

**A LEGALISTIC EXAMINATION OF THE PERFORMANCE OF THE FEDERAL COMPETITION  
AND CONSUMER PROTECTION COMMISSION (FCCPC) AND THE NIGERIAN  
COMMUNICATIONS COMMISSION (NCC) .**

**Barr. CHIAMAKA RECHEAL ONWUEGBUCHULAM**

**Imo State Univesity, Owerri**

**ABSTRACT**

*This study evaluates the performance of the Federal Competition and Consumer Protection Commission (FCCPC) and the Nigerian Communications Commission (NCC) in safeguarding the rights of telecommunication service consumers in Nigeria. It examines the regulatory frameworks established by the FCCPA and the NCC Act, focusing on their effectiveness in addressing consumer grievances and ensuring fair market practices. The research identifies gaps in existing literature regarding consumer awareness, enforcement outcomes, and comparative analyses with other jurisdictions. By analyzing both qualitative and quantitative data, this work aims to provide a comprehensive understanding of the current state of consumer protection in Nigeria's telecommunications sector, offering recommendations for enhancing regulatory effectiveness and consumer empowerment.*

**Background to the Study**

The telecommunications industry in Nigeria seems to have experienced exponential growth since the liberalization of the sector in 2001. This transformation may have led to increased competition among service providers, resulting in improved services and lower prices for consumers. However, this growth has also been accompanied by significant challenges, including issues related to service quality, billing disputes, and consumer rights violations. The establishment of the Federal Competition and Consumer Protection Commission<sup>157</sup> through the Federal Competition and Consumer Protection Act<sup>158</sup> in 2018 marked a significant step toward enhancing consumer protection in Nigeria. The **FCCPC** is tasked with promoting fair business practices and protecting consumers from unfair treatment by businesses.<sup>159</sup> The Nigerian Communications Commission<sup>160</sup> established by the Nigerian Communications Act of 2003<sup>161</sup>, also plays a crucial role in regulating telecommunications services and ensuring that consumers receive quality services. Despite these regulatory frameworks, concerns persist regarding their effectiveness in addressing consumer grievances and enforcing

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<sup>157</sup> Hereinafter simply referred to as FCCPC

<sup>158</sup> Hereinafter simply referred to as FCCPA

<sup>159</sup> FCCPC portal retrieved from <https://fccpc.gov.ng/about-us/our-mandate/> accessed on 3/11/24 by 9am.

<sup>160</sup> Hereinafter simply referred to as NCC

<sup>161</sup> NCC Annual Report (2020). Retrieved from [NCC](<https://www.ncc.gov.ng>)

compliance among service providers. This study aims to critically assess the performance of both agencies in protecting telecommunication service consumers' rights.

### Statement of the Problem

Despite the establishment of regulatory frameworks such as the Federal Competition and Consumer Protection Act (**FCCPA**) and the Nigerian Communications Act (**NCA**), telecommunication service consumers in Nigeria continue to face significant challenges in asserting their rights and obtaining satisfactory resolutions to their grievances. The rapid growth of the telecommunications sector, characterized by increased competition and technological advancements, has not been matched by equally robust consumer protection measures. The problems identified by this study includes includes:

**Inadequate Enforcement of Consumer Rights:** The Federal Competition and Consumer Protection Commission and the Nigerian Communications Commission have established mechanisms for consumer protection; however, there are persistent gaps in enforcement. Many consumers report unresolved complaints regarding service quality, billing disputes, and privacy violations, leading to a lack of trust in regulatory bodies.

- 1. Limited Consumer Awareness:** A significant portion of the consumer population remains unaware of their rights under existing laws and the processes available for seeking redress. This lack of awareness hampers consumers' ability to effectively advocate for themselves and diminishes the overall impact of regulatory efforts.
- 2. Inefficiencies in Complaint Resolution:** The complaint resolution processes employed by both the FCCPC and NCC are often perceived as slow and bureaucratic. Consumers frequently encounter delays in receiving responses or resolutions to their complaints, further exacerbating their frustrations.
- 3. Inconsistent Service Quality:** Despite regulations aimed at ensuring minimum quality standards, many consumers continue to experience poor service delivery from telecom operators. This inconsistency raises questions about the effectiveness of monitoring and enforcement mechanisms employed by regulatory agencies.
- 4. Insufficient Data on Consumer Experiences:** There is a lack of comprehensive data on consumer complaints, service quality, and enforcement outcomes within the telecommunications sector. This deficiency limits the ability of regulatory bodies to identify trends, assess the effectiveness of existing policies, and make informed decisions for future improvements.

This study aims to address these critical issues by evaluating the performance of the **FCCPC** and **NCC** in protecting telecommunication service consumers' rights, identifying gaps in knowledge and enforcement, and providing actionable recommendations for enhancing consumer protection in Nigeria's telecommunications landscape.

