideoscape. Ethnoscape refers to "the landscape of persons who constitute the shifting world in which we live" while technoscape refers to the "global configuration… of technology" (1996: 33, 34). Mediascape refers to the distribution of electronic capabilities to produce and disseminate information. Appadurai posits that depending on the mode (docu or entertainment), hardware (electronic and prelectronic), audience (local, national and transnational) and interest of the owners of a corporation, the images may involve complicated inflections. Financescape involves global capital while ideoscape focuses on the circulation of ideas, issues or images. Arguably, it may be proven that these factors are important in understanding the role of Multichoice in the Nigerian film industry as well as the flow of entertainment and cultural products within and across the South-South.

This study is interested in how Multichoice has affected the flow of Nigerian cultural products within and outside the continent. The theme is very important in this study since Multichoice, which is not a Nigerian company uses its media and technology strengths to contribute to the globalization of Nigerian culture by deterritorializing Nigerian culture to localities within and around the Global South. Appadurai's framework is applicable to the interrogation of the business practices between Multichoice and Nollywood. For instance, the people involved in these interactions represent the ideoscape; the different means of exchanging and distributing content form the mediascape and the technoscapes include the

technologies involved. Finally, the royalties paid by Multichoice to Nollywood filmmakers and marketers are part of the financescape.

The effect of the technological media in shaping globalization cannot therefore be overemphasized, because globalization is shaped by technological changes. The boom in information and communication technologies (ICT) forms part of the infrastructure of globalization (Pieterse, 2004). Tele-mediation is seen as another form of deterritorialization and connected to cultural globalization for lifting cultural experiences out of its anchoring localities (Tomlinson, 2007). By using Africa Magic channels to broadcast Nollywood films to the world, Multichoice's role in Nollywood revolves around this theme, and the implication is equally felt and criticized in the different countries where the films are patronised.

The view of globalization as cultural imperialism has led to nativist and xenophobic backlashes. For example, Aveh (2010; 2014: 110) laments the dominant presence and regular screening of Nigeria films all over Ghana which he calls the "the Nigerianization of Ghanaian eyes" which he calls a "heavily mediatized phenomenon" involving media organizations like Multichoice and television stations in Ghana. Another social example is the backlash against gay people in countries like Uganda and Nigeria. A Multichoice programme was banned in Nigerian airwaves because it was alleged to promote homosexuality which is a crime that in the country. These are examples of the influence of technology on socio-cultural issues.

Although Multichoice is an African country, its South African origin estranges it from the local Nigerian filmmakers. For Nollywood practitioners, Multichoice's satellite technologies symbolize an agent with the necessary instrument for global cultural domination, which is lacking among many African nations. In this study, Multichoice's Africa Magic channels are viewed as tele-mediators to 'deterritorialize' Nigerian culture and lifestyles, which enable other African nations and Global South nations to experience the

culture. Tehranian (1982) observes that three factors affect global communication and interaction, namely, technological, socio-economic and political factors, which consequently affect the role of media technology in cultural globalization. These factors are all present in this discourse.

Because globalization gives business advantages to the most efficient service providers with more capable technologies (Doyle, 2007), this study attempts to investigate Multichoice's role instead of making assumptions that Multichoice's exchange is arguably designed primarily for Multichoice's benefit, or for the benefit of the industry. This study seeks to understand how the deterritorialization of Nigerian cultures to other nations within and outside the African continent through Multichoice channels affects the industry, and to ascertain if it serves the company's interests more than the economic and cultural power of the Nigerian content producers.

3.6.2 Domination and power

Domination is one of the major themes in this study of the relationship between Multichoice and Nollywood practitioners. Persons or people are subject to domination when they are involved in a social relationship in which some other person wields arbitrary power over them (Lovett, 2010:119). This suggests that domination involves a systematic interference with the lives, activities or businesses of another person or group, with or without coercion (Einspahr, 2010). Domination is therefore, more than influence and involves a certain level of control. That control is often termed power and may be seen as "resources or capabilities…used as an indicator for the strength of actors, and consequently of the capacity to affect or control events" (Guzzini, 2010: 63). Some political scientists believe that power is structural (Strange, 1998; Guzzini, 2000), while some argue against it (Guzzini, 1993; Cohen,

2013) Proponents of structural power argue that most times, structural power may be non-intentional (Strange, 1998).

Power is perceived as having a variety of purposes which includes being used in practical contexts in which the users could determine what to do to others, and what others could do to them (see Guzzini, 2000; Gill and Law, 1988; Guzzini, 1998). At other times, structural power may be a systemic bias. The latter is impersonal, and involves a "social structuring of agendas that systematically favours certain parties" (Caparaso, 1978:33). The Gramscian School links structural power to material and normative benefits which suggest that incentives and constraints are systematically created (see Gill and Law, 1988:73). As a result, structural power as systemic bias is criticized for conflating power with benefits, and for deducing power from rewards, also referred to as the benefit of power (Guzzini, 2000: 63).

In this study, domination will be analyzed as interference in the business of another from these two perspectives: (a) From a systemic bias point of view and (b) from Strange's perception of power. A systemic bias point of view suggests that domination is created to benefit one group more than another. This will be used in analyzing how Multichoice's benefits from its involvement in Nigeria. In this regard, Hay and Vickers (1987)'s organizational route to dominance will be used. Hay and Vickers (1987) highlight five routes through which an organization may achieve dominance namely, government sanctioned monopoly or duopoly; firm controlled growth through mergers; firm growth through skills, foresight and industry; collusion and predatory behavior. Government sanctioned monopoly or duopoly involves the government authorizing the dominance of the organization or establishment, perhaps due to the organization's services to the government.

Although Multichoice is licensed to operate in Nigeria by the NBC, the role of the state regulatory agency in charge of the broadcasting industry will be examined to ascertain

their role in the face of Multichoice's operations. In other words, the study will attempt to verify if the regulatory agencies controlled or contributed to Multichoice's domination, or those of the film industry. In line with Hay and Vickers's routes, the study will investigate the nature of domination by Multichoice in its business practices in Nigeria. Firm controlled growth through mergers involves the merging of two or more organization into one to pursue or achieve their business objective. The third is firm growth through skills, foresight and industry. Acquisition of skill, foresight and industry are abstract terms that are difficult to measure (Silver, 2007). Investigations reveal that dominance may be attained through 'skill, foresight and industry' and to determine the role played by skills, foresight and industry in the dominance of an organization or establishment. These routes will be examined in the course of analysis to determine which ones were applied in the study.

Bain (1956), Stigler (1968) and Porter (1980) note that there are two approaches to market dominance namely, offensive strategy and defensive strategy. Defensive strategy involves constructing a barrier-to-entry that restricts opportunities for potential competitors new to the industry. The offensive strategy involves having superior performance. A superior business performance is driven by a market orientation (Silver, 2007), and the organization must possess an edge over other organizations in order to out-shine the small rival company. This study will investigate such indicators which unveil the routes applicable in the analysis of Multichoice interaction in Nollywood. The fourth and fifth routes of dominance by Hay and Vicker (1987) are collusion, and predatory activity. Collusion is an illegal and dishonest co-operation and conspiracy to achieve dominance (Silver, 2007; Migrom and Roberts, 1982). Predatory activity or pricing involves wrongly using or harming others for pleasure or profit (Oster and Strong, 2001; Gundlach, 1990; Koller, 1979). This study will use these routes in investigating and judging issues concerning both Defensive and Offensive strategies

involved in Multichoice's rise and growth in Nigeria to understand their business practices in Nigeria.

In analyzing structural power as non-intentional, the study will adopt Strange's (1998) perception of structural power. Strange perceived power as "a dispositional concept",[24] and involves four crucial elements, namely, (a) security (b) knowledge (c) finance, and (d) production. The security is the capacity to wield military power so as to protect oneself and others; production enhances the ability to control goods and services; finance helps in determining the financial power and decisions, while knowledge enforces the capacity to acquire and share knowledge[25]. Although Strange used these in her international relations studies, this will be used to analyze the group power displayed by industry practitioners in Nollywood, because Strange encouraged an assessment of power which is beyond the state, and includes non-state actors. Besides, her concept of power stresses a diffusion of the origin of power, wherein power should be thought backward from its effects, and not in terms of its intended outcomes (See Guzzini, 2000:61). The idea is that instead of seeking power from a 'powerful' corporation like Multichoice, I search for the power of the powerless industry practitioners who initially rely on Multichoice to grow.

3.6.3 Exploitation

A robust discussion of exploitation in economics is offered by Karl Marx, in *Capital* (1886), Exploitation, in Marxist ideology, can be traced from the crude slavery society to feudal exploitation, and to present day's capitalist exploitation. Marx differentiates slavery and feudal exploitation from capitalist exploitation on the bases of their nature. Slavery and feudal exploitation was described as open because the Serf and slaves may be forced to work for their owners; but this is different from the capitalist exploitation (Eaton, 1952). Because

[24] See: "The Nature of Power in the 21st Century" at http://www.power21stcentury.org/post/141166883157/learn-power-wednesdays-susan-strange-structural
[25] See above.

of the compulsion on the forced services, exploitation in those periods involved coercion - which is defined as "forcible extraction of surplus labour" (Marx, 1886: 715). Marx defined exploitation as the "unequal exchange of labour for goods: the exchange is unequal when the amount of labour embodied in the goods which the worker can purchase with his income …is less than the amount of labour he expended to earn that income" (717).

The idea of inequality plays a role in the belief that exploitation is an injustice. Marx's definition of exploitation is linked to the relevance between the words, "exploit", "exploiter", and "*ausbeuten*" in Harrap's *German-English Dictionary*, and his writing in *The German Ideology*, which suggests that exploitation is morally deplorable, and involves unfair taking advantage of someone. This informs why some scholars define it as "the generation of economic injustice through free market transaction" (Elster, 1983; 227). Elster, a Norwegian social and political theorist argues however, that in competitive markets, exploitation differs from other forms of surplus labour extraction because, "there cannot be mutual exploitation, but there can be mutually beneficial exploitation" (1983:279). His socialist definition emphasizes on the issue of class involvement in exploitation. This perpetually fixes the exploiters as rich people who are wealthy in economic terms, while the exploited are the poor. This explains why in capitalist society or organizations, the capitalist owns the means of production including factories, machineries and other material resources, and thus hires the workers who work for wages. The exploited are thus the workers or working class who rely on the wage paid by the capitalist to survive.

Under this arrangement and scenario, in capitalist exploitation, there is no law compelling the worker to work for the capitalist, nor is there any law about how much the capitalist or the worker will get (Eaton, 1952). Thus, investigating exploitation involves probing into hidden laws and operations of the capitalist economy to find out the secret of the capitalist's success and surplus profit. This definition is relevant and will be applied in the

study of Multichoice Nollywood relationship. One of the reasons for analyzing the Multichoice contract to Nollywood, outside providing information on the nature of their business relationship and interaction will be to investigate if there is evidence of hidden exploitations on the part of the media corporation.

Wolff (1999) argues that these Marxist definitions are not relational; meaning that the definition of exploitation indicates that exploitation revolves around the economy. In analyzing an appropriate definition of exploitation therefore, Wolff, a political philosopher, argues that exploitation is akin, both structurally and morally to coercion and, may involve "using another person's vulnerability to your own advantage" (p11). This means that to exploit someone is to treat the person as a means to an end (Wolff, 1999). There are contradictions in this analysis: exploitation may involve the use of another's circumstance to obtain their actual compliance to a situation without having sufficient regards for whether that situation violates fairness, flourishing or suffering norms. Wolff's definition may therefore be considered broad particularly given that it failed to point out what is wrong about exploitation. Valdam (2009) identified two important views of analyzing exploitation, namely: the beneficial view, which points to exploitation for being harmful to the exploited and beneficial to the exploiter (Buchanan, 1985). The second is the vulnerability view, which involves exploiting someone who is vulnerable which usually entails some form of deception (Valdam, 2009). However, Valdam's view of exploitation being harmful contradictsthe position of this study, although his definition points to an ethical angle in the definition of exploitation (serious breach of professional ethics or practice) which is important in this study. This study views exploitation from Elster's point of view as an economic injustice to a vulnerable group but which may be beneficial to both the expoited and exploiter.

3.6.4 Contract

The term 'contract' is a complex term to define. It falls under the umbrella of laws known as the entertainment law.The history of contract was rooted on book copyright given to Stationer's Company- the only authorized English publisher licensed by the English Statue of Anne in 1610 (Garon, 2002). William Shakespeare was mentioned among the first playwrights to sign a contract with Stationer's Company for his play productions. America later copied the copyright protection and involved other fields like music and arts many decades later (Garon, 2002:589). The extended history of contract law is traced to United Kingdom because, "the principles of the English law of contract are almost entirely the creation of the English Courts" (Waddam, 2011:1) and circulated to other nations. For instance, "the provisions of Contract Act 1950 (Malaysia) were taken from the Contract Act 1872 (India), which was in line with common law in the UK" (Jalil and Pointon, 2004: 117). Similarly, the Australian law of contract was adopted from America (see Butler, 2015), which hitherto was adopted from the English law of contract; and the Nigerian contract law was adopted from the British common law (Alli, 2012). Arguably, being a former British colony, Nigeria was compelled to adopt the British common law in order to protect the interest of the colonial masters and facilitate the exploitation of Nigerians through such laws. The laws presently govern the operations of local and international organizations operating in Nigeria and have political and economic implications for Nigerians.

Incidentally, in contemporary societies, contract is part of the law governing professionals and businesses transacted within the entertainment industry (Legal Dictionary)[26]. Some legal experts define contract law as "an enforceable agreement, an enforceable promise, or a mutual assent" (Browsword, 2006; Waddam, 2011; Beatson et al, 2010). The Entertainment dictionary stipulates that there are two types of contracts, namely:

[26] See http://legal-dictionary.thefreedictionary.com/Entertainment+Law.

(a) Personal Service Agreement and (b) Contract of Rights. Personal Service Agreements is a legal instrument negotiated by an entertainment industry practitioner, for instance, an artist and a company which produces, promotes or distributes the services of the artist. Thus, the agreement between actors and film production companies, or producers and marketers fall under this category of contract. On the other hand, Contract of Rights is another type of contract used in the entertainment industry which involves the transfer of copyright ownership or license to use certain creative property to a second party (Entertainment dictionary). The contract analyzed in this study falls under contract of rights. Contract law consists of a large body of rules and guidelines which addresses the formation of contract as well as its enforcement (Kidd and Daughtrey, 1999). Thus, they argue that the "formation of a legally recognized contract requires an offer, acceptance and consideration" (Kidd and Daughtrey, 1999:238), where 'consideration' suggests that the contract involves bargaining wherein each party receives something in return for the agreement. Othersdefine contract law as concerning "the determination of which promises may be legally enforceable, the extent of the obligations created by those promises and the consequences if those promises are unfulfilled" (Butler, 2015: 856). This implies that a contract law provides the premise on which a promise shall be legally binding on the person who made the promise; and equally provides a remedy if there is a breach. Consequently, contracts are very important in the entertainment industry, particularly in the film industrysuch as Hollywood and Bollywood. Unfortunately, Nollywood's informality undermines the importance of contract since practitioners in the industry mainly rely on oral agreement (McCall, 2012). This creates gap for violations and manipulations of contract terms and equally makes creative artistes in the industry vulnerable to exploitation.

The contract has become increasingly important in people's day-to-day interaction in their businesses and private lives. Corporate establishments use certain forms of contract to

establish legal relationship with other establishments or private individuals leading to the emergence of various types of contracts, including employment contracts, distribution contracts, supply contracts and so on. Some of the functions of contract law include:

> Securing that the expectation created by a promise of future performance are fulfilled; or that compensation will be paid for its breach; to facilitate forward planning…to enable the economic risks involved in the transaction to be allocated in advance between parties…and provide for what is to happen if things go wrong, etc. (Beatson et al, 2010:1-2)

In the cultural or an entertainment industry where creativity is required from the artists or the creators of creative works as the case may be, contract and copyright laws are necessary. Relevant laws used within the entertainment industry are drawn from contract law and the copyright law (Butler, 2015). The content of each nation's copyright laws have some discrepancies based on each nation's approach to legal issues; and also due to loopholes in the adjudication of legal issues in various countries (see Jalil and Pointon, 2004; Nwogu, 2015; Faga and Ole, 2010; Desai, 2005). In India for instance, in order to obtain a copyright on a film, the work must be original, and the originality is defined as "originating from the producer and not a copy of some other copyrighted work" (Desai, 2005: 264). But in Nigeria, copyright may be licensed, transferred or assigned (Faga and Ole, 2010; Nwogu, 2015). Assigning the copyright creates loophole which leaves a lacuna that may result in the exploitation of people involved in contractual deals with bigger corporations or establishments.

Generally, most contracts of right have unique aspects. Contract of rights contain clauses which protect the entertainment industries from risks and losses, which may be unnecessarily complex or one-sided (Entertainment dictionary). Such contracts include stipulations on payments schedule, details and conditions of transacting business with intermediaries of agents, lawyers etc. These are some of the issues which will be investigated when analyzing the terms of Multichoice contract to Nollywood. Contract laws are

determined by the nature of the legal right. The right owner may have exclusive or non-exclusive rights. While an author has the exclusive right to a creative work, an assignee has a non-exclusive right, strictly prescribed by the original owner of the creative work (Desai, 2005). These legal rights determine what a creative work should be used for and how, particularly if such a work is to be broadcast, exhibited or presented to the public.

A close helicopter study of the culture of business between the social actors in this study involves examining the ethical and legal factors that shape Multichoice's business practices in Nollywood; and warrants that the terms of Multichoice-Nollywood contract be analyzed. As a media corporation which operates in an entertainment, cultural and creative industry such as Nollywood, an investigation or anatomy of Multichoice's contract will ascertainthe media corporation's moral or ethical handling of its legal dealings with the content suppliers and producers in the industry. The content of the contract would also help in drawing conclusion on whether the practitioners are exploited by the media corporation or not. Infringement of copyright is one of the commonest areas often abused during the exchange of cultural products, yet it remains one of the least investigated (Jalil and Pointon, 2004). An in-depth interview with the practitioners on their business interaction with Multichoice will confirm or repudiate Jalil and Pointon's claim. Therefore, this study's focus on this aspect of corporate business relation will consequently examine Multichoice's contract terms and the handling or enforcement of contract agreements between Multichoice and Nollywood filmmakers who produce and supply them with cultural and entertainment contents.

In a study of copyright issues involving the export of Japanese comics to the United States in the 1960s, Mehra (2002-2003) notes that debates on copyright monopolies focus on providing incentives for creativity and the desire to mitigate the negative economic and noneconomic effects of copyright monopolies. Most of such copyright debates rarely focus

on the ‘fair use’ of a creative work. It is significant to point out that copyright laws in the US and Japan are different and yet similar. However, as is obtainable in Nigeria, the Japanese are averse to litigations involving intellectual property rights because of cultural orientation, lack of entertainment lawyers and poor litigation rewards which makes the exercise a waste of time and money. Due to the Japanese reluctance to litigate, Mehra notes that “to the American observer this (lack of litigation) may signify that Japan tolerates a fairly high level of mass copyright infringement” (p.156) and encourage the infringement on the rights of Japanese who produce the comics. Arguably, this explains why millions of cartoons and comics in America in the early 60s were Japanese exports of infringed intellectual properties. Nigeria shares a lot in common with Japan in these regards, thus the need to bring these issues to the fore.

The idea that “creativity cannot flourish without protection, and that more protection yields more creativity” (2002-2003: 191) is an important mantra which encourages reward for hard work. Although this has been criticized for stifling innovations (see Katyal, 2002), causing loss of consumer surplus (Lewin, 2006) and drastically affecting public economy (Lessig, 2001; Vaidhynathan, 2001). Given the increasing role of technology in contemporary society, it is important that notions and laws of copyright infringement are clarified.

3.6.5 Agency

The concept of agency, which has been differently defined, runs throughout this study. This study adopts the concept of agency as defined by Bourdieu, a sociologist. Bourdieu (1990: 107) conceives agency as a construction formulated by individuals regarded as “agents” who are “socially constituted as active and acting in the field under consideration” and who shape their aspirations according to the chance of access to a particular good and ‘motivations’ and ‘needs’. Agency is therefore related to power. In Bourdieu’s view, power is culturally and

symbolically created through interplay of agency and structure, termed, "habitus." Habitus are socialized norms or tendencies which guide behaviornd thinking; and consequently influence identity, actions and choices of the individual (see Singer, n.d). Bourdieu classifies habitus into two; the habitus of class and individual habitus. While habitus of class is a communual shared orientation, individual habitus are orientations shared by an individual which is personal to him.

In Bourdieu's opinion, these dispositions are various forms of agency which are shaped, affected and influenced by structure; which shapes current practices and conditions the perception of the group (see Singer, n.d). To survive or succeed, the agents or actors require some form of capitals which may be in three forms: objectified state, instutionalized state, or monetary capital.[27]However, Bourdieu's definition is opposed to Gidden (1979) who develops the theory of structure that restores human agency to social actors, and builds the possibility of change into the concept of structure (see Sewell, 1992). Gidden connects the notion of human action with structural explanation in social analysis, thus, "any agent who does not participate in the dialectic of control, in a minimal fashion" is not considered as an agent.

This study therefore adopts Bourdieu's definition of agency because the actors in this study have the "capacity to process social experience and devise ways of coping with life" (Long, 1992:22); they equally possess the three basic properties which Van Lier quotes Duranti (2004:453) as noting to be important in the definition of agency, namely: (a) control over one's behaiviour (b) producing action that affect other entities as well as self; (c) producing actions that are object of evaluation.Van Lier (2008) observes that "western theories about agency assume that agency is a property of the individual character trait or

[27] Objectified states includes pictures, books and films Institutionalized state refers to forms of objectification set apart for their guarantee of educational qualifications. In this study, the use of intellectual property lawyers may be considered as cultural capital. Monetary capital is self explanatory and involves having access to fiscal cash or investments which are convertible into money.

activity" (n.p.) whereas agency is a contextually enacted way of being in the world. These definitions of agency confirm Mbembe's point *On the Post Colony* concerning the complexity of the term, 'agency', and enables a double-factor explanation of social issues and in so doing exposes the complexities involved in representing them.

While some sociology scholars view agency from a humanist perception; others argue that agency in the society is better defined in terms of poststructural perspective. According to Davies (1991), there are notable differences between the two. When analyzed from a humanist perspective, agency is used interchangeably with concepts of freedom, autonomy, rationality and moral authority. But when analyzed from poststructuralist perspective, the concept of individual and collectives is "constituted through the discourses of a number of collectives as is the collective itself" (Davies, 1991:43), showing that agency is socially constructed and complex. The complexities provide evidences of fragmentation, contradictions and often discontinuity. As used in this study, agency is used to define Nollywood practitioners' ability to devise ways of adjusting and manipulating circumstances in coping with their situation in relation to their interface with Multichoice. The idea is therefore important in defining the position of filmmakers or content producers in Nollywood. While the filmmakers are seen as constituting agency to protect their industry, yet some of them form agency by acting as intermediaries who negotiate (unfair) contracts on behalf of Multichoice. In these ways, the filmmakers exercise control over their own actions which affect them as well as other entities under consideration in this study.

3.7 Chapter summary

This chapter has provided a background of major theories and concepts used in this study. Although this investigation is a critical study, instead of using the political economy approach which is common among media studies and used particularly in other older film industries

like Hollywood and Bollywood, the critical media industry studies approach is adopted. While numerous studies in the West and Asia focus on the impact of cultural exchange on audience or the consumers, little or none of such studies consider producers' encounter and experiences in cultural product exchange specifically, their interface with transnational media organizations. To examine the role of Multichoice's Africa Magic in the development of the Nigerian film industry, these issues are foregrounded in this study. Whereas a lot has been written on the contra-flows, cultural and media imperialism within the Global South, there remains a gap in the scholarship on cultural globalization in regard to transnational media operations in Africa. Little is known about the different discursive frames for understanding cultural flows, exchanges and concepts between a media and a local film industry. The next chapter will throw more light on the methodology adopted in this research.

CHAPTER FOUR: RESEARCH METHODOLOGY

4.0 Introduction

There is not doubt that Multichoice has played a significant role in the Nigerian media landscape, but the nature of the role, as well as its specific circumstances and implications remain largely unknown. The primary purpose of this study is to provide field-based information on the role of Multichoice and its Africa Magic channels in the development of Nollywood. The study therefore aims to reveal the nature of the exchanges between Multichoice and the local Nigeria film industry in order to understand the intricacies in their exchange of cultural products. The main methodologies used in this study include document analysis, semi-structured indepth interviews and participant-observation.

The major focus of this study is to analyse Multichoice's contractual terms with Nollywood practitioners which are compared to those of its dealings with South African filmmakers. The objective of this exercise is to understand the nature of these contracts, and how the contracts benefits and/or undermines the Nollywood and its practitioners. Furthermore, the study aims to examine the contributions of Multichoice to Nollywood vis-à-vis its corporate social initiatives and how these initiatives affect the practitioners. Finally, it will investigate the responses of Nollywood practitioners to the relationship with a view to revealing the role of Multichoice in the development of Nollywood.

The main research question of this study is: How has Multi-choice and its Africa Magic Channels shaped or affected the development of Nollywood? In order to answer this question, the study focuses on the practitioners who interact with Multichoice namely, filmmakers (producers), directors and marketers. The participants were chosen because they deal directly with Multichoice in the exchange of entertainment and cultural content – Nollywood films – that are broadcast on Africa Magic channels.

The following research questions are relevant to this study:

(a) What is the nature of Multichoice's contractual terms, and how do these affect and shape the Nigerian film industry?

(b) What initiatives of Multichoice contribute to the development of Nollywood; and how/ and in what ways do Nollywood practitioners experience the contributions of Multichoice and/or its Africa Magic channels?

(c) How has Nollywood filmmakers and marketers responded to Multichoice's business practices and how has their relationship affected the Nigerian film industry and the Nigerian government?

This is a qualitative study that adopts a Critical Media Industry (CMI) studies framework (see Havens et al, 2009) and its two key objectives are:

(a) To use an empirical method to provide researched information on the role of Multichoice in Nollywood's development;

(b) To equally understand how this role has affected or shaped the Nigerian film industry.

The study will use document analysis and in-depth interviews to do a CMI analysis of the interactions between Multichoice and Nollywood, with special attention on the place of the state agencies in the transaction. The interviews are used to fill gaps in and contextualize the document analysis, while the documents to be analyzed (including Multichoice contracts and official reports, policy and regulatory statements, government policies and positions on relevant industry affairs, as well as some international laws and regulations which directly address the under consideration will provide context and rigour to the interviews. Also, observations of events unfolding in the industry in the course of fieldwork will help in understanding the trend of developments.

A total of twenty-five filmmakers and marketers were interviewed although only twenty-two agreed to be recorded. Many of the content producers reneged on the agreement

to be recorded for fear of the implications on their business relationship with Multichoice should their identity be made public. In-depth interviews were conducted with five officials of the relevant regulatory agencies in Nigeria such as the NBC and NFVCB while three (1 current and 2 ex-staff members) of Multichoice were interviewed, making it a total of thirty three participants.[28] The researcher also embarked on ethnographic observation in order to monitor, observe and understand the flow of events and development within the industry.

4.1 Research Design

A research design is an integral parts of any systematic investigation and serve to guide the course of the research process (Sarantakos: 2013; Deacon et al: 1999). It involves a clear statement of the research problem; plans of gathering, processing and interpreting the observations intended to provide some solutions to the problem (Singleton, Straits and Straits, 2013; Punch, 2005; Maxwell, 2013). Agbojivi (2012) and Creswell (1998) note that most policy studies and media studies on democratization adopt qualitative research approach due to the epistemological and ontological approach of the study; this informs why they join other researchers like Presthus (1974) and Freedman (2008) to adopt qualitative research in their researches on policy studies. Similarly, the nature of this research calls for the need to adopt the qualitative research approach. One of the major advantages of qualitative research is that it allows for the use of alternative sources of data (Corbin and Strauss, 2008). Bryman (2008) observes that exponents of the case-study design often favour qualitative methods, such as participants' observation and unstructured interviewing, because these methods are viewed as particularly helpful in the generation of an intensive, detailed examination of a case.

[28]While this may be considered problematic from the ethical point of view, involving ex-staff members of the media was deemed significant in order to fill up the gap created by the management's reluctance to respond to issues concerning their operations, although they had consented to being a part of the study ab initio and had demanded a list of questions prior to the interview.

4.1.1 Why qualitative research?

Most social researches adopt qualitative or quantitative research approach or both, which is called mixed research approach (see, Hesse-Biber, 2010; Bryman, 2008). Mixed research is a combination of both qualitative and quantitative approaches. Flick (2011) highlights the major differences between quantitative and qualitative research as follows:

Issues	Quantitative	Qualitative
Theory	Starting point to be tested	End point to be developed
Case selection	Random sampling	Purposive selection
Data collection	Standardized	Open
Data analysis	Statistical	Interpretative
Generalization	In a statistical sense	in a theoretical sense

(See Flick,2011:13)

The nature of a research determines what approach a researcher takes. The investigative nature of this research demands answers concerning the "what" and "how" questions, as diagnosed by Cresswell (1998) and this makes the study qualify as a qualitative research. Furthermore, it involves questioning the participants to determine their perceptions of and experiences with Multichoice/M-Net and the management of Africa Magic. Corbin and Strauss (1990) posit that qualitative research allows researchers to get at the inner experiences of participants, to determine how meanings are formed through and in culture, and to discover rather than test variables. This implies that theoretical development of the research can only be formulated at the end point of research, as common with qualitative researches. This informs why the method may be used in multidisciplinary fields (see Flick, 2011; Rasmussen, 2006; Rubin & Rubin, 2005; Merriam, 1998).

As a qualitative research, this study is different from quantitative methodology, because, quantitative research utilizes the theoretical underpinnings of positivists (Sarantakos,2013; Chiumbu, 2008). Positivists see the investigation of social and cultural environment as investigating the natural world, thus they lay emphasis on accessing or obtaining 'facts', and so see 'facts' as the only admissible scientific evidence (Deacon et al,

1999). Positivists believe that "statistical analysis often has to take care of the many unwanted variables that sneak into the experiment and may compound our data" (Deacon, 1999: 5). In media studies, they are criticized for working with a "grossly over-simplified model of media effect which casts audience as passive victims" (Deacon et al, 1999:6), and for insisting on experimentation based on laboratory process, when a study could be understood within the context of everyday life. Ormstom et al (2014) quotes Denzin and Lincoln (2011) as stating that qualitative research has no theory or paradigm that is distinctively its own, nor does qualitative research have a distinct set of methods or practices that are entirely its own. Thus, the post-positivists who use qualitative methodology believe knowledge to be "something that can be considered as certain with a degree of probability or credibility" (Rasmussen et al, 2006:146). To this effect, qualitative research as used in this study is best defined by Strauss and Corbin as:

> Any type of research that produces findings not arrived at by statistical procedure or other means of quantification. It can refer to research about people's lives, lived experiences, behaivours, emotions, and feelings as well as about organizational functioning, social movement, cultural phenomenon, and interactions between nations (1990:10-11).

4.1.2. Media research methodology

Bertrand and Hughes (2005) observe that media research methods involve audience research, institutions research and text research. This study is classified as an institutions' research because it involves a community of people in Multichoice, which is a media organization, and Nollywood, a socio-economic group of filmmakers and creative artists. In media institution research, Bertrand and Hughes identify the following three methods: historical studies, contemporary studies and reports as wll as policy studie snd policy-oriented studies. Historical studies are a type of research which concerned with "changes in the very recent past" (2005:114) and intending to unveil long-term changes in the area of study contemporary studies and reports *ab initio* use quantitative methods (which center on survey

methods). In recent times, however, contemporary studies have relied on qualitative methods as ethnography, observation, interviews and government reports. For their part, policy studies and policy-oriented studies involve inquiry into documented reports and policies raised through government commissions and bodies.

In line with Bertrand and Hughes' (2005) recommendations, this study adopts the contemporary studies and reports methods of investigation although it is eclectic of policy and policy-oriented method because it examines some government policy documents and some official documents belonging to Multichoice in a bid to triangulate information and sources. A critical examination of some of the documents provides social meanings which serve as evidence and help in authentically interpreting the data during analysis. Details of gathering data on the course of the research will be discussed later.

4.1.3 Classification of study

This study is partly descriptive, explanatory and yet empirical. Its focus is on Multichoice and the Nigerian film industry and thus qualifies it to be classified as a case study. The case study entails the detailed and intensive analysis of a single case (Bryman, 2008; Payne and Payne, 2004; and Punch, 2005). The term 'case' associates the case study with a location, such as a community or organization" (Bryman, 2008: 52).In this case the location is Nigeria, where Nollywood films are produced. The participants are filmmakers and marketers selected from Southern Nigeria, particularly Lagos, Onitsha, Asaba, Enugu and Awka, (the production zone of Nollywood films). A case study "(a) investigates a contemporary phenomenon within its real-life context when (b) the boundaries between phenomenon and context are not clearly evident and in which (c) multiple sources of evidence are used" (Yin, 1984: 23). A case study researcher usually aims to elucidate the unique features of the case. This is known as the idiographic approach (Bryman, 2008).

Compared to quantitative methods, a case study is very flexible. Incidentally, case study methodology has been criticized for three main reasons, namely: for lack of general scientific rigor, for non-amenability to generalization, and its time consuming tendency and production of massive quantities of data (Wimmer and Dominick, 2011). This method was however chosen for this research because it was found essential and appropriate for this study, given that, as Yin (2003b) observed, it will help "(a) to define research topic broadly and not narrowly (b) to cover contextual or complex multivariate conditions and not just isolated variables; and (c) to rely on multiple and not singular sources of evidence" (p.xi). Moreover, the Critical Media Industry studies approach adopted as the analytical tool of this study, and its theoretical framework supports a 'helicopter view' which entails closer examination, rather than 'a jet view' examination. In addition, provides a wider view into organizations and institutions which are being understudied. Therefore, a case study enhances the helicopter view.

Furthermore, this research case deserves to be studied in its own right as a contemporary social phenomenon. Owing to the multiple types of case study in existence, as highlighted by Yin (2003a, 2003b) and Bryman (2008), this study adopts the representative or typical case study method, what Bryman calls the "exemplifying case" (2008: 57). Yin notes that "the objective is to capture the circumstances and conditions of an everyday or commonplace situation" (2003a: 41). The exemplification implies that the case may not be chosen based on its extreme or unusual nature, but rather because case studies "epitomize a broader category of cases or they will provide a suitable context for certain research questions to be answered" (56). Moreover, as Wimmer and Dominick (2011) note, a case study can suggest why something occurred in a research, which is part of what this research hopes to ascertain. It is the desire of this researcher to ensure that this study possesses some relevance for non-academic audience (Sarantakos, 2013: 14). That way, it will contribute to an

understanding of the ever-changing flow of cultural products particularly within Africa, and/ or the Southern hemisphere; and further provide both government and practitioners with information to understand and appreciate the politics involved in international broadcasting and communication, particularly in terms of certain decisions they make or accept within the media and entertainment industry.

4.2 Method of data collection

This study employed qualitative data collection methods. The data was collected between October, 2014 and December, 2015. The first leg of interviews was conducted in South Africa, Onitsha, Awka and Enugu, while the second leg took place in Lagos, Asaba and Abuja. The researcher met with some of the filmmakers and marketers on filmmaking locations, inside the Upper Iweka market, in studios, and in some hotels. This enabled her to have an understanding of some of the dynamics of the production process and provided in-depth insight into the practitioners' views on the kinds of rewards they receive. The approach therefore enabled the researcher to get "at the inner experience of participants" (Sarankos, 2013: 12).

The nature of data collection compelled the researcher to keep observation notes, field notes on participants and industry enthusiasts, notes from informal inquiries before and after interviews with independent filmmakers, marketers/ executive producers, policymakers as well as briefs from some sector employees she met during the interviews. The research data was collected through multiple methods and will be classified into two, namely, primary data and secondary data. Primary data "elicit information directly related to the research topic" (Sarantakos, 2013: 254) whereas secondary data may not be directly related to the research but may help in clarifying issues and further provide an understanding and or, an explanation of issues and outcomes. Some media policy and media management researchers like

Agbojivi, (2012) and Betiang (2006) have used document analysis and interviews in their study as primary data or instruments. This study adopts these methods to generate information needed to provide answers to the questions of this study.

The primary respondents of this study are filmmakers and marketers. Because the researcher is not a part of Nollywood, assistance was sought from other stakeholders. After listing the criteria for selecting the respondents in the study, the researcher contacted some schoolmates, colleagues and acquaintances who are active in Nollywood to acquire information on suitable actors in the industry and meet the selecting criteria for respondents. Thereafter contacts were requested for referred filmmakers and marketers and equally solicited for support in reaching out to these respondents ahead of time. In fact, this preliminary process required 'diarizing' or documentation of not just the contacts of the proposed participants; but also the office addresses and venues or locations to meet with them, and possibly the time to contact them based on agreement with the mediators who suggested or know them. Based on the feedback, the researcher contacted them and booked appointments for the interviews.

There was no problem with locating the official headquarters and the official heads of units in the government parastatals, as the researcher had done a couple of studies with many of the departments in the past. However, tracking the directors-general of most of the regulatory bodies was a herculean task, because most of them travel outside the country on a regular basis.[29] The directors-general do not have active deputies, which made it necessary that they be reached for the study.

[29]For instance, the DG of NBC had travelled to France with some senior members of the Commission for a film festival the first time the researcher drove nine hours to Abuja although he had personally scheduled the appointment over e-mail. The researcher was compelled to repeat the visit but used the opportunity of the DG's absence to visit other government officers in other regulatory agencies.

4.2.1 Types of documents analyzed

Most qualitative researchers make use of oral and written texts in their studies. Perakyla and Ruusuvuori (2011) state that using written texts as materials for research does not require any protocol in their analysis, except reading and rereading them to pin down their key themes and then drawing a picture of the presupposition and meanings which constitutes the cultural world of which the textual material is a specimen. The written texts used in this research are reviewed here, since they form part of the essential materials and "vital source of evidence for the research" (Akpojivi, 2012: 89). The written texts used in this research come in the form of documents and interview transcripts. According to Bryman (2008: 515), documents used in qualitative research are those that

> (a) can be read (though the term 'read' has to be understood in a somewhat looser fashion than is normally the case when we come to visual materials, like photographs); (b) have not been produced specifically for the purpose of social research; (c) are preserved so that they become available for analysis; and (d) are relevant to the concerns of the social research.

The documents used for this study are official documents, but fall under two different categories: (a) government or state policy documents, and (b) documents from private sources, for example, contract documents (belonging to Multichoice). These documents and the interviews constitute the principal sources of information in this research because they provide the background of judging and understanding the Nigerian government decisions and media policies, and government's expectations from the film and broadcasting industry. They explain the roles played by each actor in the study. This study is not a comparative study. However, the contract documents (franchise agreement) which Multi-choice's M-Net issued to content providers like Nollywood filmmakers, marketers and directors, who supply content to its Africa Magic channels is studied and equally compared to the contract they offer to South African filmmakers, in order to verify whether these agreements are the same, or vary

and the level of their contrast, if any. The virtual documents – "documents that appear on the internet" (Bryman, 2008:525), which originated from official websites of organizations like Multichoice, UNESCO are also used, after the researcher has confirmed the credibility and authenticity of the documents.

The ease and/or difficulty in accessing the documents are dependent on the source. Most government agencies have libraries where some of the official documents were sourced. The NBC Code was obtained by the researcher in one of the offices where their library is located. Although Multichoice has some relevant PDF documents in its website, however, it does not offer any assistance with regards to accessing certain documents (for instance, its contract). During the interview with a Multichoice representative who is the company's Public Relation Officer; the researcher was advised to visit the organization's website to download some of the policy documents. It was encouraging to note that Multichoice has an archive of links for downloading some of the official documents, although some of their policy documents remained conspicuously missing. For instance, their contract agreements for content providers and talents could not be reached. Therefore, documents on Multichoice were sourced from the organization's website (for instance, the Legal Compliance policy, and the company's annual reports, and so on), while the contract documents were sourced from independent filmmakers when the Multichoice representatives failed to release blank documents for the researcher, due to their insistence that the contracts possess "confidential" clauses attached to their agreements with the content providers.

Below are details of the documents used for the study analysis:

Level	**Documents**
Global/Continental level	African Charter on Broadcasting UNESCO Charter on Cultural development UNESCO Mexico City Declaration on Cultural Policies International Human rights Law
Nigeria	National Broadcasting Code National Film Policy

	Nigerian Cultural Policy National Film and Video Censors Board Enabling Law and Regulations 2008 National Copyright Act
Private	M-Net Contract with content providers in Nigeria and South Africa Multi-choice Legal Compliance Policy` Multi-choice Sustainable Development Reports 2009, 2010, 2015. Multichoice Enriching Lives 2015 Report

Fig: 4.1: Table of List of Documents Analysed

Finnegan (2006) and Kumar (2005) consider documents as secondary data sources. However, because some of the documents used in this research are compiled by organizations for record purposes and are very significant to this study, they are considered as primary data which will be used to buttress the arguments of this study.

4.2.2 Interviews and Interview Respondents

Interviews are one of the major instruments used in this study. An interview is a conversation between two persons, "where one person – the interviewer is seeking responses for a particular purpose from the other person the interviewee" (Gillham: 2000:1). Some interviews are structured and thus are not detailed. Some researchers use depth and open-ended interview which are semi-structured, because they are rich in providing a wealth of information. This is the nature of interviews conducted among the participants of this study because "open interview provides room for the interviewee to unfold his own outlooks and reflections" (Bogner et al, 2009:31). Strictly, two classes of respondents were administered with interview, namely:

(a) Experts' interview (identified mainly as elites)

Glacer and Laudel define experts as "people who possess special knowledge of a social phenomenon which the interviewer is interested in; and expert interviews is a specific method

for collecting data about a social phenomenon" (2009: 117). Bogner et al (2009:1) note that "expert interviews offer researchers an effective means of quickly obtaining results and, indeed, of quickly obtaining good results". Dexter (1969: 19) describes the elite as people who are considered to be influential, prominent, and well informed (Dexter, 2006; 1969; Moyser and Wagstaffe, 1987; Seldon, 1996; Odendahl, 2002; and Lilleker, 2003). Members of the elite serve as sources of information on specific areas of knowledge that would otherwise be inaccessible without inquiry (Bogner et al, 2009).

Some of these experts are also policymakers working in regulatory institutions such as the NFVCB, NBC, NFC, and NOA. Some of the interviews with these groups of respondents were not recorded as they were required to augment and substantiate some information from the filmmakers and marketers, and provide deep insight into some of the discussion issues. The researcher therefore jotted down the points and issues during the session. The analyses of various interviews help in the reconstruction of facts, problems, and so on, depending on the field of research.

(b.) The industry practitioners

Industry practitioners are made up of filmmakers and marketers.[30] They were thus included based on their experiences in production and film distribution, as well as due to their business interactions with Multichoice as content producers or suppliers. However, their roles as actors equipped them objectively in their assessment of the role of Africa Magic/ Multichoice, when compared to filmmakers and marketers who were only exposed to Africa Magic channels strictly based on their business relations of providing contents to Multichoice.

[30]Initially, actors were included but most of the actors interviewed did not display satisfactory knowledge of developments going on within the industry, particularly in terms of content provision and supply, film production, marketing, distribution, and other commercial transactions and negotiations. Therefore, the actors were later excluded from the respondents. As a result, the only actors involved in this research work were selected more for their roles as filmmakers and/ or marketers than actors.

The participants were interviewed in different and convenient environments. Some of the participants were interviewed in their offices (particularly all policy makers and representatives of government agencies and some of the filmmakers), some were interviewed in private rooms at the location where they were shooting films (mainly the filmmakers), while some were interviewed at appointment venues like in secluded hotel environment (mainly the marketers). The interviews were later transcribed into texts and it generated a large bulk of documents. The transcribed interviews were processed to reduce the quantity even before use. It should be noted that some of the participants were also re-contacted for the verification of some facts, but most of that was done over the telephone.

Fig: 4.2 Summary of Interviewees

S/N Interviewee	Office	Date	Duration
1. D.G, N.B.C	NBC Headquarter Aso Villa	24/11/15	47 mins
2. D.G, NFVCB	Censors' Board, Wuse II	21/11/14	32 mins
3. Dir., Documentation	Censors' Board, Wuse II	23/11/15	74 mins
4. Dir., Operations	NBC Headquarter Aso Villa	21/11/14	54 mins
5. Dir., Documentations	NBC Headquarter Aso Villa	26/11/14	45mins
6. M-Net Nigeria Rep.	Multichoice Headquarter, V/I.	6/12/14	74 mins
7. NFC Rep.	National Film Corporation, Jos.	29/11/14	46 mins
8. NOA Rep	National Orientation Agency	30/12/15	20mins
9. I. Merc	Filmmaker/Marketer (Onitsha)	18/11/14	67 mins
10. E. Production	Filmmaker/ Marketer (Abuja)	10/11/14	72 mins
11. P. C. Mov.	Film Marketer (Asaba)	17/11/15	78 mins
12. R. J.P.	Film Marketer (Onitsha)	17/11/15	54mins
13. C. Prod	Film Marketer (Onitsha)	17/11/15	45mins
14. A. B. Mov.	Filmmaker/ Marketer`(Lagos)	17/11/14	45 mins
15. O.Prod.	Film Marketer (Owerri)	17/11/14	25 mins
16. V. Mov.	Filmmaker/ Marketer (Onitsha)	8/12/15	25 mins
17. A. Prod.	Film Marketer (Onitsha)	8/12/15	20 mins
18. C. O	Producer/ Director	10/11/14	46 mins
19. M. E.	Producer/Director	13/11/14	47 mins
20. B. E.	Producer/ Director	10/11/14	36 mins
21. I. I.	Producer/ Director	13/11/14	26 mins
22. R. E	Producer/ Director	7/11/15	34mins
23. O.O.	Producer/ Director	3/11/15	62 mins
24. Z.Z.O.	Producer/Director	3/11/15	58 mins
25. A. A.	Producer/Director	10/12/14	45 mins
26. M. C.	Producer/Director	10/12/14	22mins
27. O.E.	Producer/ Director	8/10/15	38mins
28. S.S.	Director (Ghana)	2/11/14	42mins
29. D. A.	Director (SA)	4/4/15	50mins
30. A.U.P.	Producer/Director	30/12/15	49mins
Total: 30 Participants			**1378 mins**

NB: *Three producers chose to remain anonymous for personal reasonsand their interviews were not recorded. However, their contributions were invaluableto this research.*

4.2.3 Observations

This study also adopts observation as part of its methodology. Chinguno (2015) observes that observation is appropriate when the phenomenon is somehow hidden or invisible from view and exhibits important differences between the views of 'outsiders and insiders' (Jorgensen 1989: 12). Thus, observation allows the researcher to take full account of the events as they unfoldeand to have a better understanding and interpretation of other findings (Neuman, 2000). Deacon et al (1999) identifies three types of observation, namely simple observation, participant observation, and ethnography. Deacon et al, define simple observation as being "a fly on the wall" where the observer has no relationship with the processes, or people being observed, remain unaware of the researcher's activities (250). In this study, the simple observation and participant observation were adopted. As discussed in Chapter 1 concerning the attitude of Multichoice to public investigation, through simple observation, the researcher was able to observe the negotiations of contract agreement between a Nollywood filmmaker and a Multichoice staff, while pretending to be a relation and a companion to the former.

This is in addition to adopting participant-observation method in monitoring the broadcasting of Nollywood films on many African Magic channels. The observation and monitoring of programs, the electronic programming schedule, over a long period of time raised certain questions in the mind of the researcher, which some of the respondents provided answers to in the course of the investigation. In order to document findings appropriately, the researcher kept a note or memo where she listed some of the data which form part of the final research findings. The memo helped the researcher in appreciating, understanding and interpreting study findings within the industry. The research was able to relate some observations with the account of some of the film producers and thus fostered her

understanding of the research issues under investigation. The researcher monitored the channels for a couple of months and made references to what she observed in discussing some of the significant issues on Nollywood/Multichoice relationship.

4.2.4 Challenges in the interview process

A close observation of the interview respondents helped to keep some of the respondents in check, as close monitoring prevent them from lying without detection (Ritchie and Lewis, 2014). For instance, the respondents were purposively chosen because of their experiences and length of practice within the industry. All the participants have up to fifteen years in the industry and have each produced at least fifteen films in Nollywood. One of the most elusive participants who was chosen for his leadership role in the industry opted for a telephone interview and was hesitant with critical accounts of his experiences with Multichoice. However, he later acceded and proved resourceful, confessing that he would not have been compelled to divulge all the information if we had conducted the interview on telephone. This confession was an eye-opener to the fact that an indirect contact with a participant could actually pose an obstruction to communication in a research like this.

It was also observed that some of the interview respondents, who initially consented to being interviewed and recorded, were uncomfortable during the recording process. However, instead of declining entirely, some of them resorted to giving brief responses to questions.Thereafter, they requested for a telephonic interview for further cross-examination and updates. Of note is the encounter of this researcher with the Director-General of one of the regulatory agencies in Nigeria. During the interview session with some of the filmmakers earlier on, they alleged that the Director-General was a stooge of Multichoice and raised a couple of issues concerning his conduct and administrative decisions.[31] Incidentally, during

[31]See the analysis chapter for details.

an interview session with him, each time some of the issues raised by the filmmakers were tabled before him to respond to, he accuses the researcher of being biased instead of presenting his own side of the story. He was made to understand that the interview was necessary to ensure fair account of events, and enable him give his own account of issues.

It should also be noted that sixteen out of the thirty respondents were interviewed many months ahead of the others.The remaining fourteen where interviewed during the researcher's second trip to fill up other areas. Therefore, in order to cross-check some of the information; the researcher relied on telephonic interviews with an in-built automatic recorder to record the answers for onward transcription.

4.3 Data analysis and nterpretation

Analysis is a process involving the scrutinizing of the content of something in order to understand its components and contents as well as how they work. In order to perform an analysis, a researcher may break apart a substance into various components in order to identify their properties and dimensions. Thereafter, the researcher can use the acquired knowledge to make inferences about the objects as a whole (Corbin and Strauss, 2008:4 6). Every data analysis involves interpretation (Blumer, 1969) and the interpretation entails that the researcher's understanding of the events must be as related by participants (Corbin and Strauss, 2008: 48) and to aid in predicting the meaning of the communication. As a result, data analysis entails the search for patterns, themes, and understandings across all narrators (Mears, 2009: 71). Qualitative researches require huge data management, is quite complex and complicated (Corbin and Strauss, 2008; Strauss and Corbin, 2004; Flick, 2011; Boulton and Hammersky, 2011; Gillham, 2000).

The data collected from this study was analyzed through two methods: (a) Thematic analysis (see Braun and Clarke, 2006, and Patton, 1999) and (b) Discourse Analysis (see

Alldred and Burman, 2005 and Lupton, 1992). Thematic analysis is a method for identifying, analyzing, and reporting patterns (themes) within data (Braun and Clarke, 2006:6). It involves using a theme to capture something important about the data in relation to the research question, and represents some level of patterned response or meaning within the data set (Braun and Clarke, 2006:10). Owing to the nature of this study, thematic analysis was seen as appropriate for analyzing the rich data acquired from the interviews with Nollywood insiders. The themes were selected from the group of codes generated in the data. Therefore, the data was organized according to themes to aid its analysis. In the course of the interview, important points were taken and written down in a field note or memo. Concrete issues emanating from the interviews were re-addressed to understand their relationship with issues on the research subject. Afterwards, when the interviews had been transcribed, the responses were grouped according to themes in order to make meaning out of the data. The thematic data analysis was predominant in this analysis.

Discourse Analysis was adopted in certain situations to further extend the analysis in order to aid in-depth understanding of the discourses at play, their functions, as well as the relationship between discourse and practice. Long (2001) observes that discourse analysis involves "sets of meanings, metaphors, representations, images, narratives and statements that advance a particular version of 'the truth' about specific objects, persons and events" (Long, 2001: 242) and may be defined as "the organization of texts and talk in practices, and with the discursive resources that those practices draw on" (Potter, 1996: 38). These definitions indicate that discourse analysis unveils the hidden meaning of a text, which may be written documents, transcribed interviews, field notes (see Garret and Bell, 1998; Hajer and Versteeg, 2005).

The two main types of discourse analysis are Critical Discourse Analysis (CDA) and Foucauldian Discourse Analysis (Mahati, 2015). The common concerns of the two types of

discourse analysis include the use of language in social life, the relationship between language use and social structure, and the use of language as a social interaction (Deacon, 1999). While CDA attempts to "show systematic links between links, discourses, practices and sociocultural practices" (Fairclough, 1995: 16-17), Foucauldian Discourse Analysis focuses on "understanding power relationships amongst different social actors seen through the workings of language and practices" (Mahati: 2015:100). Two major differences identified between the two types of discourse analysis, according to some scholars are that: Critical discourse analysis pays "close attention to the linguistic features of a text" (Taylor, 2004: 435), while Foucauldian does not, but is rather more complex (Graham, 2005:3; Wethrell, 2001: 391-393). Moreover, critical discourse analysis, characteristically, lays claim to truth being seen as a powerful rhetorical practice (Nicholl, 2001: 105), while Foucauldians who are poststructuralists believe that "there are no absolute universal truths or absolute ethical positions" (Wetherall, 2001: 384).

Discourse analysis as a part of social theory originates from Marxism (see DeMarco et al; Powers, n.d.), and may thus provide a means of analyzing and interpreting the intent of language. The critical discourse analysis was adopted in reading meaning to some of the transcribed texts from the conversation with Nollywood insiders because analysis thrives on language use, and language is not just valuable, it "shapes or constructs the society in a way which shows the knowledge and power dynamics among different social actors" (Mahati, 2015:100). The adoption of discourse analysis thus, enables an analyst to focus on the role of language. For instance, one of the respondents in response to the operations and practices of Multichoice, notes that "Multichoice embarks on discriminatory payment" (some of these will be referred to in a later chapter). The accusation is loaded and thus desirous to be unpacked to figure out not just the meaning, why the participant feels so, but to also understand those who are patronized and those discriminated against, and why.

Discourse analysis is often criticized for focusing on the texts and thus, forgetting the meaning of the texts. This suggests that an analyst may concentrate on analyzing the text, and ignores or abandons the real experiences of people, which may be "an account of the real conditions that make texts possible" (Parker, 1999:6). Owing to this criticism, I will combine the use of thematic analysis and critical discourse analysis to enable me to fully unpack the different social worlds or life-worlds in broad social contexts and minimize the weaknesses in both approaches. However, although discourse analysis involves many analytical stages (see Burman, 1992, 1996; Parker, 1992, 1994), these stages were not followed.Rather, I engaged in reflexivity (Alldred and Burman, 2005), which is seen as "a major strategy for quality control in qualitative research" (Berger, 2013:1).

Two forms of data will be analyzed and interpreted, namely policy documents and interviews. However, most of the discourse analysis were on interview transcripts rather than on policy documents.

4.3.1 Policy document analysis

Investigating the exchange between Multichoice and Nollywood requires a study of three principal areas, the media establishment (Multichoice's Africa Magic), the film industry (Nollywood) and the Nigerian government and its policies. A focus on Nigerian government is important because they empower the media corporations and regulate the industries within the nation. Therefore, understanding the role each group plays requires a careful analysis of policy documents which direct the rules and guidelines for operating within the social system. The researcher examined the laws and policies which predict the group or state action as well as rules which affect and inform the processes involved in their relations in the nation.[32]

[32] The researcher subjected the contracts to scrutiny with advice from an intellectual property lawyer.

Some relevant themes discussed in this research were identified and the documents were analyzed to verify how they affect such themes.

4.3.2 Interview analysis and interpretation method

Interviews or research conversations generate a lot of narratives. Rubin and Rubin (2005) note that three steps are involved in interview analysis, namely, transcribing, coding and comparison of themes against interview data, steps that are necessary in a research study. Many research scholars admit that transcribing tape-recorded interviews is complex, tedious, and time-consuming work which demands careful listening and re-listening, the use of explicit transcription rules, as well as a well-specified notation system (see Mishler, 1986: 47; Rubin and Rubin, 2005; Marshal and Rossman, 2006). The transcription of relevant interview materials is a prerequisite for analysis (Bogner et al, 2009). A researcher may either choose to transcribe the data verbatim or paraphrase them (Glacer and Laudel, 1999). While paraphrasing enable the researcher to "concoct his own narrative" out of the interview data, the transcription produces "a special kind of text" (56) which helps in providing information for the research. For this research, the more than 20 hours of interviews was transcribed verbatim with the help of some research assistants, although the researcher, who personally conducted all the interviews, took time to re-listen to the recorded audio to ascertain that the data were transcribed accurately. These interviews generated more than three large booklets, and the data was typewritten into a document. The materials were read and re-read in order to achieve meaning which will enhance the interpretation of the information accurately. The emerging themes from the interviews, similar to Akpojivi's (2012) style, were identified from the literature, research questions and interview questions. The data informed some of the discourses of this study. However, while some of the data are used verbatim in the write-up at

critical points, in some cases places, the data were paraphrased, in such a way as to quote appropriately, the respondents' opinion.

Three groups or classes of participants were covered during the interview. The industry regulators and operators who are mainly part of the elitist class; the film marketers who claim to be filmmakers and take the credit of Executive Producers in their films; and the independent filmmakers/Directors, who direct their own films or are paid to direct those of other people. The film marketers were included as filmmakers because although in other film industries, film marketers are taken as distributors, in Nollywood, they act more as the Executive Producers who fund the films and influence most decision concerning film production. A total of thirty-three individuals were interviewed. 8 are industry regulators and operators including representatives of government agencies and Multichoice, 9 are Executive Producers and film marketers, while 14 are independent filmmakers in Nigeria, 2 of which are African filmmakers based in Ghana and South Africa. However, three of these refused to be recorded for 'private' reasons. Because their interviews were not recorded the researcher relied on jotting down the comments, and they were a bit slow in their responses in order to allow the researcher to jot down their comments. No time could be apportioned to their input on the interviewee table (see Table 4.1).

4.4 Validity

Some researchers define validity in terms of adequate measurement of the reflection of real meaning of an issue or concept under investigation, (see Kumar, 2005; Babbie, 1990). Validity may thus be enhanced through using multiple approaches to the research. In most qualitative research, validity is measured through approaching the investigation from many angles. Akpojivi (2012: 100) notes that "validity in qualitative research is always strengthened by the method of data collection." Thus, he recommends the triangulation of

methods because as he argued, the use of two or more methods will help reduce the weakness of the research method. In view of this recommendation, this study adopts a triangulation of methods (interviews, observation and document analysis) to obtain data from different sources, and to enable the phenomenon be viewed from different dimensions to enhance internal validity and reliability. Such method provides opportunity for one to fully understand how individuals and group structures give meaning to actions and to their daily life (Chinguno, 2015; Berg, 1995; May, 1994; Morse, 1994). The study thus utilizes the depth and semi-structured interview, document analysis and close observation or monitoring of Africa Magic channels and developments in Nollywood, in interpreting the issues and developments under investigation in this study. Validity is therefore necessary in this study because this study is hoped to be a reference point in future for discourses on the role of Multichoice in the development of Nollywood. Therefore, it should not be taken for granted.

4.5 Ethical Considerations

This study is conducted in line with the Wits University Graduate research guidelines approved for studies conducted within the social science. As a result, good ethical practice was adopted, entailing the protection of participants who were respondents to the interviews conducted for this research. Attempts to source Multichoice contract from the owners failed, although ab initio they were informed that this was going to be a part of this study. The researcher asked for a generic contract with no personal and financial information as negotiated between the parties. The researcher also requested for Multichoice RFPs (request for proposals) which usually indicate the terms and conditions attached to such RFPs for content. But when it became impossible to get them from Multichoice, the researcher was compelled to source the contract documents from independent filmmakers. This is why details of the documents were redacted and the respondents' names were written in

abbreviations as there is need to protect respondents from any form of victimization due to their in-put in this study. Some of the issues raised in this study relate to the questions of media power and domination involving an entertainment industry and a multinational media organization. Moreover, the study involves the disclosure of some originally "confidential" matters and documents, and thus demands the protection of the respondents who shared some of their personal experiences and confidential information.

The participants were given assurance that they would be protected from all forms of exposure, to ensure that they were not negatively affected by the impact of their participation in the research. In view of these precautions, individual participants will not be tagged to any quotation or comment in the analyses, although some of the respondents did not actually mind being quoted. All the quotations are therefore identified as [interview extract] including those who consented to be tagged to their comments or quotations. The following section summaries how other ethical issues raised in the research were managed.

4.5.1 Informed consent

All the participants were informed about the nature and reason for the research through reading out the participants' information sheet (see the appendix for the attachment). All the respondents consented to participate in the interview and be audio-recorded save for those who requested not to be recorded. While all the participants consented to the interview, some of the participants, mainly the marketers declined to sign the consent form, although they were guaranteed anonymity and confidentiality. This difficulty could be attributed to the fact that most of the marketers were actually traders, who did not trust the researcher or the promise of ethical principles. Those who declined were allowed to go without any form of coercion. In fact, a couple of them withdrew immediately they learnt that the researcher came from South Africa. They clearly accused the researcher of being sent by Multichoice to "test"

and “spy” on them, and perhaps obtain information that may disengage them from their business with the corporation. As a result of this development, the researcher was compelled to record the participants without compelling them to sign the informed consent form which was initially presented as mandatory.

The aversion of Nollywood insiders’ for any documentation that links them to discussions of the operations of Multichoice in Nigeria aroused the researcher’s curiosity about the Multichoice/Nollywood relationship. This further informed the researcher’s decision to stick on the ethical principles applied in the research. The purpose of the study was explained to the respondents to ensure that their participation is voluntary. They were assured that the data collected will be confidential and used strictly for academic purposes. Participants were all advised on the right to decline taking part in the study or to refuse to answer any of the questions (Babbie and Mouton, 2001) which they are not comfortable with. Co-operation is fundamental and ought to be voluntary in any research (Burton, 2000). This position was communicated to the respondents to enlighten them and guide their decision about this research.

Furthermore, the participants were informed in advance that there was no financial compensation for taking part in the interviews. However, when it was observed that some of the participants were tensed, the researcher adopted a conversational approach to the interview, such that the respondents would not feel tensed or pressurized to disclose information on their experiences. Therefore, informal questioning techniques intended to encourage interactive dialogue with the interviewee and which conform closely to the normal conventions of conversation and allows for responsiveness and deeper understanding of the respondent’s perception (Deacon et al, 1999) were used throughout. This was a very successful approach. The first group of interviews was conducted in 2014 while the second group of interviews took place in 2015. It should be noted that the researcher had a lot of

challenges in getting the respondents to trust her, whereas she did not have much issue in 2015. Some of the old respondents volunteered names of respondents who fit into the research study participants.

4.5.2 Risk of informants

Many of the filmmakers and marketers patronize Africa Magic channels as producers, content providers and suppliers, and in some capacities as agents to smaller marketers. Therefore, participating in this study poses direct threats to most of them. The study involves investigating the economic and political role of Multichoice and its Africa Magic channels within the Nigerian film industry. The participants were either victims or direct observers/ witnesses of the transactions in the industry, while Multichoice and its Africa Magic channels were the executors. In fact, participants were purposively selected based on their experiences in Nollywood. In other words, before a participant would be selected, he would have been a recognized director, producer or marketer with a minimum of fifteen years industry experience. S/he would have conducted some business transactions with Multichoice. In other words, each participant had to have submitted some content to Multichoice for broadcasting on any of the Africa Magic channels, before being considered as a participant. This is a way of ensuring that only those who have transactedwith Multichoice over time took part in the interview.

Against this background, the researcher was conscious of the potential risk to the participants as well as to herself. For instance, the researcher's effort to interview some Group Executives of Multichoice was turned down at Multichoice headquarters in Randburg, Johannesburg. The researcher was informed that M-Net and Multichoice Nigeria are in-charge of Africa Magic content, thus the researcher was advised to travel to Multichoice Head office at Victoria Island, Lagos, Nigeria. In Lagos, the researcher was given an

appointment booking three months ahead, after the Director Multichoice West Africa had requested to see a list of possible questions for the interview. On the appointment day, while waiting at the Company's reception for the Director, the researcher was informed that the interview had been cancelled because the director had pressing official duties to attend to. The researcher refused to leave the office without being granted an interview because it was important for the company to participate as agreed, albeit through another representative. She had travelled from South Africa to Eastern Nigeria and to the South West; a costly exercise on her part hence her insistence for an interview. As a result, the director assigned the company's Public Relations Officer (PRO), who joined the company barely six months earlier to grant the interview on her behalf. However, the PRO failed to answer questions that dealt with figures and statistics, and other issue which he considered "not within" his power to respond to. The Multichoice Nigeria office had no website, and could also not release the organizational structure (organogram) to the researcher. Also they could not give any details concerning the number of people working in the establishment. The PRO promised to consult with the director and send across these information and details through an e-mail, but failed to pick any calls or respond to e-mails thereafter.

A further attempt to access some of the information through an ex-student, who is an employee in Multichoice, was equally unsuccessful. The employee was given a query and threatened with a sack if he continued his chat with the researcher. So, he deactivated his Facebook account. The researcher only got this information much later through a telephone call. These developments were intriguing and fueled the researcher's interest in the research and the corporation. One could now understand and appreciate why most of the filmmakers were very adamant at releasing their contractual agreement or discussing their business with Multichoice at all. After data collection and analysis, there were some claims and allegations from industry practitioners which require the response of the Management of Multichoice.

Consequently, an e-mail was sent to the Regional Director of M-Net on the 29th of July (see appendix) soliciting for her co-operation through respond to telephone interview, but the e-mail was not responded to.

4.5.3 Privacy and confidentiality

The interviews were designed as conversations between the interviewer and the interviewees, and took place in private spaces, mainly the offices of the interviewees. The film producers/directors and marketers were interviewed on different locations; or over the telephone, when it became difficult to track them down in their offices. Some of the marketers were interviewed in hotels spaces. Howbeit, only the participants were allowed during the interview exercise. The participants were assured that the information collated was to be used strictly for academic purposes, and held in confidence and made inaccessible to everyone, except the researcher and her supervisors; and have limited access for academic circles through university libraries and e-library sites. The nature of some of the information called for a paraphrasing of the details in order to protect the informants.

Besides, some of the respondents noted that some of the filmmakers were blacklisted by Multichoice, particularly when they seemed antagonistic to their policies. The need to protect them from any form of victimization, called for confidentiality in the nature of disclosure made about them or the details of their feedback.

4.6 Chapter summary

In this chapter, I have outlined the overarching methods and methodology employed in this study to realize its objectives and answer the research questions. The study is fundamentally a qualitative study and the chapter offered a robust description and justification of the research design and data collection methods. The chapter also provided the details of the respondents and how they were selected, as well as the instruments of data collection and methods of

analysis used. Furthermore, it explained why the methods adopted in data interpretation were used, particularly the thematic data analysis and the discourse analysis which are important in a study like this.

Elsewhere in this thesis, the researcher had presented a narrative which suggests that Multichoice‘s operations particularly in Nollywood is not detailed or open to academic discourse. Therefore, this chapter extensively discussed the need for the ethical protection of respondents, providing details about the research and the risk confronting the practitioners and some of the challenges confronting the study. It is evident that the critical media industry studies approach adopted in the theoretical analysis of study is well-suited to the case-study nature of this investigation.

CHAPTER FIVE:MULTICHOICE AND CONTENT EXCHANGE IN NOLLYWOOD

5.0 Introduction

This introductory analysis chapter presents and analyses the research findings and thus provides evidence and facts which will guide the overall submission of the study. There are two analyses chapters: Chapter 5 and Chapter 6. The first analyses the nature of the contracts between Multichoice and Nollywood in order to establish if there is any forms of exploitation of the industry practitioners. It equally highlights the role and significance of Multichoice and its Africa Magic channels to the development of Nollywood vis-à-vis its corporate social responsibilities, as well as gauges Nollywood practitioners' assessment of such initiatives. It goes further to examine the role of the state in the entire industrial relations between the two.

The second analysis chapter comments on the overall effects of Multichoice's business relationship with the industry on one hand, and the role of government in moderating the Multichoice-Nollywood business relationship specifically. The major claim of this chapter is based on the data collected from the respondents. This is based on the interviews information extracted from the numerous respondents through the qualitative methods used in the study. The interviews of the filmmakers were triangulated with information from the representatives of Multichoice and staff of government agencies to enhance the quality of the research and to provide robust answers to the research questions.

The Nigerian entertainment and cultural industry is fundamentally different from other film industries like Hollywood and Bollywood (McCall, 2012) in terms of structure. Its informality limits the level of state-corporate intersections which affects the key players in the industry especially with regard to economics. This informs why the critical media industry studies approach was adopted in this study. The analysis also reveals the political dimension of the economic exploits of the capitalist media organization and exposes the weak

role of state agencies which adversely affects the industry practitioners.

This chapter is interested in two issues: first**,** examining the contract documents which Multichoice issues to Nollywood filmmakers in order to understand how it affects their business relationship, as well as the initiatives of Multichoice in the industry. One of the major reservations of Nollywood filmmakers relates to the contractual terms offered by Multichoice/M-Net contract documents. They believe the agreements are exploitative and designed to take advantage of owners of the intellectual properties. For instance, one of the respondents asked rhetorically: "Why would you see exploitation in everything they do?" and went further to say: "Let me take the contract they give, it is very exploitative. I was in South Africa for a business negotiation. I was to shoot a film in collaboration with a South African based Nigerian filmmaker and another South African. On the course of the interaction I found out that our contracts are different" (interview extract). This claim made me curious and informs one of the reasons why I decided to compare the contract Multichoice issues to Nollywood with the one it gives to South African filmmakers. It is important to have a yardstick to measure the "exploitativeness" of the contract.

The second concern of this chapter is how filmmakers feel about and respond to Multichoice's contribution to Nollywood as well as the role of the government in the industry. In order to conduct close analysis of the findings based on the helicopter view, three aspects of the involvement of Multichoice involvement in the industry are scrutinized. These are its dealings with individual filmmakers, with the industry as a whole and with the state. The method of analysis applied in this study yielded three major themes namely, exploitation, domination and resistance. With regard to the relationship between Multichoice and individual filmmakers, the chapter provides a background to the exchange of content in the industry vis-à-vis contract, elucidating on how an individual filmmakers encounter Multichoice. Next is the exploitation of filmmakers as a team and through middlemen.

The second section explores the various initiatives of Multichoice towards the development of the film industry and the filmmakers' perceptions and reception of these initiatives as members of the Nollywood community. The initiatives under consideration are the Africa Magic Viewers' Choice Award (AMVCA) and Africa Magic Original Films (AMOF) which were the flagship corporate social responsibility projects of Multichoice in the industry. The third section takes a look at the Multichoice-government relationship and how the practitioners (Nollywood) assess the role of the government as umpire in their business with Multichoice. The key themes in this subsection are infiltration of government agencies (as a means of domination) and collusion.

5.1 Multichoice and individual Nollywood filmmakers

Africa Magic channels quickly became the major platform through which Nollywood films were accessed within Africa and beyond. Multichoice at that point ran a library content, and was not into in-house production. As a result, they solicited for contents from independent film producers. Contracts became a crucial component of the wider business interaction between Multichoice and Nigerian filmmakers. Independent filmmakers were compelled to sign contract agreements to formally seal their business deals with Multichoice. Initially, as an informal sector, business deals in Nollywood consisted of undocumented or informal transactions, exchanges of labour and untitled properties (McCall, 2012). Providing independent filmmakers with contract is not out of place because most entertainment productions require some form of contract formalities at various stages of the production (Butler, 2015).

Given the position of Multichoice as one of the few African companies with global impact (Manos, 2000), a filmmaker interested in doing business with Multichoice was

expected to sign a contract with M-Net, the subsidiary in-charge of content acquisition. The first bulk purchase of Nollywood content by Multichoice was accredited to be negotiated, and organized by HamedaSuleyman through Chico Ejiro, Sunny Mcdon, Charles Novia and Zeb Ejiro. Although some respondents claimed that the very first bulk purchase of Nollywood contents acquired from Nollywood filmmakers by Multichoice were not documented and involved no contracts, one of the major players in the negotiation said that was not the cased this. He noted that the signing of contracts was the first official step towards building a business relationship with Multichoice, except that the contract agreement focused primarily on the major transactions and did not involve most of the details of the expanded contract, as is the case with the contract issued at present(see Appendix 6 and 7).

The exchange of contents and signing of contract do not take place in one day. The respondents reveal that when a filmmaker submits a film to the M-Net office in Victoria Island, Lagos, the film goes through a process of documentation after which the film submitted to the content preview unit for classification and rating before formal negotiations begins. This process takes between one or two weeks as the case may be. If the production quality of the film is acceptable Multichoice makes a formal offer via e-mail to the individual who submitted the content. This gives the content owners a chance to study the terms of the contract which follows a standard format prepared in advance and is not based on negotiation except in special cases as will be discussed later. Some marketers reveal that they negotiate terms that are different from those in the standard contract. A marketer who is also one of Multichoice accredited content suppliers explains his views on this situation:

G: Have you ever had any disagreement with the contract terms?
R: Yes, I have. One, in the agreement, there are some issues I don't like; transferring my movie right to another person, I cancelled that. You don't sublet my films; you only broadcast my film on your African Magic channels. You don't sublet to another television.
G: You have such agreement with them?

R: Yes, I do.

G: And do they comply with that?

R: Everybody has a bargaining power. I think that is one of my bargaining powers. But it is personally for me, it is a private thing. Not everyone has the privilege. Some other people might not care, that's their own style of business, but me, I want to give a station one contract and it takes care of their station and you don't move my content.

G: In other words, they don't sell your content to other television stations.

R: No. It's not for re-sale. It is just for their station within a period of one year and six months. I make sure it is stipulated…
(Interview extract, G: Gloria, R: Respondent).

This claim is despite the fact that some of the respondents note they often have to agree with the standard format terms or pass up the opportunity of doing business with Multichoice. This means many producers are subjected to assenting to pre-documented rules whose details many of them are not privy of, but which serves and protects the interest of Multichoice. This is based on the respondents' confirmation that they do not take part in the drafting of the contract, but are issued with the document each time they come to submit their content for broadcasting negotiations.[33] Yet, there have been a couple of cases where a couple of filmmakers (like the respondent interviewed above) had acknowledged that they are able to bargain with Multichoice unlike many others. The different experiences of different filmmakers indicate that Multichoice gives preferential treatment to some individual filmmakers. This issue will be addressed in detail after the discussion of the standard Multichoice contracts. The majority of the well-travelled respondents say that the contract agreements given to Nollywood filmmakers differ from the ones given South African practitioners and the former are more exploitative.

[33] Incidentally, this is not the practice obtainable in Hollywood, because the film industry is organized unlike Nollywood which is highly informal, and leaves the practitioners at the whims and caprices of the media corporation; particularly given that many of them do not engage the services of intellectual property lawyers. This is different from what happens in the US where artists have legal representation.

5.1.1 The nature of Multichoice contracts

Out of the twenty-five respondents interviewed, eighteen have dealt with Multichoice both directly and through middlemen, while seven have dealt with them directly (without any middle men). Incidentally, out of those eighteen respondents, four filmmakers say that their contract documents were up to fifteen pages, while others state that their documents were about four to five pages. Investigation reveals that most of the contracts are mainly uniform among the filmmakers, except for a few. This suggests that Multichoice does not offer the filmmakers a uniform contract agreement. Unfortunately, I was not given access to any of the 15 page contracts since the filmmakers were obliged to keep those contracts confidential.

On the face of it, the contract documents given to Nollywood filmmakers and South African filmmakers appear to be the same, except that while the Nollywood contract papers have the M-Net logo, the South African contract bears the logo of the consulting agencies which represent content suppliers (see appendix 6 and 7 for redacted copies of the SA contract and the Nollywood contract) although all the contracts acknowledge M-Net as the licensee. The main differences are outlined below.

5.1.2 Comparison of Nollywood and South African contracts

In broad terms, contract law is made up of rules and guidelines which address the formation of the enforcement of a contract (Kidd and Daughtrey, 1999). The terms of this contract are listed in various sub-headings such as ‘rights’, ‘exclusivity’ and ‘pay-TV duration’.

5.1.2.1 Rights

The South African contracts stipulates that the rights of the licensee to the licensed programme(s), covers pay television and on-demand rights whether delivered now or in the future, to any device and in-between any devices during the Pay Television License Period.

However, while the Nollywood contracts contain the above mentioned clauses, it also expands the basic pay television service to include SVOD, VOD, FVOD, ADVOD and NVOD/PPV. The SVOD (short for Subscription Video on Demand) covers services involving subscription agreement such as the regular Multichoice/DSTV services (Ulin, 2014). VOD (video on demand) is the service wherein viewers are allowed to select or watch their choice video content such as in-flight entertainment (Beriot, 2008). This clause implies that by signing a contract with Multichoice, the content owner or licensor is authorizing Multichoice to sell the content to third parties such as airlines. ADVOD (advertising or Ad-based VOD) is an online service that includes advertising as part of the viewing experience and for which users do not pay such YouTube. FVOD (Free VOD) is a system of programming offered by a broadcasting operator free of charge to users. An example is the Dish channel on DSTV where some programmes and adverts are made available free of charge to subscribers. NVOD/PPV formally known as Near Video on Demand are short programmes slated at regular intervals and pre-scheduled and used for PPV –pay per view services, which involves a subscriber purchasing events to view through private telecast.

Given the overly extensive and virtually exhaustive scope of rights acquired by the licensee under the Nollywood contracts, many of the respondents complain that Multichoice outsources their contents to other television stations and channels. Evidence shows that many do not seem to understand these agreements. Because of the informal nature of the industry most of the filmmakers do not consult intellectual property lawyers for proper interpretation of the contract terms. Beatson et al (2010: 173) notes that "a person who signs a document which contains contractual terms is actually bound by them even though that person is ignorant of their precise legal effect." However, this is not absolute. Under the common law system, there is accommodation for principles that mitigate inequitable and unfair contracts, especially where the parties are in unequal power relations. In fact, on the basis of some of

those principles, stronger parties or corporate entities like Multichoice has obligation to exercise due diligence to ensure that the weaker parties have the benefit of professional advice pursuant to the old *English case of Lloys Bank Ltd. v. Bundy, [1975] 1 Queens Bench 326*[34]in order to avoid undue pressure that can vitiate a contract.

5.1.2.2 Exclusivity

The Nollywood contract specifies that rights are granted exclusively to M-Net, explaining further that exclusivity means that the Licensor shall not:

> exhibit nor authorize the exhibition of the programme or *any interactively altered, customized or any other version of the programme* (e.g. Made for Mobile) on *any existing or future* Television service/ channels (e.g. Pay Television, Basic Television and on Demand), however delivered now or in the future *to any device receivable in the Territory*, nor via the internet, targeted at the territory, in any and all languages prior to or during the license period. (emphasis mine)

Within the period of exclusivity, the licensor is not authorized to promote or allow the promotion of the programme in any media or the exhibition of the programme, including any interactive, altered, or customized or any other versions of the programme (e.g. made for Mobile). The stipulations of the South African contract document are similarly worded, although not in uniformity with that of Nollywood. Critical issues of concern in the document include the follow:

(a) The restriction of exhibition of altered, customized or any other version of a programme, which suggests that if a filmmaker licenses a film to Multichoice, he or she cannot make out or exhibit perhaps the now very common short skits of between one to five minutes from such production and sell it as a fresh production, although the filmmaker is the original copyright owner. In effect, it would appear that the chilling effect of this onerous

[34] While it may be argued that this case gives an impression of reference to European law, the idea is to show that such precedence is not out of void.

exclusivity provision is that the licensor's ability for derivative creativity based on the licensed movie is completely frozen and the licensor's potential for other creative opportunities to optimize the value of his creation remains in abeyance for the term of the contract.[35]

(b) A filmmaker does not have the right to show such a programme in any existing or future channels. There is no clause for educational productions, whereas the Nigerian copyright law (Second Schedule, Article K) exempts copyright control on productions which are educational and which encourage learning as far as such programmes are screened for educational purposes and not to generate revenue, or for commercial purpose. Multichoice's restrictions on such copyright amounts to a "misuse of copyright" (Patterson, 1993) because such agreement "inhibit rather than promote learning, which copyright history has revealed to be a real danger"(4).

(c) Depending on the area covered by Multichoice's "territory," a filmmaker cannot authorize the exhibition of his programme within such area. The area covered by the "territory" outside the immediate locality of the industry should be streamlined, or a filmmaker will expect too much from the external broadcaster. So far, standard broadcasting agreements show that whereas the territory of "distribution contracts" may cover "universe" or the world, broadcasting contracts are streamlined to nations within a continent unlike the Multichoice agreement which covers African continent and Asia, including a worldwide internet broadcasting right. The potential to use a private contract to undermine the public interests legitimately protected under statute, in this case copyright law, is worrisome. Beyond the licensor, it is tenable that other stakeholders in the copyrighted work can successfully challenge any arrangement that shortchanges rights recognized and protected

[35]This is not common to all filmmakers. In Canada and Hollywood, there is a limit of a copyright owners' exploitation of right to an original creative work; besides the rights of the rights owner cannot be frozen for the interest of the second person as the original owner. Moreover, Nollywood and Hollywood share different transactional strategies and each ought to be respected based on the interests of the rights owner. (see Ernest and Young, 2013).

under copyright law. In countries such as Canada and United States, Australia, even in South Africa[36], there has been a progressive interpretation of statutorily allowable copyright exemptions to accommodate the conduct of research, private study, criticism, review, and news reporting under the doctrine of fair dealing (Canada) or fair use (US).[37] Canada has even elaborated on the public interest accommodations of copyright law under the novel doctrine of user's right.

5.1.2.3 Pay Television license period

While the Nollywood contract states that the license period is 24 months (12 months exclusive and 12 months non-exclusive), the South African contract places the license period at 36 months. It includes a proviso that for this to be annulled, the licensee must notify the licensor of the commencement date no later than 90 days prior to that date. It also points out that the dates can only be changed based on a mutual agreement between the two parties. The relevance of this proviso in the South Africa contract that is absent in the Nollywood contract is not clear. Without being quick to speculate on the benefit, if any, of a shorter term for Nollywood right owners, it may be a reflection of the frequency with which new films are released in Nollywood.

5.1.2.4 Number of Exhibitions

The Multichoice-Nollywood contract approves a total of 40 exhibitions of the programme per channel with a proviso that "any repeat exhibition within 24 hours of the original exhibition shall not be counted as a separate exhibition." This may explain why Nollywood films are often shown twice in a day perhaps to leverage on this lucrative vacuum. This raises a lot of

[36]See Tobias Schonwetter, "The 'fair use' doctrine and the implications of digitising for the doctrine from a South African perspective"at http://reference.sabinet.co.za/document/EJC135577
[37] Barry Sookman, "Does Canada already have Fair Use?" http://www.barrysookman.com/2010/03/22/bloggeddoes-canada-already-have-fair-use/

questions. For instance, why would the Nollywood films be authorized to show twice more than South African films; and why are they poorly priced than South African films? The contract also states that "on-demand," the exhibition is unlimited. This seems on the face of it logical given that the licencee has no control over when on-demand patrons would order a programme. However, the South African contract document authorizes "an average of 15 exhibitions per programme or channel but no more than 20 runs per channel. This is about 100 -150 per cent increase in the exploitation of Nollywood productions. Yet, for the most part, Nollywood contracts are not as lucrative as those of their South African counterpart. For example, while an average South African film earns R60,000 which is approximately $5,000, an average Nollywood film earns $1,700. This discrepancy raises questions on exploitation intent, where exploitation is seen as not only involving taking advantage of someone, but also capitalizing on the person's vulnerability because he/she has no other option (Goodi, 1997).

5.1.2.5 Services and channels

As stipulated in the Nollywood contract, the content is to be shown on "all existing and future M-Net and/or DSTV services channels" while the South African contract is streamlined for the content to be shown on all existing or future Mzansi channels or any other successive name(s) by which Mzansi channel may be known thereafter. By broadly classifying the services channels to be all DSTV services channels, Multichoice and M-Net have officially legalized decisions to show Nollywood films in other channels outside the Africa Magic channels, while they have properly limited the broadcasting of South African films to only Mzansi channels. The broad reservation of all M-Net and/or DSTV services channels explain why Nollywood films are also shown in their GO-Tv channels without any new contract agreement.

5.1.2.6 Territory

In the contract with South African licensors, the 'Multichoice' territory for the use of licences content covers the African continent and the adjacent Ocean Islands, like the Nollywood contract. However, there is an additional clause to Nollywood contract which states that Multichoice territory covers the continent of Africa and adjacent Ocean Island in respect of all rights, and the license also covers worldwide internet distribution of the Nollywood films. This provision unequivocally affirms the exploitative nature of the contract and the unequal power relations that undergird them. The contract covers more than two continents regardless of the worldwide internet access. When compared to the fee they pay to the property right owners, it amounts to erecting a flag and claiming a continent. In Nigeria today for instance, there are 48 Nigerian Television Authority (NTA) stations, national television networks, 37 state televisions and 12 private television stations outside Multichoice. Yet, the Geopoll survey (2014) reports that Multichoice is the second most popular station in Nigeria after NTA. Incidentally, at the inception of Nollywood, NTA was showing Nollywood films and using all their stations to market the films nationwide. However, with Multichoice's emergence into the industry, they stopped all forms of partnership with Nollywood filmmakers. Thus, for a long time now, NTA stations do not show Nollywood films. Multichoice, thus, has leverage above all television stations in Nigeria in terms of viewership because more than 50 per cent of the private stations which show Nollywood films have their channels all linked to Multichoice's DSTV platform.

It is arguable that the refusal of NTA to show Nollywood films in reality colludes with Multichoice; otherwise, one cannot figure out why a national television like NTA cannot support its popular and lucrative industry.(This description indicts the regulatory bodies in Nigeria for not doing their job properly.) As a capitalist media corporation, in a neo-liberalist economy, Multichoice stands a chance of growing and expanding the more, if it sincerely

works to the development of the industry instead of concentrating on its capitalist interests. In fact, Multichoice no doubt owes its growth so far to a very large extent to Nollywood and so would do better to remove any suspicion in the minds of Nollywood content suppliers. While it may be argued that, under the freedom of contract principles, parties can enter into any bargain that they deem fit since contract law is not interested in the quality of bargains that parties make, some of these classical legal principles are vitiated where there is glaring inequality in power relations. For corporations and industries whose successes are mutually tied, it behoves Multichoice to not use its corporate power and leverage to their optimal weight because it may be counterproductive.

5.1.2.7 Language

The agreements stipulate that the programme will come in original version with English and, in addition, dubbed, subtitled and/or voiced-over in other local language versions. The Nollywood copy ends with the fact that the "Licensee shall have the right to create local language version(s)." However, the South African contract document states that "if created, Licensor may access such local version(s) at 50% cost at the end of the Pay Television License Period." A critical issue arising from the term is that it is not normal for a licensee to be authorized to exhibit an intellectual property of an original copyright owner, to have the right to create the local language version(s) of the intellectual property.[38]

This state of affairs compromises the residual proprietary rights of the licensor. It amounts to abuse or unfair use of copyright material which is not permissible under copyright law. It also undermines the right holder's moral right (see) which in law is not a right that can be licensed or assigned. Given the limited term of these contracts, one wonders what the licensee's interest is, in creating a local language version. Already many Nollywood movies

[38]The Multichoice contract is a broadcasting right that includes the rights of production to protect the productions of content in local languages, encroaches on production right which is not illegal. (See Ulin, 2014).

are being dubbed, and adapted in places like Tanzania and elsewhere by people who access the films through channels like Africa Magic, which is in flagrant breach of copyright where no permission is obtained from the original creators. As a leading corporate organization in the creative industry, the licensee should not be seen to be in a position that creates an appearance of insensitivity to copyright laws and the rights of creators.[39] It does seem that the agreement does not recognize that the licensor is a stakeholder on subsequent transformation of his/her original creation. Is it not possible that Multichoice knows this, which explains why the South Africa contract includes the proviso: "if created, Licensor may access such local version(s) at 50% cost at the end of the Pay Television Period" (contract extract)? Another important issue is that the Pay Television Period protecting the newly created local language version is not defined.[40] And so, the original content owner would not know such period when he will access the 50% cost. With the absence of this clause in Nollywood document, one is compelled to assume that Multichoice did not include the clause because they presume they do not need to bargain for the right of the newly created local language versions, since their exclusivity right of claim on altered or customized programme perhaps legalizes its rights on such programmes. Such stipulations obviously smack of exploitation of unsuspecting Nollywood producers, particularly given that they excluded it from South African filmmakers who also have similar statement in their contract.[41]

[39] It is difficult to divorce Multichoice's position in Africa from its actions in Nigeria. As a matter of fact, Multichoice assumes a pioneering and dominating position in the film industry; thus any assessment of its role will be examined from these two critical perspectives. Similarly, it is expected to be a pace-setter that sets standards of operation within Africa.

[40] What is meant here is the set time assigned to the films which Multichoice chooses to create in local language versions outside its contract agreement.

[41] By excluding the clause from Nollywood contract, Multichoice's exclusivity right controls Nollywood's power to any claim, even if Multichoice chooses to produce versions of Nollywood other than their originals. By that contract, Nollywood cannot even lay claim to the 50% available to South African filmmakers.

5.1.2.8 Payment terms

The Nollywood document affirms that "for each programme 100% of the license fee[is] payable" once M-Net receives the agreement between M-Net and the licensor, delivery of a technically acceptable master and additional materials and documents in support of the copyright ownership of the programme. Incidentally, the South African document has a clearly defined breakdown of payment terms and stages of payment as follows:

- 25%- on payment of Pay Television License Period commencement date
- 25% -3 months after Pay Television License Period commencement date
- 25%- 6 months after Pay Television License Period commencement date
- 25% -9 months after Pay Television License Period commencement date

The non-inclusion of this breakdown in Nollywood agreement makes one curious about the motivation of Multichoice. Indeed, it raises an issue bordering on the level of trust and mutual confidence which is fundamental for sustainable goodwill and business relations. Interestingly, some of the Nigerian licensor respondents confirm to being paid in instalment, even during the early days of Africa Magic emergence, while a couple of the filmmakers who are content suppliers claim they are paid in bulk. Part of what informs the dissatisfaction of Nollywood filmmakers is the fact that they believe the contracts are inequitable as they were being paid less than their contents' worth notwithstanding the licensee's grab of broad sweeping rights. The licensee broadcasts the contents to the licensors' home audience, which is the largest and most lucrative on the continent and thereby depriving them of the patronage at the home market which remains their only source of recouping their investment.