### Scope of the Study

This study focuses on evaluating the performance of the **FCCPC** and **NCC** specifically within the context of telecommunication services in Nigeria. It will cover:

- The theoretical and legal frameworks governing consumer protection established by both agencies.
- The mechanisms for consumer complaint resolution and enforcement actions taken against service providers.
- An analysis of consumer awareness regarding their rights under existing laws.
- The effectiveness of these agencies in addressing common consumer issues such as service quality, billing disputes, and privacy concerns.

The study will not delve into other sectors regulated by these agencies or explore broader economic implications beyond consumer protection.

### **Aims and Objectives**

The primary objectives of this study are:

1. To evaluate the effectiveness of the **FCCPC** and **NCC** in enforcing consumer rights within Nigeria's telecommunications sector.
2. To evaluate consumer awareness regarding their rights under existing regulatory frameworks.
3. To identify gaps in enforcement mechanisms that hinder effective consumer protection.

### **Research Methodology**

This paper will adopt and use the doctrinal research methodology. Doctrinal research asks what the law is on a particular issue. It is concerned with the analysis of the legal doctrine and how it has been developed and applied. It is a theoretical research, and therefore non-quantitative. It is also described as a library-based research which is the most common methodology employed by those undertaking research in law

### **THEORETICAL FRAMEWORK**

#### **Positive Law Theory**

Legal positivism is a school of jurisprudence whose advocates believe that laws are commands of human beings without any necessary connection with morals.<sup>162</sup> To the positivist, the analysis of legal concepts is worth pursuing and distinct from sociological and historical enquiries and critical evaluation.<sup>163</sup> The positivist also believes that a legal system is a closed logical system in which correct decisions may be deduced from predetermined legal rules by logical means alone and that moral judgment cannot be established, as a statement of fact can, by rational argument, evidence, or proof.<sup>164</sup>

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<sup>162</sup> Nnabue U.S.F, Understanding Jurisprudence and legal Theory (2016) Bon Press , 128 Oparaanozie Street, Owerri. P 120.

<sup>163</sup> Nnabue U.S.F, understanding jurisprudence and legal theory *ibid*.

<sup>164</sup> Nnabue U.S.F, understanding jurisprudence and legal theory *ibid*.

The classical legal positivists whose views are considered in this work are Bentham and Austin. They approached the positive theory from different perspectives but a common factor for all positivists is that law as it exists must be distinguished from law as it ought to be. Bentham is credited with the expression that there are no laws which are neither imperative nor permissive. All laws command or permit some form of conduct and that laws should not be expressed descriptively. Hence for example, the Nigerian Communication Commission Act 2003 provides in a descriptive manner for licenses and offence thus;

*No person shall operate a communications system service in Nigeria unless authorized to do so under a communications license or exempted under regulations made by the commission under this Act.*

In this scenario, the positive law descriptively sets the objective standard expected of network service providers, so that any person who flaunts the law will be punished. Furthermore, every network service provider is given an opportunity to understand the demands of the law.

Bentham recognizes rights with legal powers. He agrees that a right is the child of law because from real laws come real rights. On July 30, 2024, the Nigerian Communications Commission (**the “Commission”**) released a Consumer Code of Practice Regulations, 2024<sup>165</sup>. This is pursuant to the powers granted to the Commission under Section 70 of the Nigerian Communications Commission Act to make and publish regulations for written authorizations, permits, assignment and licenses granted or issued under the **NCA**, and Section 106 of the **NCA** which provides for the preparation of a Consumer Code. Aside the plethora of initiatives by the Nigerian Communication Commission to succor the consumer, the commission has also outlined several fundamental rights and privileges, which would make the telecommunication consumer truly the king. They include:

1. The right to be informed,
2. The right to choose,
3. The right to be heard,
4. Right of privacy,
5. Right of timely installation,
6. Restoration and repair services,
7. Right of timely and responsive customer service,
8. Right to quality service,
9. Right to accurate billing
10. Right to action on disputed charges,
11. Right to timely redress,
12. Right to fair complaint process and
13. Right to oversight and enforcement<sup>166</sup>

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<sup>165</sup> Hereinafter simply referred to as the regulations

<sup>166</sup> Discussion on these Rights, is not the focus of this paper. This paper will focus on few of the already outlined Rights of the Telecommunication Consumer.

For Austin, a command implies an obligation by which a member of a community is constrained to act or restrained from acting. . It is their command that imposes a duty and creates a right in the positive sense. For example, Paragraph 37 and 40 of the Regulation provides that a consumer is to be bound by a licensee's terms of service after accepting the service terms. A consumer is not allowed to re-sell any service provided by a licensee except as permitted by the service agreement of the licensee. Analogically, if the duty is not observed or an obligation is not met, the evil which befalls the offender is referred to as sanction or punishment. Therefore, the greater the efficacy of the command and the greater the strength of the obligation, the greater the chance that the command will be obeyed and that the duty will not be broken. For example The Quality of Service Regulation 2024 provides a more detailed schedule of fines to be imposed by the **NCC** for noncompliance with the quality of service standard. The fines for non-compliance range from ₦ **5,000,000** to ₦**15,000,000** for every contravening act, with daily penalties for ongoing violations ranging from ₦**500,500** to ₦**2,500,000**.