The Nollywood contract provides for a one-off payment, while some of the filmmakers claim to be paid in instalments. Although there are advantages and disadvantages of being paid in instalment, or in bulk, however, stipulating in the contract that it will pay in

bulk, but paying in instalment demonstrates lack of trust on the part of Multichoice which Nollywood practitioners may condone due to their powerlessness. However, if Multichoice pays the filmmakers in bulk, while some are claiming to be paid in instalments, it means that Multichoice needs to revisit the issue of having middlemen[42] or "licenced suppliers" acting as assignees for copyright owners. It suggests that some of the middlemen collect the royalty from Multichoice but do not pay the content owners out rightly or in bulk, but at their own will. However, if Multichoice actually pays the filmmakers in instalment without a breakdown of time frame, it could be inferred that Nollywood practitioners are better off with one-off payment to prevent such observations as this respondent made:

> Perhaps there are some people they pay as at when due. But they have never paid me in bulk. That is one of the frustrating parts of the contract. The fee is paid in instalments. Sometimes, when the time is due, they will tell you they have never aired the film. They did that to me. At other times they will air and will not even contact you, until you contact them. For instance, for one of my films, some of my relations back home told me they saw the film on Africa Magic, and I called them before they gave me an appointment for the payment. Considering that one expects the money to help in other productions, it is frustrating to see that sometimes they do not come as at when due or in bulk. At times it negates the reasons for the signing the contract. (interview extract)

The foregoing highlights inequalities in the bargaining powers of the different parties. Given this scenario, one wonders why Multichoice's agreement with Nollywood did not stipulate that the money will be paid in instalments as with the South African agreement. Further expositions from the respondents confirm this theory of inequality and make it easy for one to understand why the producers' do not complain over some of the actions. One of the respondents notes that:

> As a filmmaker, one would prefer to be paid in bulk to enable you (sic) use the money to achieve something tangible, but the business owner determines how to manage his business, if it is not okay for you, you will stop doing business with him… they are largely established unlike most of us, so we have to obey their business rules. (interview extract)

[42]This is Multichoice' problem because they introduced the middlemen and the development also affects their credibility amongst practitioners. They are in the best position to stop actions which may dent their corporate image.

‘Obey’ in this context implies ‘accepting’ Multichoice’s offers even if one is not pleased with the terms. The conduct of Multichoice reflects its willingness, as a stronger party to dictate the terms for the weaker party and to use its monopoly of the industry to its advantage. This may be attributed to be the reason why the practitioners believe that the informal nature of Nollywood and its weak bargaining position has an impact on the role of Multichoice in the industry. It would therefore, be short-sighted for Multichoice to think that the status quo would remain without change. In a highly creative and competitive business environment, it is those corporations that practice fairness and equity that stand the chance of continuing domination.

5.1.2.9 Other terms

The South African contract stipulates that “M-Net shall be entitled to provide services for hearing impaired viewers of any programme (e.g. teletext and voice over audio tracks) in order to comply with local regulatory requirements” (contract extract). But the Nollywood contract stipulates that “Licensor (that is intellectual property owner) is to supply, free of charge, dialogue transcripts (supplied by e-mail) synopses, and standard teletext disc files for the hearing impaired” (contract extract). This suggests that it is Multichoice that mandates the artist to provide technical equipment services for hearing impaired viewers as part of their broadcasting regulatory requirements, perhaps, whereas the National Broadcasting Corporation did not mandate them to provide such. To compel the intellectual property owners to provide such services, even when it knows that such provision is outside the purview of a creative artiste, is callous, because creative artistes know little or nothing about technical gadgets or equipment, particularly when it is a compulsory requirement.

As a responsible corporate organization, Multichoice has again missed the opportunity to use its influence and goodwill to encourage positive and progressive industry

regulatory environment on the continent. Many African countries recognize the leadership role of South Africa in many respects and sectors on the continent. For a respectable South African corporate entity with increasing influence across the continent to adopt a pattern of exploiting loopholes in the municipal law of its individual partner artiste; rather than contribute to the development of those laws at least to help bring it close to the South African standard, is myopic to say the least.[43]There is little doubt that Multichoice is intent on exploiting regulatory loopholes in Nigeria to shirk its responsibility and pass the buck to industry practitioners. Broadcasting media provide all the necessary technical supports required in cases like this. For instance, in the broadcast agreement between Trinity Broadcasting Network (TBN) and Boat Angel Outreach Centre in California, in America; although Boat Angel is the producer of the programme, "*Donkey Ollie,*" a children's programme, TBN provides all other technical requirements (teletext audio files for hearing aids, etc.) necessary for the broadcasting of the programme.[44]

The Nollywood and South African agreements have provisions in the two documents for the intellectual property right owner to endorse the agreements. However, the Nollywood document has two extra pages where the copyright owner is expected to make a Withholding Tax on Royalty (WTR) Declaration, which is expected of every non-South African. The declaration is made to or for the benefit of the license fee (otherwise known as royalty for the content). The WTR covers the taxation of the content for doing a business with a South African company. By completing the form, a content supplier will be taxed 7.5% of the Royalty to be remitted to South Africa, while a content supplier who does not complete the form will be taxed 15% of the entire royalty. 7.5% will be reserved to fulfil the South African Income Tax Act of 1962, while the remaining 7.5% will go to the country of residence, which

[43]Multichoice has been in the broadcasting business for too long to know that the technical requirements are supplied by media organizations not creative talents.
[44]www.carangel.com/.../donkeyolliesixbooks%20finals3/Revised_DonkeOllie_Internati... The technical equipment includes teletext audio files among others.

in Nollywood case is Nigerian government. Critical issues centering on copious exploitation arise:

(a) It is illegal for a businessman who transacted business with a company registered in Nigeria, to be compelled to pay tax to the foreign country when the business was not transacted in the foreign country. The former director-general of the National Broadcasting Corporation, Mr Emeka Mba denied knowledge of this development and a director at the Censor's Board and a legal consultant with one of the regulation agencies did not know about this tax, and confirmed it was illegal because it amounts to double taxation.[45] Mr Mba suggested that Nollywood practitioners should sue Multichoice to contest the tax, instead of taking it up as a director of the highest regulatory agency in Nigeria which licensed Multichoice. His suggestion is a clear sign of compromise on the part of a government regulatory agency.[46] Investigations reveal that in Romania, it is recognized that member states of the European Union have autonomy of direct taxation. However, in 2004, the European Commission found such practice as illegal, due to the question of double taxation. They therefore introduced what is called "common consolidated corporate tax base" which "involves establishing a single tax base for activities of a transnational company" (see Pirvu *et al*, 2011) with cross-border activity income. The tax regime was to help control issues of double taxation of business clients of such companies. Incidentally, Nigeria has never had any previously known case before now, which calls for more attention to this case. It is therefore a new aspect of transnational business, which needs concerted attention.

In America, withholding tax on royalties is legal depending on several issues. According to Ernest and Young (2013), "the location of income-producing" activities can

[45]The world over, every nation tries as much as possible to prevent double taxation of investors in order not to appear hostile.

[46]As the head of the highest regulatory agency in Nigeria, Mr Mba ought to conduct an investigation and make sure the illegal taxation is stopped forthwith. But to refuse to do anything and to suggest that the practitioners to go to court knowing that such could linger till eternity and cause the industry more money on litigation, smacks of compromise.

impact how and where the income is taxed under source-of-income and permanent establishment principles" (Ernest and Young, 2013:13). Other factors include factoring the machine roles, in other words, finding out if the "place of the performance of the service is the same as the server's location" deciding how to allocate income to machine and human in the supply chain; and determining the impact of outsourced services on place of performance. Furthermore, Ernest and Young note that, "a change in the type of transaction and entity earning income may affect the withholding taxes earning" (see page 3).[47] In America where Ernest and Young investigate, content supplies and distribution are done by corporate organizations and distribution firms, unlike Nollywood which is an informal sector operated by independent and small-time business enterprises. This therefore, suggests that the withholding tax regime introduced by Multichoice in Nollywood content may be legal for big time distribution companies, but is illegal in Nigeria.[48]

(b) If South Africa has an Income Tax Act for businesses transacted in a South African company, then, it is worrisome that it failed to reflect same in its contract document for South Africa, after all, there are Nigerian filmmakers practising and producing in South Africa. The Nollywood filmmakers reveal that this tax was introduced in early 2015, but South Africa was not known to have introduced a new taxation law recently. Again, it shows a gap in leadership, and perhaps compromise and corruption on the part of the Nigerian government. Multichoice should have notified the Nigerian regulatory agencies and Nollywood before the sudden introduction of Withholding Tax on Royalty Declaration. These issues are necessary

[47]This affects Nollywood because in America, WTR is approved when production take place in the country where the Tax is to be paid, which is not the case with South Africa. Moreover, they may be using their machines and human resources, which is also not the case in Nollywood. Finally, the nature of the entity producing the production is important. In other words, big corporate establishments may be allowed WTR. Unfortunately, Nollywood is run by small informal enterprises and so do not deserve to pay such taxes as common to major distributors like Warner Brothers, CBS etc. in Hollywood.

[48]This clause may be seen as an arbitrary introduction by Multichoice and not by South African authorities as it does not exist in their local contract.

especially where even the directors of the regulatory agencies claim they were not aware of this development.

(c) It is important to observe that the WTR for South African government is non-negotiable, whereas the content suppliers can appeal for exemption for the tax to be paid to the host country, Nigeria.

5.1.3 Significant omissions or commissions in the contract

The absence of a request for the Censor's Board approval certificate is a critical oversight on the part of Multichoice. The National Film and Video Censors Board enabling law (2008), Section 33, subsection 1 states that, "As from the commencement of this Act, no person shall exhibit, cause or allow to be exhibited a film without a censorship certificate issued by the Board for such exhibition." The law recognises a breach as "an offence and liable on conviction to a fine of N5,000 or to imprisonment for a term of one year." By not requesting for the NFVCB approval certificate from content producers, Multichoice violates the NFVCB law. Government's inability to react or respond to such violation suggests one of four things: (a) Multichoice is used to not respecting the Nigerian law (b) Multichoice is protected by the leadership of the regulatory agencies (c) The Nigerian regulatory agencies are corrupt, and (d) All of the above.

The censorship certificate is proof that a film has met with all the requirements of the NFVCB as referenced in Chapter 2 and is important because it is one of the ways of sieving the industry of poor quality productions[49]. As public products, films have both cultural and entertainment values (Albarran et al, 1999). They require censorship so that the intrinsic worth are not jeopardized. A request for censorship certificates would challenge and compel the filmmakers to go through the rigors of censorship, considering that Africa Magic is one of

[49] Although, in many countries, quality control is not seen as part of the duty of NFVCB, in Nigeria, they are actually mindful of quality of the film content they certify especially those to be broadcast on international platforms.

the major windows of broadcasting Nollywood films. The filmmakers, who initially avoid censorship because of the open market sales, would be compelled to go through censorship.

The absence of the request for proof of censorship in the Multichoice contract indicts Multichoice of not conforming to the directives of NFVCB and NBC, and equally would suggest their disinterest in encouraging quality production. More so, as the purveyor of Nollywood contents, Africa Magic channels are the windows through which majority of Africans access Nollywood films. Multichoice owes Nigeria the civic duty of ensuring that only censored films are transmitted in their channels. This lacuna goes to the observation above on the need for Multichoice as an influential continental corporate player to push its weight into supporting responsible industry practices and regulatory developments, rather than capitalizing on bureaucratic loopholes that undermine accountability and progressive development of the industry. Such gesture would be an evidence of their co-operation with regulators of the industry.

Secondly, it was observed that there was no provision for the position of the third-party in their agreement, although Multichoice legalized their deals with third parties as well as with the original intellectual property owners. Exclusive rights are designed to empower the intellectual property owner to profit from his work (Patterson, 1993; Lawal-Arowolo, 2014; Ginsburg, 2002). Its absence in the agreement and implementation in their transaction logically suggests it is an illegality. Therefore, Multichoice's indifference to third-party existence, while dealing with third parties, exchanging contents with their accredited suppliers who supply contents on behalf of new or unknown filmmakers, instead of the original intellectual property owners, could be attributed as an unfair practice.

Without any documentation between Multichoice and the intellectual property owners, the owners of the intellectual property lack the rights to fight infringement or violation of their rights in a court of law. Arguably, the informal nature of Nollywood

undermines the legal protection of intellectual property owners in the contracts and fails to specify the role or commissions of third party acting as content supplier for copyright owners. It may thus be argued that Multichoice exploits the lacuna to allow illegal loopholes for their partners in exploitation. The contracts are only 4-5 pages long and do not have recitals or preambles that clarify (in the case of third party agents) how the licensors come to be the legitimate copyright holders to the subject programme. This is important even for the licensee to ensure that each party to the contract have fundamental legitimate basis to contract. Furthermore, the Multichoice contract is silent on the place and benefits of the creative talents who are parts of the productions they purchase, especially given that an entertainment product such as film is a collective product belonging to many creative talents in the production (Ulin, 2014). To celebrate individual film stars weekly as is done on these channels should require that the actors be paid royalties as their fans are drawn to the channels during that specific week. To the artistes, Multichoice's silence over such critical issues may make it appear that it has keen interest only on profit acquisition without proper attention to critical development issues which could motivate, encourage and empower the industry practitioners (see Neu, 2006; Desai, 2005). Thus, it could be read as a media having a nonchalant interest in formal ethical practices and portrays it as one of the formal organizations which thrives on informality for profiteering.

Through its broadcasting and programming, Multichoice endeavours to promote individual Nollywood artistes through a lot of endorsements and promotional activities as part of its contribution to the development of the industry. However, for such contribution not to be counterproductive, the contract has to specify the copyright owner so that it may not be misunderstood by the artistes or the trade unions.

In summary, the following observations were made with regard to the contracts issued by Multichoice to Nollywood filmmakers:

a) They are perceived as one directional offer by the licensee, specifying the terms under which it is willing to contract with the licensee. It is a form of what is called take-it-or-leave-it kind of contract. In other words, there is no provision for the licensor to make an input (Browsword, 2006; Beatson et al, 2010). The impression is that the contract is bereft of any bargain whatsoever, a fact that glaringly underscores the inequality and inequity in the parties' bargaining powers.

b) The world-wide internet rights is perhaps the most egregious features. The internet is an unlimited platform for creative opportunities and transformation of existing works without necessarily undermining the licensee's ability to exploit the programme (see Ulin, 2014). In fact, licensor activism with the work on the internet at various fluid scales, characteristic of the internet platform could enhance the ability of the licensee to optimize the benefit of the program under contract. The idea of vesting the licensee with unlimited internet rights is a sledge hammer approach that may be counterproductive.

c) The contract is silent on the role of the licensee at the end of the term.

d) There is no provision for arbitration, or alternative forms of dispute resolution, contract is silent on jurisdiction.

e) Based on the comparison with contracts given to South Africans, the contract may be considered as clearly exploitative of Nollywood. It was designed to extract excessive benefits in favour of Multichoice. There are unjustifiable clauses which are obviously inimical to the interest of the copyright owners in Nigeria. These are absent in the South African contract and suggest deliberate intent on exploiting the industry. Moreover, the take-it-or-leave-it nature, suggests a compulsion akin to coercion (see Elster, 1983; Garon 1952). However, the existence of an exploitative contract is arguably better than operating without any contract at all. For instance, Nigerian owned HITV owners of HiNolly channel, operated without having

contracts with filmmakers. No one was surprised when the media establishment crashed due to financial difficulties in 2011.

5.1.4 Using middlemen in business negotiations

Many of the respondents reveal that one of Multichoice's means of exploiting individual film producers is through the use of middlemen. The middlemen are filmmakers and marketers who act as agents for other filmmakers and marketers, particularly new ones. The respondents state that most of the middlemen were selected for several reasons including their social class, financial, academic and political influence. A couple of respondents who are also middlemen or content supply agents admit they started business with Multichoice when they had some infringement issues. Some of them settled out of court with Multichoice and, Multichoice licensed them to supply contents to them thereafter. Attempts to seek Multichoice's clarification on its criteria for selecting content supply agents who act as middlemen were not successful. To an observer, therefore, Multichoice's 'goodwill' to these filmmakers creates the impression that supplying of contents was a corrupt reward to filmmakers for not embarking on litigation against Multichoice, and a sort of empowerment for such filmmakers to lord over other filmmakers. The middlemen play double roles in the industry for Multichoice and Nollywood as shown in this table:

Fig. 5.1: Table of the Faces of Middlemen

To Multichoice	To Industry Practitioners
Middlemen	Senior and leading colleagues
Stooges	Saboteurs
Exploited and Empowered	Exploiters

Investigation reveals that for their services to other filmmakers, the middlemen take twenty percent commission off the agreed fee paid by Multichoice for the contents. The first

middlemen were introduced at the very beginning of Multichoice/Hameda and Nollywood /Chico/McDon transaction. While at the inception the filmmakers did not realize the role they will play in the industry, such cannot be said of the later middlemen. A critical issue emanating from the involvement of early middlemen in Multichoice-Nollywood transaction was that their maiden business deal with Multichoice did not involve any type of previewing of the films to ascertain the quality of the films or the ownership (although at that time piracy was not very common); yet such a negotiation provides rooms for infringement of intellectual property rights. It should be noted that the position of middlemen in Multichoice-Nollywood business could be equated to the positions of petty bourgeois in Marxist analogy; "who must sell his labour power to optimize" (Elster, 1983:280). The initial negotiation between Hameda and other Nollywood filmmakers without recourse to Film Co-operative of Nigeria (FCON) executive empowered the filmmakers to ignore the position of FCON executives in terms of related negotiations. They became direct suppliers of contents for Multichoice and may be referred to as the first Nollywood filmmakers to become middlemen for Multichoice and Nollywood and benefit better than other producers in the industry.

Some respondents admit that Chico and Sunny McDon negotiated for them afterwards, as they did not deal directly with Multichoice. Referring to similar and later development, one of the filmmakers laments that: "Multichoice frustrates new filmmakers and uses older filmmakers, collaborating with them to exploit their colleagues" (interview extract).Therefore, the respondent berates the fact that Multichoice allows middlemen who are also filmmakers to come between Multichoice and other intellectual property owners in the industry who need their encouragement. Multichoice, however owns the key to clarifying, truly and sincerely, the role of these middlemen, particularly in terms of payment of royalty, and other issues. Unfortunately, attempts to get the management of Multichoice to respond to some of these issues proved abortive, as they ignored an invitation to respond to a telephone

interview (Appendix 2 is a letter to that effect). Because of the critical role of Middlemen in Multichoice and Nollywood business transaction, their role will be recurring in our discourse of Multichoice and the Nigerian Film Industry.

The foregoing demonstrate agency of filmmakers and shows interest of individual filmmaker (or individual habitus) can clash with habitus of class (group interest) as theorised by Bourdieu. The narratives also show indication of availability of various forms of capital among the actors. Not only were the actors endowed with objectified forms of cultural capitals (films), many of them have forms of capital (in institutionalized and monetary states, as well as in social form). These shape, influence and affect their actions, behaviour and thinking in relations to their business. Importantly, the actions of the middlemen show that the industry practitioners are co-producers of their domination and exploitation, because a group of them teamed up with Multichoice to exploit others.

The political and economic implications of these actions as pointed out by the filmmakers include that the favoured filmmakers assume higher status than their peers, and become willing tools in furtherance of their exploitation. Their accreditation as Multichoice content suppliers empowers them to bargain for their peers and deprives the newer younger filmmakers and producers of some percentage of their benefits, makes it possible for Multichoice and M-Net to outsource their contents and deprive them of the benefits of negotiating with the new stations.

5.2 Multichoice and the Nigeria film industry

The contributions and role of Multichoice in the development of Nollywood can only be assessed against its initiatives in the industry as a social or economic system. In investigating the role of Multichoice in the development of Nollywood, while I had expected praises from the industry practitioners, the data was filled with criticisms from Nollywood insiders who

complain of many issues involving Multichoice and its operation in Nollywood and Nigeria. It therefore becomes necessary to present the contributions and role of the media corporation within the industry because they will help us provide an overview of the corporation's overall contributions within the film industry. This aspect of inquiry is very important in this study because Havens et al (2009) consider the examination of the business culture of the media industry under study as vital in a research investigation. This can only be captured by examining Multichoice's dealings with and role in Nollywood. Multichoice's existence and role in Nollywood and Nigeria would best be captured from their group initiatives for the creative and cultural industry. These are reflected in its "enriching lives" promise to its host communities.

5.2.1 Multichoice and the promise of "enriching lives"

"Enriching lives" is the motto of Multichoice's corporate social responsibility programme described in its Sustainable Development Policy. The promise of "enriching lives" can be understood as a motivator for many Nollywood practitioners who elected to transact business with them. The Policy states that "as Multichoice expands its business it aims to contribute to the communities in which it operates; develop its own people; contribute to general economic prosperity; and minimize its impact on the environment"(Sustainable Development Policy, 2015).

Figure 5.2:***Enriching Lives Logo Courtesy Website***



Although it is not regulated or mandatory, a company's CSR is very important for their survival. A government official and respondent discusses the usefulness of CSR in this metaphorical narrative:

> Let me use this example: if you are going to construct a pipeline that will pass any community, if you do not involve any member of the community in the project, or render some services directly to them, your pipelines will be missing. Your pipes will be vandalized and damaged. The question is which one is better for you? Appease them, how much will it cost you? So, you render some services to have a good relationship with the people around you. (interview extract)

Many of the respondents are of the view that Multichoice does not have any real CSR for Nollywood in line with their "enriching lives" mantra, although Multichoice argues otherwise citing the initiatives below.

5.2.1.1 The Africa Magic Viewers' Choice Award (AMVCA)

The AMVCA is the annual African film industry award ceremony dubbed 'Africa's Oscar.'Within the four years of its existence, the AMVCA has served as an important social event not only for Nigerian stars but also for Africa's who-is-who in the film industry. The first edition was held on the 9th of March 2013 in Lagos. Usually, it is a live broadcast transmitted on both DSTV and the GOtv channels to about 50 countries in the world. Categories of awards given at the event range from best actors, actresses, supporting lead

roles to best cinematographers, best editing, soundtracks, documentaries and so on. The most recent awards was held on 4th March 2017.

The regional director of M-Net West Africa states that AMVCA contributes to the development of Nollywood by providing a platform for celebrating and promoting Nigerian and African films. Many respondents however disagree with this view and argue that the event is a "platform they created to make it seem like they are promoting the industry but which is actually organized to exploit the massive and growing star system in Nigeria and beyond, in order to draw publicity to their channels" (interview extract).[50]They argue further: "If the award is to encourage the stakeholders, how come with all the sponsorship they get for the awards, there is no monetary prize attached to it?" Some note that anyone who needs a plaque can get a good one for a small amount and one asked, "How do you encourage people to compete for a prize when the effort amounts to nothing?"

There are others, however think differently and who argue that "Multichoice's global impact provides the needed recognition which any African filmmaker should desire. Besides, they give material prizes which is better considering the fact that it will help sponsors to contribute in material forms which is easier, when compared to cash" (interview extract). Regardless of how respondents feel, the event gives Nollywood artistes recognition and prestige, attracts patronage and influences favourable consumer behaviours towards the industry (Marie and Andrews, 2006; English, 2005).

Figure 5.3: ***AMVCA 2016 Logo Courtesy of Africa Magic website***

[50]Both cases may be attributed to the award because the two seem to be relatively complimentary, and have driven most entertainment awards from the Oscars onwards.



According to the filmmakers, most of the prize categories celebrate the actors instead of the filmmakers who produce the films and many respondents believe the stars are brought together as a way of drawing public attention to the channel under the guise of celebrating the industry. In their view, the AMVCA is just an indirect ploy to exploit the fame, glamour and popularity of the stars to their own advantage. One respondent is of the view that Nollywood practitioners are upset with Multichoice and were out to find faults with most of their initiatives because the AMVCA is fashioned after established Western awards such as the Grammy, Oscars, Globes, and the Emmy where actors' prizes are more than those for filmmakers for obvious reasons (English, 2005).

There is no gainsaying that in Africa, many CSR initiatives do not meet the developmental needs of the country (Dartey-Baah, Ampons-Tawiah and Agbeibor, 2011). Obviously, the respondents are principally concerned about who receives the most benefit from a CSR. However, as Dartey-Baah, *et al* observes, "CSR is a sound business strategy profitable for both a business involved and its stakeholders"(2011: 73) because the company stands togains from increased productivity, enhanced public relations, reduced transactional costs, more clients, and the overall improvement of their corporate image. On the other hand, the stakeholders, particularly the filmmakers and marketers feel their benefit should be economic instead of psychological; that socializing without economic benefits is useless to

them as growth and development come from financial benefits. A respondent notes that "the only award that comes with money is BON award which comes with N1 million. Apart from that, AMAA award, all of them, they just give plaques (*Enweghi ihe eji ihe ahu eme*)"[51](interview extract). As if in response to these criticisms, the 2016 AMVCA included a car prizes for Best Trailblazer and Best Overall Movie. Indeed, the maiden award in 2013 included an SUV for the Lifetime Achievement Award. These developments suggest that AMVCA like most Multichoice programmes are still evolving.

Further criticisms emanating from the filmmakers argue that the idea of using viewers to determine the award winner of any of the categories is not credible as the so-called viewers' choice protect Multichoice's interest because Multichoice nominates all the films to be considered for awards. Besides, most of the films nominated for the awards are elitist films and are often not seen by the 'voting' masses. This belief perhaps informs why Charles Novia who is also a filmmaker, notes in his blog that "it is high time AMVCA transmutes (sic) from being a Viewers' Choice Awards to a REAL juror or Academy driven awards which should enhance the credibility of the voting process."[52]

5.2.1.2 The Africa Magic Original Films (AMOF)

The Africa Magic Original Film (AMOF) is a new project which "supports and lends expertise to the creation and broadcasting of original African content produced under the AMOF umbrella" (interview extract). It was established in 2013 to showcase stories from Africa for Africans. Multichoice sees AMOF as another means of enriching the lives of industry practitioners by supporting the creation of original African films. It was estimated that a total of about 136 films will be produced under the AMOF project. So far, filmmakers

[51]*Enweghi ihe eji ya eme* is an Igbo language expression meaning literally, "there is nothing you can use it for." It is another way of saying that something is useless.

[52]http://www.charlesnoviadaily.com/amvca-2016-the-bleh-and-the-boom-by-charles-novia/

like Obi Emelonye, Uzodimma Okpechi, Chris Eneji, Kabat Esosan, all popular and seasoned filmmakers have taken part in the project. In the project, independent film makers were given funds to produce films aired on Africa Magic channels, and Multichoice holds the right to these films. Many respondents see the project as geared towards increasing the contents available to Multichoice. A respondent observes that one of the factors to consider in setting up an industry in commerce, especially where capitalism is in practice, is nearness to raw materials. Multichoice and its African Magic channels, he argued recognized that Nigerian film industry has taken the whole world by storm and needed exposure in terms of a voice, a platform and even human resources to aid in their business. In his perception, AMOF is not a CSR, but a subtle approach to exploitation. Another respondent argues that at Multichoice's inception, it had a CSR known as *New Dimension* which is no longer in existence. A respondent who was hired for a job in the *New Dimension* project gives an account of the project in this long extract of our discussion:

R- When they were doing *New Dimension* they gave some producers money to make some films.

G - Were you a part of *New Dimension*?

R - No. I didn't get any funding from them for *New Dimension*, but I worked on a set of someone who got funding from them. I was the props person for *New Dimension's* "A Barber's Wisdom" made by Late Amaka Igwe for Multichoice's Africa Magic.

G - What does *New Dimension* imply?

R - It is just a platform within Multichoice which they wanted to use to give opportunity to some Nigerian film makers to tell stories using the new technologies. So, instead of shooting directly on video they brought in the *New Dimension* idea as it was done in South Africa so that people could shoot on celluloid and then, sometimes they bring in a few of their professionals who work on celluloid to come and work with the crew. But it was purely a Nigeria production crew members (sic).

G - Who owns the right?

R- The right belongs to Africa Magic. It is their initiative and they put you through one or two weeks or a month as the case may be, then they give some level of funding and commission you to do movie for them. By so doing also more employment was (sic) given to a few people and training and retraining helped to hone the skills of those who got the opportunities.

The launch of *New Dimension* at the very beginning of the Multichoice-Nollywood relationship suggests that Multichoice had good intensions for the industry. One begins to wonder at what point that changed. The fact that Nollywood practitioners do not identify with these projects seem worrisome, because the projects have the potentials of improving the industry. One respondent notes that the *New Dimension* was a "one-off experiment that ended before it began" (interview extract). However, AMOF can be seen as a newer version of *New Dimensions* since the two projects have a lot in common. They both involve funding independent filmmakers to produce quality films. They both involve film production under the supervision of South African technical crews, and they both involve producing on cinema rather than on video. While *New Dimension* was a once-off production, AMOF is not and has potentials to develop Nollywood regardless of the perceptions of respondents.

Some of the practitioners refuse to acknowledge AMOF as CSR because it was not targeted at the unprivileged filmmakers. They argue that if someone wants to help develop an industry, the person should either provide the wherewithal to help train or improve all members, especially the less privileged within the industry that are talented. However, they argue that Multichoice designed the program and elects to empower a select few, particularly the privileged, who are already technically informed, economically buoyant and generally exposed in international film standing, suggesting that they were lobbying this category of filmmakers.

One of the respondents says he looks at Multichoice as "a big disaster to the industry except if they are ready to empower filmmakers" (interview extract). As many of them observe, there are many good film makers, trained film makers, who are looking for finance to start making their own films but don't have that opportunity because they don't have finances. A media organization like Multichoice, they argue, ought to empower them as major stakeholders in the industry and design means of monitoring them to ensure they

comply with their project plan. The filmmakers recall that all the films shot in Nollywood are purely self-efforts, and lack of finance limited the growth of most filmmakers and even caused a barrier to achieving a great career, although the industry has many trained film makers. The filmmakers therefore argue that taking up such individual filmmakers for development would help the industry and Multichoice better, instead of their AMOF style of using "already made filmmakers". Using the AMOF project as instance, one of the respondents points out:

> You and I know that a filmmaker like Obi Emelonye was engaged by M-Net to produce his *Oxford Garden* (2015) under the AMOF arrangement. While I have nothing against the business relations, one cannot help but ask: why Obi Emelonye, why not newer talented filmmakers without fund to produce films? Obi Emelonye is a well-placed, seasoned and comfortable filmmaker. In fact, he is one of the new Nollywood filmmakers who do (sic) not need to sell his films to Africa Magic (AM) or who would negotiate highly for his contents to be shown on AM channels. Involving him in AMOF was Multichoice indirect way of pulling his creativity to their channels. Such arrangement will not only soften him, but will lure him to the channel, whereas getting him to sell his content on a normal arrangement would have cost them a great fortune. (interview extract)

Another respondent likens the support of Emelonye to "carrying a cup of water to the sea because Obi Emelonye is already made" (interview extract). The general feeling is that Multichoice should be facing people in Nollywood who have the capability of making good movies but they don't have the wherewithal to do this. Therefore, they declare that, "AMOF is a PR package. It is not a CSR. A CSR should be a corporation's package to help and improve the immediate members of the corporate society where a given business exists" (interview extract).

Fig 5.4: AMOF Logo *Courtesy of Africa Magic Website*



This point echoes Adejunmobi's (2011) argument that regional media organizations pose a threat to local producers by "co-opting" the local producers in such a way that the fates of these producers become subject to the relationship with the regional organization. This can explained in a number of ways. First, the filmmakers endorsed by AMOF are those of the "new Nollywood" class who are internationally recognized and who do not sell their films for 'peanuts'. Second, their involvement with AMOF makes their productions available as Multichoice productions which give a semblance of working for Multichoice but which actually prevents them from operating as independent filmmakers. Third, because they are sponsored for the production, they make do with the profit they are paid for their professional services, whereas, Multichoice takes the fortune accruing from the films as the right owners. In this way, Multichoice has indirectly co-opted them into their project, stripping them of their independence while giving Multichoice a greater share of the benefits of the partnership.

One of the respondents thus describes the AMOF project as Multichoice "hiring" Nollywood filmmakers to produce for them which has a double edged implication depending on how one perceives it. According to the respondent, the project keeps a lot of actors busy, but amounts to Multichoice competing with Nollywood in production, an idea he does not support. However, the Multichoice PRO argues otherwise. In his opinion, Multichoice is not

competing with their content providers because "they can never have enough content" (interview extract). AMOF to them was a contribution to the industry and a "means of trying to balance out the content…an opportunity to train talents. Thus, when you find an average original film, you have an upcoming talent, given an opportunity to try their hands at acting"(interview extract) suggesting that through the project, Multichoice trains people like script writers, camera men and many other members of crew. The Multichoice representative claims that they shoot the movies by themselves, that what these do is help them to contribute to the development of talents. While these criticisms may be understood as the complaints of disgruntled filmmakers, they however reflect Adejunmobi's (2011) theorization of the"co-opti[on] of the local media."Thus, while Multichoice may be seen as contributing to the industry, its role in that regard may also be seen as "virtuous capitalism"(Collins, 2000).[53]

A critical appraisal of the respondents' argument suggests that Multichoice's so-called CSR project may be a conscious economic strategy of reaching for the best producers in Nollywood. The corporation thus cautiously draws them into producing for it on the guise of the AMOF collaboration project, in order to make their productions visible in their channels and thus boost the broadcasting of quality content. In this way, it gains audience endorsement for providing high quality content in its channels and obtains collaboration between these experienced filmmakers and Multichoice, while ignoring the upcoming filmmakers who need support.

Some critical studies involving film industries define co-productions as mutual co-operations existing between international media companies and film industries which involves capital investment and the sharing of resources (see Thomas, 2010; Rasul and Profitt: 2012). Hollywood has used such collaboration to penetrate Bollywood (Rasul and Profitt, 2012), and in a similar vein, Multichoice has proven to be one of the "regional media

[53] According to Denis Collins, virtuous capitalism is a form of capitalism that enables people experience joy and "reinforces many virtues, particularly liberty and creativity" (2000:333).

corporations in Africa that are themselves embedded in, or deeply connected to global media networks [who] have become active disseminators of Nigerian film" (Adejunmobi, 2011:68), and who have succeeded in dictating trends in Nollywood. In line with their political economic interest, AMOF may be considered as Multichoice's strategy of breaking into the thriving and professional part of Nollywood popularly addressed as the 'new Nollywood.' As a capitalist media, Multichoice's economic logic of initiating the collaboration is to wield power over the erstwhile independent filmmakers who initially ignored their allure and went for self-financing and promotion via the cinema medium; and who succeeded in avoiding the manipulation of Multichoice unlike Idumota and Asaba filmmakers. Thus, this strategy has both political and economic repercussions on the industry.

Through its AMOF initiative and their co-production of Nollywood films with local film houses, Multichoice is not just copying Hollywood's strategy, it holds the property rights to the productions, and indirectly protects the films from piracy as the films are not sold to the open market, an advantage the local film houses may not envisage. However, AMOF could be read or interpreted as a form of capitalist mode of production emanating from capitalist exploitation. Nollywood has been described as an informal economy (Lobato, 2012; McCall, 2012), and formal media establishments like Multichoice exploit such informality for their benefits (Lobato, 2012), which is part of what Nollywood practitioners are criticizing, given the fact that Nigeria's neo-liberalist policies are favourable to them. The various contributions of Multichoice in the nature of AMVCA and AMOF are designed as structures that enable, as Bourdieu observes, "the distribution of the different types and subtypes of capital at a given moment" (Bourdieu, 2011:81). Inadvertently, they amount to "constraints" and determine the chances of the industry practitioners' success in fighting their domination and exploitation as a group.

5.2.1.3 The New Nollywood phenomenon

The New Nollywood phenomenon is identified as a wave that began around 2007 and became prominent in 2010 and 2011 (see Haynes, 2011, 2014; Chamley,2012; Novia, 2012). Haynes (2014) attributes its emergence to the saturation of the market as well as the problem of piracy while Novia (2012) relates it to the exploitative role of the Idumota 'mafia'. For his part, Chamley see it as resulting from the effort of Nollywood's "highly talented directors to reintroduce professionalism to Nollywood"(2012:21). The Multichoice PRO did not associate Multichoice with the emergence of the New Nollywood phenomenon apart from the general acknowledgement of development and support for Nollywood filmmakers. However, majority of the industry practitioners affirm that the operations of Multichoice led to the emergence of the new Nollywood. Initially, the Idumota and Upper Iweka "mafia"[54] dominated the channel and were initially giving their content free of charge to Multichoice. For its own part, Multichoice was not strict with the quality of the films they accepted. Owing to these developments, the educated and independent filmmakers avoided both the Idumota mafia and Multichoice and took the cinema route. The cinema enabled them screen the films, recoup the production cost and fight piracy in the film (see Haynes, 2014; Chamley, 2012). Therefore, most independent filmmakers opted for cinema to avoid issues with the market producers who they perceive to be crude. They were disappointed with the quality of Nollywood films which Multichoice was purchasing from Idumota filmmakers, and broadcasting to the world. They therefore did not want to be a party to that. This suggests that as Bourdieu predicted that "the profits which accrue from membership in a group are the basis of the solidarity which make them (agents) possible"(Bourdieu, 2011: 86).

The protest paid off with the emergence of better and high quality productions. In solidarity with the new and better Nollywood, Multichoice solicits and partners with most of

[54]Idumota traders who dominate and control the film marketing and distribution in Nigeria have been referred to as mafia and cabal by many scholars. (see Paulson, 2012; Haynes, 2014, Novia, 2012).

the New Nollywood filmmakers like KunleAfolayan, ChinezeAnyaeche, Obi Emelonye, Stephanie Linus among others. According to a New Nollywood filmmaker, "the new Nollywood was officially instituted when Multichoice introduced the AMVCA and carved out some prizes for New Nollywood film categories" (interview extract), prizes which were more valuable than others. Some debates emanating from the new Nollywood phenomenon will be discussed further in a later chapter. The emergence of the new Nollywood is a significant development in the film industry. The use of new technologies by the new Nollywood filmmakers has introduced competition among the filmmakers (Haynes, 2014) all of which have resulted in better quality film productions. Also, it launched Nollywood films into transnational elitist space, although it has also reduced the patronage of the films given that there are not many cinema halls or multiplexes in Nigeria. In a way, this jeopardizes the popularity and patronage of Nollywood films.

5.2.1.4 The silent contributions

Nollywood practitioners dissed some of the corporate social initiatives of Multichoice in ways which underestimate the role of the transnational media corporation within Nigeria. The dismissive phrases used by the industry practitioners that "they have tried in promoting our actors…and Nollywood" or "they have tried in showcasing our films"(interview extracts) suggest a deliberate decision to downplay Multichoice's role in the entertainment industry, because none of them made reference to its productions such as the popular soap *Tinsel. Tinsel* is an in-house production of M-Net which started in August, 2008[55]and has shown more than 1,500 episodes. It runs a 5-day a week schedule on the DSTV channels with a 260

[55] Seewww.vanguard.com/2011/09/tinsel-the-journey-so-far/

episodes shown annually, as against the 52 days' serials in Nigeria.[56]The production of *Tinsel* in Nigeria is significant because it is the first studio-shoot in contemporary Nigerian entertainment history, after old generation indigenous soaps like *The Village Headmaster*, *TheHonorable*, *The New Masquerades* among others.



Figure 5.5 : A section of the Tinsel Casts (Courtesy: M-Net Website)

Tinsel launched the career of many actors like Gideon Okeke, Linda Ejiofor, Tomi Odunsi, Damilola Adegbite, who have become entertainment industry celebrities in Africa due to Multichoice's DSTV's continental broadcasting outreach. Today, Tinsel's actors are recognized actors, presenters, and representatives of several corporate brands (Tsika, 2015), and many of the actors have crossed over to Nollywood. For instance, Gideon Okeke played the impressive supporting male lead role in *A Place in the Stars* (2014), a crime thriller produced by ItaHozaife and J.K. Amalou and in*When Love Happens* (2014), a romantic comedy produced and directed by Seyi Babatope.

Most significantly, *Tinsel*'s production style provides employment to an average of 60 performing artists, who are paid on monthly basis.[57] This is a landmark contribution to the development of the industry and Nigerian economy, which should teach the industry

[56] See Nigerian Entertainment Today, June 03, 2013. Accessed from: www.thenet.ng/2013/06/net-special-report-tinsel-gulps-4bn-in-four-years
[57] See above.

practitioners of credible and rewarding ways of re-organizing and re-strategizing their productions. With an estimated figure of 90% against 10% cast and crew from Nigeria and Ghana respectively, the production exposes the technical crews and cast to transnational work relations. Thus, it is not out of place to admit that "aside being a creative concept to entertain fun-loving Nigeria, Tinsel is creatively positioned as an economic agenda to keep hundreds of Nigerians gainfully employed while entertaining the viewer" (Vanguard, 2011); and potentially, it is a practical model for Nollywood producers interested in improving their businesses and the industry.

The production is said to have gulped N4bn in its four years of existence in Nigeria (Alonge, 2013). A corporation that pumped such fund into an economy ought to be appreciated, regardless of its exploitation or dominance. It may be argued that Multichoice was showing 'leadership' instead of exploitation and dominance because some scholars believe there is a thin line between leadership and exploitation (Kindlerberger, 1981; Galtung,1971).Kindlerberger defines leadership initially as persuading others to "follow a given course of action which may not be in the followers' interest if it were truly independent…and [which] has strong elements of both arm-twisting and bribery" (1981:243), without which it is difficult for public good to be produced or achieved. This definition implies that leadership involves interdependence of two different entities. Galtung defines exploitation as dependence and involving entities who depend on each other, like husband and wife, master and maid, lecturer and student etc. Thus, while a Master sees his maid as a servant, the Maid sees the Master as her meal ticket (see Kindlerberger, 1981).This reflects on Multichoice-Nollywood relationship, because each of the actors in this study is dependent on the other to thrive and survive; except that Nollywood practitioners see the exploitations without acknowledging and appreciating the benefits from their relationship with Multichoice.

5.2. 2 The business relationship between Multichoice and Nollywood

This section examines the various ways through which Multichoice transacts business with Nollywood practitioners. In broad terms, it may involve ethical, political and economic relations which affect and influence the respondents' relationship with Multichoice. This section is important to enable us understand in clear terms, how Multichoice relates with the industry practitioners. One may argue that there is evidence of clear exploitation, where ethical exploitation is seen as the avoidance or neglect of ethical rules of operation and reliance on unprofessional means in dealing with the content suppliers (Bloom, 1941).

So far, the analysis of the contract document which cements the business transaction existing between Nollywood filmmakers and Multichoice, suggests that greater percentage of the provisions of the document were morally wrong and highly exploitative. The development leaves much to be desired given that Nigeria is Multichoice's largest market. Arguably, such discrepancy could generate suspicion among other smaller nations in their future dealings with Multichoice owing to the terms of the contracts. It may be argued that if such seeming exploitative provisions can arise in Multichoice-Nollywood contracts drafted in Nigeria, when Nigeria is not only one of Africa's largest economies, provides majority of the contents, and remains the largest market for entertainment content in Africa, but the country also provides enough human resources to meet up with Multichoice's demand, then other African nations are not safe with Multichoice. It becomes important that Multichoice's business relationship is Nollywood be examined.

5.2.2.1Unfair use of Nollywood content in the Nigeria

The consensus of most respondents is that Multichoice is guilty of various classes of unfair use of Nollywood movies. The filmmakers and marketers lament that part of why the film production has declined in Nollywood is because they no longer enjoy the patronage of

majority of the people, who initially patronized the VCDs and DVDs. They attributed this shortfall to the fact that Multichoice shows Nollywood films in Nigeria which is their immediate market. They argue that given the fact that the Nigerian market is their only market and that Multichoice ought not to broadcast the film within Nigeria in order not to affect their market. Therefore, they lament that the daily broadcasting of the films in Nigeria for local audience has adversely affected their business. Many of them used the English Premier League as an example. They state that European Leagues are not shown live where the matches are played. According to them, the broadcasting rights are sold to distant media organizations to enable those who cannot reach the venue to watch it, while the people within the immediate environment are compelled to go to the stadium to watch the match. The filmmakers see the prospects, economic success and patronage of EPL as equivalent to Nollywood films as both thrive on audience viewership, patronage and coverage (Dobson and Goddard, 2001; Barros and Leach, 2006). They now wonder why Multichoice purchases Nollywood films and yet broadcasts same within Nigeria territory, which is their only market, an action many of them see as unfair use of the cultural products, because it prevents the local audience from patronizing their films, and equally prevents the continental audience from examining avenues of sourcing or patronizing the films too.[58]

They see Multichoice's act as a death sentence designed to destroy Nollywood and the erstwhile progressing film industry in Nigeria, by co-opting it "to move towards diversifying and standardizing" (Adejunmobi, 2011: 77) the cultural products. Although this may be seen as a standard practise in Hollywood and Bollywood, Nollywood practitioners

[58] While one may argue that the industry practitioners should have known about the implication of Multichoice's involvement, this is not the situation. Majority of the practitioners did not envisage the enormity of Multichoce's influence and how it will affect the industry as a whole because it was a new development. In a conference, organized in Kwara state university in 2013, one of the veteran and active filmmakers Lancelot Imaesuen likened Nollywood to a maiden dancing naked in her room at night, out of joy at her success, without realizing that people on the street are watching her nudity from the open window. In other words, the industry practitioners never thought they will attract the audience they met with its popularity in recent times because it was a new experience; which exposed them to both good and bad experiences.

see this as a death sentence for their industry because Nollywood has a different business structure from Hollywood and Bollywood. Films in Nollywood go through the video format (DVDs and VCDs) and then to cable/satellite, unlike Hollywood and Bollywood which are first released at cinemas before other mediums (see McCall, 2009; Adejunmobi, 2013). The implication is that the Hollywood filmmaker can recoup the film production cost through theatrical release. The scenario applied to Nollywood will not enable the filmmakers recoup their money due to the interference of the Multichoice's broadcasting. Besides, the royalties paid by Multichoice do not cover half of the production costs.

In this regard, a respondent describes Multichoice's action as "gross sabotage" (interview extract). As the respondent notes "I have no grudge with Multichoice showing it outside Nigerian territory. But to show it here [in Nigeria] is sabotage to the industry" (interview extract). It is the same monopoly that they enjoy in Nigeria, which makes them consider the future of their business to that of Nollywood; thus, they prefer to concentrate on their selfish benefits. They argue that if Multichoice wants to help the industry they need to concentrate on showing the movies to other Global South nations, but not within Nigeria particularly since they have the technological competency to do so:

> Multichoice has state of the art equipment which may be encrypted to obviate any incursion into their network. The dynamics of the media technology will enable them configure the infrastructure, that those who have their [satellite] dishes will not be able to access the channels. They should realize that this is business. And filmmakers in Nigeria should be able to generate their revenue from Nigeria. (Interview extract)

The main argument here is that Nollywood practitioners consider the broadcasting of their films within Nigeria as an unfair use of their content. They claim that they would not mind Multichoice broadcasting the films to other nations in the Global South, but leaving out its broadcast in Nigeria to enable them enjoy the patronage of the local audience. Perhaps, their experiences these past twenty years of Multichoice existence in Nigeria have opened the eyes of industry practitioners to challenges they never envisioned when they were signing contract

with Multichoice. Moreover, the fact that they made no input in the contract agreement suggest there is a need for the parties to revisit their contracts to see how these issues may be tackled to their satisfaction. While this may be true to an extent, Adejunmobi (2012) has identified Nollywood as a minor transnational practice, using internet and online TV channels to show how the film industry has been transformed. Jedlowski (2010) also used example of the "small screen television" to show how technology has affected Nollywood. This suggests that Nollywood practitioners' predicament may not all be as a result of Multichoice's exploitation. It however, shows the importance of, and need for this study.

5.2.2.2 Abuse of creative works

Some of the filmmakers are displeased by what they see as the mutilation of their cultural products by Multichoice in the name of editing. According to one respondent, "Nigeria is a very religious country, there is nothing we do that does not begin with God and end with God; or in- between you will always hear God. They [Multichoice] muffle those things out. Anywhere you have God, they take it out" (interview extract). He argues that if Nollywood filmmakers are dealing with a people who cannot promote what they believe in, then, they are not supposed to be in the country. As he rhetorically queries: "Are we dealing with anti-Christ? Or are we dealing with a people who want to use our products to turn the next generations of Nigerians into godless people? That is more important to me than any other contract!"(interview extract). The popular culture of viewers has always been a concern of the powerful minorities. Thus those with political power always thought it necessary to police the culture of those without political power (Wheashop, 1993: 20). The "power" exhibited by Multichoice in this case seems to be both political and economic. Although no other respondent mentioned this aspect of Multichoice abuse of Nollywood creative and cultural products, more than half of the respondents who were later contacted through phone

interview concerning this issue expressed disappointment and embarrassment over such act. They admit that it is ethically wrong; and has become a regular occurrence and Multichoice's tradition of handling many Nollywood movies. They observe it was an abuse of Nollywood contents and an exploitation of their creative license, because Multichoice cashes in on their power as the owners of the media technology to censor their works. Many scholars admit that audience all over the world prefer their entertainment programmes to reflect their language and culture (Tunstall, 2008; Tomlinson, 1991, 1999; Hardy, 2014), therefore they argue that if Multichoice believes that the films are the representation and expression of Nigerian worldview and culture, it was unfair for them to expunge vital aspects of the people's belief in so far as the expressions are not obscene or violate the sensibility of anyone. As one of the respondents queries, "Are they telling us that there is something wrong with mentioning God in public domain?"(telephone call extract). Such abuse of entertainment contents, they observe, is an infringement on the creative license of the owner/s of the content.

Deleting or cutting out some sections of a film, for instance, the mention of Jesus Christ, God or *Amadioha* etc. in a film, may be referred to as an unfair abuse and an infringement on the creative license of the filmmaker. Belief in God, gods and deities is part of the people's worldview. Therefore, the editing of such symbolic issues from Nollywood movies by Multichoice is seen as part of exercise of right over the intellectual properties Multichoice was entitled to exercising economic right over. Such could be considered an abuse of the creative works. Nollywood films are first and foremost, cultural products before they could be considered as entertainment products; as such the significance of the content as cultural products should not be undermined. Unfortunately, Multichoice representations did not respond to some of these questions in our telephone conversation.

These are critical issues which adjudicators of copyright laws in Nigeria should address. For instance, in many countries, the transnational copyright law adopted has a

"moral right" provision clause for the preservation of the identity of a creative work (see Rigamoti, 2006; Hansman and Santilli, 1997; Damich, 1988). Such clause is non-existent or yet to be included in Nigeria's Copyright Act which is quite skeletal (Nwogu, 2015; Faga and Ole, 2012). However, any critical appraisal of the story line of most of Nollywood films will reveal an over-use of the supernatural element as an anchor of their conflict resolution. Whereas one may agree that the belief pattern of the people is majorly constituted of that, it is easy to see that such quick dash towards the supernatural makes the films too mundane, their contents and message too monotonous, and the resolutions too predictable. Furthermore, contemporary society is heavily reliant on technology and science, and the emphasis on human intellect as means of resolving social problems. Therefore, the "shout" of God, God and god, whereas corruption and ungodliness pervades such society and results in misplaced values would clearly seem unreal. This should be one of considerations that might account, in part, for the actions of Multichoice.

5.2.2.3 Infringement on intellectual property rights and copyright laws

Some respondents complain of infringement or violation of their intellectual property rights by Multichoice. A case in point involves Decross (a film producer) whose film was broadcast by Multichoice without license or any contract agreement with the copyright owner. According to the respondent, Decross had sold two films to Multichoice which were copied on a hard drive that also had his newest film. Multichoice staff saw the new film which was not a part of the content they bought, copied it and went ahead to broadcast the film without any discussion with the copyright owner. Decross, who was then in the US learnt about the infringement and flew back to Nigeria, hired an intellectual property lawyer to represent him in a suit against Multichoice. Perhaps, realizing that the case was in bad taste for its corporate image, Multichoice appealed for settlement out of court. The respondent admits he did not

know how much Multichoice paid Decross for infringing on his right over the film *"The Kingdom,"* but states that part of their agreement includes giving him "20 slots to promote the film through their channels" (interview extract). In a confirmatory telephone conversation with the right owner, Decross admitted the story to be true but prefers it be recorded that the management of Multichoice apologized to him for what they termed a mistake, and were forgiven. However, he admitted to hiring an intellectual property lawyer before the resolution. In further conversation, he observes that most of his colleagues have pending law suits with Multichoice because, they find it expensive to hire intellectual property lawyers, but hire "roadside lawyers" who are not expert in the trade, leading to lingering lawsuits. This admission confirms Bourdieu's logic that social capital defined as "the aggregate of the actual or potential resources which are linked to possession of a durable network"(Bourdieu, 2011; 86) is necessary for an agent to succeed in achieving its desired goal.

The violations and styles of settlements betray a company that seems at home with settling illegal activities informally. For instance, various processes of addressing Multichoice's breaches and violations of copyrights include:

(a) Settlement of disputes out of court;

(b) Converting violated filmmakers into business partners as accredited content suppliers, a favor that earns them 20% benefit off the toils of the intellectual property owners;

(c) A divide-and-rule strategy which positions some filmmakers against their peers.

Incidentally, because many industry practitioners have not been exposed to entertainment lawyers to advise and sensitize them on professional procedures of endorsements, or on contract negotiations, they lack knowledge of approaching their negotiations legally in such a way as to avoid exploitation. Moreover, the Nigerian Copyright

Act remains skeletal and does not address some of the numerous flaws of copyright and entertainment law affairs (see Garon, 2012). Multichoice cashes in on the industry's informality to exploit the lapses and weaknesses, confirming Lobato's (2012) opinion that informality sometimes works out to the advantage of multinational corporations who, paradoxically, are at the core of the formal sector.

5.2.3 Multichoice and the economics of cultural exchange

Many of the filmmakers see themselves as unsuspecting victims of Multichoice's capitalist experiment geared towards excessive benefits in form of profits. This informs why they believe they are exploited by the media organization. Many of them had exchanged their contents willingly and without coercion, thus it would be seen as a mutual agreement between two consenting business entities. Valdman (2009) believes exploitation is wrong when it is harmful and capitalises on the vulnerability of the exploited. Some of the filmmakers observe that because the industry was young, ignored by the government; the practitioners never envisaged the massive boom of the industry; therefore, they were unprepared for the developments, particularly in terms of the involvement of Multichoice in the industry.

Multichoice, incidentally is experienced and established, apart from broadcasting in South Africa, it had begun broadcasting in Namibia (Ndlovu, 2012); thus, they were more informed about developments in the industry. They cashed in on the ignorance among Nollywood practitioners to skew the rules of engagement to their favour and at the expense of the filmmakers. As a result, one of the filmmakers observes that he refuses to see any positive contribution of Multichoice's adventure into the industry because "Multichoice's reggae took away Nollywood's Blues" (interview extract). To this filmmaker, the Multichoice reggae is the global publicity the media technology afforded Nollywood films or content, while

Nollywood's blues are the economic rewards, prize and honorarium the films earn the filmmakers. The expression is a discourse of disappointment and frustration on the part of the practitioners. For an industry branded an informal economy from its inception, the industry practitioners encounter chronic piracy which Paulson (2012) believes was not only self-inflicted, but also fired by government's inactivity in the industry.

The filmmakers had trusted that the apparent interest of Multichoice in Nollywood and the formal business of international broadcasting of Nollywood films will improve the industry, particularly in terms of promoting Nollywood films outside the shores of Nigeria. They had envisaged that there must be a means of re-couping money from the numerous stations outside Nigeria who watch the films on Africa Magic channels. While, they did not view Multichoice as pirating their work; they had thought that the broadcasting of the films in other African countries, will lead to wider patronage of the films. They never envisaged that Multichoice's broadcasting of the films would affect their distribution of the films. Unfortunately, Adejunmobi (2011; 2012), Ndlovu (2012) had envisioned otherwise having studied and understood the global flow more than the industry practitioners. They were therefore disenchanted by the reality and experiences they encountered after Multichoice found its feet in Nigeria and garnered a lot of audience within and outside Nigeria. There were multi-dimensional perspectives to the economic imbroglio.

5.2.3.1 Multichoice, Nollywood, globalization and transnationalism

Although the name Nollywood provides the Nigerian film industry with a face to operate as a "globalizing force, an 'order word' that captures the filmmaking practices occurring" in Nigeria (Marston, Woodward and Jones, 2007), the film industry is rooted in Nigeria without any physical markets for distributing Nollywood films outside the shores of Nigeria. The only outlets available to Nollywood filmmakers were the Idumota market in Lagos, Upper Iweka

market at Onitsha, and Pound Road in Aba. Multichoice's adventure into the industry (with the promise of promoting the industry and its cultural products); popularized the films and the actors and opened Nollywood up to the world. The young emerging industry and practitioners were filled with expectations, and saw the media as worthy, without the realization that international broadcasting of Nollywood films may constitute an impediment to the patronage of the films in Nigeria.

It appears the filmmakers did not envisage any problem from the internationalization of their films, although apparently their predicament was the consequence of globalization. Globalization involves the integration of markets, nation-states and technologies to enable individuals, groups, institutions and nation-states to interact, relate and share experiences (Friedman, 2000). The implication is that globalization enhances "the spread of free-market capitalism to virtually every country" (Friedman, 2000:20). Like the olive tree in Friedman's *Understanding Globalization: The Lexus and the Olive Tree*,Nollywood is rooted in Nigerian culture, identified by age-long experiences and traditions which make them Nigerian. On the other hand, Multichoice is a symbol of the changing forces which bring modernization and improvement through technology, and alters the normal interface between people and nations. The rise of transnational consumer taste like Hollywood and Nollywood has been attributed to globalization (Tomaselli and Mboti, 2011). Globalization thus presents certain set-economic rules which may have adverse effect on both agents, but which must attract capitalist organizations and give them reasons to invest (Friedman, 2000). The implication of this statement is that some factors attracted Multichoice to invest in Nollywood, outside the underestimated promise to promote the industry.

Realizing that the transnational presence of Nollywood was more beneficial to Multichoice than to Nollywood in economic terms, most of the filmmakers were disappointed. One of the filmmakers captured the disappointment in this assertion: "If you

take my film to 200 countries and at the end of the day I am not making one Naira, what's the sense? There is no sense in it!" (Interview extract) When they were reminded that owing to the publicity which Multichoice has provided a platform for, Nollywood films have brought them fame, that some of them were recognized with National Honours; another filmmaker observes that: "the Nigerian award of MON[59] on some of us without an EY, makes no meaning. Any business that cannot translate into cash into my account to enable me produce more films and take care of my family, is useless" (interview extract). The filmmakers' deep-seethed love for money or financial benefits explains why they frown at Multichoice's poor remuneration on the contents as well as other conditions in their contract. More so, the broadcasting of the films within Nigeria thinned down their patronage at the open market. The filmmakers and marketers therefore consider their inability to earn money from the diasporic audience who watch the films in various nations within the continent and beyond as a huge loss and very devastating. A film marketer expresses the general feelings of the average filmmaker and marketer about Multichoice succinctly in these words:

> They deceived us with the idea of loving Nollywood and wanting to promote and preserve Nollywood. In reciprocation, we denied ourselves the liberty of negotiations of terms, and embraced them. Now, they have grown too big to bother and our industry is suffering from the impact of their touch. We have lost our audience, we have lost our bargaining power and worst of all, we have lost even the muse to produce unlike before; due to lack of motivation, high cost of production and no promises of recouping invested money. (interview extract)

The evidences suggest that the filmmakers are disillusioned because regardless of other possible causes, the internationalization of the films through Africa Magic channels affects their immediate market, they suffer from undercapitalization owing to poor sales and patronage of the films; including poor remuneration for contents frugally price-tagged by Multichoice for the Nigerian film Industry. This adversely affected the production of the films in present day Nigeria. The broadcasting of the films in more than fifty countries in the

[59] MON (Member of the Order of the Niger) is one of Nigeria's national honours. It has been conferred on some Nollywood actors and actresses. The comment suggests any honour (MON)-EY without any financial benefit is useless.

continent and beyond, including in Nigeria was a huge problem. It prevented the local audience from purchasing the films in VCDs and DVDs; and preferring to subscribe to DSTV satellite channels to access the films. This resulted in the owners of the globalization technology (that is, Multichoice) benefitting more from the films than the film filmmakers who produced the films. While Multichoice's culpability in this problem is quite controversial, one may claim that there is a structural problem in the Nigeria film industry, particularly given that no media competitor has emerged within the sub-Saharan Africa to compete with Multichoice. However, the industry practitioners blame Multichoice for exploiting their monopolistic position by paying royalty fees which are not commensurate with the territory they cover, and depriving them of international markets through their wide coverage of the continent.

5.2.3.2 Poor remuneration

Most accounts here make reference to financial or economic exploitation. The role of finance in providing economic stability and power for any business establishment or organization cannot be over-emphasized. This perhaps informs why Flew (2007) attributes economic power to global media which are known to be financially stable. Given that filmmaking is a cost-intensive business (Bordwell and Staiger, 2009), the yearning for funding and more money by filmmakers may be well understood and appreciated. Perhaps the dire need for money may be responsible for most of Nollywood filmmakers' reservation and critic of Multichoice, concerning the money they pay for contents supplied to them for broadcasting on the Africa Magic channels. In expressing their predicaments in terms of remuneration paid by Multichoice, one of the filmmakers laments that:

> They shortchange our movies with peanuts. In Ghana, I am aware from grapevine and from reliable sources that, for part 1&2 movie, they pay them $15,000. But in Nigeria, you hardly get part 1-4 for $5,000 as the case may be or $6,000. They just started recently to pay $5,000. Initially, they were paying $1,300, $1,500 & $1,700 as the case may be. When

> we had this agitation that we want to stop dealing with them, they raised it to $5,000. This is not up to a fee you pay to one popular Nigerian actor. (interview extract)

A popular and prolific Ghanaian filmmaker contacted to verify this states that he doubts the figure because he has never received such a sum, but declined to reveal how much he receives. As he argued, a middleman sells his content and pays him based on their agreed sum.[60] Another respondent states that Multichoice pays Hollywood content providers or suppliers about $40,000; and could not comprehend why Nollywood filmmakers would be paid peanuts for their content, when their content are popular and widely circulated all over the continent and beyond. They believe it was a deliberate move to cash in on their vulnerability because they were the first and available satellite station to commence transnational broadcasting of the films. However, one may argue that with its role in Africa, Multichoice could be "associated with forms of cultural power or symbolic power that arises from the capacity to control, use and distribute resources, associated with the means of information and communication"(Flew, 2007).Thus they hold some form of entertainment economic power in Nigeria.

Moreover, the ideology of freedom of trade allows Multichoice the freedom to trade on their own terms, not on the terms of the industry practitioners. To expose further example of Multichoice's excessive exploitation of the industry, another filmmaker gives a personal account of his business encounter involving content sales to a foreign station before Multichoice's in-road into the terrain.

> I got the franchise of *Heavensgate* produced by Zik Zulu Okafor to show the film in Ghana in a TV station with my partner. We were paying Zik Zulu $250 per TV Station. I got a bid in Sierra Leone at $1,000 per TV station, per episode. When I sent the preview copy to them they declined because they wanted to watch it on AM. How much did Multichoice pay Zik Zulu? -$400 for 55 countries; whereas we are being offered $1000 for Sierra Leone alone. (interview extract)

[60] This also shows that the middlemen do not only exist in Nigeria but also in Ghana. Besides, many of the filmmakers find it difficult to reveal the sum they were paid by Multichoice apparently due to the confidentiality clause in their contracts.

This filmmaker implies that a Sierra Leone station was paying them $1000 for the content per station, but when they decided not to buy and watch the same content via Multichoice, Multichoice offered the owner of the content $400 for the content. The difference is that whereas the right owner was initially paid $250 for each station in Senegal via an independent content supplier, Multichoice paid $400 for broadcasting the content in 50 countries in the continent. The filmmaker reveals that the transaction was an eye-opener which made him realize that business transaction with Multichoice was bad business deal. He decided to stop producing full length films to sell to them, but elected to embark on the productions of soap operas and serials which he still sells to other African broadcasting stations interested in Nigerian entertainment content.

Besides these cases of alleged economic exploitation, another marketer observes that what Multichoice pays them was actually less when compared to what a local channel, African Independent Television (AIT) pays for Nollywood contents. According to the marketer, AIT purchases Nollywood films for N200,000 which was then equivalent to $1.500 at a time when Multichoice was purchasing the same contents at $700. Another advantage of AIT purchase, the filmmaker notes is the fact that AIT shows the films only in a section of Nigeria while Multichoice's Africa Magic channels show the films in more than 50 countries in the continent and beyond. The value and worth of the money, he argues is much lower considering the multiple nations where the films were shown. Unfortunately, presently, AIT rarely buys the films any longer, particularly since the station is now accessed on DSTV platform alongside the numerous Africa Magic channels.

The filmmakers also complain of the lack of bargaining power in the following interview:

G: For your transactions with Multichoice, were you paid in bulk or in instalment?
R: I was paid piecemeal. I think either three or four times.
G: Were you satisfied with the arrangement?

R: Well, as a filmmaker, one would prefer to be paid in bulk to enable you use the money to achieve something tangible; but the business owner determines how to manage his business, if it is not okay for you, you will stop doing business with him.

G: Are you saying you don't have bargaining power when dealing with Multichoice?

R: Well, Multichoice is largely established unlike most of us, so we have to obey their business rules (interview extract).

In the extract above, the choice of the word "piecemeal" instead of instalments is a code that emphasizes frustration. The respondent's assertion that they lack bargaining power because the owners of the Multichoice have the final say in their business relation is a discourse of helplessness on the part of the filmmakers; a helplessness that suggests a lack of ideas on bettering the lot, a resignation to fate and what it brings along, instead of fighting for the improvement of their social or economic welfare. A further probing reveals that the negotiation was done by a middleman on behalf of the filmmaker. This interesting development was investigated when another group of filmmakers claim that they are paid in bulk. It then suggests that some of the middle men were short changing the filmmakers and paying them at their own time instead of when they are duly paid by Multichoice. Thus, the only way Multichoice may dissociate themselves from the middlemen is to empower all the filmmakers and deal with them directly.

Some of the filmmakers claim that "sometimes, they will tell you that they do not show the movie for more than four times in a year. But most times they show a movie four times in a week"(interview extract). While this is a serious accusation that needs investigation, it is difficult to verify these allegations given that Multichoice management are most reluctant to respond to research investigations (see Chapters 2 and 4 and Appendix 2). In the absence of the response, one has to admit these claims as true, and cannot reveal the identity of the respondents due to ethical reasons. The claims are thus assumed to be evidence of excessive exploitation of the vulnerable filmmakers. Many filmmakers have criticized the media corporation based on this because excessive re-broadcasting of a program reduces the

worth of the film before the audience (see Adejunmobi, 2011). As they lament, Multichoice's desire to squeeze excessive benefits from the films result in its resort to many unethical practices because, indecent exploitation is capable of resulting to serious breach of ethics (Valdman, 2009).

5.2.4 The politics of class distinction in the Multichoice-Nollywood relationship

Discussing their relationship as a group involved in a business relation with Multichoice, many of the filmmakers see a clear politics of distinction within and among the actors. Such a situation may have caused some form of individualism, marginalization and alienation in the industry as is discussed below.

5.2.4.1 Individualism

The data from this study reveals that many of the filmmakers (particularly the leaders of the trade unions) did not take lightly the fact that Multichoice chose to deal with them individually instead of as a group, because they believe that it enables Multichoice actualize its plans of profiting excessively from Nollywood as capitalist organizations do. This strategy emanated from the inception of Multichoice operation in Nigeria. Multichoice prefers dealing with individual practitioners, than dealing with them as a group; a strategy often ascribed to capitalist organizations. This is known as structural domination- a form of domination which enhances intra-firm domination (Dymski, 2007) which results in the preferential treatment of one above others. One of the pioneer members of Afrovision and FCON provides an example of this.

The narrative was confirmed by one of the key players, who admitted that they organized the first bulk purchase for Hameda, and were issued with a business contract covering the purchase, but notes that the contract did not have the general terms stipulated in

the contracts issued by Multichoice presently. Obviously, the exchange pattern marked the beginning of Multichoice's dealing individually with the filmmakers instead of as a group; and the initiation of privileged treatment for select filmmakers above their contemporaries (as discussed elsewhere above). Multichoice's decision of using individual bargaining is not different from what is practised in Hollywood or Bollywood; however, Nollywood practitioners' interest in collective bargaining may not be divorced from their informal background which makes them see themselves more as trade union members than as independent filmmakers. It may be argued that Multichoice's introduction of middlemen in their transaction with Nollywood is a response to that agitation, except that the middlemen were empowered to cater for their personal interests than the group, which informs why they exploit such privilege in their dealings with other filmmakers. By so doing, Multichoice ignored Nollywood practitioner's conscious attempt at establishing agency through Bourdieu's habitus of class, and carefully assembled a group of agents among the practitioners with individual habitus to protect its corporate interest.

5.2.4.2 Class distinction, alienation and marginalization

In view of the above, not every filmmaker could walk into Multichoice to do business. For instance, the Executives of FCON could not go back for any negotiations except they agreed to those settled between Multichoice, Chico and McDon (their middlemen), who were later approved as their licensed or registered filmmakers. The respondent confirms that because of that agreement, the FCON Executives were compelled to return to Multichoice to submit their films at the $700 instead of the previous $5,000 they were negotiating with Hameda. This arrangement resulted in the privileged filmmakers being treated differently from others, and those not treated as such, feel alienated and marginalized. One can thus argue that

through this strategy Multichoice instituted exploitation in their system (see Dynski, 2007; Erikson, 1984; Wright, 1997). One of the respondents observes that:

> Some filmmakers can walk in and negotiate for films and get $5,000 if you are one of their own. If I walk in with the same quality of film and I am not amongst their so-called anointed filmmakers, they may prize me $3,500. While the special ones may get their pay easily, mine may take ages to come and in bits too. (interview extract)

This extract unveils a double factor explanation of domination in which the agents play a role in their own domination and exploitation as Mbembe (1991) theorizes in *On the Postcolony.* The extract unveils a second type of domination which results to exploitation, namely: perceptual domination. Perceptual domination exists when an owner of production believes the production of a group is poorer that another group, and causes him to pay one of them lesser than the other (Dymski, 2007). Narrating his experience in the hands of one of the mediators, a respondent reveals thus: "one of my colleagues negotiated for me but lied about how much they offered for the film; plus the fact that from the one he declared, I gave him 20% commission" (interview extract). As the respondent explained, the experience made him find a way to submit his films to Multichoice by himself. To him therefore, Multichoice authorizes some group of senior producers and marketers to exploit newer ones, because, they get better offers than neophytes in the industry, and they can adjust some of their terms for such people than they would for new comers.

This does not only obtain in the relationship of certain filmmakers and Multichoice but also in the relationship between filmmakers, particularly in terms of collective decision making. Amongst the exploited filmmakers, some see themselves as the 'chosen' ones and feared they would face difficulty in group decision making. When questioned on why they could not kick out or punish dissident group members, the respondent notes that most of those chosen by Multichoice as middlemen are selected based on their financial status, social positions and ethnic backgrounds. Some of the respondents also reveal that, some were

chosen based on their academic background, and command of followership in the industry. A filmmaker notes that, "most heads of the trade unions in the industry are among them. So, how can you as an ordinary member fight against such men who command authority, and are the *'Ogas'*[61]in the industry?" (interview extract) This is an admission that Bourdieu's idea that an agent's "volume of social capital depends on the size of the network of connections" (2011:86) is true and the network of relationship is a product of the agent's effort at institution.

The foregoing suggests that Multichoice's 'regime of permission' (Whyte, n.d.) is apparently a political strategy of bringing division as well as crippling the resistance and opposition of Nollywood practitioners. Capitalism thrives on individualism and abhors cooperation among the oppressed. Unfortunately, cooperation is lacking and may likely remain so, because some of the middlemen are comfortable with playing the role of mediators for their colleagues. Therefore, the division existing among the filmmakers is to the advantage of Multichoice. It makes the industry practitioners to undermine the benefits of interest group power (see Andreas and Dirk, 2007; Grossman, 2012). The response is an evidence of class marginalization among the laboring class. Young (1990) listed marginalization, powerlessness and exploitation as parts of the five faces of oppression common in Marxist discourses. Those who are advantaged by the owners of the means of production find themselves answerable to the owners than to fellow exploited filmmakers. This suggests that the exploiters who own the means of production also create inequality among the exploited in order to sustain division, disagreement and thus disunity among them in order to perpetuate exploitation.

[61]Oga is an Igbo language term used by apprentices to address their masters. It means "Boss."

5.2.5 Why exploitation thrives in Multichoice-Nollywood relationship

A scrutiny of the contract agreement prepared by Multichoice and the experiences of Nollywood practitioners reveals evidence of exploitation reasons for which may not be far-fetched. One of these is the lack of specialized and active intellectual property lawyers in the country. Although practically Nigerian universities have law faculties, the curriculum places intellectual property law under commercial law, which is often overshadowed by other specialty areas such as taxation law. As a result there is a dearth of intellectual property lawyers in the country. Furthermore, many of the people serving as intellectual property lawyers are "Jack-of-all-trade" sort of lawyers. Nigeria is part of the World Intellectual Property Organization (WIPO) and has a local chapter of International Association for the protection of Intellectual Property (AIPPI) whose objective is to promote and develop intellectual property in Nigeria and of lobbying for intellectual property law reforms (Nwokocha, 2012). The practice of intellectual property law also suffers from inadequate skills and competence, undeveloped infrastructure, ridiculous penalties for offenders, and outdated laws (Nwokocha, 2012; Adekola and Chinedu, 2015). In addition, the informal nature of Nollywood compels many practitioners to seek informal solutions to infringement problems in order to avoid legal fees and their business relationships. These make things easy for big corporations like Multichoice.

The situation is compounded by the fact that there is an oversupply of content. Therefore, it is easy to compel content suppliers to sacrifice more than is necessary in order to maintain their business relationship with Multichoice, particularly given that although the Nigerian media landscape seems like an oligopoly, Multichoice actually enjoys a monopoly of the entire entertainment industry, not just Nollywood alone. The informal nature of Nollywood makes it difficult to arrive at accurate estimates of the industry's production figures. The United Nations Education, Scientific, and Cultural Organization places

Nollywood's feature film production in 2006 at 872 movies annually, (UNESCO, 2006) while Barrot (2010) estimated it at 1500-1800 annually. However, the unwillingness of Multichoice to respond to inquiries on these matters makes it difficult for anyone to estimate how many films it buys for its Africa Magic channels annually. But one thing is certain; more than 79% of the films produced annually in Nollywood are broadcast on Africa Magic channels which compels the practitioners to accept whatever terms offered them by Multichoice.

Another issue is the lack of organization of the industry due largely to the fact that it is largely private sector driven and that filmmakers and marketers tend to ignore the need for government's intervention in the belief that they hold the answers to numerous industry relations and regulation questions. This results in their unresponsiveness to policies which may improve the industry, and exposes them to risks, manipulations and exploitation, as exemplified in their experiences with Multichoice, HITV and other media organizations.

An inside information by a neutral practitioner who worked for both Multichoice and Nollywood contradicts the accounts of exploitation provided by most respondents. While the general condemnation of Multichoice's exploitation by the industry practitionerwas attributed to Nollywood's desire to exploit Multichoice, Daniel Akinolu, a Nigerian filmmaker based in South Africa, who worked as a content reviewer with Multichoice, and also served as a content agent to many Nigerian-based marketers and producers observes that Nollywood practitioners forced the hands of Multichoice to the point that some of them submit films,[62] "change the title of the same film and come back to re-submit" (interview extract). This has led to complaints by viewers that DSTV keep "playing one film [repeatedly] for over one month" (interview extract). According to Akinolu, often, the viewing public does not realize that the problem was not from M-Net but from content suppliers. Akinolu emphasized that:

[62]Akinolu was purposively invited to participate in the interview in order to balance the narrative following Multichoice's reluctance to comment on its dealings with Nollywood. He asked to be named in the study.

“If you want to survive in this business you have to be as smart as those people, to be very honest with you” (interview extract).

By implication, Akinolu did not deny the existence of exploitation on the part of Multichoice, but excused Multichoice’s actions. This suggests that the issue of exploitation is real and existent but was a lesson Multichoice learnt from Nollywood because “manipulation gets into the procedure of submission, bribery gets into the process of submission, corruption gets into the procedure of submission.”(interview extract)This echoes accusations of Nollywood practitioners (see Paulson, 2012; Wolf, 1999) and suggests that both Multichoice and Nollywood engage in “mutually beneficial exploitation” (Elster, 1983:279; see also Valdam, 2009 and Buchanan,1985).

5.3 Multichoice and the Nigerian state

Nigeria runs a democratic government and is a neo-liberal society. Neo-liberalism is a theory as well as an ideology (Ritzer, 2010). A neo-liberal state often times supports and encourages capitalism with a mission to create a “good business atmosphere” (Harvey, 2006:25) for capitalists. The desire to provide a conducive atmosphere for investors tends to erode the power of the state to protect workers and local industries from exploitation of investors. Indeed, states tend to form a “super structural form that corresponds to the capitalist mode of production … so the state and policy serve to reflect the interests”(Hardy, 2014:185) of the owners of the means of production.

This situation may aptly describe the filmmaker’s perception of the Nigerian government with regard to Multichoice. For the filmmakers, while government is interested in the comfort or rather, convenience of the investors, they exhibit less interest in the predicaments of labour and the industry. As one of the filmmakers observes, “Government is not putting the enabling environment for the industry to thrive by funding the regulatory

bodies" (interview extract). As the respondent explained, if government is serious, it will fund the Nigerian Copyright Commission to empower them to fight piracy and cases of breach of copyright. This situation enables a media corporation like Multichoice, which is economically buoyant to flout regulations and dominate the industry. It confirms Scot's (2007) earlier-cited observation that power becomes domination when it is articulated into stable and enduring structures of control by an agent or a group of agents over another. In spite of existing laws, policies, and regulatory frameworks, there is evidence of negligence on the part of government officials when organizations like Multichoice tend to violate the rules. This is reflected in the following interview:

R: We sanction them
G: **When you mean 'sanction' what type of thing do you do?**
R: The normal thing- we caution them and tell them to classify it. If they do not and probably assume it is an oversight, you tell them it is not classified and give them time to classify or remove the programme, if they refuse and continue then we take it as wilful effort to disobey the law. We *may* now decide to penalize them or fine them.
G: **That means there is nothing like a policy whereby NBC compels them to ensure that the film makers or whoever that sells the films to them shows a certificate of censorship [63] before the broadcasting of the films?**
P: They are supposed to do so; that is why it is in the code that they cannot carry any film that is not censored. So they are supposed to show evidence, but that is not our business. It is the business of the stations and the producers (interview extract).

In other words, this official acknowledges that although penalties exists in the Code, they are not enforced it because it is not their business to do so. This can be interpreted as a form of abdication of social, political and economic responsibility which would no doubt affect the filmmakers adversely. The inability of a regulatory body to question a violating organization operating within its territory suggests:

- A lack of seriousness on the part of government and its industry regulators;

[63] The certificate of censorship is a piece of paper and authority indicating that a particular film has been previewed and authorized by for public broadcast. It covers the censorship of the films without copyright which falls within the purview of the copyright commission.

- That the foreign media organization can violate rules without fear of penalty;
- That the interest of labour under such system is not guaranteed of protection, and
- That the working class and citizens may not have any confidence in the leadership.

As one of the filmmakers stated:

> There is no way you can get into a strong man's house and take his goods without binding the strong man. There is no way someone can come from outside and begin to thwart the law without the collaboration of some people in key offices. So l am indicting the government too because they look the other way and the small industry that we have is being exploited…Most of the people in the helm of such sensitive organization are stooges, who collect bribes to pave way for exploitation to thrive. (interview extract)

These comments by respondent who is leading figure in the industry is an indictment of top government officials within the regulatory agencies whose identities cannot be disclosed here due for obvious reasons.

5.3.1 Infiltration of state agencies

Many of the filmmakers alleged that part of Multichoice's domination of the industry was as a result of their corrupt infiltration of some state agencies in Nigeria. In fact, this feeling is very strong amongst the filmmakers, marketers and even the President of the Actors' Guild who met with the researcher during her field work. As one of the filmmakers rhetorically posed to this researcher:

> Have you ever thought of how one of its former staff left the media corporation to become a DG of Video Censor's Board (NFVCB) and later became the DG of NBC? I don't want to mention names. Do your research well and get my flow. Don't you think it's a miracle for a Nigerian staff of Multichoice to leave the company to become a DG of the two most powerful agencies overseeing the industry? If you believe that, you will believe anything! (Interview extract)

Many industry practitioners believe the leadership of the Board is corrupt. In an interview, the head of the NBC highlighted numerous problems facing the board connected to the informal nature of Nollywood (seeJedlowski,2010; Paulson,2012;Obiaya,2013 and Bud,2014). He observes that the industry suffers from a lack of attention to rigour. As a

result, any attempt at establishing formal structures in the industry is always kicked against. He acknowledges that part of his challenges with the marketers was his attempt to institute a distribution framework which will provide a structure that will aid the fight against piracy and develop the industry:

> Nollywood has always had problems with distribution, not with its ability to produce content. Nollywood has always focused more on the creation of content and hasn't focused more on the business side of the industry which is where the distribution lies…I dare say any movie industry specifically that wants to be profitable and sustainable has to focus on distribution. It is distribution that accounts for the tone and the kind of product that comes out of the industry. (interview extract)

He notes furthermore that piracy caused the commission a lot of anxiety, especially the realization that Nollywood marketers do not have licensed distributors who may be questioned if there are incidences of piracy. The National Film Distribution Framework was designed to enable them contract one distributor who will coordinate film distribution units in various states and check the replication of movies. The distributors were to enter into contracts with the marketers, so that if there is any leakage it will be traced to the sole distributors. The big marketers were expected to officially register with the Board with a bulk sum and establish a management team and insurance sum to facilitate film sponsorship (see Obiaya, 2013 and Bud, 2014). The marketers kicked vehemently against that and alleged that the Commission wanted to throw them out of business, whereas many of them were actually kicking against formal structures capable of blocking their control of the industry.

The NBC head clearly seemed to be protective of Multichoice when questioned about the tax Multichoice was collecting from content suppliers. He noted that it was not his remit whether as a regulator or as an individual to look into that because people who freely signed contracts on their volition should be able to deal with the consequence or go to court. Twice he accused the researcher of being biased, although it was apparent that issues were raised based on the reactions of majority of the filmmakers and marketers.

Another director of one of the regulatory agencies observed that most government officials were very dubious and corrupt, and have no business being in public service. He gave a detailed account of the effort of Frank Nweke Jnr, former minister of Information and Culture to protect the nation against the dominance of Multichoice and its monopoly of the European Premier League (EPL) broadcast rights all over the continent.[64] According to this director, the minister had a three-point agenda:

> First was that Multichoice will start per second billing. Second, was to renegotiate the premiership football which Multichoice negotiated for Africa, to enable Nigerian stations show it and break the monopoly. Third was that he wanted the Multichoice decoder to be used the way you use a phone to accommodate the cards from other satellite services as obtained abroad. (interview extract)

The director recalled that the minister discovered clear cases of corruption and collusion between Multichoice and the managers of the league. These related to how Multichoice secured a monopoly to broadcast the European Premier League throughout Africa as well as intra-agency sabotage within the NBC. The director notes that Multichoice made a failed attempt to bribe the former minister and that the minister's actions led to the renegotiation of broadcast rights which resulted in the inclusion of HITV and other Nigerian stations in the broadcast of the English premier league in Nigeria. With regard to per-second billing, the director notes that some NBC directors who were perceived to have been compromised by Multichoice were sacked by the minister. According to this director, "it was when he fired them that others now started co-operating with him" (interview extract). The Minister was not able to achieve it before his tenure expired. The director notes that the successes achieved under the minister were reverted immediately after he left office. The researchers' attempts to get the M-Net Director for West Africa, Mrs Wangi Uzoukwu to personally respond to these issues were unfruitful (see Appendix 2). Due to ethical reasons, most of the information about the details of the collusion will not be disclosed as the respondents were assured they will be

[64]Multichoice does not only control and monopolize the Nigerian film industry. It also monopolizes the broadcast of European football in Nigeria. This what the minister had sought to correct.

protected, because the information was only for academic purposes.

According to principal-agent theory, corruption in organizations results from cooperation between agents who want to maximize personal benefits over and above the organizational benefits and development (Laffont and Richol, 1997; Asch and Seneca, 1976). The corrupt activities of government officials in collusion with the media corporation reduced an oligopoly in the industry into a monopoly which impacted national development negatively. This scenario shows the vulnerability of the industry practitioners within a private sector driven environment. They may remain exploited because corrupt government officials would stall information or actions which may constitute an obstacle to government intervention (see Harvey, 2005).

5.3.2 Predatory practices

Interviews with a significant number of industry practitioners point to predatory practices on the part of Multichoice. Predatory practices involve monitoring mainly a rival or competitor to readjust prices, rewards, or offers in order to control the market. Therefore, one can say it is a strategy applied by an overzealous competitor, to dominate the market or to monopolize the market (Migrom and Roberts, 1982). Although the representative of Multichoice confidently notes in an interview that Multichoice is not in competition with anyone in Nigeria, some Nollywood filmmakers believe otherwise. They observe that Multichoice's action in the industry could be read as competition with Nollywood. The film industry seems to be stuck in a relationship which leaves them at the mercy of Multichoice's economic manipulation[65]. They argue that in spite of the filmmaker's entrepreneurial skills, the media corporation manipulates certain forms of social engineering, which leaves the industry at its mercy. One of the filmmakers describes one of such alleged cases of manipulation:

[65]Most viewers access Nollywood through Africa Magic channels and not through CDs and DVDs. The channels therefore killed the video film market. Access to this wide audience benefited Multichoice rather than Nollywood.

> When our films began to lose patronage…. for a long time, we lost the enthusiasm to sell our contents to them for peanuts. So many of us stopped submitting our films to them and this began to show in the films they were showing on the Africa Magic channels. Even the viewers began to complain because, if you watch the channels they had only old films…that is, films that are more than five or six years, like that and so they began to repeat one film for even up to (sic) three/four times in a week. I believe Multichoice went to their drawing board to re-strategize. They introduced what they called "channel re-definition." The idea was to show films according to contents. So all the old movies, mainly cultural films were lumped on say, Africa Magic Epic- where they show epic movies. To draw out our striking members, they increased their fees to attract new and contemporary films which were shown on Africa Magic Urban, and reached out to some of our colleagues who were producing serials and soaps basically for television. They bought such soaps and serials which they broadcast on Africa Magic Showcase (interview extract).

This account is an example of a competitive strategy adopted by Multichoice to advance its position in the industry instead of submitting to a roundtable to discuss with Nollywood filmmakers.[66] Part of Nollywood's dissatisfaction with Multichoice is the company's indifference towards the practitioners.[67] Predatory action involves cautious monitoring of the activities of a business competitor, rival or agent in order to formulate a strategy to counter it and maintain lead in the market. The example given above is known as "non-price predation"(Gundlach,1990:131). It is an illegal practice and a dishonest means of dominating an industry under anti-trust laws because it results in the monopoly of the market (Migrom and Robert, 1982). There are many types of non-price predation including product tactics, market channel tactics, market channel agreements, and promotional tactics. The example above is product tactics involving predatory innovation; that is a strategy of modifying a product without any special advantage to the consumer (see Petty, 1988; Ordover and Willig, 1981; and Gundlach, 1990). The idea of the modification is basically to continue to dominate the market. It is important to note that the new channels introduced were mainly interested in

[66]It is conventional for corporate establishments to invite stakeholders in their sector when there are controversial issues in their business so they can deliberate or explain some actions. Nollywood expected that from them but Multichoice rarely organizes such. Instead they grant press releases, which the concerned stake holders will not be around to deliberate or contest.

[67]While the filmmakers could form agencies to control Multichoice's role, Multichoice's selective treatment of the filmmakers will remain a problem. For instance, Multichoice is clearly thrilled with the New Nollywood filmmakers and so uninterested in the Old Nollywood. The New Nollywod filmmakers are equally not comfortable with Old Nollywood because of the previous experiences they had.

New Nollywood and contemporary films, while the epic films were not paid as much. The predatory action is more obvious in this account:

> When they introduced their channel re-definition, there was no channel showing Igbo films, a couple of us decided to be producing the comedies in Igbo language, because comedies are better consumed in local language. So, we began to produce comedies in Igbo language…With or without Africa Magic, we were getting patronage and so not interested any longer in the deceit. They now introduced the Africa Magic Igbo last April. Because most of us are demanding higher pay the channel is kept in their Premium bouquet. So, you may ask, why is Africa Magic Igbo not in the conventional channels? (Interview extract)

This action is a predatory business practice because it shows that the Igbo channel was introduced to control the emerging Igbo comedies. Moreover, when confronted with why they have not introduced the Igbo channel, the Multichoice representative argued that there are not enough Igbo contents. However, the Igbo channel was introduced exactly four months after that interview, suggesting that it was an afterthought. They introduced the channel to capture the new class of contents that they had ignored and also bring them under the control of Multichoice and M-Net. Predation therefore empowers them to capture all parts of the industry for exploitation, and provides subtle strategies of quelling the implication.

The respondents suggest that their insistence on being paid well for Igbo content made the management of the media corporation to place the Africa Magic Igbo channel on the costliest bouquet making it inaccessible on Africa Magic Access nor Family bouquet which includes Africa Magic Hausa and Yoruba. This is a subject of debate among many subscribers on different platforms.[68]

In the US, there is the Sherman Antitrust Act, a federal statute passed by the US congress in 1890 to check predatory practices in the country (see Scherer, 1980; Sullivan 1977). Nigeria on the other hand does not have any such laws. With the high level of corrupt incidents amongst government officials (see Aluko, 2002; Ologbenla,2008; Ogbeidi, 2012), one would not be surprised or shocked as to why it is so. Therefore, one may argue that

[68] Nollywood fans debating on the issue: http://www.nairaland.com/2258169/dstv-marginalization-igbos-why-am-igbo

corruption, collusion and lack of cooperation among state officials enabled a media establishment like Multichoice to infiltrate state agencies. It equally made it difficult for government officials, particularly in the regulatory agencies, to curb the excesses of the media agencies.

5.3.3 Organizational growth through skills, foresight and industry above state agencies

Regardless of the negative reports and allegations, many respondents credit Multichoice's domination of Nollywood partly to good level of skill, foresight and industry when compared with most organizations in Nigeria. As one of the respondents observes, there are Nigerians richer than Multichoice, but who are never bothered to establish a competitive company like Multichoice, arguing that those who emulated them later went bankrupt[69]. Some also argue that even the national television has enough resources to spearhead the patronage of the film industry but failed. Many of the filmmakers therefore commend Multichoice for its vision, and the innovative ideas they brought into the industry, even before other Nigerian media organizations came on board. Thus, they see Multichoice as innovative. They admit that successful entrepreneurs adopt innovation as a strategy for business growth and development (Schmanlenesee, 1987; Chandler, 1977; Schumpeter, 1975; Scherer, 1984; Silver, 2011).

Some other respondents view Multichoice's foresight in investing where Nigerians fail to invest, as part of their dominating power, particularly by providing experienced hands and acquisition of state-of-the-arts technological equipment. They lament that although NTA is the most popular TV station in Nigeria and Africa, they do not patronize Nollywood films. And that is part of why the industry practitioners patronize Multichoice, because they were

[69] By this he was referring to HITV, which was established by Toyin Subair, which operated for about four years before going bankrupt. http://www.nigeriafilms.com/news/14692/52/hitv-office-sealed-over-huge-debt.html

the only media interested in broadcasting and paying for their content. As one of the filmmakers lamented:

> I am angry because in this country we have every opportunity to do what DSTV is doing but we are not doing it. The terrestrial TV networks in Nigeria don't buy content from Nollywood. They want to get them free. The ones they buy they buy for 25,000 naira for a film. I am talking about TV stations like Galaxy, Silverbird etc. The owner of Silverbird was the President of the Independent Television Producers of Nigeria (ITPN), Ben Murray Bruce. He got the opportunity when they appointed him DG of NTA. Did he buy films from Nigerians? No. South Africa is showing us the way to go. (interview extract)

The respondent acknowledges that although Multichoice is not paying well, it is better than having nothing. This discursive action obviously informs why they patronized Multichoice, regardless of signs of exploitation. It absolves Multichoice of wrong-doing but blames Nigerians for their lack of patriotism, lack of vision, and lack of industry, which places Multichoice at the helm of Nigeria's entertainment industry. However, it does appear that most of the respondents underestimate Multichoice's economic power. Multichoice is a transnational media corporation. The implication is that it is a national media corporation which maintains overseas operations in some other countries (Gershon, 2005). This exposes it to transnational finances. Besides that, as a subsidiary of Naspers, diversified global conglomerate, Multichoice has access to global capital (McDuling, 2014). All these contribute to its power in the Nigerian economy (see Gershon, 2005).

5.4 Chapter Summary

This chapter has presented evidences from interviews with Nollywood practitioners, Multichoice representatives and government officials on the role Multichoice has played in Nollywood. The in-depth information helped in highlighting how the media organization and the film industry relate and encounter each other, and how such relationship affected the industry as a whole. These show that Multichoice as a dominant media organisation, exhibit skilful use and manipulation of its powers – media, technology, finance, manpower, and

ideology – in pursuit of its organizational objectives. As a result, besides broadcasting and promoting Nollywood contents outside of Nigeria, Multichoice has been able to make some remarkable contributions which contributions towards the development of the industry.

However, the following three important issues dominate the narration of Multichoice-Nollywood encounter, thus far, namely:

(a) The industry practitioners believe they were exploited by the company through their contract agreement and style of its administration. A study of Multichoice's contract terms for Nollywood practitioners compared to those given to South African filmmakers shows evidence of exploitation.

(b) The industry practitioners believe they are economically exploited because the films are shown over the continent and within Nigeria with royalty that are not commensurate to the wide coverage area and its economic impact. They argue that the transnational broadcasting company prevented other African nations from sourcing for Nollywood content. At the same time, its broadcasting of the films within Nigeria adversely affects the patronage of the films in the Nigerian market. While the development may be attributed partly to the impact and prize of cultural globalization and transnationalism, a critical media industry study unveils the role of the middlemen as aiding the exploitation, thus benefiting mainly the owner of the technology better.

(c) There is evidence supporting the claim that Multichoice infiltrated state agencies in Nigeria, and evidence from the data validates the argument that Multichoice dominates the industry and flouts some regulations without serious government interventions. Therefore, the filmmakers assume that regulatory agencies and government officials are compromised and pay lip-service to their duties, all of which impacts negatively on the industry.

On the basis of this evidence, it may be inferred that the incursion of Multichoice into Nollywood negatively affected the distribution network of the industry. The study reveals clear evidence of agency among the practitioners. Also clear in the narration are challenges, constraints and challenges which affect the role and activities of the actor. The study reveals that regardless of the efforts of the agents, the structures are powerful, whereas the agents are weak. For instance, government as an actor constitutes a structure which weakens the effort of the filmmakers. Corruption also constitutes a structure which limits the role of agents in social relationship. Importantly, as Bourdieu observes, the workings of capital and structure plays important role within the business environment.

The chapter has relied on critical media industry studies approach to breakdown the interaction between Multichoice and Nollywood. The chapter has presented the contributions of Multichoice at different levels. It shows that Nollywood has been an informal industry from its inception, and that the involvement of Multichoice has introduced some formality into the industry. Arguably, these enabled Multichoice to assume the position of a capitalist organization interested in maximizing profits without considering the welfare of the industry practitioners who are stakeholders in the industry.

However, because Multichoice needs Nollywood as much as Nollywood needs Multichoice, there is need for both actors to re-address some of the issues raised in this study in order to avoid the kind of challenges which may adversely affect their growth in the future. It is rather obvious that often the exploited do not accept exploitation without fighting the exploiter (Agocs, 2009). The next chapter will attempt to examine how Nollywood practitioners respond to Multichoice's role in the film industry.

CHAPTER SIX: CONSEQUENCES OF MULTICHOICE – NOLLYWOOD RELATIONS

6.0 Introduction

The previous chapter presented and discussed evidence from respondents supporting the argument that there is exploitation and domination in Multichoice-Nollywood relations. In this second analysis chapter, I examine the reactions of Nollywood practitioners to the situation as well its consequences on the business relationships under consideration and the industry at large. The discussion in this chapter unveils the operations of power within the industry, which is an important area of interest in the critical media industry approach applied in this study. The chapter is divided into two parts: The first part focuses on the concept and development of agency among the filmmakers and marketers in their resistance to the perceived unfair practices of Multichoice while the second part examines the intervention of state agencies in the situation. The chapter concludes with a concise summary.

6.1 Background to Resistance

As an exercise common in organizational behaviour, resistance may take any form including "non-compliance, opposition, and rebellion" (Agocs, 1997: 918; see also Bell, 1989). I argue here that the resistance of Nollywood practitioners to the power of Multichoice over them and the industry represents a form of agency.

6.1.1 The agency of Nollywood filmmakers and marketers

In this discussion, Nollywood practitioners are considered as individuals, who Bourdieu (1990) refers to as "agents" that are "socially constituted as active and acting in the field

under consideration by the fact that they possess the necessary properties to be effective, to produce effects" (Bourdieu and Wacquant, 1992: 107). According to Wooldridge and Weiss (1999), an agent possesses the following three qualities: (a) reactivity, meaning that the agent reacts to changes in its environment based on its desire to achieve its aims; (b)proactiveness, meaning that the agent is goal-oriented and responds in ways that will help it achieve its goals, and (c) social-ability, meaning that the agent has the ability to negotiate and interact in a co-operative manner with other agents (see Wooldridge and Weiss, 1999).

Recognising that they are endowed with necessary properties, the filmmakers' responses were based on their perception of being wronged by Multichoice. One of them declares that: "I do not submit films to them any longer… I produce more series these days than before, and do not give them (Multichoice) the series" (interview extract). This demonstrates rejection, disassociation from, and rebellion against Multichoice. By taking the option of producing and selling serials directly to independent stations, they were spared the frustration of selling content at very low prices. In this way, they were able to get better offers and to prevent their productions from being syndicated at low rates as was the case with Multichoice. This is a demonstration of their rejection not only of some of the terms offered by Multichoice but also of what they understood to be exploitation and domination. In terms of Turow's and Strange's (1998) theorisation of power roles, (within the modified business culture model), such decision is a form of power which undermines the effect of exploitation and domination and rather presents the producers as a powerful group interested in fighting their powerlessness.

Many filmmakers attribute the problem of poor quality Nollywood films to Multichoice, alleging that Multichoice encouraged or patronized many poor quality productions. Their definition of poor quality productions is rather wide:

> Poor quality production…this is an umbrella word including duplication of existing story lines instead of buying a brand new story; reduction of cast and crew to use 20 people to achieve what 50 should professionally do; cutting one story into four parts with four different titles and selling them as four films instead of one, and this idea of introducing seasons1-10 as the case may be and with poor technicalities…(interview extract).[70]

Some others argued that Multichoice commodified[71] Nollywood films. In other words, they assess the films more as commodities instead of as productions with intrisic value. Although this is true for distributors in Hollywood and Bollywood, Nollywood's unique position remains different because of its grossly informal nature. This has made some filmmakers to resort to cutting the storylines into many parts to enable them recoup the monies invested in production. In this regard, they recall that Arinze Ezeanyaeche is the first filmmaker to produce his film *Jadon* in more than four parts.[72]Another strategy was the 'seasonization' of films which means dividing films into seasons like episodic TV serials.[73]A good example is Ernest Obi's *Idemili* that had up to ten seasons. This further reduces the quality and quantity of the films and because audiences feel cheated could adversely affect the film's patronage. A director with the NFVCB claims that the board contributed to seasonization in a way:

> If you are bringing your film for censorship, we charge according to the length of the film. For example, if you have a film that is less that 50 minutes and it's a Nigerian film in local language, we charge you N10,000. If it is Nigerian film in English language, we charge you N20,000. If it is foreign; we charge N25,000. So, if you have a film that is an hour, that is 60 minutes in local language, we charge 30,000… Because they were complaining, we now gave them a flat rate of 25,000. So somebody will do a film and bring it in 3hrs and pay 25,000 and will go to the market and split it because his target is N500,000 from each of the films. (interview extract)

This notwithstanding, responses from the practitioners shows that profit was the main motivating factor for seasonization and that a remote cause might be the inability of

[70]Although poor production is mainly discussed in relation to technical issues, respondents define it here strictly in relation to their business relationships.
[71] Many scholars have addressed the issue of commodification and its negative effects on products or services (see Mosco, 1995; Harvey, 2002 and Ursell, 2000).
[72] "*Jadon"* had up to five parts with a sequel titled "*Jadon the Godfather*."
[73] Obaseki argues that the episodic trend in Nollywood film narration is linked to fact that most producers have a background in television (see Barrot, 2008).

Multichoice to meet the demands of the filmmakers[74]. While it is arguable that Nollywood was already producing poor quality films before Multichoice's advent, it is also possible that, if Multichoice had created a standard from the beginning, like it did for Mzansi channels in South Africa, filmmakers would have been compelled to produce better quality films.[75]

Furthermore, Multichoice did not encourage producers who wanted to embark on better quality productions by increasing their royalties. While the filmmakers clamoured for change, Multichoice institutionalized resistance to change, by applying control, power and authority to resist the change (see Agocs, 1999; Stoica, Popescu and Mihalcioiu, 2012). Consequently, the filmmakers adopted negative means to increase their earnings through the sales of poorly packaged or produced films. The filmmakers were unwilling to engage professional scriptwriters to produce quality filmscripts in order to save costs, and these reflected in many poor film productions. The head of the NFVCB, Patricia Bala, has gone so far as to condenm practices like seasonization that lead to poor productions (Ogbeche, 2016).[76]However, these practices continues to thrive because defaulters are not penalized by the board, and also such other factors as poor government intervention and funding of the regulatory agencies(Bud, 2014; Obiaya, 2013; Jedlowski, 2010).

6.1.2 Major consequences and reactions: Multichoice-Nollywood collision

The main claim of this chapter is that the exploitation and domination of Nollywood by Multichoice has resulted in group resistance by Nollywood practitioners, such that as a group they inadvertently form what Bourdieu referred to as habitus of class[77]. The reaction of the

[74]This does not exonerate Multichoice from the blame of producers' inability to censor their films because censorship is different from seasonization.

[75] By virtue of its position as Africa's pioneer media organization, it is the responsibility of Multichoice to set aesthetic standards for all foreign industries Nigeria inclusive given that they provide more that 80% of its entertainment content.

[76] See: It is unlawful to break a film into numerous parts- NFVCB warns http://dailypost.ng/2016/04/08/it-is-unlawful-to-break-a-film-into-numerous-parts-nfvcb-warns/

[77] This has been discussed in chapter 3 under "agency."

filmmakers can be understood in terms of its impact on the industry in four ways as reflected in Diagram 6.1 below.

Figure 6.1: Illustration of Consequences of Nollywood Resistance *Courtesy of Researcher*

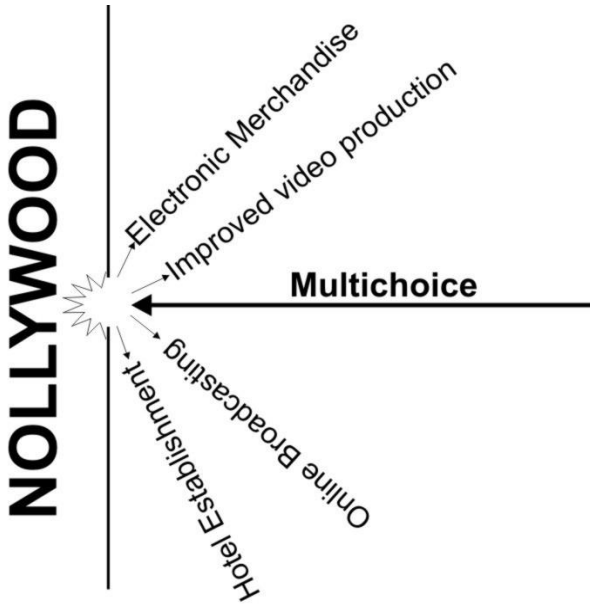


Diagram of Nollywood - Multichoice Collision

6.1.2.1 Improved Film/video production (The New Nollywood Phenomenon)

While Jedlowski and Adejunmobi have shown that Nollywood revenues have benefitted from the switch from tangible to intangible technologies in the area of film distribution, this study reveals that the positive role played by Multichoice in this regard needs to be foregrounded. Nollywood filmmakers who participated in this study believe that Multichoice has been more interested in making profit than in supporting the content providers. As a result, the company is perceived as being uninterested in the welfare of filmmakers or in the improvement of production quality. While this might be a negative comment on Multichoice, it is hardly strange since most foreign buyers of local films are only interested in profit and do not necessarily care about the local industry (or have any competence to intervene in it).

There is no doubt that Multichoice plays a unique role in Nollywood, therefore comparing it with Hollywood and Bollywood is out of place. Nowhere else has a transnational media corporation been so rooted as to dedicate eight of its entertainment channels to an emerging film industry. For a 21st century multinational media, that comes with a huge responsibility. In fact, granting information on its role would have solved great problems than shying away from the issue. It would have provided rich but missing information about the media.

The response of Nollywood filmmakers to the difficulties they face in dealing with Multichoice reflects strategies of survival that resonate with Marxist descriptions of relations between the bourgeoisie and the proletariat. However, from a critical media industry perspective, the actions of the filmmakers is another strategy of using capital (social, financial and other forms) by a group of agents to achieve its interest. This action transforms the 'powerless' Nollywood filmmakers into powerful agents who can now determine how they want to be treated by Multichoice (see Strange, 1998). According to Bourdie (2011: 81), "It is in fact impossible to account for the structure and functioning of the social world unless one reintroduces capital in all its forms and not solely in the one form recognized by economic social theory" (p.81). Thus, as the creative producers, the filmmakers are devoted and committed all capitals available to them in seeking to survive the impact of the capitalist media organization. This means that the filmmakers' action to "cut-corners" was necessary to avoid, resist and/or shun Multichoice. Indeed some of the filmmakers argue that the adverse terms offered to them by Multichoice seems to have produced unintended positive consequences among Nollywood practitioners since their protest against Multichoice is linked with the emergence of the New Nollywood. According to one filmmaker,

> There was a time most of the films you see on Multichoice were just of poor quality. Multichoice was purchasing films from the Idumota filmmakers without recourse to quality. Already, the Idumota filmmakers had driven those of us who are independent filmmakers away from selling our films in the market vis-a-vis exploitation and piracy. Yet again, they were dominating Africa Magic. Some of them were giving Multichoice their

> films free to broadcast. Most of us in so-called new Nollywood decided to avoid Multichoice and the popular Idumota or Asaba filmmakers like they are called. That explains why many of us resorted to producing cinema films instead of going to Africa Magic, until we have registered our presence, as you can see, with better quality films. (interview extract)

Three important issues emerge here the first being that the filmmakers demonstrate that they are aware of their self-worth as professionals and are not willing to remain exploited or dominated in the industry. Secondly, the filmmakers were ready to revolt against their colleagues who equally wanted to exploit them, and thirdly, the group of producers unconsciously developed agency as a means of asserting how they should be treated. These developments represent an indictment of Multichoice for encouraging poor quality productions. It also points out that the New Nollywood cinema films developed out of resistance not only to Multichoice but also to the Idumota filmmakers/marketers even though this is not the only reason. In three different studies, Jedlowski (2010, 2012 and 2013) has demonstrated that tangible and intangible technologies in film distribution equally contributed to the progressive transformation in Nollywood, a claim that is echoed in Adejunmobi's (2012) study of Nollywood as a minor transnational practise.

The emergence of New Nollywood has attracted much scholarly commendation for professionalism and the apparent desire of Nigerian filmmakers to go "the Hollywood route" (Chamley, 2012), and for what Haynes (2014: 53) described as taking "Nollywood to the next level" (see also Haynes, 2011; 2014; Novia, 2012; Chamley, 2012; Adejunmobi, 2015). New Nollywood films are known for the following:

> large budget, slower productions schedules, the possibility of shooting and/or releasing films on celluloid, scripts that go through many drafts over a period of years, international co-productions, revenues from foreign distribution built into financial calculations, international training, rubbing shoulders at international film festivals. (Haynes, 2014: 58)

Although the cinema film production is cost-intensive, the decision of Nollywood filmmakers' decision to venture in that direction enabled them to outsmart local film pirates

(See Paulson, 2012; Jedlowski, 2010, Novia, 2012; Haynes, 2014) and to access transnational patronage, sponsorship and collaborations. It may also be understood as Nollywood directors' attempt to change the industry's distribution order (Adejunmobi, 2014). For those who walked away from Multichoice and the Idumota "mafia" (Novia, 2012; Bud, 2014) or cartel (Bud, 2014; Obiaya, 2013) over what they deem to be unprofessional practises and exploitation, the New Nollywood filmmakers achieved the recognition they worked for and are rewarded for that. A New Nollywood filmmaker notes that many of them are presently in a vantage position from which to negotiate with Multichoice: "Multichoice looks for our contents, not the other way round: we don't look for them" (interview extract). This provides a clear distinction between the treatment of the two classes of filmmakers – the Old and New Nollywood filmmakers. This is an example of the power role theorised by Strange (1998). Without their resourceful use of group interest, the new Nollywood filmmakers would not have been able to dictate how to be treated by Multichoice.

Incidentally, most of the 'other' filmmakers, do not agree there is a distinction between Nollywood filmmakers, even when it is obvious that some of the filmmakers produce cinema films, while others produce for television (Jedlowski, 2010, 2012) as well as on VCDs and DVDs.

The "Film-is-Film" debate and New Nollywood phenomenon

There is an emerging perception of the New Nollywood phenomenon that is significant to this study. Many of the 'old Nollywood' respondents disbelieve the existence of an Old or New Nollywood although they agree that Asaba-Onitsha filmmakers do not pay attention to details and prefer to package "cut and join" productions. They argue that there is no difference between producing poor quality films for the small screen and for celluloid because 'film is film'. They argue that low and big budget films are also a feature of Hollywood and Bollywood.

A respondent described the distinction between new and old Nollywood as "dumb" and "stupid," arguing that "there is no separation anywhere. What I know for sure is that Nollywood is evolving and people are getting to know that the script is the seed that germinates into serious fruits. Now, the quality of your seed determines the quality of the fruits" (interview extract). As this respondent further argues, all the filmmakers claiming to belong to New Nollywood started from Asaba, and have improved due to exposure, connections, opportunities and experience. It is therefore "mischievous for people to make such disparity among filmmakers. Film is film everywhere. So, I don't know what informed such segregation" (interview extract).

One of the respondents notes that some of those who make such classifications are those who seek and acquire grants from governments and corporate bodies, and who could access state-of-the-arts equipment to shoot their films. He notes that they are welcome in the industry, but "the important thing is for all to co-exist in such a way that it makes the industry very viable and exciting" (interview extract). Another filmmaker describes the distinction as "politics," noting that those generating the classification want to draw attention away from the original initiators of Nollywood. As this respondent notes, "most of them are just "hyping" their films to draw attention, even when most of the films are not popular among the popular audience" (interview extract). He observes that those of them who invest in films always rush in where there is success, thus, they have not rushed into cinema because it has not shown viable promises yet. The respondent reaffirms that the future is with Nollywood, and Nollywood culture cannot be changed.

A Clear Distinction between the Old and New Nollywood

Apart from the distinction made by Haynes (2013) and Adejunmobi (2015), Nollywood as a film industry has not undergone any radical process to delineate the old film industry from

the new Nollywood except perhaps in its development structure (see Figures 6.1 and 6.2 below). The industry still remains a competitive market for small traders turned opportunistic marketers and over-zealous independent producers. Movie making by each group is characterized by shrewd calculation of cost and expected income, although the independent filmmakers maintain higher degree of professionalism in their production (in the New Nollywood terrain). Thus, the movies (of new Nollywood) involve higher budget and often attract more elitist audience than the old Nollywood(see Haynes, 2014; 2013); the films draw younger generations of modern audience due to their theatrical release on cinema, well-crafted scripts and plots. The diagrams below illustrate the structure of the Old and New Nollywood.

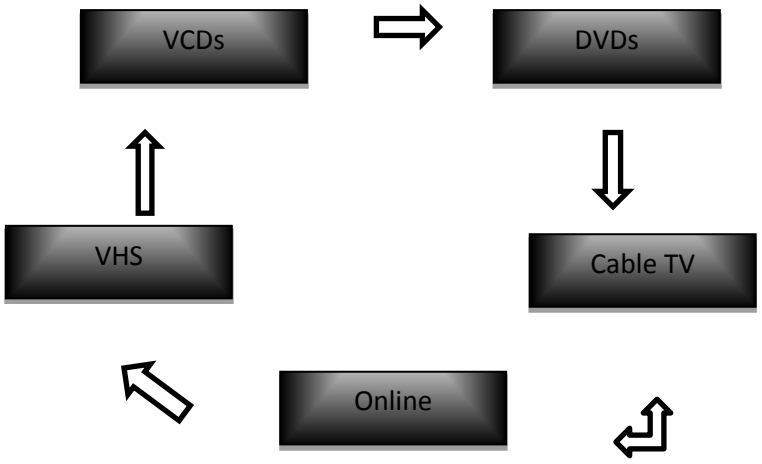


Fig: 6.2 Structure of the Old Nollywood Circle *Courtesy of Researcher*

(Note the position of the double edged arrow that indicates the movement of the film circle in both the New and the Old Nollywood films)

Old Nollywood film distribution involves various types of windows in its distribution strategy as shown in the diagram above and emanates from Video Home Service (VHS) and terminates at the online window, which has become a strong and popular platform. With the present clamour for online streaming, some of the filmmakers broadcast their films first through the cable TV, before online TV. At other times, some prefer to exhaust the online

platform before the Cable. This informs the use of double edged arrow in the diagram. This is very different from the New Nollywood structure, as shown below:

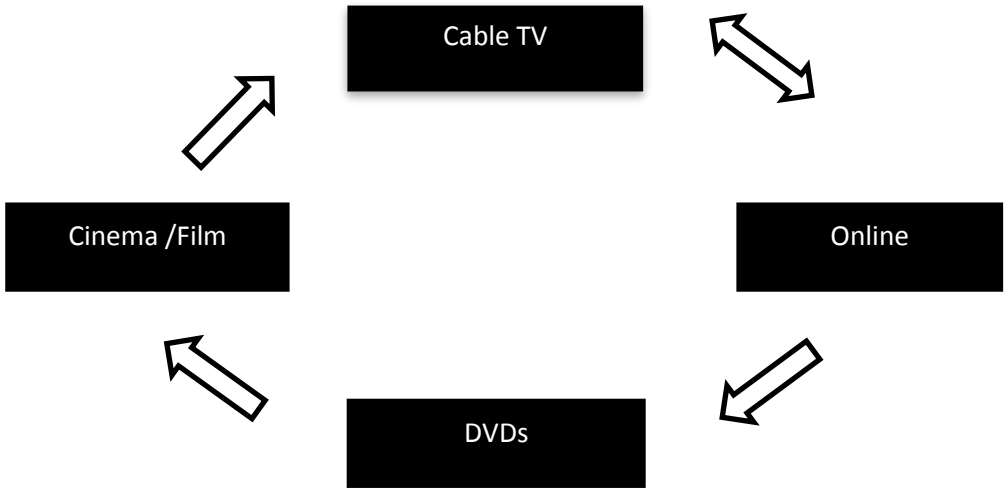


Fig: 6.3 Structure of the New Nollywood Distribution Circle *Courtesy of Researcher*

The New Nollywood film distribution structure starts with cinema exhibition and progresses to cable television then to online streaming (this again depends on the producers and informs the use of double edged arrow), and then to DVDs. This is quite different from the old Nollywood, which commences exhibition through the VHS/VCDs window (which is why they were initially known as home videos or video films rather than cinema films) and does not include cinema exhibition although some of the filmmakers are now learning to improve the technical quality of their productions to enable them exhibit on the large screen.

The focus of New Nollywood on cinema, cable TV and online windows is instrumental in the accessibility of the films to diaspora audience and enable the producers to enjoy transnational sponsorships and collaborations as already noted by Haynes (2014). This is why Old Nollywood filmmakers have continued to complain about decreasing patronage, while New Nollywood filmmakers experience increasing patronage of their theatrical releases, intercontinental exhibitions and global distribution networks and why they earn

handsome profits. However, the major challenge to the sustenance of New Nollywood is the shortage of cinema halls and multiplexes in Nigeria, and the security problems in some parts of the country.

6.1.2.2 Online streaming/broadcasting

The study reveals that many Nollywood filmmakers are now moving towards online streaming to attract new viewers and audiences (see Ulin, 2014). These filmmakers believe that online streaming will afford them enhanced marketing opportunities: "We have looked at the trend of the business and we notice that there is growing digital and internet awareness among the public. People can use their smart phones on the road, anywhere and watch movies, therefore we decided to explore it" (interview extract). This growing interest might be connected to the success of Jason Njoku's online iROKO TV (dubbed the Netflix of Africa) which had attracted up to 150 million views on his YouTube channel before shutting it down (see Adejunmobi, 2014:83).

The move towards online streaming may be understood from the perspective of the "sheep approach," a term used by one of the study respondents in reference to Nollywood filmmakers' approach to business. According to him, one of the problems of Nollywood filmmakers is their "sheep approach to issues": "Once one crosses the road successfully, the other ones must cross, *even if motor wan killam*[78], they don't care. Because they see that this guy is doing this, everyone starts doing it" (interview extract).

Venturing into online streaming (Online TV) is indeed necessary for filmmakers enjoy the medium's vast opportunities while saving them from signing off both TV broadcasting and online rights to Multichoice. The respondent notes that because he is also a supplier with Multichoice, he was able to negotiate the terms with them and excluded online

[78] This is an expression in Nigerian Pidgin English meaning "Even if they are going to be hit by a motor vehicle".

streaming and outsourcing of his content to other TV stations. However, not all the filmmakers were lucky to get such terms. While some filmmakers started online channels individually or independently, others formed groups to float channels some of which are listed below:

(a) Orji TV said to belong to Kingsley Okey Zubelu of Divine Touch Movies;

(b) Onyeze TV belonging to Martin Onyebuchi Onyemaobi of Onyeze Productions. Onyeze TV concentrates only on comedies.

(c) RealNolly TV belonging to a group of ten filmmakers comprising P.Collins (Chairman), Stronghold Productions, Ossy Affason, Seaworld Productions, Immortal Films, Allmark Movies, Danga Movies, Ice Productions, Elonel International and O'Gabby Innovation.

(d) NEL TV belonging to a group of thirteen filmmakers made up of Remmy Jes (Chairman), Cobic Productions, Okijamaka Ind., Great World Productions, Avionic Movies, AkaGod Productions, Chez Productions, Uwazuruike Productions, D-mek Productions, TrustGod Productions, Nick Productions, Softel Productions and Social Movies.

(e) Oriki TV

(f) Ndani TV

(g) Naija TV

(h) Nollywood Pictures TV owned by Sunday Nnajiude of Snude Entertainment ltd.

(i) TBA TV belonging to Blessing Agofure of TBA Investments ltd.

(j) White Throne TV belonging to Amayo Uzo Philips of White Throne Productions.

Some of the filmmakers believe that online business adversely affectedDVD sales worldwide: "I used to have agents in America who were paying 10,000 dollars to pick a title but now they can't even pay a thousand dollars' because of the online" (interview extract).

Arguably, cable and online windows are the two trending windows, however, the filmmakers figured that controlling online streaming appears to be the only rational way of ensuring the return on investment since Multichoice controls the cable window; otherwise the investors and producers would continue to lose money.

Although Adejunmobi (2014) has observed that individual entrepreneurs use dominant global networks to deliver films to diasporic audiences using distribution channels, this study reveals that filmmakers sometimes deal with smaller transnational companies. One of them states that: "We have partners in London that is (sic) involved in the optimization of the channel…The partner company which started the website is in Texas, USA" and helps in managing the traffic and yields on the platform. The directors or group members of the Online TV channels are usually expected to submit stipulated numbers of films (which they may buy from other filmmakers) to the site on a monthly or annual basis while the American company manages the site and other administrative aspects of the business. These channels mostly free to view for their audiences and filmmakers are paid for advert video on demand (ADVOD) placements based on the traffic their channels generate through these films. The audience only pays for the premium movies which cost between one and seven dollars depending on the platform. The filmmakers see the online TV platform as an important trending platform that provides access to newer and younger audiences who use the latest technologies. It is a growing trend among Nollywood fans and buttresses Adejunmobi's observation that "the most striking new developments in the Nigerian film industry are …linked to emerging media technologies" (Adejunmobi, 2014:79; see also Obiaya, 2014).

Given the enormous quantity of contents required to float an online channel conveniently, in addition to the cost of acquiring contents to sustain a growing internet audience, online streaming seems to have the potential of becoming an important and

promising platform for Nollywood if Nigeria has steady power supply and can subsidize data subscription for her citizens.

6.1.2.3 Hotel establishment

Hotel establishment is one of the newest developments in Nollywood's revolt against Multichoice. Many of respondents confirm that some of them and their colleagues have resorted to establishing hotels as a way of boosting revenues and coping with low financial remuneration from the sale of content to Multichoice. They say this enables them help one another and reduces the cost of film production. One of the respondents who is a hotel proprietor notes that "most producers do come to my hotel too. We established hotels to enable us accommodate our budget" (interview extract). Many of them lodge their casts and crews in these hotels, and also use some of the rooms as locations or settings for some of their movie scenes:

> To accommodate the cost of the basic things in a movie, you need to lodge crew members and artistes, so you need hotels where you can lodge them…if you have ten rooms reserved in your hotel, for like 14 days of shooting, it is money. If you have a hotel or you have a colleague who has a hotel, you can get cheaper or moderate price in order to accommodate your expenses so it comes down to be cheaper for you. I think that's one of the major reasons why most of us have hotels. (interview extract)

This is a form of communal support that demonstrates the agency of the filmmakers. For instance, one of the directors informed this researcher during the course of the research that there was an arrangement between them whereby colleagues only pay 40% of going rates. This also applied to any member of the cast or crew who brings guests along to the hotels during their shooting. In fact, at Enugu, this researcher benefited from this unwritten rule when she was invited by one of the filmmakers to a shooting location for this research interview. For a room that normally costs N18, 000 per night, the researcher paid N6,500.

This initiative also contributes to the tourism and hospitality industry in the local community and the country at large by increasing employment opportunities. Such social

establishments are aspects of community development achieved by the practitioners in the industry in line with observations made by McCall (2004).

Incidentally, the cost-intensive nature of hotel establishment restricts the number of operational hotel proprietors in Nollywood when compared to the number of filmmakers who have embarked on internet streaming business or the online-TV platforms. The study reveals that some of the filmmakers who could not establish hotels resorted to leasing hotels for most of their productions from owners of poorly managed hotels and use such hotels for lodging their crew during film production. Such hotels become the rendezvous for upcoming artistes aspiring for a profession in the industry or seeking for '*waka-pass'*[79] roles in productions.

Most of the hotels established by the filmmakers were mainly located in and around south eastern Nigeria. Some of the filmmakers are presently building new hotels and others are optimistic about establishing one in thefuture. Existing hotels established by Nollywood filmmakers and marketers include:

(i) Wise Penny Hotel, Asaba - established by P.Collins Productions ltd.
(ii) King Planet Suites, Enugu - Onyeze Productions
(iii) D-Matel Hotel Enugu/Abuja - O.J. Productions
(iv) Belview Hotel, Enugu - Annex Movies
(v) Lanic Hotel, Enugu - Magic Movies
(vi) Cobic Hotel, Onitsha - Cobic Productions
(vii) Rainbow Chinese Centre, Onitsha- Remmy Jes Productions.[80]

The negative implication of establishing hotels alongside their film production business is that it has the tendency of reducing the passion for film production as the hotel owners grapple with the challenges of hospitality management. For instance, since the establishment of Belview Hotel, Annex Movies is reported to have abandoned film

[79] A waka-pass role is a brief appearance in a production. When it is done by a popular artist, it is called a cameo appearance.
[80] Rainbow Chinese Centre serves Chinese cuisine and has a cinema hall, but no lodging. The owner said he is hoping to upgrade it in the future.

production. Moreover, the filmmakers may be compelled to revolve the scenes of most of his films around particular hotel settings instead of exploring new and more aesthetically suitable locations and settings thereby reducing the aesthetic quality of such production.

6.1.2.4 Electronic businesses

Some of the trader-marketer-turned filmmakers have had to revert to electronics dealership which was their old business. This is linked to poor sales and patronage of films on VCDs and DVDs and the increasing number of Pay TV subscribers who prefer to access Nollywood films via the numerous Africa Magic channels. Furthermore, the New Nollywood productions are receiving greater patronage from Nollywood audiences forcing the majority of the so-called "cut and join" filmmakers and marketers to return to their original trading businesses. The adverse effects of the Nollywood-Multichoice relationship thus helped to separate the professional filmmakers from the jokers in the industry. If the situation continues, there could be the emergence of a stronger and more professional Nollywood. For example, Arinze Ezeanyaeche,[81] formerly of O.J Productions, has bowed out of filmmaking along with others like Infinity Merchants, Vine Concepts and Ben Nobis Ventures.

A critical examination of the activities of Nollywood filmmakers in terms of power reveals an involvement of four crucial elements highlighted by Strange (1998) as necessary for establishing structural power. These are security, knowledge, finance and production. Nollywood's activities were designed to provide security for practitioners' businesses and positioned them to have power to protect themselves and the industry.Their productions emanate from cinemas, online streaming and hotel establishment which allow them control Nollywood film productions and distribution. These enable them make economic decisions

[81] Arinze was an apprentice and younger brother to the owner of O.J. Productions, is one of Nollywood's most successful producers. Arinze later started his own film production outfit and released many 'popular' Nollywood standard video films among them, *Jadon, Jadon the God father, End of Money, DesperateBillionaire.*

concerning their businesses. And the wisdom from the outcome provides them knowledge; and empowers them with experiences they share with wisdom amongst themselves. Thus, inadvertently, they have instituted a structure for their survival.

This discussion of Nollywood's reactions may be read as a form of revolution, except that the revolt and resistance have advantages for both the exploited and the exploiter.

6.2 The Nigerian government and its response to Nollywood

The Nigerian government is at the centre of Multichoice-Nollywood interchange. Governments are expected to provide enabling environments for investors as well as policies and regulations which will guide the operations of practitioners and investors. However, most states tend to support investors at the expense of the working classes whom they ought to protect. This is because they rely on investors to improve their internally generated revenue (see Piteli, 2002; Ietto-Gillies, 2002). Some scholars believe Nollywood to be partly a response to government's inactivity (Sanogo,2015). Since Nollywood's emergence, most industry practitioners believe that successive regimes have exhibited a laissez faire attitude towards the many challenges facing the industry practitioners. As a result, many of Nollywood practitioners seem to have lost confidence in government's ability to intercede, particularly, in regard to the regulation of internal and external broadcasters like Multichoice. This perception is not unconnected to government's lack of interest in funding the industry, poor funding of regulatory agencies, combat piracy and government inability to fight corrupt public servants and agencies (see Paulson: 2012, Bud, 2014; Obiaya, 2013, Jedlowski, 2012; Lobato, 2012).

One of the most major failures of the Nigerian government in its responsibility to Nollywood is the failure to subsidize the industry as is the practice in some Africa nations

such as South African (Tomaselli, 1979). I argue in this section of the study that the turmoil in the the relationship between Multichoice-Nollywood resulted in government's belated intervention. However this intervention, which I examine here, has been in the area of funding and not on strengthening regulations and regulatory agencies. The focus of the study here is on the role of government intervention in the business relations involving Multichoice and Nollywood.

6.2.1 Government intervention during the Obasanjo administration

Nollywood emerged during the military administration of General Ibrahim Babangida (Ekwuazi, 1997; Ayakaroma, 2014) although that administration and its successor (Abacha) did not pay any attention to Nollywood. An official of the National Orientation agency (NOA) argues that this may be due to the fact that both Babangida and Abacha were Muslims whose "religion did not sanction public performances and entertainment" (interview extract).

A director with the NFVCB stated that the Obasanjo administration of 1999-2007 set aside a N2 billion intervention fund for Nollywood practitioners. However, the administration did not take into consideration the informal nature of the industry which made it impossible for practitioners to meet up with formal bank requirements for accessing the loan at NEXIM Bank where the fund was domiciled. This oversight prevented most practitioners from accessing the fund. As a result, the industry did not acknowledge any intervention from that administration. However, the later establishment of the New Film Distribution Licensing Framework through the Censor's Board was an innovative development to the credit of the administration.

New Film Distribution Licensing Framework

The framework is an innovative approach designed to checkmate economic leakages in the film industry (Obiaya, 2013; Bud, 2014 and Jedlowski,2010). It represented government's effort to "intervene and provide support; to create a licensed body of distributors who would provide sustainable funding; to eliminate piracy; to contribute to poverty alleviation; and to integrate the film industry into the organized private sector" (Obiaya, 2013: 268). Although the initiative had the potential of tackling the challenges of piracy, it failed, due partly to "lack of policy communication" and inconsistency revolving around "registration fees" which resulted in the suspicion of the motives of the Board leadership (Bud, 2014). Obiaya (2013) is of the view that industry politics, competition and suspicion affected the successful implementation of the framework.

Contrary to Bud's argument, this study demonstrates that filmmakers were very conversant with the new distribution framework, but kicked against it because of lack of trust in the leadership of the Censors' board. Two of the respondents who are marketers reveal that they kicked against the framework because it was going to disrupt their existing informal business, and make them answerable to the NFVCB board in all their transactions. In other words, there was a deep mistrust between the industry practitioners and the leadership of the board. For instance, the imposition of N5.5 million as a registration fee for the marketers did not go down well with the practitioners. They saw the huge distribution license fee as an indirect strategy of weeding out some of the marketers (who see the film industry as their brain-child) from the distribution circuit and replacing them with established media companies who were new comers to the industry.

Furthermore, to the film marketers, the NFVCB's demand that film distributors demonstrate they have "professional management structure including a lawyer and accountant," (Bud, 2014: 93) created the impression that the board wanted to scheme them

out in favour of established and formal businesses. Moreover, the consistent mentioning of Nu Metro (another South African Entertainment Company) (Ayorinde, 2007) as one of the companies interested in distribution framework made many of them sceptical and conclude that the board wanted foreign investors to control the industry, especially in view of rumours of corrupt alliances between Multichoice and members of the board. This suggests that the major cause of the failure of the implementation of the framework is ethical. One of the respondents stated that:

> When in the Bible, the Head of the household was sleeping, the whole household was sleeping, and were (sic) not articulate, they were not hardworking, they were not thinking, the thief took hold of household matters, same goes to Multichoice. They took the position today of an oppressor. They own the Grand Nollywood, you like it or not… Take it or not, Multichoice controls Nollywood and wants more power over the industry (interview extract).

Many of them believe that Multichoice would have emerged as one of the major national and international distributors in the new film distribution licensing framework given their political and economic power. This is indeed plausible because although Multichoice is seen as a regional media (Adejunmobi, 2011; Gershon, 2005), it possesses the power of a global media power house especially given it affiliation to Naspers (Dunning, 2010). Moreover, Gershon (2000: 23) observes that:

> Most companies do not set out with an established plan for becoming a major international company. Rather, as a company's exports steadily increase, it establishes a foreign office to handle sales and services of its products…as the firm gains experience, it may get involved in other facets of international business.

Multichoice was seen as having such tendencies and wherewithal to expand further into film distribution, having expanded vertically and horizontally, and with great interest in cross-media ownership. A key feature to delving into such international business is the globalization of markets (Gershon, 1997; 2000), free trade (Friedman, 1999), neo-liberalism

(Harvey, 2005), privatization and deregulation (Mosco, 1996). All of these were available within the Nigerian economic environment, they argued.

6.2.2 Government Intervention under Jonathan's Administration

The Yar' Adua administration succeeded Obasanjo's administration but could not do anything for the industry owing to the president's ill-health that led to his untimely death in office. The most popular intervention in Nollywood is credited to the Goodluck Jonathan's administration of 2009-2015. The Jonathan administration set up a N3 billion Presidential intervention grant for Nollywood to address major areas of need in the industry. This was seen as crucial because many critics believe that Nollywood's poor quality production was as a result of lack of training on the part of most film producers and directors who learn on the job (Haynes, 2011; Adesokan, 2009; Ebewo, 2007; Onuzulike; 2011). Amongst the respondents and industry critics, the belief is rife that poor quality equipment, and lack of innovative distribution also contributed to poor production. The industry identified three key areas as areas in need of government intervention namely, distribution, access to finance as well as technical capacity and production quality (The Classifier, 2010). One of the respondents describes the expected role of leadership towards developing the industry in these words:

> If I have a drug company, local drug company that makes drug from locally sourced material, one of the things I will do is go and give the local farmers money to cultivate the materials I will use. I am supposed to monitor the growth, the planting and growth of these things. So that in the end I will be able to harvest and take back what I have given to them and then let them make profit. (interview extract)

This comment emphasizes the need for a financial aid or grant that will address some of the challenges confronting the Nigerian film industry. Incidentally, the Presidential intervention

grant, otherwise known as Project Act fund was designed to tackle some of the many constraints which affect film productions in Nollywood as will be discussed in details below.

The Project Act Fund

This fund was set up in 2012 and was to be managed by the federal ministries of finance and culture and national orientation. According to Chiedo Okolue, an NFVCB director who served as the NFVCB representative on the Project Act Nollywood Team (a team set up to administer the grant), the fund was to be used to cater to capacity building, film production and distribution. The table below highlights the salient aspects of the fund.

Capacity Building Fund (CBF)	**Film Production Fund (FPF)**	**Innovative Distribution Fund (IDF)**
Focus: Training and skill acquisition for practitioners and institutions for short training courses in Nigeria and abroad.	Enhancing competitiveness of Industry Production. To grow market share internationally and to create job opportunities.	To support innovative solution in film distribution, including exhibition infrastructure, physical distribution and technology based solutions.
Aim: To subsidize film training and improve capacity of practitioners. To improve quality of film schools and academies.	To subsidize pre-production, production and post-production of exceptionally high quality productions as well the marketing, distribution and exhibition of such films.	To complement initiatives targeted at Nollywood. To act as catalyst for institutional capital in potentially lucrative projects. To make recommendations to the government on policy initiatives that will strengthen the industry.
Allocated Fund: N300 million	N700 million	N2 billion
Beneficiaries: Of 760 applications, 206 practitioners and institutions benefited from fund, all worth approximately N140 million.	Out of 398 applications, 93 applicants were approved by the team, totalling about N7.39 million in various stages of film production (pre-production, production, post-production and marketing/ distribution and exhibition).	383 applications were processed and about N6 million was to be disbursed; unfortunately the new administration placed it on hold pending the re-organization of the industry.

Figure 6.4: Table of Project Act Fund Focus *Summary courtesy of Researcher*

The fund was well-received by the industry practitioners and has helped many industry practitioners as individuals and groups to pursue the dream of undergoing filmmaking training courses abroad. A total of 200 practitioners and 7 film schools have benefited from it and 113 high quality movies are parts of the film projects produced for cinema, while a total of 2,436 individuals have been employed in film production so far. The Innovative Distribution Fund, which was to explore innovative means of distribution, marketing and exhibition of films has however failed to take off and none of the applications were processed before the intervention of current administration of Muhammadu Buhari. Incidentally, the IDF would have been a most valuable effort capable of addressing some of the critical challenges confronting Nollywood as an industry. A strategic and innovative distribution network is necessary for the practitioners to find means of marketing their films without overly depending on Multichoice. The new minister for finance has set up a committee to revisit the project with the intent of re-structuring it before the funds may be disbursed because, according to her, "N3 billion will only scratch the industry's problem but cannot solve the problem"(News report on TV). It is believed that the re-structuring of the industry will help them tackle some of the issues which may mitigate against the benefits of the fund.

With government's financial support for Nollywood, one expects the government to step up the regulations of the industry and implement the necessary policies to stabilize the sector and deter both practitioners and investors from violating applicable rules and regulations. Unfortunately, government has not done much in this regards. The government has not done much to raise the confidence of the practitioners, particularly with respect to the relationship between Multichoice and Nollywood, a situation that has exposed the government to serious criticism.

6.2.3 Theorizing on the place of the state in the Multichoice-Nollywood Relationship

Contemporary political economists like Wright (1980; 1977; 1997) and Miliband (1969) have theorised classes of structures which identify the position of government. In a core Marxist analogy, Multichoice provides the media technology through which Nollywood films are broadcast, sold, and projected to nations in the continent and beyond and stands as the capitalist corporate enterprise. The government occupies the position of the ruling class who benefit from the investment of the corporate enterprise. Thus, as the ruling class, government is vested with unlimited economic power which enables it to make important decisions based on its interests (Downs, 1957; Piteli, 2002; Ietto-Gillies, 2002). From a critical media industries perspective, the Multichoice-state role may be understood in terms of Turrow's (1997) concept of "power role" which conceives of Multichoice as an organization that uses its resources to gain the compliance of the government and its regulatory agencies and thereby enables them to accomplish their tasks and objectives.

Unfortunately, this co-operation undermines the rules that are meant to govern the industry (See Havens et al.2009:240). For instance, an NBC director had commended Multichoice for dedicating some channels to Nollywood content, arguing that "(1) It improves the contents (2) It provides work for people also (because if you are sure you can shoot your film or programme, you can put it on air)" (interview extract). From the director's perspective, governments like Nigeria's support and accommodate capitalist organizations like Multichoice due to the following expected benefits to the government and the ruling class: First, the media organization helps to create jobs for citizens; secondly, the government's internally generated revenue is increased through taxes they pay government; thirdly, business relations with transnational corporations enhance the government's diplomatic relations and ties between host nations and the nation of the transnational

corporation, and fourthly, the achievement of the TNC is often included as part of the achievements of the incumbent administration.

The owner of the capitalist media enjoys the state-corporation relationship because as their mutual benefits. As a result, "it (the corporation) could influence legislation and lobby for a sympathetic representation"[82] which may lead to the infiltration of state agencies as experienced in Nollywood. The state could take decisions which may not be favourable to working class citizens or make compromises which Whyte (n.d.) describes as regimes of permission that encourage "state-corporate crimes"[83] against citizens who work for the media corporation. It is arguable therefore, that the Nigerian government's interest in Multichoice's operations makes the government to tacitly endorse the exploitation of Nollywood, because as Whyte (n.d.: 239) observes "every case of corporate crime reveals some element of state direction, tacit approval or failure along the lines projected in the state-corporate crime framework." This is the predicament of Nollywood practitioners today.

6.3 Chapter summary

This chapter has explored the consequences of Multichoice's exploitation and dominance of Nollywood especially in terms of the reaction of Nollywood practitioners. The four major ways in which Nollywood has demonstrated resistance to Multichoice are improvements in the quality of film productions (i.e. the emergence of the New Nollywood), online streaming, hotel establishment and the return to electronic dealership and trading. Although these responses have themselves impacted the industry in both negative and positive ways, the positive impacts clearly outweigh the negative ones. Similarly, these responses have simultaneously foregrounded the importance of the role of Multichoice in the industry such

[82] See: Marxist theory and Capitalist Class Structure: www.earlhamsocialogpages.co.uk/marxclasscap.html
[83] State-corporate crime is a violation of criminal, civil and administrative law by a corporate employee of a corporate establishment which is not for individual benefit, but for organizational ends. (Simpson, 2002:6).

that the apparent negative exploitative practices seem to have resulted in many positive developments in the industry. It is however noted that these developments are not entirely due to the responses of the practitioners to their exploitation by Nollywood given the undeniable role of new technologies in bringing about changes in the film industry.

Finally, by employing a critical media industry studies approach in examining the role of government in Multichoice-Nollywood interaction, the chapter "turn[ed] a critical eye on industrial practices obscured by political economy's jet view" (Havens *et al*. 2009: 245). Thus, while the Nigerian government is expected to provide an enabling environment for investors and practitioners, and ensure that policies and regulations are enforced, it is seen to illustrate the theory of the "power role" in its tacit endorsement of Multichoice's exploitation and domination, perhaps due to what it benefits from the company. It is also noted that the government has itself made some financial contributions to the film industry. While it is evident that Multichoice has occupied the role of an exploitative capitalist organisation, this analysis has shown that it also contributes significantly to the development of the industry. In conclusion, it is argued that Nollywood suffers more from the inability of the government to regulate the operations of Multichoice in the industry than from the exercise of the company's power over Nollywood; the real problem therefore is the laxity and ineffectiveness of the government.

CHAPTER SEVEN: CONCLUSION

7.0 Introduction

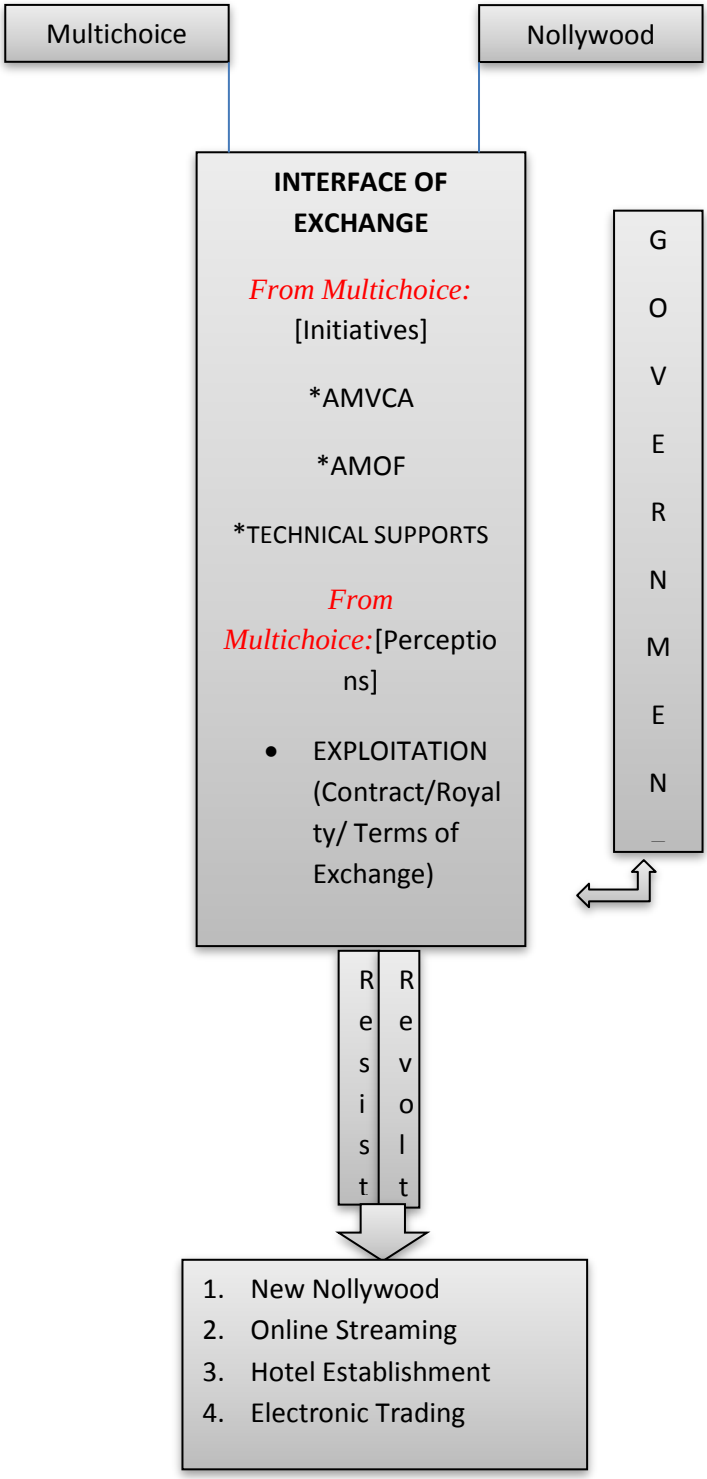
This thesis critically explored the role and significance of Multichoice and its Africa Magic channels in the development of Nollywood as perceived by Nollywood practitioners. This empirical study interrogated the flow and exchange of cultural products across Africa, with a focus on the ways in which the South African owned Multichoice affects the production and distribution of Nollywood content. The study contributes to scholarship on South-South cultural flows in sub-Saharan Africa and highlights the role, nature and impact of cultural globalization on a local film industry.

The study sheds light on the complexities and contradictions in the business relationships between Multichoice and Nollywood practitioners and provides evidence which suggests that Multichoice wields considerable political and economic power as a transnational media organization which makes Nollywood vulnerable to exploitation. The situation of the practitioners is made more difficult by the informal nature of Nollywood as an industry as well as the neglect it suffers from the Nigerian regulatory authorities. The findings of the study also suggest that Multichoice has contributed immensely to Nollywood, although its contributions are compromised by evidence of exploitation and domination (see Fig: 7.1). From the point of view of the filmmakers, the relationship between Nollywood and Multichoice can be likened to a loveless marriage but neither spouse seems to be considering a divorce. While the wife works hard to sustain herself, her perseverance and hard work yields the result of economic growth which strengthens her family with her estranged husband. This contradicts Multichoice's CSR policy of "enriching lives" in its host communities an idea that suggests that the company recognizes that as a new and growing entertainment industry, Nollywood needs assistance, empowerment, support and direction.

This study provides new insights into media industry practices and operations in Africa, and reveals how the politics of content production, negotiation and broadcasting affect local film industry practices. The study adopts the critical media industry studies approach proposed by Havens et al (2009) and it aligns with Garnham's (2005) call for critical attention to production process while "focus[ing] on cultural producers as a status or class group [and] on the labour process and the relationship between producers and consumers" (2009: 486).

The study explored the social and economic aspects of the Multichoice-Nollywood trade in entertainment content, and reveal how the lack of policy and governance has allowed foreign multinationals to exploit regulatory loopholes to the detriment of the industry as a whole. The study can serve as a useful barometer to measure how the role of a transnational media organization is perceived in a local film industry affected by globalization. It also offers insights into the experiences of entertainment content producers in an informal economy. I examined and compared the contracts that Multichoice offers to Nollywood and South Africa filmmakers in the global legal context of entertainment law scholarship. I also reviewed the CSR initiatives of Multichoice in Nigeria. I analysed the impact of these initiatives on the industry as in general and on filmmakers in particular while also exploring the filmmakers' perceptions of and responses to the initiatives.

Fig.7.1: ***Structural Description of Multichoice-Nollywood Interface***



There has been significant research into the various economic and political developments that have impacted Nollywood over the years (Obiaya, 2013; Bud, 2014; Miller, 2012). There is also scholarship on the continental impact of Multichoice as a dominant global media organisation (Adejunmobi, 2011; 2014; Teer-Tomaselli et al, 2007; Ndlovu, 2011; Manos, 2005). This study takes existing scholarship forward by interrogating its specific roles in Nollywood.

7.1 Observations

The observations and conclusions presented here are from the experiences, views, accounts and narratives provided by respondents who are stakeholders in the Nigerian film industry. In this regard, objectivity is achieved in a way that is different from what obtains in a pure industry analysis, especially given that Multichoice did not respond to questions about its operations in Nollywood. The study sought to investigate the filmmakers' experiences with Multichoice in order to determine the extent to which the company has contributed to the development of the industry through its Africa Magic channels. It reveals that the informal nature of Nollywood proved to be a major problem for the practitioners and that it affects their perceptions of, and attitudes to Multichoice, a situation that has been discussed in several studies (Lobato, 2012; Jedlowski, 2010, McCall, 2012; Paulson, 2012; Novia, 2012).

Except perhaps for McCall and Lobato, scholars are of the view that informality has a detrimental effect on Nollywood informality. This is reflected in the many ways, including what may be referred to as "handshake" deals among practitioners where there is little or no form of documentation and which leaves the practitioners vulnerable to breach or violation (McCall, 2012). In this study, the industry practitioners perceived Multichoice as a company out to exploit them through controversial contracts but failed to consider the contract as a

documentation of commitment to their business deal, or a guarantee of trust and empowerment. An example is the experiences of Nollywood producers with a local media corporation like HITV[84] which did business with them without any contract agreement and consequently became insolvent.

African media scholars and film industry practitioners have explored media roles from broad perspectives. In line with the general view, the role of Multichoice seems to be pegged at the "education, information and entertainment" value ascribed by Holtz-Bacha and Norris (2000), and this sums the wide impression of many media studies scholars. Multichoice has been widely commended for its contributions to media development across Africa in terms of the dissemination of news and information (Teer-Tomaselli, 2007; Ndlovu, 2011), promotion of films in African diasporic communities (Krings and Okome, 2013) and the promotion of the Nigerian stars (Tsika, 2015). Yet its role in the development of Nollywood specifically has not gone beyond being a conduit for peddling foreign programmes (Nyamnjoh, 2004; Manos, 2005 and Adejunmobi, 2011) and for the "Nigerianization" (Aveh, 2014) of Africa continent. While Aveh uses this term with regard to the cultural influence of Nollywood in Ghana, it is believed that the industry has boosted Nigeria's cultural image in many other African countries and in the diaspora (see Krings and Okome, 2013). It seems, however, from this study, that Nollywood filmmakers underestimate this influence which can actually be enhanced if the Nigerian authorities provide sufficient support to the industry.

While the global domination of the American media industry has been described as cultural and media imperialism because of its role in the erosion of local cultures, the popularity of Nollywood does not endanger other indigenous African cultures (Boyd-Barret, 1997; Thussu, 1997; 2009; Ritzer, 2010; 2012). This is due to the fact that the cultural flows

[84] HITV is a defunct media organizations in Nigeria that used to broadcast Nollywood films.

through which Nollywood content is circulated is not controlled by Nigeria but by South Africa. This can therefore be understood in terms of cultural globalisation rather than cultural imperialism.

Nollywood is the darling of African film audiences although it is not recognized as such by the image created by the Nigerian government. This may be attributed to the influence of religion and local politics in Nigeria. Nollywood started during the administrations of two consecutive military administrations led by Muslim heads of state (see Omoniyi, 2000). This view is reinforced by a recent development: In July, 2016, the current administration headed by Muhammadu Buhari, who is a Muslim, stopped the building of a proposed 'film village' in Kano due to opposition from Muslim clerics in northern Nigeria.[85]

Due to a lack of funding, most of the regulatory agencies in the film industry find it difficult to carry out their duties conscientiously and allegations of corruption against officials are not uncommon (Aluko, 2002; Salisu, 2000; Dike, 2002; Ologbenla, 2008). The study also reveals that Nollywood filmmakers still have power over Multichoice since they can simply refuse to sell content to the company and instead patronise the robust domestic distribution apparatus. Nollywood's domestic strategies are innovative ways through which the practitioners can thrive in their business without Multichoice involvement. They need to negotiate with Multichoice as a group if they must succeed. Incidentally, this may not be possible in Nigeria where Multichoice is more proactive than the practitioners. Although there are many trade unions in the film industry, Multichoice's shrewd approach to the practitioners has succeeded in keeping the practitioners more divided than united. The developments in Chapter 6 are therefore better options for the advancement of the industry.

This study therefore contributes to deconstructing understandings and stereotypes of Multichoice, Nollywood and government (particularly in its approach to the industry). Thus,

[85]In the 56 years of Nigeria's independence, northern Moslems have ruled for more than 40years and their religious beliefs reflect on the implementation of government policies.

the media industry studies approach used in this study. It attempted, as objectively as possible to expose the business practices Multichoice in relation to Nollywood filmmakers, although the company's declined to response to some important questions on the issues under consideration.

It is important to note misconceptions among Nollywood practitioners such as the belief of some filmmakers and marketers that there is no difference between Old Nollywood and New Nollywood. Such mindsets might also be the reason why some practitioners do not seem to see the need to be more professional, to engage the services of intellectual property lawyers, to formalize their business more generally and to ensure the involvement of regulatory authorities. Furthermore, while the filmmakers or industry practitioners blame Multichoice and are eager to resist Multichoice and its contributions to the industry, they seem blind to the fact that they (the industry practitioners) are a part of their own problem. They are thus co-perpetrators of their own domination and exploitation.

Nollywood filmmakers feel exploited by Multichoice and desire better deals from the company as well as consistent and conscientious government intervention and support. The position of Multichoice is also simple. Although it is a profit-oriented business, it has contributed some quotas to Nollywood as required by law and has not been indicted for any business offence.

7.2 Limitations and challenges of the study

I challenged the "confidentiality clause" often included in contracts and trade agreements, which made it exceedingly difficult for the filmmakers and marketers to declare the terms of their dealings with Multichoice. Moreover, although the Public Relation Officer of M-Net

Nigeria, Efosa Aiyevbomwan who officially represented Multichoice during the study assured that in content acquisition, Multichoice runs an "open door policy," it is surprising that he did not respond to several questions citing 'confidentiality.' He did not fulfil his promise to consult with his superiors and get back to me via e-mail in addition to failing to respond to my e-mails afterwards suggests otherwise. Furthermore, he declined to show me contract templates just as the filmmakers refused to show me their personal contracts out of the fear of being blacklisted by the company. But in the case of this study, it is logical to conclude that there is a deliberate decision of Multichoice to conceal its business dealings with Nollywood practitioners.[86] Notwithstanding, two filmmakers who believe in the importance of this study allowed me access to contracts documents for Nigerian and South African filmmakers.

Indeed, it is not uncommon for organizations to use the guise of confidentiality to conceal official documents they believe may expose their activities or affect their goodwill (Brody, 1993; Drahozal and Ware, 2010). However, there is the need for statutory provisions in Nigeria that enable access to such information especially for the purposes of academic research which could actually serve the public good as obtains in places like Canada, the USA and South Africa.[87] This was a major limitation to this study forcing the researcher to use only the available facts extracted from their non-management staff and ex-employees.

7.3 Theoretical contributions

There is growing academic interest in critical political economy studies particularly in Europe, America, and Asia (Hardy, 2014; Boyd-Barrett and Xie, 2008; Cohen, 2008; Rasul

[86] This is evidence of how media ownership could affect or influence production and/or producers' response to social issues involving their businesses.

[87](See Tobias Schonwetter, The 'fair use' doctrine and the implications of digitising for the doctrine from a South African perspective" … http://reference.sabinet.co.za/document/EJC135577)

and Proffitt, 2012). However, there is no documented evidence of a critical media industry (CMI) study on an African cultural and entertainment industry study involving a specific media corporation. Within the Global South nations, most CPE studies focus on issues like media imperialism, commercialization, and liberalization (Mwakalinga, 2012; Diawara, 1986). This study draws attention to cultural globalization as an important phenomenon in contemporary media and cultural industry studies.

This study also expands academic research on media, creative and cultural industries as important domains in media studies. The application of the critical media industry studies approach in this study using the 'helicopter view' allows for the exploration of the agency of filmmakers as contextually generated. The study also adopts Turrow's (1997) "power role" concept in its analysis of the state-corporate industry relationship as a part of the critical media industry studies approach regardless of its focus on the production culture of Multichoice, which was modified to the business culture model.

The helicopter view of the critical media industry studies approach adopted in this study enables insight into an emerging theory for understanding the roles of pioneering organizations in developing economies. The concept may be known as the Early Bird Theory and is based on the principle that an actor or agent (otherwise, the Early Bird) within a new social set-up or business environment accosts certain benefits which are advantageous to it for being the first to arrive within the business environment. This development results in the transformation of the agent to a successfully endowed entity. Within the new social environment of the 'Early Bird's' emergence, the following characteristics can be identified:

(a) Availability of material resources which the *'Early Bird'* seeks, and which exposes it to freedom of choice and surplus supplies.

(b) Cheap Acquisition: This suggests that owing to surplus supplies the *Early Bird* is not confronted with competition, therefore, the cost of acquiring such material resource may be quite minimal or close to zero.

(c) No regulation or restriction: Because the *'Early Bird'* is in a new and unexplored environment, even the constituency (sector) seem worthless to the original owners because it is untapped. Therefore, there are no rules and regulations; or restrain to early bird's acquisition of resources. The Early Bird could conveniently set the rules for demand as well as supply of resources.

(d) Experimentation: The social system of interaction is filled with experimentation by the principal actors and agents. The experimentation will involve trials and errors which may develop to experiences that will build the confidence of the Early Bird. The peak of the interaction may bring in chance and steady occurrences of domination and exploitation.

This concept provides an explanation for the involvement of Multichoice in the Nigerian film industry and could be used to study other industries in Africa with similar informal contexts. Therefore, although from a critical media industry perspective, one might criticize Multichoice for various indications of domination and exploitation in their business practices, this theory suggests that the conditions and environments in which Multichoice operates made its conduct possible. This implies that the company should not be blamed for its conduct and for the experiences of the filmmakers in Nollywood.

However, having enjoyed twenty years of relatively free operation, this study recommends that Multichoice re-strategizes towards properly developing Nollywood to cement its existence in Nigeria. This theory is subject to application and may be tested in analyzing the role of first media-local industry relations in the Global South. This new theory

is a refreshing contribution from a critical media industry studies approach extracted from this study.

7.4 Practical implications for practitioners

This study is not merely a critique of Multichoice but a critique of its business practices and those of Nollywood in order to account for the company's role of the company in the development of Nollywood. Foregrounding the modus operandi of Multichoice in this way can guide both older and younger practitioners in planning trade union interventions. At the same time, the purpose of this work is not to extol Nollywood, but to show how actors' actions can influence and/or affect the reactions of others.

The study has challenged perceptions of transnational and local media practitioners and has highlighted the need for sensitivity in their actions. An important finding of this study is that the relationship between media organisations such as Multichoice and Nollywood should not be characterized as a "power-powerless one" (Thornbald and Holtan 2011: 2) with the latter always being dominated. The study demonstrates the need for each actor to consider how their actions may strengthen or empower the other as each relies on the other to survive and succeed.

Evidence from the study, particularly regarding Africa Magic Original Films (AMOF) initiatives, supports the point made by Adejunmobi (2011) that regional media organisations "represent a greater threat to local media production" because they tend to co-opt the local industries. This scenario is made more likely in the case of Nollywood because of the practitioners' failure to engage the services of intellectual property lawyers when entering into negotiations and when signing contracts. This foregrounds the need for the practitioners to rethink their business strategies.

The dominant position that Multichoice occupies in the Nigerian film industry makes Nollywood practitioners vulnerable, a situation that makes passage of the Motion Picture Council (MOPPICON) bill imperative. The bill provides ethical guidelines for practitioners and establishes a framework to prevent corporate exploitation. It will also facilitate the intervention of government in the industry and provide a platform to harmonise the operations of practitioners.

REFERENCES

Adedeji, A. (2005). "Nigeria's National Interest in the Twenty First Century." In Akiterinwa B.A. (ed.) *Nigerian National Interest in a Globalizing World: Further Reflection on Constructive and Beneficial Concentrism, Volume 2: Foreign Policy in the Innermost Circle.* 176-207.

Adamu, A. U. (2013). "Transgressing Boundaries: Reinterpretation of Nollywood Films in Muslim Northern Nigeria." In Mathias Krings and Onookome Okome (eds.) *Global Nollywood the Transnational Dimensions of an African Video Film Industry*.287-305. Indianapolis: Indiana University Press.

Adamu, A. U. (n.d)."Currying Favour: Eastern Media Influences and the Hausa Video Film." *Film International*. Issue 28. 77-89.

Adejunmobi, M. (2015). "African Film's Televisual Turn." *Cinema Journal 54,* Winter. Vol.2. 120-133.

Adejunmobi, M. (2015). "Neoliberal Rationalities in Old and New Nollywood." *African Studies Review.* Vol.58(32). 31-58.

Adejunmobi, M. (2014). "Close-up: Nollywood- A Worldly Creative Practice, Evolving Nollywood Templates for Minor Transnational Film." *Black Camera.* Vol.5(2),74-94.

Adejunmobi, M. (2011). "Nollywood, Globalization and Regional Media Corporations in Africa." *Popular Communication*, Vol.9. 67-78.

Adejunmobi, M. (2007). "Nigerian Videofilm as Minor Transnational Practise." *Post-Colonial Text.* Vol. 3(2), 2-16.

Adejunmobi, M. (2002). "English and the Audience of an African Popular Culture." *Cultural Critique* 50. 74-103.

Adekola, A. and Sunday, C. (2015). "The Intellectual Property Rights in Nigeria: A Critical Examination of the Activities of the Nigerian Copyright Commission."*Journal of Law, Policy and Globalization*, Vol.35. 56-63.

Ademola, J. (1996). "The Aims, Objectives, Functions and Aspirations of New National Film and Video Censorship Board. NFVCB (ed.) "*The Challenges of Film and Video Censorship in Nigeria*. 5-28.Lagos; NFVCB.

Adesokan, A. (2006). "Issues in the New Nigerian Cinema." *Black Camera*, Vol.21, Spring/Summer, 6-8 &11.

Adorno, T. W. and Anson G. R. (1975).*Culture Industry Reconsidered*. New German Critique, No.6.12-19.

Adorno, T and Horkheimer M. (1972) *Dialectic of Enlightenment*. New York: Herder and Herder.

Agbojivi, U. (2012). Media Freedom and Media Policy in New Democracies: An Analysis of the Nexus Between Policy Formulation and Normative Conceptions in Ghana and Nigeria. PhD Dissertation, University of Leeds.

Agee, W. K., Philip A. A. and Edwin E. (1988). *Introduction to Mass Communication 9th ed*. New York: Harper and Row.

Agocs, C. (1997) "Institutionalized Resistance to Organizational Change: Denial, Inaction and Repression." *Journal of Business Ethics*. Vol 16(9). 917-931.

Aguinis, H., Harry J., and Ryan K. G. (2013). "What monetary rewards can do and cannot do: How to show employees the money." *Business Horizon*. Vol.56. 241-249.

Ajuogu, M.O. (1998). *Human Resources Management in Organizations*. Calabar: University of Calabar Press.

Akande, B. (2008). "Padding to the Rhythm: A Taxonomy of the Nollywood Film." In *IJOTA Ibadan Journal of Theatre Arts.* No.2-4. 15-27.

Akande, V. (2010).*Hazy Pictures the Arts, Business and Politics of the Motion Picture Industry*. Ibadan: Kraft Books.Ake, C. (1981). A Political Economy of Africa. England: Longman.

Akinfeleye, R. A. ed. (1988).*Contemporary Issues in Mass Media for Development and National Security*. Lagos: Unimedia.

Akinola, O. (2013). "The Rebirth of a Nation: Nollywood and the Remaking of Modern Nigeria.*"The Global South.* Vol.7(1). 11-29.

Akpabio, E. (2007). "Attitude of Audience Member to Nollywood Films."*Nordic Journal of African Studies.* Vol.16(1).90-100.

Akudinobi, J. (2015). "Nollywood: Prism and Paradigms." *Cinema Journal 54,* Winter. Vol.2. 133-140.

Albarran, A. B., Chan-Olmsted S. M. and Wirth, M.O. (2006). *Media Management and Economics.* London: Lawrence Erlbaum Associates Publishers.

Albarran, A. B. (1996). "Media Economics." In Alan Albarran Ed. *Media Economics: Understanding Markets, Industries, and Concepts.* U.S: Iowa University Press.

Allfred, P. and Burman, E. (2005). "Hearing and Interpreting Children's Voices: Discourse Analytic Contribution." In S.Greene and D. Hogan (eds.) *Researching Children's Experience: Approaches and Methods.* 175-195. London: Sage.

Alli, W. O. (2012).*The Role of Nigeria in Regional Security Policy.* Abuja: Friedric-Ebert-Stiftung.

Al-Makaty, S. (2005). Direct Satellite Broadcasting (DBS) in the Arab World: A Descriptive Study of DBS' Impact in Saudi Arabia. PhD Dissertation, University of Kentucky.

Alexander, A., Owers, J., Carveth, J., Hollifield, C.A., and Greco, A.A.(eds.) (2008).*Media Economics Theory and Practice*, Third Edition. New Jersey: Taylor and Francis.

Alonge, O. (2013). "Net Special Report: Tinsel Gulps 4bn in Four years." *The Nigerian Entertainment Today.* 3rd June.

Aluko, M.A.O. (2002). "The Institutionalization of Corruption and Its Impact on Political Culture and Behaivour in Nigeria." *Nordic Journal of African Studies*. 11(3). 393-402.

Amoda, J. M. (1983).*Imperialism and Underdevelopment in Nigeria* London: Macmillan.

Andreas, D.U.R.(2008). "Measuring Interest Group Influence in the EU." *European Union Politics.* Vol.9(4). 559-576.

Andreas, D.U.R, Uuml, R. and De Bievre, D. (2007). "The Question of Interest Group Influence," *Journal of Public Policy.* Vol.27(1). 1-27.

Ang, S. H. (2000). "The Power of Money: A Cross Cultural Analysis of Business-Related Belief*," Journal of World Business*. Vol.35(1). 43-60.

Ang, Ien, (2007). "Desperately guarding border: Media globalization, 'cultural imperialism' and the rise of Asia," *Revista da Assiciacao Nacional dos Programas de Pos Graduacao em Communicao*. April.

Ang, I. and Stratton, J. (1996). "Asianing Australia: Notes Towards a Critical Transnationalism in Cultural Studies." *Cultural Studies,* Vol.10(1). 16-36.

Anyanwu, C. (2003). "Towards a New Image of Women in Nigerian Video Films." In Foluke Ogunleye ed. *African Video Film Today.*81-90.Swaziland: Academic Publishers.

Anyanwu, C. (2008). "Theme and Plot Recycling in Nigerian Home Video." In *IJOTA Ibadan Journal of Theatre Arts*. No. 2-4. 126-138.

Anyanwu, J. (1992). "President Babangida's Structural Adjustment Programme and Inflation in Nigeria." *Journal of Social Development in Africa*. Vol.7(1). 5-24.

Apartheid Inc.-Profile of a Racist Corporation (2010). Accessed from: http://hisorymatters.co.za/content/apartheid-inc%E2%80%93-profile-racist-corporation-june-9-2010.

Appadurai, A. (1996).*Modernity at Large: Cultural Dimension of Globalization*. Minneapolis: University of Minneasota Press.

Appadurai, A. (1990). "Disjuncture and Difference in the Global Cultural Economy," In Featherstone, M. (ed.) *Global Culture: Nationalism, Globalization and Modernity.*295-310. Thousand Oaks, CA: SAGE.

Areeda, P. and Turner, D. (1975). "Predatory Pricing and Related Practises under Sections 2 of the Shemer Act." *88 Harvard Law Review*. 697-733.

Armstrong, A. (2011). Sakawa Rumours: Occult Internet Fraud and Ghanaian Identity. Unpublished BSc. Working Report in Anthropology. University College, London.

Arogundade, F.(2013). "M-Net's Tinsel hits Episode 1000*" PM News*, May.24. Accessed: www.pmnewsnigeria.com/2013/05/24/m-nets-tinsel-hits-episode-1000/

Asch, P. and Seneca, J.J. (1976). "Is Collusion Profitable?" *The Review of Economic and Statistics*, Vol.58(1), 1-12.

Aveh, A. (2014). "The 'Nigerianization' of Ghanaian Eyes." *Journal of African Cinemas.* Vol.6(1). 109-122.

Ayakaroma, B. (2007). "Nigerian Video Film and Image Question: A Critical Reading of Lancet Oduwa Imasuen's Home in Exile." *IJOTA Ibadan Journal of Theatre Arts.* 2.4. 73-93.

Ayakaroma, B. (2014).*Trends in Nollywood: A Study of Selected Genres*. Ibadan: Kraft Books.

Ayorinde, S. (2007). "*In Spite od Death Threat, this Classifier won't take Cover.*" Retrieved from: Africine.org: http://www.africine.org/?menu=art&no=6875.

Azikiwe, N. (1968).*Renascent Africa.* London: Frank Cass & Co.

Badenhorst, C. (2008*). Dissertation Writing: A Research Journey*. Pretoria: Van Schaik.

Baran, S. J. (2002).*Introduction to Mass Communication, Mass Culture and Media Literacy*. 2nd ed. McGraw Hill.

Barber, K. (2007). "When People Cross Thresholds." *African Studies Review*. Vol.50(2). 111-123.

Barnard, H. and Tuomi K. (2008). "How Demand Sophistication (De-)Limits Economic Upgrading: Comparing the Film Industries of South Africa and Nigeria (Nollywood*)." Industry and Innovation*. Vol.15(6).647-668.

Barrot, P. ed. (2008).*Nollywood: The Video Phenomenon in Nigeria*. Ibadan: HEBN.

Barrot, P. (2004). "Censor, Lies and Video: 'Making Sure We Do Not See the Blood.'" ITPANNEWS 12.6. 6.

Barros, C. P. and Leach, S. (2006). "Analyzing the Performance of English FA Premier League with an Econometric Frontier Model" *Journal of Sports Economics.* Vol.17(4). 391-407.

Beatson, J., Burrows, A. and Cartwright, J. (2010*.) Anson's Law of Contract 29th Edition*. Oxford: Oxford University Press.

Bell, T., W. (1998). "Fare Use Vs. Fared Use: The Impact of Automated Rights Management on Copyright's Fair Use Doctrine." *76 N.C Law Review*. Vol. 557. 582-602.

Beltran, L. (1978). "Communication and Cultural Domination: USA-Latin America case." *Media Asia*, Vol.5. 183-192.

Benneth, L.W. (2000). "Media Power in the United State." In Curran, James and Myung-Jin Park (eds.) De-*Westernizing Media Studies*. London and New York: Routledge.

Berger, R. (2013). "Now I see it, now I don't: Researchers's Position and Reflexivity in Qualitative Research". *Qualitative Research.* 0(0). 1-16.

Beriot, H. (2008).*Digital Television satellite, Cable, Terrestrial, IPTV, Mobile TV in the DVB Framework, 3rd Edition*. Amsterdam: Focal Press.

Bertrand, I. and Hughes, P. (2005).*Media Research Methods: Audiences, Institutions Texts.* Australia: Palgrave Macmillan.

Betiang, L. (2006).*The Influence of Media Globalization on selected Television Stations in South Eastern Nigeria*. Ph.D Dissertation, University of Ibadan.

Biederman, D., Silfen, M., Berry, R., Pierson, E., and Glasser, J. (2001).*Law and Business of the Entertainment Industries, Fourth Edition*. London: Praeger.

Bisong, K. ed. (1996).*Globalization: Implications for Africans.* Enugu: Snaap.

Bittner, J. R. (1999).*Mass Communication: An Introduction. 5th ed*. Ibadan: Heinemann.

Bloodgood, E. (2011). "Interest Group Analogy: International Non-governmental Advocacy Organizations in International Politics." *Review of International Studies* Vol. 37. 93-120.

Bloom, G. (2008). "A Reconsideration of the Theory of Exploitation." *Quarterly Journal of Economics.*413-442.

Bogner, A., Littig, B., and Wolfgang, M. (eds.)(2009).*Interviewing Experts*. New York: Palgrave Macmillan.

Bogner, A., Littig, B. and Wolfgang, M. eds (2009)."Introduction: Expert Interviews-An Introduction to a New Methodological Debate" in Bogner, A., Littig, B., and Wolfgang, M. eds. *Interviewing Experts.*1-16.New York: Palgrave Macmillan.

Bokona, I. (2013). "The Power of Culture for Development." Article by the Director General of *UNESCO for the Economic Cooperation and Development Review*. UNESCO: Havana.

BON. (2003). Constitution of the Broadcasting Organizations of Nigeria.

Bose, D. (2006). Brand Bollywood: A new Global Entertainment Order. New Delhi: Sage Publication.

Bourdieu, P. (2011). "The Forms of Capital (1986)". In Imre Szeman and Timothy Kaposky ed.*Cultural Theory: An Anthology*. Sussex: Wiley Publishers. 81-93.

Bourdieu, P. (n.d.). *Habitus.* Berkeley: University of California.

Bourdieu, P. (1990). *The Logic of Practise. (R.Nice trans.)* Cambridge, England: Polity.

Bourdieu, P. and Wacquart, L.J.D. (1992). *An Invitation to Reflective Sociology.* Chicago: University of Chicago Press.

Bourdillon, M. F. C. (2011). *Earning a Life: Working Children in Zimbabwe*. Harare: Weaver Press.

Boyd-Barrett, J. O. (1995). "The Political Economy Approach." In Boyd-Barrett, O.ed. *Approaches to Media: A Reader*. London: Arnold.

Boyd-Barrett, J. O. (1977). "Media Imperialism." In J.Curran, M. Gurevitch and J. Woolacott (eds.) *Mass Communication and Society.* London: Arnold.

Boyd-Barrett, J. O. (1998). "Media Imperialism Reformulated" in D.K. Thussu (ed.) *Electronic Empires*. London: Arnold.

Boyd-Barrett, J. O. and Xie, S. (2008). "Aljazeera, Phoenix Satellite Tv and the Return of the State: Case Studies in Market Liberalization, Public Sphere and Media Imperialism,"*International Journal of Communication*. Vol.2.206-222.

Braegelman, T. (2012). "Copyright Law in and Under the Constitution," *Cardozo Arts and Entertainment Journal.* Vol.29. 99-123.

Braithwaite, J. (1984).*Corporate Crime in the Pharmaceutical Industry*. London: Routledge and Keagan Paul.

Braun, V. and Clarke V. (2006). "Using Thematic Analysis in Psychology" *Qualitative Research in Psychology.* 3 (2). 77-101.

Brian L. (2006). "The Nollywood Rising Conference." *Film International*, Issue 28. 109-111.

Brock, N. (2009). Representation of Nigerian Women in Nollywood Films. Unpublished M.A. Thesis, Howard University, Washington D.C.

Brody, P. (1993). "Confidentiality Clauses in Research Contracts and Grants: Are The "Unconstitutional Conditions*?"Public Contract Law* Journal Vol.22(3). 447-462.

Brown, M. (2007). "Osuofia Don Enter Discourse: Global Nollywood and African Identity Politics," *IJOTA Ibadan Journal of Theatre Arts*. 2(4). 56-72.

Browsword, R. (2006).*Contract Law: Themes for the Twenty-First Century 2nd Edition.* Oxford: Oxford University Press.

Bryce, J. (2013). "African Movies" in Barbados: Proximate Experience of Fear and Desire." In Mathias Krings and Onookome Okome (eds.) *Global Nollywood The Transnational Dimension of the African Video Film Industry.* 223-244. Indianapolis: Indiana University.

Bryman, A. (2008).*Social Research Methods*. Oxford: Oxford University Press.

Bud, A. (2014). "The end of Nollywood's guilded age? Marketers, the State and the Struggle for Distribution." *Critical African Studies.* Vol.6(1) 91-121.

Butler, D. (2015). "The Borders that Law sets on Entertainment,"*Continuum: Journal of Media and Cultural Studies.* Vol.26(6). 855-863.

Cannon, B. (2011). The United States of Unscreened Cinema: The Political Economy of Self Distribution of Cinema in the US. Unpublished Msc. Thesis, London School of Economics.

Cartelli, P.(n.d.). Nollywood Comes to the Caribbean. *Film International,* Issue 28.

Carton, S. (1998). "Damning the Fulsome Praise: Assessing the Uniqueness of an Artist or Performer as a Condition to enjoin Performance of Personal Service Contracts in Entertainment Law,"*Villanova Sports and Entertainment Law Journal*. Vol.5(2). 34-58

Caves, R. (2002).*Creative Industries: Contracts between Arts and Commerce.* Harvard: Harvard University Press.

Chamley, S. (2012). "New Nollywood Cinema: From Home-Video Productions back to the Big Screen," *Cineaste Summer*. 21-23.

Cheek, C. (2004). "At the Margin? Discourse Analysis and Qualitative Research," *Qualitative Health Research.* 14(8). 1140-1150.

Chiguno, C. (2015). The Shifting Dynamics of the Relations between institutionalisation and Strike Violence: A Case Study of Impala Platinum, Rustenburg (1982-2012). PhD Thesis, University of the Witwatersrand.

Chomsky, N. (1989).*Necessary Illusion: Thought Control in Democratic Societies*. UK: Pluto Press.

Chuimbu, S. (2008). Understanding the Role and Influence of External Actors and Ideas in African Information, Communication and Technology Policies: The African Information Society Initiative. PhD Dissertation, University of Oslo.

Chukwura, C. (2009). "Africa Magic has Done Great Harm on Nollywood." Daily Sun, 1st March.12.

Cohen, B.J. (2008). *International Political Economy: An Intellectual History*. Princeton: NJ: Princeton University Press.

Collins, D. (2000). "Virtuous Individuals, Organizations and Political Economy: A new Age Theological Alternative to Capitalism*." Journal of Business Ethics*. Vol.26(4) 319-340.

Connor, R. (2014). "Nollywood and the Limit of Informality: A Conversation with Tunde Kelani, Bond Emeruwa, and Emem Isong," *Black Camera*. Vol.5(2). 168-185.

Cooper-Chen, A. (2005).*Global Entertainment Media Content, Audience, Issues*. New York, Palgrave Macmillan.

Corbin, J. and Strauss, A. (2008).*Basics of Qualitative Research 3rd Edition.* California: SAGE Publication.

Corbin, J. and Strauss, A. (2007). "Grounded Theory Research: Procedures, Canons and Evaluative Criteria" in S. Sarantakos. Data Analysis. Vol. 91-110. London: SAGE.

Couldry, N. (2012).*Media, Society, World: Social Theory and Digital Media Practice*. Cambridge: Polity Press.

Cresswell, J.W. (2003*). Research Design: Qualitative Quantitative and Mixed Method*. Thousand Oaks, California: SAGE.

Cunningham, S. (2002). "From Cultural to Creative Industries: Theory, Industry and Policy Implications." *Media International Australia Incorporating Culture and Policy Quarterly Journal of Media Research and Resource.* 54-65.

Curran, J. ed. (2000).*Media Organization in Society*. London: Arnold.

Curran, J. Gurevitch, M., and Woollacott, J. (1987). "The Study of the Media: Theoretical Approaches." In Oliver Boyd-Barret and Peter Braham (eds.) *Media, Knowledge and Power.*57-79.London: Crcomhelm,

Curran, J. and Myung-Jin P.(eds.) (2000).*De-Westernizing Media Studies*. London and New York: Routledge.

Czarniawski, B. (2004).*Narratives in Social Science Research: Introducing Qualitative Methods*. London: Thousand Oaks: Sage Publication.

D'Acci, J. (1994). *Defining Women: The Case of Cagney and Lacey*. Chapel Hill: University of North Carolina Press.

Damich, E. (1988). "The Right of Personality: A Common Law Basis for Protection of the Moral Rights of Authors." *Georgia Law Review*.Vol23(1).1-97.

Dartey-Baah, K. Amposah-Tawia, K and Agiebor. (2000). "Corporate Social Responsibility in Ghana," *International Journal of Business and Social Science.* Vol.2 (17) 57-79.

Davies, B. (1990). "Agency as a form of Discursive Practise: A Classrom Scene Observed" British Journal of Sociology of Education, 11:3, 341-361.

Davies, B. (1991). "The Concept of Agency: A Feminist Poststructuralist Analysis." Social Analysis: The International Journal of Social and Cultural Practise. 30, 42-53.

Deacon, D., Pickering, M., Golding. P., and Murdock, G. (1999).*Researching Communication: A Practical Guide to Methods in Media and Cultural Analysis.* New York: Oxford University Press.

De-Miguel, M., Hervas-Olivier, B., Joes-Luis, B., Rafael & De-Miguel-M. (2012). "The Importance of Creative Industry Agglomeration in Explaining the Wealth of European Regions*." European Planning Studies*. 20(8). 1263-1280.

Desai, J. (2004).*The Cultural Politics of South African Diasporic Film*. New York and London: Routledge.

Desai, R. (2005). "Copyright Infringement in the India Film Industry,"*Vanderbilt Journal of Entertainment Law and Practise.* 259-279.

Dexter, L. (2006). *Elite and Specialized Interviewing.* Colchester: ECPR Classics Press.

Diawara, M. (1986). "Sub-Saharan African Film Production: Technological Paternalism," *Jump Cut*, No.32. 61-68.

Dobson, S. and Goddard, J. (2001).*The Economics of Football.* Cambridge: Cambridge University Press.

Downs, A. (1957). "An Economic Theory of Political Action in a Democracy," *Journal of Political Economy.* Vol.65(2). 135-150.

Drahozal, C. and Ware, S. (2010). "Why do Businesses Use (or not use) Arbitration Clauses?" *Ohio State Journal on Dispute Resolution*. Vol.25(2). 66-78.

Drisko, J. (2004). "Case Study Research." In Padgett, Deborah ed.*The Qualitative Research Experience.* USA: Thomson & Brooks/Cole.

Duker, F. (2009). "Backlash: Clarion Chukwura." *Daily Sun,* 15th March. 10.

Dymski, G. (1992). "Towards a new Model of Exploitation: The Case of racial Domination" *International Journal of Social Science*. Vol. 19,(7,8,9). 292.

Eaton, J. (1952). *Political Economy: A Marxist Textbook*. Bombay: Current Book House.

Ebewo, P. (2007). "The Emerging Video Film Industry in Nigeria: Challenges and Prospects." *Journal of Film and Video,*Vol.59.3.46-57.

Editor's Note.(2013). "Republican Study Committee Policy Brief: Three Myths About Copyright Law and Where to Start to Fix it." *Cardozo Arts and Entertainment*. Vol.32(1). 1-10.

Editor's Note. (2015). "Resistance to Domination." *Polity*. Vol.47 (4).417-419.

Einspahr, J. (2010). "Structural domination and Structural Freedom: A Feminist Perspective." *Feminist Review*.Vol.94. 1-19.

Ekwe-Ekwe, H. (2007). Biafra Revisited. England: African Renaissance.

Ekwuazi, H. (1987).*Film in Nigeria.* Jos: National Film Corporation.

Ekwuazi, H. (2008). "Nollywood: Historical as Economic Determinism or as an Accident in Evolutionary Trends/ Creative Process." In *International Journal of Multi-Disciplinary Scholarship.No. 3-5. 135-142.*

Ekwuazi, H. (2014). "The Perception and Reception of DSTV/ Multi-choice Africa Magic Channels by Selected Nigerian Audiences." *Journal of African Cinemas.* Vol.6(1) 21-48.

Elster, J. (1983). "Exploitation, Freedom, and Justice."*Nomos,* Vol.26. Marxism. 227-304.

Emasealu, E. (2008). "The Audience Factor in Nollywood." *International Journal of Multi-Disciplinary Scholarship.*No. 3-5. 143-152.

Emordi, F. (2014). "NTA leads the Pack." *African Business*. No.413. 72-74.

English, J. (2005).*The Economy of Prestige: Prizes, Awards, and the Circulation of Cultural Value.* Harvard: Harvard University Press.

Ernest-Samuel, G. (2005). Neo-Imperialistic Impact of TV-Africa on Viewership in Nigeria. An Unpublished M.A.Thesis, University of Calabar, Calabar, Nigeria.

Ernest-Samuel, G. (2017). "The Perfomance of Ebola: A Critical Study of Ebola Doctors." Baxter, V. and Low, K (eds.) *Applied Theatre: Performing Health and Wellbeing*. 223-225. London: Bloomsbury.

Ernest-Samuel, G. (2008). "Pornography and Obscenity in Nigerian Video Films." *Journal of Humanities.* Imo State University, Publication. Vol.4. 47-61.

Ernest&Young (2013).*Tax Issues in the New Digital Environment: Media and Entertainment*. New York: EYGM Limited.

Esan, O. (2009).*Nigeria Television: Fifty Years of Television in Africa.* Princeton: AMV Publishing.

Eze, E.O. (1997 of the P). *Nigeria: Beginning Politics*. Enugu: Fourth Dimension.

Ezejideaku, E. (2012).*Protest and Propaganda in the Igbo Film: The Evolution of Nollywood*. Germany: LAP.

Faga, P. and Ole, N.(2012). "Limits of Copyright Protection in Contemporary Nigeria: Re-examining the Relevance of the Nigerian Copyright Act in Today's Digital and Computer Age." PDF. 211-224.

Fairclough, N. (1998). "Political Discourse in the Media: An Analytical Framework," in Allan Bell and Peter Garrett (eds.) *Approaches to Media Discourse.* UK: Blackwell Ltd.

Fairclough, N (1992). *Discourse and Social Change*. Malden USA: Blackwell.

Falola, T. (2003).*The Power of African Cultures.* New York: Rochester University Press.

Fenning, K. (1929). "The Origin of the Patent and Copyright Clause of the Constitution." *Journal of the Patent Office Society*. Vol.11. 438-445.

Flew, T. (2007).*Understanding Global Media*. New York: Palgrave Macmillan.

Flew, T. (2013).*Global Creative Industries.* UK: Polity Press.

Flick, U. (2011).*Introducing Research Methodology: A Beginner's Guide to Doing a Research Project*. Los Angeles: SAGE.

Foord, J. (2014). "Strategies for Creative Industries: an International Review." *Creative Industries Journals*. Vol.1:2. 91-113.

Foucalt, M. (1969/1972). *The Archaeology of Knowledge.* New York and London: Routledge.

Fourie, P. (2007). "Moral Philosophy as Foundation of Normative media Theory. The Case of African Ubuntuism,"*Communicatio* (32). 1-29.

Fourie, P. (2004). *Media Studies: Institution, Theories and Issues. Vol.1*. Cape Town: Juta.

Freeman, A. and Kagarletsky, B. (2004).*The Politics of Empire: Globalization in Crisis*. London: Pluto Press.

Friedman, T. (2000).*Understanding Globalization: The Lexus and the Olive Tree.* New York: Anchor Books.

Funding La Cour, L. and Mollgaard, P. H. (2002). "Market Domination: Test Applied to the Danish Cement Industry*," European Journal of Law and Economics*. Vol.14(2). 99.

Galloway, S.& Dunlop, S. (2007). "A Critique of Definitions of the Cultural and Creative Industries in Public Policy." *International Journal of Public Policy.* Vol.13(1). 17-31.

Galtung, J. (1971). "A Theory of Imperialism," *Journal of Peace Research*. Vol.8(2). 81-117.

Gandy, O. Jnr. (1992)."The Political Economy Approach: A Critical Challenge,"*Journal of Media Economics.* 23-42.

Garnham, N. (2006). "From Cultural to Creative Industries." In *International Journal of Cultural Policy.* Vol.11(1). 15-29.

Garnham, N. (2005). A Personal Intellectual Memoir. *Media, Culture and Society*. 27(4) 469-493.

Garnham, N. (n.d.).*Capitalism and Communication*. London: Sage.

Garon, J.M. (2012). "The Heart of the Deal: Intellectual Property Aspects in the Law and Business of Entertainment," *Journal of Intellectual Property Rights*. Vol. 17. 443-453.

Garplepp, E. D. (1999). “An Analysis of the Patentee’s New Exclusive Right to “Offer to Sell,””*Journal of Patent & Trademark Office Society*. Vol.81. 315-329.

Garret, P. and Allan, B. (1998). “Media and Discourse: A Critical Overview”in Allan Bell and Peter Garrett (eds.) *Approaches to Media Discourse.* UK: Blackwell Ltd. 106-142.

Garritano, C. (2000). “Women, Melodrama, and Political Critique: A Feminist Reading of Hostages, Dust to Dust and True Confession.” *Nigerian Video Film (Revised and Expanded edition)* Jonathan Haynes ed. 165-192.Ohio: Ohio University Center for International Studies.

Garritano, C. (2012). “Blood Money, Big Men and Zombies: Understanding African Occult Narratives in the Context of Neoliberal Capitalism.” In: *Manycinemas*, Issue 3, 50-65.

Geiger, J. (2012). Nollywood Style: Nigerian movies and ‘shifting perceptions of worth’, *Film International*. Issue 60. 58-72.

Gershon, R. (2005). “The Transnational: Media Corporation, International TV, Trade and Entertainment Flows,” in Cooper-Chen Anne ed. *Global Entertainment Media: Content, Audienceand Issues.* New Jersey: Lawrence Erlbanim Asso. Publishers.

Geston, J. (2006). How Has Multi-Choice Africa Affected the Way People View Television in African Countries? Unpublished M.Sc. Thesis, Grand Valley State University, Michigan.

Gidden, A. (1991). *The Consequences of Modernity*. Pato Alto: Stanford University Press.

Gidden, A. (1979). “Agency, Structure.” In *Central Problems in Social Theory. Contemporary Social Theory.* London: Palgrave.

Gidden, A. and F.R.(1082). *Profiles and Critiques in Social Theory*. Berkeley: University of Californa.

Gillham, B. (2000).*The Research Interview*. London: Continuum.

Ginsburg, J.(2002). “The Exclusive Right to their Writing: Copyright and Control in the Digital Age,” *Maine Law Review*, Vol.54(2). 195-216.

Gioia, D. (2004). “Mixed Method in a Dissertation Study.” In Deborah Padgett ed. *The Qualitative Research Experience.* USA: Thomson& Brooks/ Cole. 122-150.

Gitlin, T. (1983). *Inside Prime Time*. New York: Panteon Books.

Glacer, J. and Grit L.(2009). “On Interviewing “Good” and “Bad” Experts,” in Bogner, Alexander, Beate Littig and Wolfgang Menz eds. *Interviewing Experts*. New York: Palgrave Macmillan. 117-137.

Golding, P. and Murdoch, G. (1991). “Culture, Communication and Political Economy” in Curran, J. and Gurevitch M. (Eds.) *Mass Media and Society*. 70-92. London: Arnold.

Golding, P. and Murdoch, G. (1997).*Political Economy of the Media.* London: Edward Edgar Publishing Ltd.

Golding, P. and Murdoch, G. (1973).*For a Political Economy of Mass Communication*. London: Merlin Press.

Goodin, R. E. (1997). "Exploitation." *The American Political Science Review*. Vol.91 (3).

Graham, L.J. (2005). "Discourse analysis and the critical use of Foucault," Paper presented at Australian Association for Research in Education (AARE),Sydney.

Green-Simms, L. (2012). "Occult Melodrama: Spectral Affect and West African Video-Film." *Camera Obscura 80.* Vol.27(2). 25-59.

Grossman, M. (2012). "Interest Group Influence on US Policy Change: An Assessment based on Policy History," *Interest Group and Advocacy.* Vol. 1(2). 171-192.

Guback, T. (1985). "Hollywood's International Market." In Balio Tino (ed.) *The America Film Industry*. Wiscousin: University of Wiscousin.

Gundlach, G. (1990)."Predatory Practises in Competitive Interaction: Legal Limited and Antitrust Considerations," *Journal of Public Policy and Marketing*. Vol.9. 129-153.

Guzzini, S. (1993). "Structural Power: The Limit of Neorealist Power Analysis." *International Organization.* 47(3). 443-478.

Guzzini, S. (2000). "The Use and Misuse of Power Analysis in International Theory." In Palan, R. (ed.) *Global Political Economy*. 53-67. USA: Psychology Press.

Hadt, M. and Negri, A. (2000).*Empire*. Cambridge: Harvard University Press.

Hajer, M. & Versteeg, W. (2005). "A decade of Discourse Analysis of Environment Politics: Achievement, Challenges, Perspectives." *Journal of Environmental Policy & Planning.* Vol.7(3). 175-184.

Halleck, D. (2005). "Local Community Channels: Alternatives to Corporate Media Dominance." In Janet Wasko ed. *A Companion to Television*. 489-501. UK: Blackwell Publishing.

Hansmann, H. and Santilli, M. (1997). "Authors and Artistes' Moral Rights: A Comparative Legal and Economic Analysis." *Journal of Legal Studies* Vol.XXVI.95-143.

Haralambos, M. (1985).*Sociology Themes and Perspectives*. Slough: University Tutorial Press.

Hardy, J. (2014).*Critical Political Economy of the Media: An Introduction*. London and New York: Routledge.

Hargrave, A. M. and Shaw, C. (2009).*Accountability and the Public Interest in Broadcasting.* New York: Palgrave Macmillan.

Harvens, T., Lotz, A.D. and Tinic, S. (2009). "Critical media Industry Studies: A Research Approach." *Communication, Culture and Critique.* Vol.2. 234-253.

Harvey, D. (2005).*A Brief History of Neoliberalism.* Oxford: Oxford University Press.

Harvey, D. (2005b).*Spaces of Neoliberalization: Towards a Theory of Uneven Geographical Development*. Germany: Franz Steiner Verlag.

Harvey, D. (2003).*The New Imperialism.* Oxford: Oxford University Press.

Harvey, D. (2002). "The Art of Rent: Globalization, Monopoly and the Commodification of Culture," *Socialist Register.* Vol.38. 95-110.

Hay, D. and Vickers, J. (1987). *The Economics of Market Dominance.* Oxford: Basil Blackwell.

Haynes, J. (2000).*Nigerian Video Films(Revised and Expanded Edition).* Ohio: Ohio University Center for International Studies.

Haynes, J. (2012). "A Bibliography of Academic Work on Ghananian and Nigerian Films." *Journal of African Cinema*. Vol.4.2. 99-133.

Haynes, J. (2010). "A Literature Review: Nigerian and Ghananian Videos."*Journal of African Cultural Studies*. Vol.22, No.1. 105-120.

Haynes, J. (2007). "Nollywood in Lagos, Lagos in Nollywood Films."*Africa Today.* Vol.54(2). Winter.

Haynes, J. (2012)."Nollywood: Nigeria's Mirror." Afropop Worldwide Radio Program. Accessed through www.afropopworldwide.com on 17th Sept. 2013.

Haynes, J. (2010)."Nollywood, What's in a Name.*" Film International,* Issue 28. 106-108.

Haynes, J. (2013). "The Nollywood Diaspora: A Nigerian Genre" *Global Nollywood: The Transnational Dimension of an African Video Film.* Mathias Krings and Onokome Okome eds. 73-99.Indianapolis: Indiana University Press.

Haynes, J. (2010). "What Is to be Done? Film Studies and Nigerian and Ghanaian Videos" *Viewing African Cinema in the Twenty-First Century*. Athens: Ohio University Press. 11-25.

Haynes, J. (1997). "Returning to the African Village: Sango Malo and Ta Dona."Onookome Okome and Jonathan Haynes eds. in*Cinema and Social Change in West Africa.* Jos: NFC. 84-91.

Haynes, J. (2014). "Nnebue: The Anatomy of Power." *Critical Interventions: Journal of Art History and Visual Culture*. Vol.5.1, 204-217.

Haynes, J. (2014). "Close-Up: Nollywood-AWorldly Creative Practice "New Nollywood": Kunle Afolayan" *Black Camera*, Vol. 5(2). 53-73.

Haynes, J. (2007). "African Cinema and Nollywood: Contradictions."

Haynes, J. (2007). "Video boom: Nigeria and Ghana."*Postcolonial Text.* Vol. 3:2. 1-10.

Haynes, J. (2006). "Political Critique in Nigerian Video Films." *African Affairs.* 105/421, 511 -533.

Haynes, J. (2014). "New Nollywood": Kunle Afolayan." *Black Camera.* Vol.5(2). 53-73.

Herman, E. and McChesney,R. (1997).*The Global Media*. London: Casell.

Herman, E. and Chomsky, N. (2002).*Manufacturing Consent: The Political Economy of the Media*. New York: Pantheon Books.

Hesmondhalgh, D. (2006). "Media and Cultural Policy as Public Policy." *International Journal of Cultural Policy.* Vol.11:1. 95-109.

Hesmondhalgh, D. (2007).*The Cultural Industries 2nd Edition*. Los Angeles: Sage Books.

Hesmondhalgh, D. (2008). "Cultural and Creative Industries." In*The SAGE Handbook of Cultural Analysis.* Sage Publication Ltd. 553-569.

Heuva, W., Tomaselli, K. and Tomaselli, R. (2004). "The Political Economy of the Media in South Africa." In Thomas, Pradiff and Marin Zahawa (eds.)*Who Owns the Media? Global Trends in Local Resistance.* 119-135. Malaysia: Sound Bound.

Hill, C. and Jones, T. (1992). "Stakeholder-Agency Theory," *Journal of Managerial Studies.* Vol 29(2). 54-62.

Hodgson, G. (1982).*Capitalism, Value and Exploitation*. Oxford: Martin Robertson Publishers.

Hoffheimer, M. (1998). "Bollywood Law: Commercial Hindi Films with Legal Themes," *Law Library Journal*. Vol.98 (1). 61-78.

Hotz-Bacha,C. and Norris, P. (2000). "To entertain, inform and Educate" Still the Role of Public Television in the 1990s? Shorenstein centre.org. PDF.

Hughes, J. (1990). The Philosophy of Social Science Research, 2nd Edition. London and New York: Longman.

Ietto-Gilles, G. (2002). "Hymer, The Nation-State and Determinants of Multinational Corporations' Activities," *Contributions to Political Economy*. Vol.21. 43-54.

Igwe, C. (2008). "Nollywood and the Economy". A paper presented at National Workshop on the Cultural Dimension of Film and Video Production in Nigeria. Owerri June 25 – 27.

Ihonvebere, J.(1993). "Economic Crisis, Structural adjustment and Social Crisis in Nigeria," *World Development*. Vol.21(1) 141-153.

Jalil, A. and Pointon, L. (2004). "Developments in Electronic Contract Laws: A Malaysian Perspective*," Computer Law and Security Report*. Vol.20(2). 117129.

Janssen S., Kuipers, G., and Verboord, M. (2008). "Cultural Globalization and the Arts Journalism: The International Orientation of Arts and Cultural Orientation of Arts and Culture Coverage in Dutch, French, Germany and US Newspapers, 1955 to 2005," *American Sociological Review*. Vol.73. 719-740.

Jedlowski, A. (2013). "From Nollywood to Nollyworld: Processes of Transnationalization in the Nigerian Video Film Industry,"*Global Nollywood: The Transnational Dimension of an African Video Film.* Mathias Krings and Onokome Okome eds. Indianapolis: Indiana University Press. 25-45.

Jedlowski, A. (2013). "Exporting Nollywood: Nigerian Video Filmmaking in Europe" in Szczepanik, Peter and Patrick Vonderau eds. *Behind the Screen*. New York: Palgrave Macmillan.

Jedlowski, A. (2013). "Nigerian Videos in the Global Arena: The Postcolonial Exotic Revisited," *The Global South,* 7(1). 157-178.

Jedlowski, A. (2012). "Small Screen Cinema: Informality and Remediation in Nollywood,"*Television and New Media*. 20(10) 1-16.

Jedlowski, A. (2010). "Beyond the Video Boom. New Tendencies in the Nigeria Video Industry." Paper presented at the ASAUK Workshp in Birmingham, U.K.

Jessop, B. (2002). "Liberalism, Neo-liberalism and Urban Governance: A State Theoretical Perspective." *Antipede.* Vol.34(2). 452-472.

Katyal, S.K. (2002). "Ending the Revolution." *Texas Law Review*.Vol.80. 1465-1486.

Kennedy, P. and David K. (2012). "Football Supporters and the Commercialization of Football: Comparative Response Across Europe" *Soccer and Society*. Vol. 13(3). Pp.123-132.

Koller, R (1979). "When is Pricing Predatory?" *The Anti-trust Bulletin Summer*. 283-306.

Kidd, D. L. and Daughtrey, W. (1999)."Adapting Contract Law to Accommodate Electronic Contracts: Overview and Suggestions,"*Rutgers Computer and Tech. Law Journal.* 238-245.

Krings, M.and Okome, O. eds. (2013).*Global Nollywood, the Transnational Dimensions of an African Video Film Industry*. Bloomington and Indianapolis: Indiana University Press.

Kvale, S. (1996).*Interview: An Introduction to Qualitative Research Interviewing*. London: Sage Publications.

Larkin, B.(n.d.)."The Nollywood Rising Conference." *Film International* Issue 28. 109-111.

Larkin, B. (2000). "Hausa Dramas and the rise of video culture in Nigeria."In Haynes, J. (ed.)*Nigerian Video Films*. Athens Ohio: Ohio University Center for International Studies. 209-241.

Larner, W. (2000). "Neoliberalism: Policy, Ideology, Governmentality" *Studies in Political Economy,* Vol.63.

Lawal-Arowolo, A. (2012). Copyright Exploitation: The Nollywood Film Market. Accessed from: http://ssm.com/abstract-2694906.

Lessig, L. (2001). *The Future of Ideas: The Fate of the Commons in a Connected World*. New York: Random House.

Lewin, P. (2007). "Creativity or Coercion: Alternative Perspectives on Rights to Intellection Property." *Journal of Business Ethics*. Vol.71.441-455.

Lobato, R. (2012).*Shadow Economies of Cinema: Mapping the Informal Trade*. London: Palgrave.

Lovett, F. (2010). *A General Theory of Domination and Justice*. New York: Oxford University Press.

Lundstrom, L. (2006*). Understanding Digital Television: An Introduction to DVB Systems with Satellite, Cable, Broadband and Terrestrial TV*. Amsterdam: Focal Press.

Mahati, S.T. (2015). The Representation of Childhood and Vulnerability: Independent Child Migrants in Humanitarian Work. PhD Thesis, University of the Witwatersrand.

Mahir, S. and Austen, R.A. (2010).*Viewing African Cinema in the Twenty-First Century*. Athen: Ohio University Press.

Malomo, J. (1992). "Video TV and Film: Threats to Nigerian Live *Theatre Forum* 3.1.

Mano, W. (2005)."Exploring the African view of the global," *Global Media Communication.* Vol.1(1). 50-55.

Mariea, G. H. and Andrews, J.C (2006). "Entertainment Industry Ratings and Disclosures and the Clear and Conspicuous Standard," *Journal of Consumer Affair*, Vol.40, Issue 1. 117-143.

Marston, S., Woodward,K. and Jones, J.P. (2007). "Flattening Ontologies of Globalization: The Nollywood Case," *Globalization.* Vol.4(1). 45-63.

Marx, K. (1887). *Das Kapital –Capital: Critique of Political Economy* (English Edition). Moscow, USSR: Progress Publisher.

Maweu, J.M. (2012). An Investigation into how Journalists Experience Economic and Political Pressures on their Ethical Decisions at the National Media Group in Kenya. PhD. Dissertation, Rhodes University.

Maxwell, J. A. (2013).*Qualitative Design: An Interactive Approach 3rd Edition*. Los Angeles/ London: SAGE.

Mayo, H. B. (1960).*An Introduction to Democratic Theory*. Oxford: Oxford University Press.

McBride, S. et al (1981).*Many Voices, One World*. UNESCO: Ibadan UP.

Mbembe, A. (2001). On the Postcolony. Berkeley: University of California Press.

McCain, C. (2012). "Nollywood and Its Others: Questioning English Language Hegemony in Nollywood Studies."*PDF*.

McCall, J. (2012). "The Capital Gap: Nollywood and the Limits of Informal Trade." *Journal of African Cinemas.* Vol.4(1).9-23.

McCall, J. (n.d.). "The Pan-Africanism we have: Nollywood's Invention of Africa." *Film International,* Issue 28.

McChesney, R. (2004). "Making a Molehill out of a Mountain: The Sad State of Political Economy in US Media Studies" in Andrew Calabrese and Colin Sparks (eds.)*Towards a Political Economy of Culture: Capitalism and Communication in the Twenty-First Century*.41-64. Maryland USA: Rowman and Littlefield Publishers.

McLuhan, M. and Fiore, R. (1967). *The Medium is the Message*. New York. Bantam Books.

McQuail, D. (2010). *McQuail's Mass Communication Theory (6th edition)* Los Angeles: Sage.

Mears, C. L. (2009).*Interviewing for Education and Social Science Research: The Gateway Approach.* New York: Palgrave Macmillan.

Meehan, E. and Wasko, J. (2013). "In Defence of a Political Economy of the Media," *Javnost-The Public:Journal of the European Institute for Communication and Culture.* Vol.20 (1). 39-54.

Mehra, S. (2002). "Copyright and Comics in Japan: Does Law Explain why all the Cartoon my Kid Watches are Japanese Imports?" *Rutgers Law Review.* Vol.55. 155-204.

Mgbejume, O. (1989). *Film in Nigeria: African Media Monograph series*. Nairobi, Kenya: African Council on Communication Education.

Miege, B. (2004). "Capitalism and Communication: A new Era of Society or the Accentuation of the Long Term Tendencies?" in Andrew Calabrese and Colin Sparks (eds.)*Towards a Political Economy of Culture: Capitalism and Communication in the Twenty-First Century. 83-94.* Maryland USA: Rowman and Littlefield Publishers.

Mierzjewska, J. and Hollifield C. A. (2006). "Theoretical Approaches in Media Management Research." In Albarran, Alan, Sylvia M. Chan-Olmsted and Micheal O. Wirth (eds.) *Media Management and Economics*. London: Lawrence Erlbaum Associates Publishers.

Migrom, P. and Roberts, D.J. (1982). "Predation, Reputation and Entering Deterrence." *Journal of Economics* Vol.27 (2) 280-312.

Miles, M.B. and Huberman A. M (1994).*Qualitative Data Analysis 2nd Edition*. Thousand Oaks, C.A: SAGE.

Miller, J. (2012). "Global Nollywood: The Nigerian Movie Industry and Alternative Global Networks in Production and Distribution." *Global Media and Communication*. Vol.8(2). 117-133.

Mishler, E. G. (1986).*Context and Narrative*. Cambridge: Harvard University Press.

M-Net Where Magic Lives. PDF.

Mosley, P. (1992). "Policy-making with facts: A noteon the assessment of Structural Adjustment Policies in Nigeria, 1985-1990," *African Affairs*. Vol.91(363) 227-240.

Moul, C. (2005).*A Concise Handbook of Movie Industry Economics*. Cambridge: University of Cambridge Press.

Movius, L. (2010). "Cultural Globalization and the Challenges to Traditional Communication Theories," *Platform: Journal of Media and Communication*. Vol.2(1). 6-18.

Multichoice Group of Companies 2009 Sustainability Report.PDF.
Multichoice South Africa Group 2010 Sustainability Report. PDF.

Multichoice Enriching Lives Flyer.

Multichoice Enriching Lives 2015 Report
.
Multichoice Sustainable Development Policy, 2015.

Murdock, G. and Golding P. (2005). Culture, Communication and Political Economy. In J. Curran and M. Gurevitch (Eds.) *Mass Media and Society, 4th Edition.*London: Arnold. 60-83.

Nagatani, K. (2004). "Capitalist Exploitation and the Law of Value," *Science and Society:* Vol.68(1). 57-79.

National Broadcasting Commission. *Broadcast Regulation in Nigeria*. 2002.

National Broadcasting Commission. *Nigeria Broadcasting Code 2012*.

National Centre for Economic Management and Administration(NCEMA) (2004). Understanding Structural Adjustment Programme in Nigeria. A Report Presented at the Workshop on Understanding Reform , NewDelhi, India: January 25 – 26, 2004.

National Film and Video Censor's Board Enabling Law and Regulation (2008).

Ndlovu, M. (2011). "The Meaning of South African Media's Expansion into the Rest of African Space," *Ilha do Desterro Florianopolis*. Vol.61283-314.

Nederveen, P. (2004).*Globalization and Culture: Global Melange*. USA: Rowman and Littlefield Publishers.

Neu, T. (2006). "Bollywood is Coming! Copyright and Film Industry Issues," *SandiegoInternational Law Journal*. 123-161.

Novia, C. (2012).*Nollywood till November: Memoirs of a Nollywood Insider*. Bloomington: Art House.

Nwokocha, U. (2012). "Nigerian Intellectual Property: Overview of Development and Practise,"*NIALS Journal of Intellectual Property (NJIP).* 101-116.

Nwogu, M. (2014). "The Challenges of the Nigerian Copyright Commission (NCC) in the Fight Against Copyright Piracy in Nigeria," *Global Journal of Politics and Law Research.* Vol.2(5). 22.34.

Nyamnjoh, F. (2004). "Global and Local Trends in media Ownership and Control: Implications for cultural creativity in Africa." In W. van Bisbergen, R.va Dijk and J. Gewald (eds.) *Situating Globality: African Agency in the Appropriation of Global Culture.*Leiden: Brill. 57-89.

Obaseki, D. P. (2008). "Nigerian Video as the Child of Television" *Nollywood: The Video Phenomenon.*Pierre Barrot ed. Oxford: James Currey. 72-77.

Obiaya, I. (2011). "Araromire/the Figurine: An Updated Model for Nollywood?" *Journal of African Media Studies*. Vol.3: 2, 297-299.

Obiaya, I. (2013). "Taking Nigeria to the Movies: The Innovative Regulatory role of the National Film and Video Censors Board," *Journal of African Media Studies*. Vol.5(3) 261-274.

Obiaya, I. (2010). "Nollywood on the Internet: A Preliminary Analysis of an Online Nigerian Video-film Audience." *Journal of African Media Studies*. Vol2(3). 321-338.

Offord, L. D. (2007). Straight Outta Nigeria: Nollywood and the Emergence of Nigerian Video Film. Unpublished M.A. Thesis, Long Island University, Brooklyn.

Ogbeidi, M. (2012). "Political Leadership and Corruption in Nigeria since 1960. A Socio-economic Analysis." *Journal of Nigerians Studies*. Vol.1(2). 1-25.

Ogbuagu, B. (1990) Structural Adjustment Programme in Nigeria. PDF.

Ogunbayo, M. (2009). "Nollywood, The Fading Glamour." *Newswatch,* March 30.

Ogunleye, F. (2003).*Africa Video Film today*. Swaziland: Academic Publishers.

Ogunleye, F. (2003). "Christian Video Film in Nigeria: Dramatic Sermons Through the Silver Screen." In Foluke Ogunleye ed. *African Video Film Today.*105-128. Swaziland: Academic Publishers.

Ogunleye, F. (2003). "Video Film in Ghana: An Overview." In Foluke Oguleye ed. *African Video Film Today*. 1-22. Swaziland: Academic Publishers.

Ogunleye, F. (2010). "A Report from the Front: The Nigerian Videofilm." *Quarterly Review of Film and Video.* Vol.21(2). 79-88.

Okagbue, O. (2008). "Images and Memories of Home: African Video Movies in the Diaspora" *African Performance Review*. Vol. 2(1). 18-34.

Okome, O. and Haynes J. (1997).*Cinema and Social Change in West Africa* (RE) Jos: NFI.

Okome, O. (2007). "Nollywood: Spectatorship, Audience and the Sites of Consumption." *Postcolonial Text*. 3(2). 68-79.

Okome, O. (2008). "Film Theory and Criticism: From World Cinema to Nigeria." *International Journal of Multi-Disciplinary Scholarship.* No.3-5. 64-79.

Okome, O. (2013). "Reversing the Filmic Gaze: Comedy and the Critique of the Postcolony in Osuofia in London" *Global Nollywood: The Transnational Dimension of the African Video Film Industry.* Mathias Krings and Onookome Okome eds. Indianapolis: Indiana University Press. 139-157.

Okome, O. (2010). "Nollywood and Its Critics." In Mahir Saul and Ralph A. Austen eds.*Viewing African Cinema in the Twenty-First Century*. Athen: Ohio State University.26-41.

Okome, O. (1997). "The Context of Film Production in Nigeria: The Colonial Heritage." In Onookome Okome and Jonathan Haynes (eds).*Cinema and Social Change in West Africa.*26-40.Jos: NFC.

Okome, O. (2008). "Introduction to this Special Issue: Ibadan and the New School of Media Studies in Nigeria." *International Journal of Multi-Disciplinary Scholarship.* 3.5. 1-8.

Okome, O. (2004). "Women, Religion and the Video Film in Nigeria." *Film International* #7.

Okon, I.I. (1990). "Film in Nigeria: 1990-1979 (An Historical Survey)," *Film News,* 122(6). 8-10.

Ologbenla, M. (2008). "Leadership, Governance and Corruption in Nigeria*." Economic and Policy Review, NESG Economic Indicators,* Vol.14 (1). 36-44.

Olorunnisola, A. and Akanni, T. (2005). "Nigeria."InCooper-Chen, A. ed.*Global Entertainment Media Content, Audience, Issues.* New York, Palgrave Macmillan.

Onuzulike, U. (2010).*Nollywood Video Film: Nigeria Movies as Indigenous Voice*. PDF.

Onuzulike, U. (2007). Nollywood: The Emergence of the Nigerian Video Film Industry and Its Representation of Nigerian Culture, An Unpublished M.Sc. thesis, Clark University, Worcester, Massachusetts.

Onuzulike, U. (2009). "Nollywood: Nigerian Videofilms as a Cultural and Technological Hybridity." *Intercultural Communication Studies XVIII*:1. 176-186.

O'Regan, T. (2008). "The Political Economy of Film." In James Donald and Micheal Renov (eds.)*The Sage Handbook of Film Studies*. 24-32. Los Angeles: Sage Books.

O'Rounke, M. A. (1998). "Drawing the Boundary Between Copyright and Contract: Copyright Preemption of Software Licence Terms,"*45 Duke 479*. 534-35.

Oster, C. and Strong, J. (2001). "Predatory Practises in the US Airline Industry" Report PDF.

Parker, I. (1999). "Introduction: Varieties of Discourse and Analysis." In I.Parker and The Bolton Discourse Network(eds.) *Critical Textwork: An Introduction to Varieties of Discourse and Analysis.*1-12. Buckingham: Open University Press.

Parker, I. (1994). "Qualitative Research and Discourse Analysis." In Banister Burman, Parker, Taylor and Tinda (eds.) *Qualitative Methods in Psychology: A Research Guide*. Buckingham: Open University Press.

Parker, I. (1992). *Discourse Dynamics: A Critical Analysis for Social and Individual Psychology*. London: Routledge.

Passcheier, S. (2013). Lessons from New Nollywood: A Theory from the Global South. An Unpublished M.A. Thesis,the University of the Witwatersrand.

Paulson, C. (2012). "Marketers and Pirates, Businessmen and Villains: The Blurred Lines of Nollywood Distribution Networks," *St. Anthony's International Review*. Vol.7(2). 51-68.

Patterson, R. L. (1993). "Copyright and "The Exclusive Right"of Authors." *The Journal of Intellectual Property Law.* Vol.1(1). 1-44.

Peacock, D. and Gongzhu H. (2013). "Analyzing Grammy, Emmy and Academy Award Data Using Regression and Maximum Information Coefficient."*Advanced Applied Informatics*. IEEE.org. PDF.

Peterson, R.A. and Anand, N. (2004). "The Production of Culture Perspective." *Annual Review of Sociology.* Vol. 30. 311-334.

Peterson, R.A. (1976). "The Production of Culture: A Prolegomenon." In *The Production Culture,* ed. R.A. Peterson, 7-22. Beverly Hills, CA: Sage.

Peterson, R.A. (1979). "Revitalizing the Culture Concept." *Annual Review of Sociology.* Vol. 5. 137-166.

Perakyla, A. and Ruusuvuori, J. (2011). "Analyzing Talk and Text." In Denzin N.K. and Lincoln Y.S. eds. *The SAGE Handbook of Qualitative Research*. 529-544.Los Angeles and London: SAGE Publications Ltd.

Perroux, F. (1950). "The Domination Effect and Modern Economic Theory," *Social Research.* Vol.17 (2). 188-206.

Piccard, R. G. (2006). "Historical Trends and Patterns in Media Economics." In *Media Management and Economics* Albarran, Alan B, Sylvia M. Chan-Olmsted and Micheal O. Wirth (eds.) London: Lawrence Erlbaum Associates Publishers.

Pietersen, J. N. (2004*). Globalization and Culture: Global Melange*. USA: Rowman and Littlefield Publishers.

Pirvu, D., Banica, L., Hagiu, L (2011). "Implication of the Common Consolidated Corporate Taxbase: Introduction on Tax Revenues in Romania." *Romanian Journal of Political Science*. Vol.11(1).

Postone, M. and Clarke, S. (1994). "Theory and Methods: Time, Labor and Social Domination, A Reinterpretation of Marx's Critical Theory.*"Contemporary Sociology*. Vol.23(2) 321.

Potter, J.(1996)."Discourse Analysis and Construction Approaches: Theoretical Background," in Richardson, J.T.E. (ed.) *Handbook of Qualitative Research Method for Psychology and the Social Sciences.* 125-140. Leicester: British Society.

Pratt, A. (2008). "Creative Cities: The Cultural Industries and the Creative Class." *Geografiska Annaler: Series B, Human Geography*. Vol.90: 2107-117.

Project Act Nollywood: Innovative Distribution Fund Project Progress Report (2015) Abuja: NFVCB.

Punch, F.K. (2005). *Introduction to Social Research Quantitative and Qualitative Approaches2nd Edition*. London: Sage Publications.

Rao, S. (2007). "The Globalization of Bollywood: An Ethnography of Non-Elite Audiences in India," *The Communication Review*, Vol.10. 57-76.

Rand, A. (1966).*Capitalism: The Unknown Ideal.* US: Signet Book.

Rasul, A.and Proffitt, J.M. (2012). "An Irresistible Market: A Critical Analysis of Hollywood-Bollywood Coproductions." *Communications, Culture & Critique.* Vol.5. 563-583.

Rigamonti, C. (2006). "Deconstructing Moral Rights." *Harvard Intellectual Law Journal.* Vol.47(2). 353-414.

Rioux, M. (2014)."Multinational Corporations in Transnational Networks: Theoretical and Regulatory Challenges in Historical perspective." *Open Journal of Political Science.* Vol.4 109-117.

Ritchie, J. and Lewis, J. (2014).*Qualitative Research Practice: A Guide for Social Science Students and Researchers 2nd Edition.* Los Angeles/ London: SAGE Publication.

Robertson, R. (1992).*Globalization: Social Theory and Culture*. Newbury Park, California: Sage.

Roeder, M. (1940). "The Doctrine of Moral Right: A study in the Law of Artists, Authors and Creators," *Harvard Law Review*. Vol.53(4). 554-578.

Roemer, J.E. (1985). "Should Marxists be interested in Exploitation?" *Philosophy and Public Affairs.* Vol.14 (1). 105-120.

Roux, M. (2014). "Multinational Corporations in a Transnational Networks: Theoretical and Regulatory Challenges in Historical Perspective." *Open Journal of Political Science.* Vol.4.109-117.

Rudestam, K. E. and Newton, R. R. (2007).*Surviving Your Dissertation: A Comprehensive Guide to Content and Process, 3rd Edition.* London: Sage.

Ryan, C. (2014). "Nollywood and the Limits of Informality: A conversation with Tunde Kelani, Bond Emereuwa, and Emem Isong.*" Black Camera*. Vol.5(2). 168-185.

Sama, E. (1996). "African films are foreigners in their own countries." In Imru Bakari and Mbye B.Cham (eds), *African Experiences of Cinema*. 148-156.London: British Film Institute.

Sanogo, A. (2015). "Certain Tendencies in contemporary Auteurist Film Practice in Africa."*Cinema Journal*, Vol. 54(2). 140-149.

Santanera, G. (2013)."Consuming Nollywood in Turin, Italy," *Global Nollywood The Transnational Dimension of the African Video Film Industry.* Mathias Krings and Onookome Okome eds. Indianapolis: Indiana University Press. 245-263.

Sarantakos, S. (2013). *Social Research 4th Edition.* New York: Palgrave Macmillan.

Sarantakos, S. (2007). *Data Analysis*. London: Sage.

Schiller, H. (1976).*Communication and Cultural Domination*. New York: International Arts/Science Press.

Schiller, H. (1999). *Digital Capitalism: Networking and Global Market System.* Cambridge, MA: The MIT Press.

Scot, J. (2007). "Power, Domination and Stratification: Towards a Conceptual Synthesis." *Sociologia, Problemas E Practicas*. No.55. 25-39.

Shah, M. (2006). "Defining the Future of Televison." *Televisual*, 11-19.

Shaka, F. O. (1999). "Instructional Cinema in Colonial Africa: Historical Perspective." *Ufahamu: A Journal of African Studies*. 27 (1-2-3) 28-43.

Shaka, F. O. (1995). "The Politics of Cultural Conversion in Colonialist African Cinema." *CineAction*, No.37. 51-67.

Silver, J. D. (2007). Hollywood's Dominance of the Movie Industry: How did it arise and how has it been Managed? PhD Dissertation, Queensland University of Technology, Austrialia.

Simpson, S. (2002).*Corporate Crime and Social Control*. Cambridge: Cambridge University Press.

Singer, B. (n.d.). "The Sociology of Pierre Bourdieu: Reconciling Micro and Macro?" PDF.

Singleton, R.A., Straits, B.C., and Straits, M.M. (1993). *Approaches to Social Research*. New York/ Oxford: Oxford University Press.

Sonwalker, P. (2001). "India: Making of Little Cultural/ Media Imperialism*?" Gazette*. Vol. 63(6). 505-519.

Stake, R.E. (1994). "Case Studies." In Denzin N. K. and Lincoln, Y.S. (eds.) *Handbook of Qualitative Research.* 236-247. Thousand Oaks: Sage Publications.

Stanciu Stoica, C. G., Popescu, D.M., and Mihalcioiu, V. (2012). "Resistance to Change on the Organizational Level."*Valahian Journal of Economic Studies.* Vol.3(17). 115-122.

Stigler, G. (1968). *The Organization of Industry*. Chicago: University of Chicago Press.

Stigler, G. (1987). *The Theory of Price 4th Edition.* New York: Macmillan.

Stohl, C. (2004). "Globalization Theory." In Mumby, D and May, S. (eds.) *Engaging Organizational Communication Theory and Research: Multiple Perspective*. 223-261. USA: Sage Publications.

Strange, S. (1998). *Mad Money: When Markets Outgrow Governments*. AnnArbor, MI: Univeristy of Michigan.

Strange, S. (1986*). Casino Capitalism*. Manchester: Manchester University Press.

Strauss A. and Corbin, J. (1990).*Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory*. London: Arnold.

Sulaiman, L.A.; Migiro, S.O., and Aluko, O.A (2014). "The Structural Adjustment Programme in Developing Economies: Pain and Gain? Evidence from Nigeria." *Public and Municipal Finance.* Vol.3(2). 41-48.

Taeusch, C.F. (1935).What is "Capitalism"? *International Journal of Ethics*. Vol.45(2).221-234.

Taylor-Gooby, P. and Dale, J. (1981).*Social Theory and Social Welfare*. London: Edward Arnold

Teer-Tomaselli, R. (2005). "Change and Transformation in South Africa Television." In Janet Wasko ed. *A Companion to Television*.558-579. UK: Blackwell Publishing.

Teer-Tomaselli, R., Wasserman, H. and Arnold S.de Beer (2007). "South Africa as Regional Media Power." In D.K.Thussu (ed.) *Media On the Move: Global Flow and Contra Flow*.136-146.London: Routledge.

Tehranian, M. (1982).*International Communication:A Dialogue of the Political Communication and Persuation*. 2(1). 21-28.

The Classifier. (2010). "Movie Censorship: Protecting Who from What?" Abuja:NFVCB.

The Classifier. (2012). "NFVCB: The Need to Sustain Public Enlightenment Programmes." Abuja: NFVCB.

Thompson, J. B. (1995).*The Media and Modernity: A Social Theory of the Media.* Stanford California: Stanford University Press.

Thompson, J. B. (1990).*Ideology and Modern Culture*. London: Polity.

Thornblad, R. and Holtan, A. (2011). Kingship Foster Children: Actors in their Encounter with the Child Protection System. *Qualitative Social Work*.0(0). 1-16.

Thussu, D.K. (1999). "Privatizing the Airways: The Impact of Globalization on Broadcasting in India." *Media, Culture & Society.* Vol.21(1). 125-131.

Thussu, D.K. (1998). "Infotainment international-A view from the South." In D.K. Thussu (ed.) *Electronic Empires-Global Media and Local Resistance*. 64-82. London: Arnold.

Thussu, D.K. ed. (2007*).Media on the Move: Global Flow and Contra Flow*. London: Routledge.

Thussu, D.K. (2000).*International Communication: Continuity and Change*. London: Arnold.

Tomaselli, K. G. (2014). "Nollywood Production, Distribution and Reception." *Journal of African Cinemas.* Vol.6(1). 11-19.

Tomaselli, K. G. (1979).*The South African Film Industry.* Johannesburg: African Studies Institute, Wits.

Tomaselli, K. G. (2000). "South African media, 1994-7: Globalizing via Political Economy," in J.Curran and M.Park (eds.) *De-Westernizing Media Studies*. London: Routledge. Pp.279-92.

Tomaselli, K. G. and Nyasha M. (2013).Films, Cities, Film Industries: Political Economy of Production Distribution, Exhibition. Paper Presented at a Conference: Archeology of the Future. University of Bayreuth, Germany, 24-26 Jan.

Tomlinson, J. (2012). "Cultural Globalization." In George Ritzer Ed. *The Wiley-Blackwell Encyclopeadia of Globalization, First Edition.* Blackwell Publishing Ltd.

Tomlinson, J. (1991).*Cultural Imperialism*. London: Pinter.

Tomlinson, J. (1999).*Globalization and Culture.* Cambridge: Polity Press.

Tomlinson,J. (2012). "Cultural Globalization," George Ritzer ed.*The Wiley-Blackwell Encyclopedia of Globalization, 1st Edition.* London: Blackwell Publishing.

Tsika, N. (2015). *Nollywood Stars: Media and Migration in West Africa and the Diaspora.* Indiana: Indiana University Press.

Tunstall, J. (2008).*The Media Are America.* New York: OUP.

Turnbull, B., Hernandez, R. and Reyes, M. (2009). "Street Children and their Helpers: An Actor-Oriented Approach*," Children and Youth Services Review*.Vol.31. 1283-1288.

Turow, J. (1997).*Media systems in society: Understanding industries, strategies and power 2nd Edition*. New York: Longman.

Uchenunu, A. (2008). "When it No Longer Matter Where You Live: Nollywood Audiences in the United Kingdom and the Declining Fears." *IJOTA Ibadan Journal of Theatre Arts*. Vol. 2-4.173-190.

Uchenunu, A. (2008). "The Decline of Cinema in Nigeria." In *International Journal of Multi-Disciplinary Scholarship.* No. 3-5.26-43.

Udomisor, I. and Sonuga, A. (2012). "Content Analysis of programs Produced by Nollywood Particularly on Africa Magic: DSTV." *Research on Humanities and Social Sciences*. Vol.2 (11). 27-33.

Ukadike, N. F. (2013).*African Cinema Narratives, Perspectives and Poetics.* Choba, Nigeria: University of Port Harcourt Press Ltd.

Ukadike, N. F. (1994). *Black African Cinema.* Berkeley: University of California Press.

Ulin, J. (2014).*The Business of Media Distribution: Monetizing Film, TV, and Video Content in an Online World 2nd Edition*. New York and London: Focal Press.

UNESCO. (2000). Sources: Corporate Social Responsibility. No.119. Paris: UNESCO

Ursell, G. (2000). "Television Production: Issues of Exploitation, Commodification and Subjectivity in UK Television Labour Markets." *Media Culture Society*. Vol.22(6). 805-825.

Utoh – Ezeajugh, T. (2008). "Beyond the Negativisation Syndrome: Nigerian Video Films and National Image Laundering." In *International Journal of Multi-Disciplinary Scholarship*.Vol. 3-5. 249-258.

Uyo, A. (1996). "The Impact of Film and Video on the Nigerian Society" *The Challenges of Film and Video Censorship in Nigeria*. Lagos: NFVCB Publication. 87-92.

Valdman, M. (2009). "A Theory of Wrongful Exploitation." *Philosophers' Imprint*. Vol.9(6). Accessed from: www.philosophers'imprint.org/009006

Vennesson, P. (2008). "Case Studies and the Processing: Theories and Practises" in Porta, Donatella and Micheal Keating Eds. *Approaches and Methodologies in the Social Sciences: A Pluralist Perspective.* Cambridge: Cambridge University Press.

Waddam, S. (2011).*Principle and Policy in Contract Law: Competing orComplementary Concepts?* Cambridge: Cambridge University Press.

Wasko, J. ed. (2005).*A Companion to Television*. UK: Blackwell Publishing.

Wasko, J. (2005b). "Critiquing Hollywood: The Political Economy of Motion Pictures," in Moul, C. (ed) A Concise Handbook of Movie Industry Economics. Cambridge: Cambridge University Press.

Wasko, J. (2005c). "Studying the political economy of media and information," Communicacao e Sociedade. Vol.7. 25-48.

Wasko, J. (2004). "The Political Economy of Communication," J. Downing (eds.) The Sage Handbook of Media Studies. 309-329. London: Sage.

Wasko, J. and Meehan, E. (2013). "Critical Crossroads or Parallel Routes? Political Economy and New Approaches to Studying Media Industries and Cultural Products." *Cinema Journal*. Vol.52 (3). 150-189.

Werthermer, A. (1999).*Exploitation*. Princeton: Princeton University Press.

Werthermer, A. (2011).*Rethinking the Ethics of Clinical Research: Widening the Lens.* Oxford: Oxford University Press.

Whyte, D. (2014). "Regimes of Permission and State-Corporate Crime," *State Crime.* Vol3(2). 237-246.

Wimmer, R. D. and Dominick, J.R. (2011). *Mass Media Research. An Introduction 9th Edition.* United States: Wadsworth Cengage Learning.

Wolff, J. (1999). "Marx and Exploitation." *The Journal of Ethics*. Vol.3. 105-120.

Wooldridge, M. and Weiss G. (Eds.) (1999). "Intelligent Agents" in Multi-Agent Systems", in *Multi-Agent Systems for Power Engineering Application Part 1: Concepts, Approaches and Technical Challenges*.3-51. A Cambridge, M.A: MIT Press.

Wright, E. O. (1980). "Varieties of Marxist Conceptions of Class Structure." *Politics and Society.* Vol.9(3). 325-370.

Wright, E. O. (1997).*Class Counts: Comparative Studies in Class Analysis.* Cambridge, UK and New York: Cambridge University Press.

Yin, R.K. (2003).*Application of Case Study Research 2nd Edition.* Thousand Oaks: Sage Publications.

Yin, R.K. (1984). *Case Study Research: Design and Methods*. CA: Sage Publications.

Young, I. M. (1990). "Five Faces of Oppression." In *Justice and the Politics of Difference.* Princeton: Princeton University Press. 39-65.

Yusuf, S.and Nabeshima, K. (2005). "Creative Industries in East Asia." *Cities,* Vol.22:1, 109-122.

Appendix

Research Office

HUMAN RESEARCH ETHICS COMMITTEE (NON-MEDICAL)
R14/49 Ernest-Samuel

CLEARANCE CERTIFICATE	**PROTOCOL NUMBER H14/08/05**
PROJECT TITLE	*The role and significance of DSTV's Africa Magic Channel to the development of Nollywood*
INVESTIGATOR(S)	Ms. G Ernest-Samuel
SCHOOL/DEPARTMENT	School of Literature, Linguistics and Media
DATE CONSIDERED	22 August 2014
DECISION OF THE COMMITTEE	Approved Unconditionally
EXPIRY DATE	12/09/2016
DATE 13/09/2014	**CHAIRPERSON** E.M. Taboun pp (Professor TM Milani)

cc: Supervisor: Prof C van Staden

DECLARATION OF INVESTIGATOR(S)

To be completed in duplicate and **ONE COPY** returned to the Secretary at Room 10000, 10th Floor, Senate House.
I/We fully understand the conditions under which I am/we are authorized to carry out the abovementioned research and I/we guarantee to ensure compliance with these conditions. Should any departure to be contemplated from the research procedure as approved I/we undertake to resubmit the protocol to the Committee. **I agree to completion of a yearly progress report.**

_____ **Signature**

_____/_____/_____ **Date**

Appendix 1 Ethics Clearance Certificate

Department of Media Studies,
University of the Witwatersrand,
Johannesburg.
29th July, 2016.

Mrs Wangi-Uzoukwu,
The Director,
M-Net West Africa,
C/o Multichoice Headquarter,
Victoria Island, Lagos.

Dear Madam,

FURTHER RESEARCH INFORMATION ON MULTICHOICE AND NOLLYWOOD CONTENT SUPPLIERS

I hope you would recall that I had written you a couple of times in the past about my research on "**The Role of Multichoice's Africa Magic Channels in the Development of Nollywood."** I wish to remind you that in 2014, you gave me a three month's appointment scheduled to take place on the 6th of December, 2014; which you later delegated to your PRO- Mr Efosa. Your PRO tried to answer some of the questions but skipped the one he believed were not within his power to respond to, and promised that he will clarify from you and get back to me. Unfortunately, all my attempts afterwards to get him to respond through phone calls and e-mails were futile.

Having collected the necessary data from select Nollywood filmmakers and marketers, there are still issues I need your responses to; to enable me provide a balanced report, and offer you another opportunity to clarify your operations in Nigeria particularly in terms of your contracts stipulations, WTR, CSR and other issues involving your interactions with content suppliers in Nollywood.

I wish therefore to solicit for your kind co-operation to enable me interview you on some of these issues, through a recorded telephone interview, so that you can provide a management perspective to Multichoice business relationship with content suppliers and producers in Nollywood.

I wish to count on your kind co-operation while expecting your response soonest. Thank you.

Kind regards,

Gloria Ernest-Samuel (Mrs)

Appendix 2 **(Letter to M-Net Director in Lagos)**

Consent Form for Research Participants

I, _____, acknowledge that I understand the research and that the research has been fully explained to me. I also understand that the information which I give to the researcher will be used in the research report.

I further acknowledge that the researcher has promised me the following:

- That my participation in this research is voluntary
- That my personal details will remain anonymous throughout the research study as well as in the research dissertation
- That I can refuse to answer any questions which I feel uncomfortable with

I hereby consent to being interviewed for the research study "The Role and Significance of DSTV's African Magic Channel to the Development of Nollywood".

I agree / I do not agreeto the interview being audio- recorded.

_____ _____

Participant

Researcher

_____

Date Signed

Appendix 3

Participant Information Sheet for Nollywood Insiders

Good day,

My name is Gloria Ernest-Samuel and I am currently completing my Doctorate degreein Media Studies at the University of the Witwatersrand, Johannesburg.

My current research is entitled "The Role and Significance of DSTV's Africa Magic Channels in the Development of Nollywood." Through my research, I aim to explore the practises, values and contributions involving Multi-Choice and its affiliate- Africa Magic in the development of the Nigerian film industry.

I am inviting you to be a participant in my current research study. Your selection for participation in this research was based on the fact that you are a part of the Nigeria film industry.

By being a participant in this research study I would request an interview session to be conducted at your office. With your permission, I ask that this interview be recorded through the use of an audio-recorder. This will allow for accurate results and analysis to be done. This interview session will be approximately one hourin length.

Your participation in this research is voluntary and I can guarantee that your personal details will remain anonymous throughout this research study as well as in the final research dissertation. You as the participant may refuse to answer any questions which you feel uncomfortable with and may also feel free to withdraw from this study at any time.By being a participant in this research you will not receive payment of any form and the information you disclose will be used only in the research report.

This research will be written into a Doctorate Degree Dissertation and will be available through the University's website. Should you require a summary of the research, I can make this available to you.

Should you have any further questions or queries you are welcome to contact myself or my Supervisor, Dr. Cobus van Staden at any time at contact details provided below.

Researcher
Mrs Gloria Ernest-Samuel.
gloria.ernest-samuel@students.wits.ac.za
Tel.: +27843761433

Supervisor
Dr Cobus van Staden
cobus.vanstade@wits.ac.za
Tel.: +2711717140141

Appendix 4

The Role and Significance of Multichoice's Africa Magic Channels in the Development of Nollywood

In-depth interview Guide for National Broadcasting Corporation (NBC) Rep., National Film and Video Censorship Board Rep. and Nollywood Insiders (Actors, Producers and Marketers)

(*Please note that the questions for each theme will emerge from the findings from the Focus Group with Vignettes)*

The themes for the interviews are as listed below for the focus groups and includes an *Ice Breaker* for the Nollywood Insiders *that read as follows**:*** *What does Africa Magic or its corporate owner Multi Choice mean to your profession?*

Theme 1: Descriptions and definitions of Africa Magic/ Multi-Choice influence on the development of Nigeria (for NBC Rep.)

Q1: By 2004 when Nollywood was still young, why was DSTV's interest in Nollywood welcomedby NBC?

Q2: What were the prospects of their operation in Nigeria?

Q3: Was it clear to NBC then that Africa Magic channels will concentrate on Nollywood films?

Q4: Can it be said that the dreams of approving Africa Magic channels, has been achieved within these years of its existence in Nigeria?

Q5: How are the channels on DSTV regulated to meet the requirement of NBC code of Broadcasting for Nigeria?

Q6: In what ways have they influenced development of Nigeria?

Theme 2: Africa Magic channels and its distribution role of Nollywood films (Nollywood Insiders)

Q1. Could you please share with me some sweet/bitter experiences from the distribution of your films by Africa Magic?

Q2. How will you describe the use of the channels to broadcast films in Nigeria given the Nigerian environment and elsewhere?

Probe for differentials among older and newer films

Q3. Now, I will like you to talk about the benefits of the film broadcasting via Africa Magic channels to the 'new Nollywood films' and the 'Asaba Market films.'

Q4. How does Africa Magic broadcasting affect the entire film industry and Nigeria?

Probe for the dangers in the focus of having Africa Magic monopolize broadcasting of Nollywood films

Q5. Now, let us discuss on the implication of having Africa Magic dominate Nollywood.

Q6. Focus on issues concerning your survival as practitioners in an informal sector.

Theme 3: Power and Control over Nollywood Audience in Nigeria and Beyond (for NBC)

Q1. What were the criteria for registering the operation of Africa Magic in Nigeria?

Q2. How many other stations have met with that criteria and when?

Probe for the factors that may hinder other competition (For NBC Management Staff)

Probe for the factors that make Africa Magic dominate others and government role.

Probe for the variations in audience benefits-eg. Content, quality, consistency etc?

Theme 4: Africa Magic benefits from Nollywood and Nigeria (NBC Rep.)
Q1: What is the estimation of Nigeria subscribers to DSTV bouquets?

Q2: What equipments come with the subscription?

Q3: Were the equipment sourced from within or outside Nigeria?

Q4: From where do they employ the technicians who install the equipments?

Theme 5: The Content of Africa Magic channels (NFVCB Rep)
Q1: How will you assess the films broadcast on Africa Magic in the past and today?

Probe for their awareness of the old and new Nollywood films

Probe for what the establishment has done concerning the repetition of old and worrisome films made earlier in Nollywood

Q2: What measures have the establishment taken to control what is aired in Africa Magic?

Q3: What role do they play in the protection of the rights of the Nigerian artistes?

Q4:How does NFVCB control the films sold to transnational media corporations like Africa

Magic (in terms of age, quality, content?)

Closure of the interview with clarification of salient points

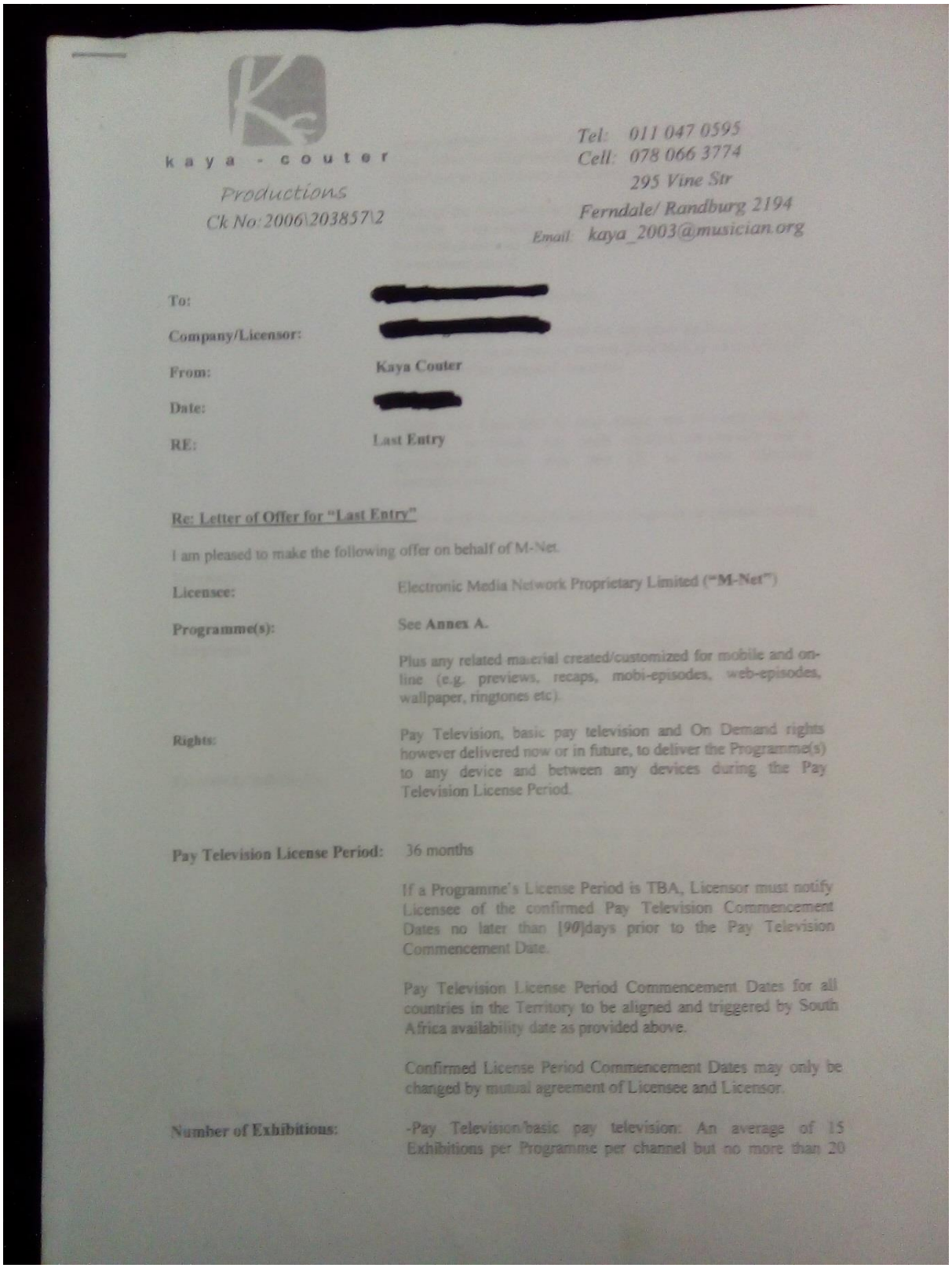
(e) Note notable quotes (highlight them if possible;
(f) Present a short summary of discussion back to the interviewee and note affirmation and/or rejection of earlier opinions.
(g) Ask for policy documents (Nigerian Broadcasting Commission (NBC) code, Nigerian
(h) Cultural policy, Africa Magic franchise agreement with filmmakers/producers, Africa Magic tax report, Shareholders annual account, the new National Video and Film Censorship Board (NFVCB) code etc.)

General Note

At the beginning of this study, the title was "the Role and Significance of DSTV's Africa Magic channels in the development of Nollywood." However, during my field work and interview with Mr Efosa (the official Multichoice Representative), he made me realize that DSTV is the platform used by Multichoice as the mother company to promote its services, thus it becomes imperative that we re-phrase the title to "the Role and Significance of Multichoice and its Africa Magic in the development of Nollywood," to accommodate the main corporation. All other issues remain the same.
Gloria Ernest-Samuel (2017).

Appendix 5

Samples of the two contracts



k a y a - c o u t e r

Productions

Ck No: 2006\203857\2

Tel: 011 047 0595
Cell: 078 066 3774
295 Vine Str
Ferndale/ Randburg 2194
Email: kaya_2003@musician.org

To: [redacted]

Company/Licensor: [redacted]

From: Kaya Couter

Date: [redacted]

RE: Last Entry

Re: Letter of Offer for "Last Entry"

I am pleased to make the following offer on behalf of M-Net.

Licensee:	Electronic Media Network Proprietary Limited (**"M-Net"**)
Programme(s):	See **Annex A.** Plus any related material created/customized for mobile and on-line (e.g. previews, recaps, mobi-episodes, web-episodes, wallpaper, ringtones etc).
Rights:	Pay Television, basic pay television and On Demand rights however delivered now or in future, to deliver the Programme(s) to any device and between any devices during the Pay Television License Period.
Pay Television License Period:	36 months If a Programme's License Period is TBA, Licensor must notify Licensee of the confirmed Pay Television Commencement Dates no later than [*90*]days prior to the Pay Television Commencement Date. Pay Television License Period Commencement Dates for all countries in the Territory to be aligned and triggered by South Africa availability date as provided above. Confirmed License Period Commencement Dates may only be changed by mutual agreement of Licensee and Licensor.
Number of Exhibitions:	-Pay Television/basic pay television: An average of 15 Exhibitions per Programme per channel but no more than 20

runs per channel, provided that any Exhibition of a Programme on a channel in Standard Definition, which is simulcast in High Definition shall not count as a separate Exhibition hereunder.

-Each of the channels may be time shifted by no more than one (1) hour. Any single transmission of a Programme on such a time shifted channel shall not constitute a separate exhibition for the purposes hereof

On Demand/SVOD: unlimited.

Services/Channels:

All existing and future Mzansi (or any other successive name(s) by which the same may be known from time to time) branded, managed and/or compiled channels.

M-Net may from time to time merge one or more channels together, or divide any such channel or service on a geographical basis into two (2) or more television channels/services.

M-Net shall be entitled to add new channels or replace existing channel(s).

Territory:

Exclusive:
Continent of Africa and adjacent ocean islands.

Languages:

Original language version with English subtitles, and, in addition, dubbed, subtitled and/or voice over other local language versions. Licensee shall have the right to create local language versions. If created, Licensor may access such local version(s) at 50% cost at the end of the Pay Television License Period.

Exclusivity/holdbacks:

Exclusive: Licensor shall not exhibit nor authorise the exhibition of the Programme(s) or any interactive, altered, customised or any other version of the Programme(s) (e.g. made for mobile or high definition) on any existing or future Television services/channels (e.g. Pay Television, basic television, free television and On Demand (including, without limitation, VOD, free On Demand and SVOD)), however delivered now or in the future, to any device receivable in the Territory, nor via the Internet targeted at the Territory, in any and all languages prior to and during the Pay Television License Period

Furthermore, Licensor shall not prior to nor d uring the Pay Television License Period promote nor allow the promotion via any media of any such exhibition.

License Fee:

ZAR R60 000.00- see **Annex A** for breakdown, subject compliance by Licensor with withholding tax fil requirements.

2

Payment Terms:

For each Programme:

25% - (R15 000.00) on Pay Television Licence Period Commencement Date
25% - (R15 000.00) 3 months after Pay Television Licence Period Commencement Date
25% - (R15 000.00) 6 months after Pay Television Licence Period Commencement Date
25% - (R15 000.00) 9 months after Pay Television Licence Period Commencement Date.

For all License Fees, payment is subject to presentation of original invoices, fully executed agreement and delivery of technically acceptable materials.

Masters:

Standard definition master on loan to M-Net, returned per Programme 60 days after delivery of technically acceptable materials.

2] Pal Digital Betacam with stereo on audio tracks 1 and 2 and Dolby E encoded on audio tracks 3 and 4; **OR** Pal Betacam SP in Dolby Surround Sound (Pro-Logic) or Dolby Stereo – original language master.

3] Extras: Music/effects track (if available) in Surround Sound (preferred) or Stereo.

4] Cost: N/A Standard definition master on loan.

Other Materials:

Licensor shall supply the following support and other materials free of charge: dialogue transcripts (supplied by e-mail), synopses, Standard Teletext Disc Files for the hearing impaired in one of the following file formats - t32, txt, 132, stl, aml, rac, pac or cap; any interactive, altered, customised or other versions, elements and supplemental information relating to the Programme(s), including without limitation any material created/customized for mobile and/or on-line (e.g., previews, recaps, mobi-episodes, wallpaper, ring-tones, etc.); and access to Licensor's on-line sites and ability to localise Programme related on-line elements and/or sites.

Licensor shall supply the following support and other materials if available, free of charge: [dialogue transcripts (supplied by e-mail) as available, trailers, TV Promo(s), electronic press kit(s), colour slides, credit list, black & white prints, and music cue sheets.

ivery of Materials:

Delivery : Collect
Return : Collect

ery Date:

90 days prior to start of Pay Television License Period.

Other Terms:

- M-Net may insert advertising breaks during the Programme(s), edit the Programme(s) and alter or amend the Programme(s) by way of squeeze-backs, overlays and/or other means for the purpose of advertising and/or promotion.
- The deal is subject to M-Net management approval.
- M-Net shall be entitled to provide services for hearing and sight impaired viewers of any Programme (e.g. teletext and voice over audio tracks) in order to comply with local regulatory requirements.

I should be grateful if you would confirm your acceptance of the above offer by signing below and returning to me. Should you wish to discuss these terms with me, you may contact me directly on *+27.11047.0595 / +27.78 066 .3774*. After terms have been agreed, we will issue a contract on behalf of M-Net. I look forward to receiving your response.

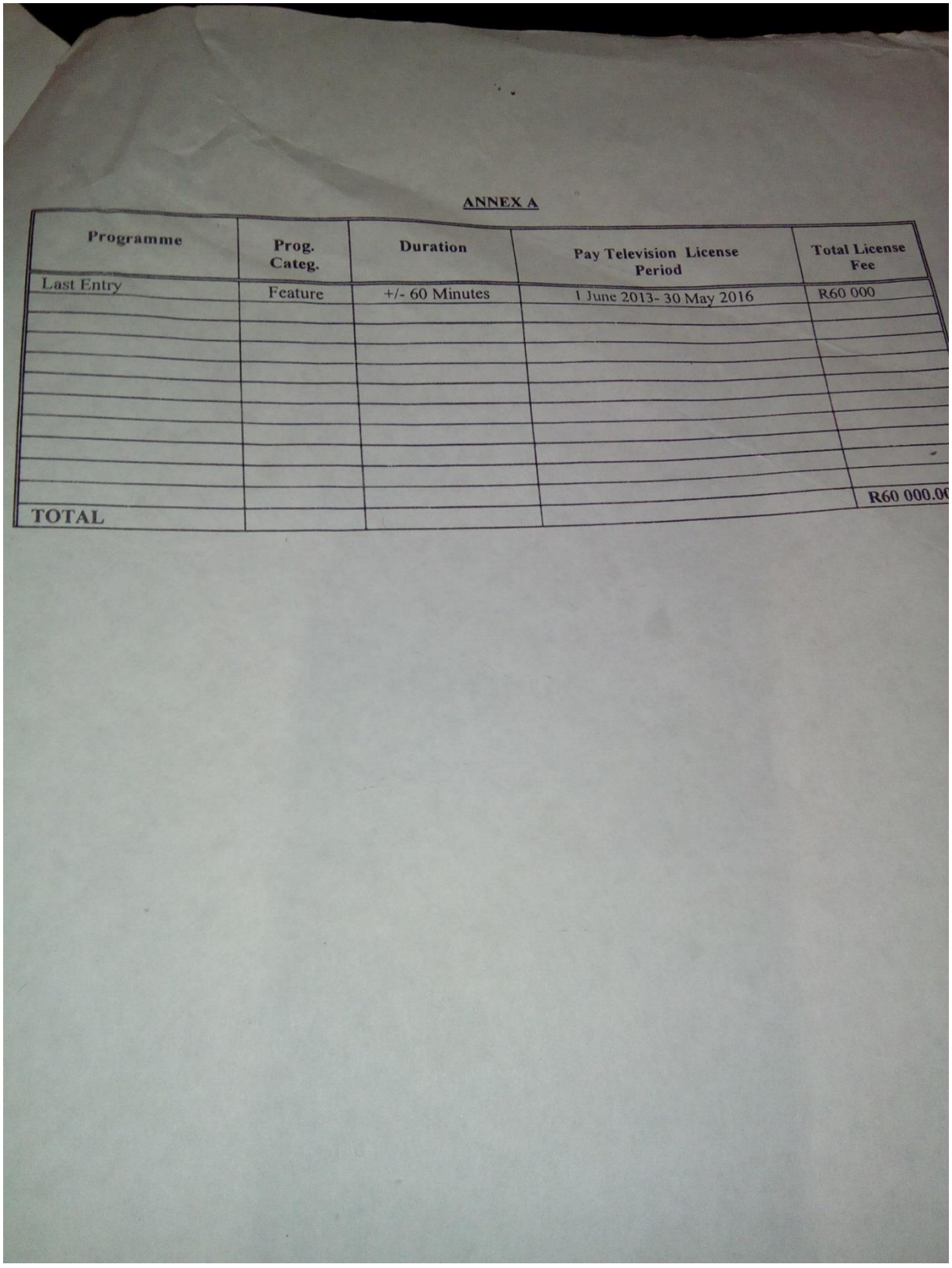
Kind regards,

Kaya Couter
Distributor
Kaya Couter Productions

[redacted]

Signed by:

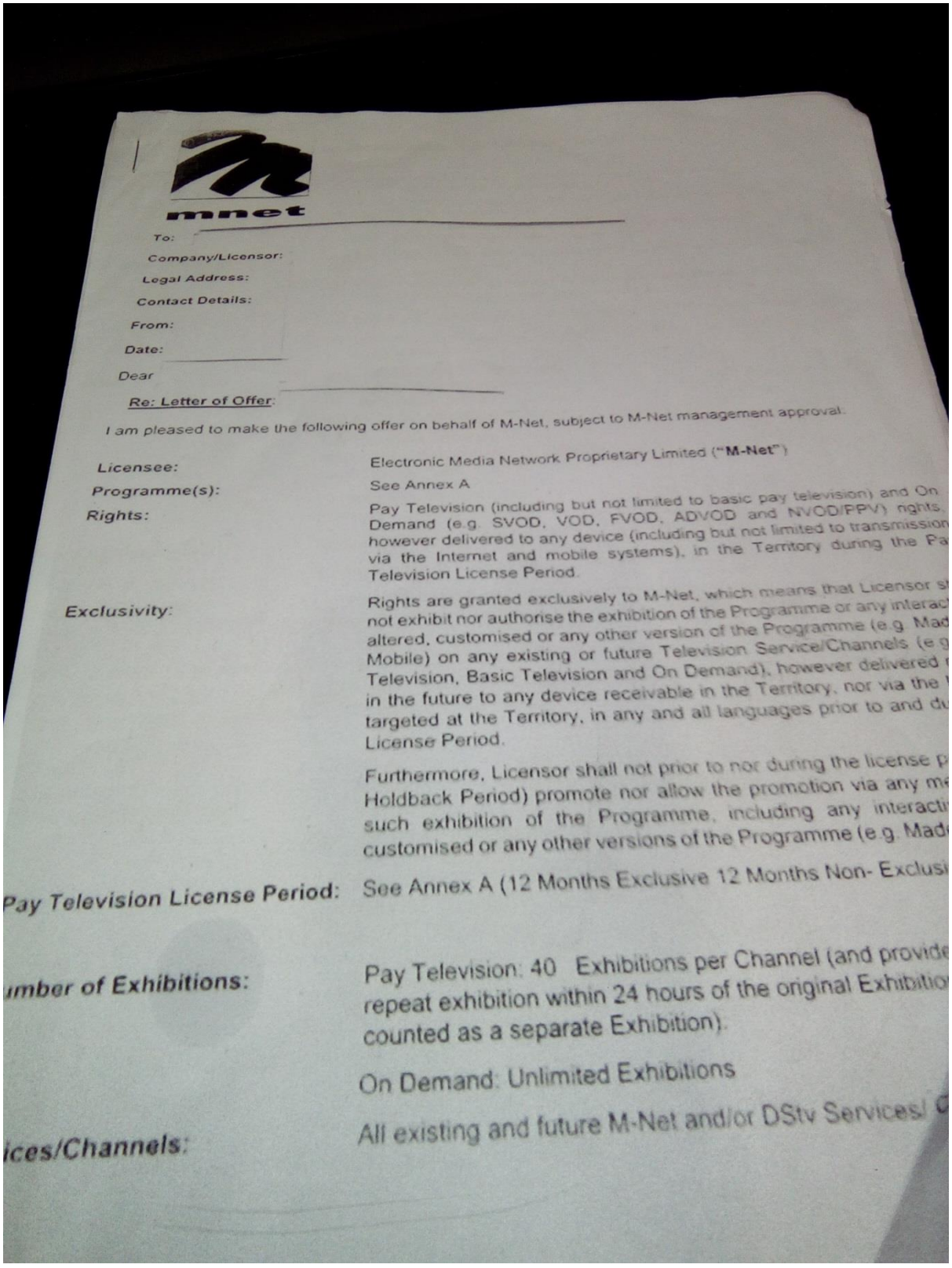
On behalf of: ([redacted])



ANNEX A

Programme	Prog. Categ.	Duration	Pay Television License Period	Total License Fee
Last Entry	Feature	+/- 60 Minutes	1 June 2013- 30 May 2016	R60 000
				R60 000.00
TOTAL				

Appendix 6



mnet

To:

Company/Licensor:

Legal Address:

Contact Details:

From:

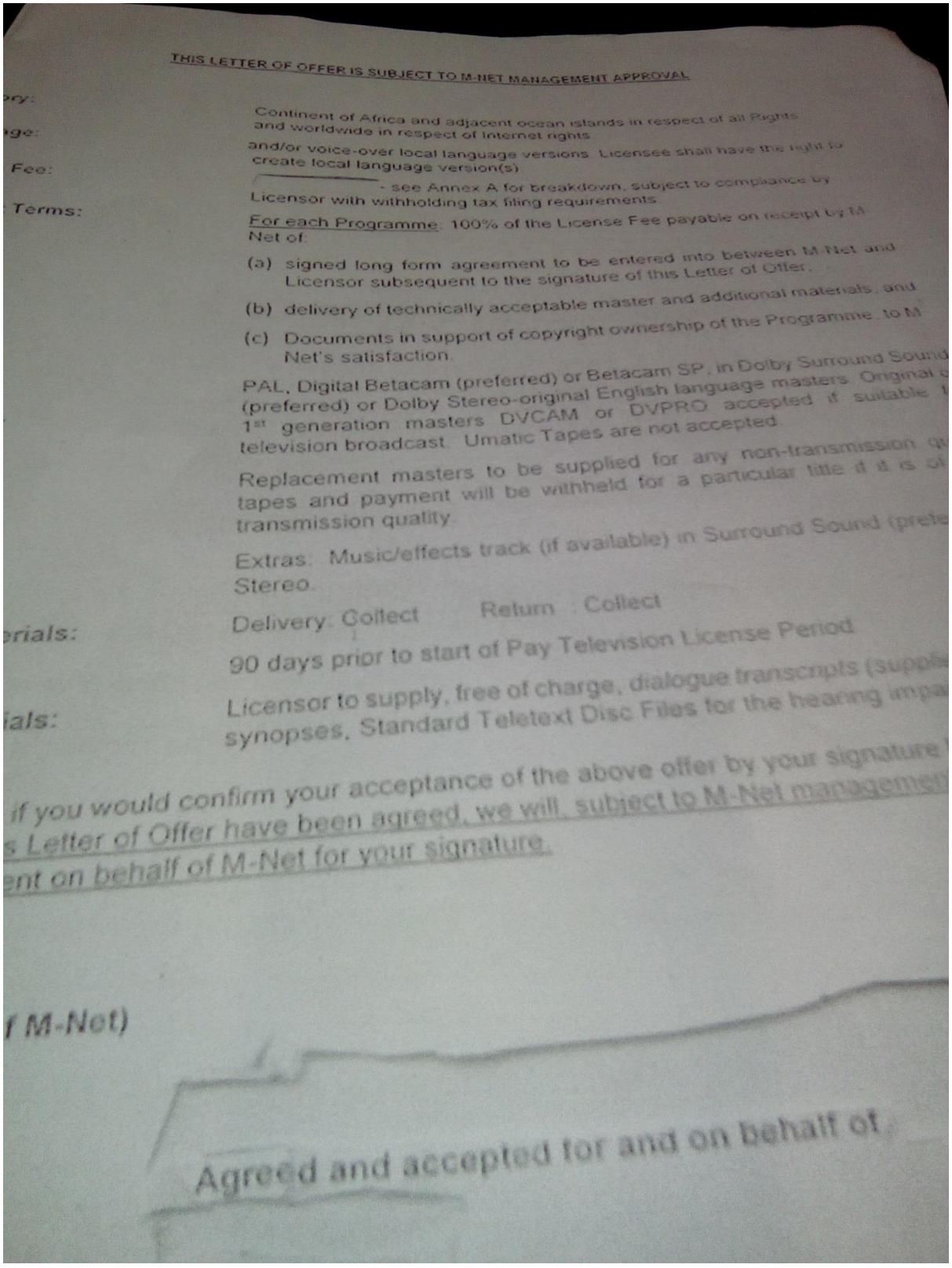
Date:

Dear

Re: Letter of Offer:

I am pleased to make the following offer on behalf of M-Net, subject to M-Net management approval.

Licensee:	Electronic Media Network Proprietary Limited ("M-Net")
Programme(s):	See Annex A
Rights:	Pay Television (including but not limited to basic pay television) and On Demand (e.g. SVOD, VOD, FVOD, ADVOD and NVOD/PPV) rights, however delivered to any device (including but not limited to transmission via the Internet and mobile systems), in the Territory during the Pa Television License Period.
Exclusivity:	Rights are granted exclusively to M-Net, which means that Licensor s not exhibit nor authorise the exhibition of the Programme or any interac altered, customised or any other version of the Programme (e.g. Mad Mobile) on any existing or future Television Service/Channels (e.g Television, Basic Television and On Demand), however delivered in the future to any device receivable in the Territory, nor via the targeted at the Territory, in any and all languages prior to and du License Period. Furthermore, Licensor shall not prior to nor during the license p Holdback Period) promote nor allow the promotion via any me such exhibition of the Programme, including any interacti customised or any other versions of the Programme (e.g. Mad
Pay Television License Period:	See Annex A (12 Months Exclusive 12 Months Non- Exclusi
umber of Exhibitions:	Pay Television: 40 Exhibitions per Channel (and provide repeat exhibition within 24 hours of the original Exhibitio counted as a separate Exhibition). On Demand: Unlimited Exhibitions
ices/Channels:	All existing and future M-Net and/or DStv Services/ C



THIS LETTER OF OFFER IS SUBJECT TO M-NET MANAGEMENT APPROVAL

ory:

Continent of Africa and adjacent ocean islands in respect of all Rights and worldwide in respect of Internet rights

age:

and/or voice-over local language versions. Licensee shall have the right to create local language version(s)

Fee:

_____ - see Annex A for breakdown, subject to compliance by Licensor with withholding tax filing requirements

Terms:

For each Programme: 100% of the License Fee payable on receipt by M-Net of:

(a) signed long form agreement to be entered into between M-Net and Licensor subsequent to the signature of this Letter of Offer;

(b) delivery of technically acceptable master and additional materials; and

(c) Documents in support of copyright ownership of the Programme to M-Net's satisfaction.

PAL, Digital Betacam (preferred) or Betacam SP, in Dolby Surround Sound (preferred) or Dolby Stereo-original English language masters. Original 1st generation masters DVCAM or DVPRO accepted if suitable for television broadcast. Umatic Tapes are not accepted.

Replacement masters to be supplied for any non-transmission quality tapes and payment will be withheld for a particular title if it is of transmission quality.

Extras: Music/effects track (if available) in Surround Sound (preferred) Stereo.

erials:

Delivery: Collect Return Collect

90 days prior to start of Pay Television License Period

ials:

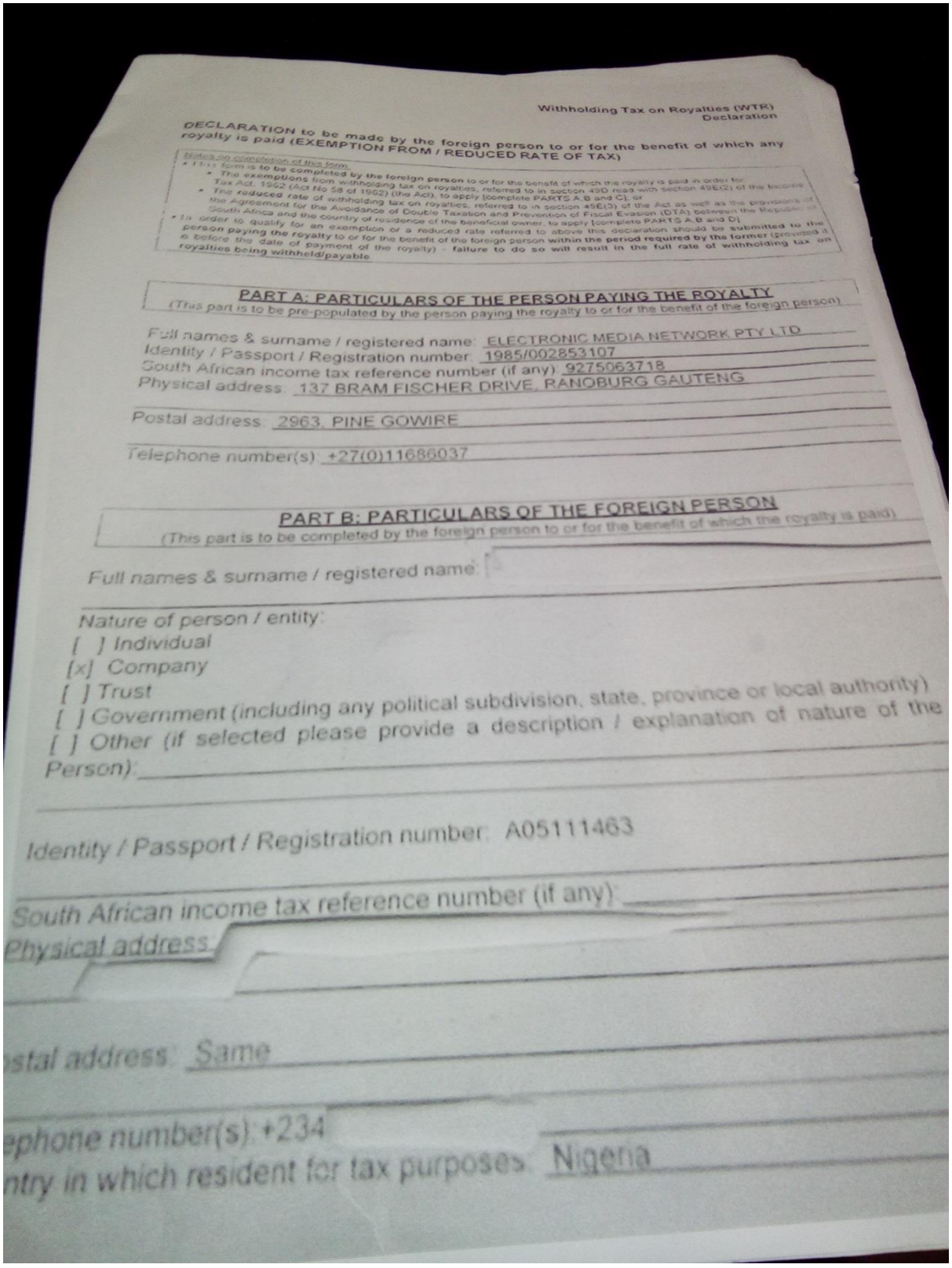
Licensor to supply, free of charge, dialogue transcripts (supplied) synopses, Standard Teletext Disc Files for the hearing impaired

if you would confirm your acceptance of the above offer by your signature s Letter of Offer have been agreed, we will, subject to M-Net management ent on behalf of M-Net for your signature.

f M-Net)

Agreed and accepted for and on behalf of

Appendix 7



Withholding Tax on Royalties (WTR)
Declaration

DECLARATION to be made by the foreign person to or for the benefit of which any royalty is paid (EXEMPTION FROM / REDUCED RATE OF TAX)

Notes on completion of this form:
- This form is **to be completed by the foreign person** to or for the benefit of which the royalty is paid in order for:
  - The **exemptions** from withholding tax on royalties, referred to in section 49D read with section 49E(2) of the Income Tax Act, 1962 (Act No 58 of 1962) (the Act), to apply [complete PARTS A,B and C], or
  - The **reduced rate** of withholding tax on royalties, referred to in section 49E(3) of the Act as well as the provisions of the Agreement for the Avoidance of Double Taxation and Prevention of Fiscal Evasion (DTA) between the Republic of South Africa and the country of residence of the beneficial owner, to apply [complete PARTS A,B and D]
- In order to qualify for an exemption or a reduced rate referred to above this declaration should be **submitted to the person paying the royalty** to or for the benefit of the foreign person **within the period required by the former** (provided it is before the date of payment of the royalty) - **failure to do so will result in the full rate of withholding tax on royalties being withheld/payable**

PART A: PARTICULARS OF THE PERSON PAYING THE ROYALTY
(This part is to be pre-populated by the person paying the royalty to or for the benefit of the foreign person)

Full names & surname / registered name: ELECTRONIC MEDIA NETWORK PTY LTD
Identity / Passport / Registration number: 1985/002853107
South African income tax reference number (if any): 9275063718
Physical address: 137 BRAM FISCHER DRIVE, RANOBURG GAUTENG

Postal address: 2963, PINE GOWIRE

Telephone number(s): +27(0)11686037

PART B: PARTICULARS OF THE FOREIGN PERSON
(This part is to be completed by the foreign person to or for the benefit of which the royalty is paid)

Full names & surname / registered name:

Nature of person / entity:
[ ] Individual
[x] Company
[ ] Trust
[ ] Government (including any political subdivision, state, province or local authority)
[ ] Other (if selected please provide a description / explanation of nature of the Person):

Identity / Passport / Registration number: A05111463

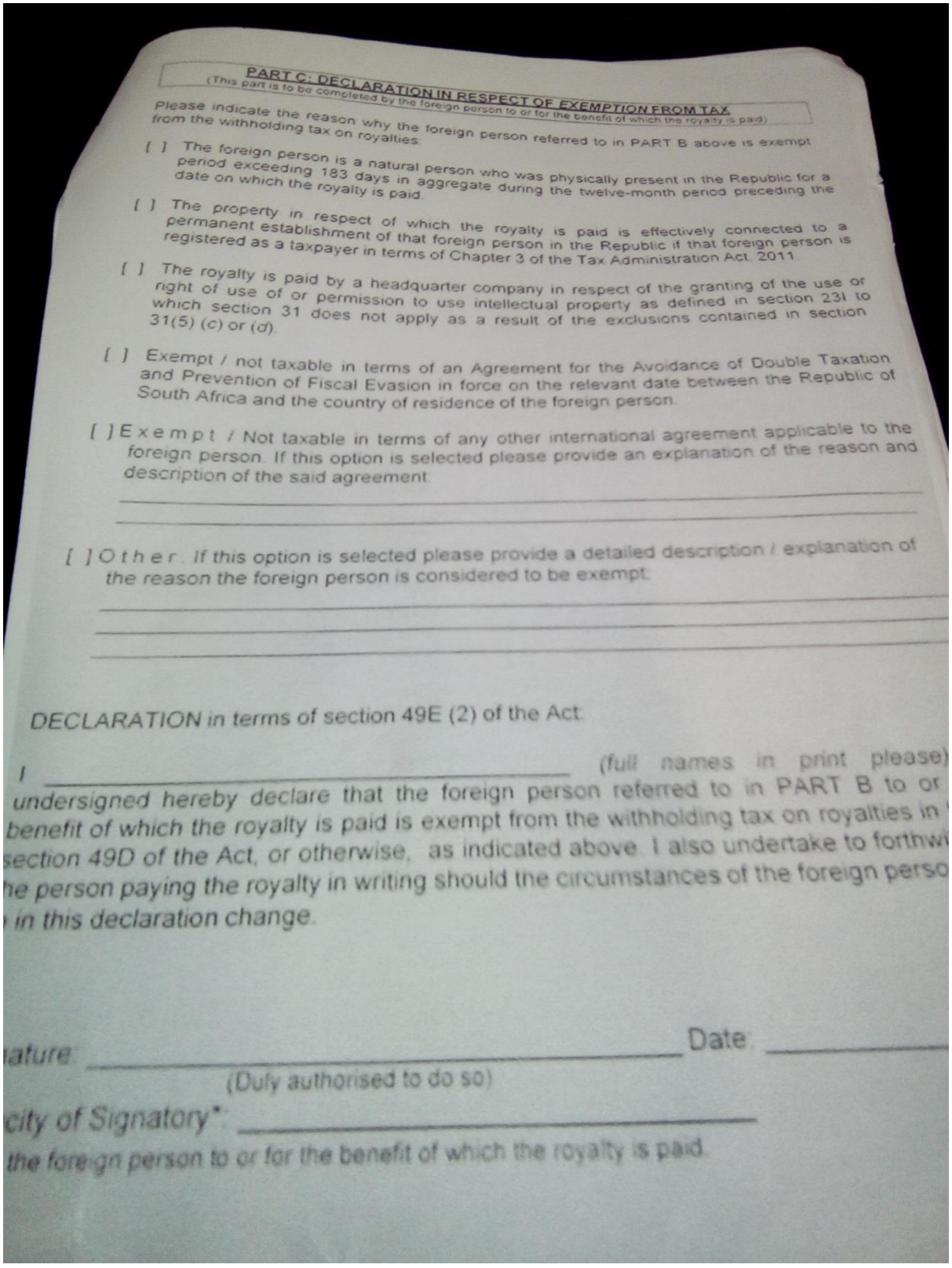
South African income tax reference number (if any):

Physical address:

stal address: Same

ephone number(s): +234

ntry in which resident for tax purposes: Nigeria



PART C: DECLARATION IN RESPECT OF EXEMPTION FROM TAX

(This part is to be completed by the foreign person to or for the benefit of which this royalty is paid)

Please indicate the reason why the foreign person referred to in PART B above is exempt from the withholding tax on royalties:

[ ] The foreign person is a natural person who was physically present in the Republic for a period exceeding 183 days in aggregate during the twelve-month period preceding the date on which the royalty is paid.

[ ] The property in respect of which the royalty is paid is effectively connected to a permanent establishment of that foreign person in the Republic if that foreign person is registered as a taxpayer in terms of Chapter 3 of the Tax Administration Act, 2011.

[ ] The royalty is paid by a headquarter company in respect of the granting of the use or right of use of or permission to use intellectual property as defined in section 23I to which section 31 does not apply as a result of the exclusions contained in section 31(5) (*c*) or (*d*).

[ ] Exempt / not taxable in terms of an Agreement for the Avoidance of Double Taxation and Prevention of Fiscal Evasion in force on the relevant date between the Republic of South Africa and the country of residence of the foreign person.

[ ] Exempt / Not taxable in terms of any other international agreement applicable to the foreign person. If this option is selected please provide an explanation of the reason and description of the said agreement:

_____

_____

[ ] Other. If this option is selected please provide a detailed description / explanation of the reason the foreign person is considered to be exempt:

_____

_____

_____

DECLARATION in terms of section 49E (2) of the Act:

I _____ (full names in print please)

undersigned hereby declare that the foreign person referred to in PART B to or
benefit of which the royalty is paid is exempt from the withholding tax on royalties in
section 49D of the Act, or otherwise, as indicated above. I also undertake to forthw
he person paying the royalty in writing should the circumstances of the foreign perso
in this declaration change.

ature: _____ Date: _____

(Duly authorised to do so)

city of Signatory*: _____

the foreign person to or for the benefit of which the royalty is paid.