The Nigerian government have put in place different laws to protect the interest of consumers of telecommunication services in Nigeria which are:

1. The Nigerian Communication Commission Act 2003
2. The federal Competition and consumer protection act 2018
3. The Wireless Telegraphy Act,2006
4. The Nigeria Data Protection Act

There are other relevant Telecommunication laws like the Cybercrime Act which regulates cybercrime and security in Nigeria and the Nigeria Broadcasting Act which regulates broadcasting services in Nigeria e.t.c but for the purposes of this paper, we will look at the **NCA** and **The FCCPA**.

### **Gap in Knowledge**

The FCCPC and **NCC** play pivotal roles in protecting telecommunication service consumers in Nigeria. While both agencies have made significant efforts towards safeguarding consumer rights through regulatory frameworks and complaint resolution mechanisms, challenges remain regarding enforcement effectiveness and consumer awareness. Addressing these gaps is essential for enhancing consumer protection in Nigeria's telecommunications sector.

### **LEGAL AND INSTITUTIONAL FRAMEWORK The Federal Competition and Consumer Protection Commission (FCCPC)**

The Federal Competition and Consumer Protection Commission (**FCCPC**) plays a critical role in the telecommunications sector in Nigeria, particularly in protecting consumer rights and promoting fair competition<sup>167</sup>. Established under the Federal

<sup>167</sup> Mondaq.com. (2023). Legal Framework For Consumer Rights In Nigeria With Particular Focus On Telecommunications Industry And Power Sector. Retrieved from <https://www.mondaq.com/nigeria/productliability-safety/1431316/legal-framework-for-consumer-rights-in-nigeria-with-particular-focus-ontelecommunications-industry-and-power-sector>

Competition and Consumer Protection Act (FCCPA) of 2018, the FCCPC has broad powers that significantly impact telecommunication consumers.<sup>168</sup>

The Federal Competition and Consumer Protection Act protects consumer rights by providing remedies for misleading assurances, unfair trade practices, and fraud. Consumers frequently face issues such as network congestion, call dropouts, and insufficient customer support, all of which weaken service quality and reliability. The available legal remedies for consumers include:

1. Filing complaints with the NCC or the Consumer Protection Council
2. Seeking redress through the courts for breach of contract or negligence
3. Reporting cases of fraud or criminal offences to the relevant authorities

### **The Nigerian Telecommunication Commission**

The Nigerian Communications Commission is an organization established by the Nigerian Telecommunication Act, 2003.<sup>169</sup> The Commission is charged with the responsibility of regulating the telecommunications sector in Nigeria. The functions of the Commission in relation to consumer protection include:

- a. protecting the interest of consumers against unfair practices and generally promoting the interests of the consumers of telecommunications services;
- b. ensuring that licensees implement and operate at all times the most efficient and accurate billing system;
- c. developing and monitoring performance standards and indices relating to the quality of telephone and other communications services and facilities supplied to consumers in Nigeria having regard to the best international performance indicators; examining and resolving complaints and objections filed by and disputes between licensed operators subscribers or any other person involved in the communications industry, using such dispute-resolution methods as the Commission may determine from time to time including mediation and arbitration.<sup>14</sup>

The Commission is conferred with powers to resolve disputes between persons who are subject to the Act<sup>170</sup> regarding any matter under the Act or its subsidiary legislation.<sup>16</sup> However, an attempt shall first be made by the parties to resolve any dispute between them through negotiation before the involvement of the Commission.<sup>171</sup> The Commission may publish guidelines setting out the principles and

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<sup>168</sup> Federal Competition & Consumer Protection Commission (FCCPC). (n.d.). Our Mandate. Retrieved from <https://fccpc.gov.ng/about-us/our-mandate/>

<sup>169</sup> . Section 2 of the Nigerian Telecommunications Act, 2003 <sup>14</sup> S. 4 (1) (b), (c), (h) and (p).

<sup>170</sup> Persons subject to the Act include service providers and consumers. "Consumer" is defined in the Act as "...any person who subscribes to and uses a communication service" while "communications" means any communication, whether between persons and persons, things and things, or persons and things, in the form of sound, data, text, visual images, signals or any other form or any combination of those forms; see section 157 <sup>16</sup> Section 73 *ibid*

<sup>171</sup> Section 74 (1) *ibid*

procedures that it may take into account in resolving disputes or a class of disputes. Subject to the objectives of the Act and any guidelines issued by the Commission, it may resolve the dispute in such manner including but not limited to ADR processes and upon such terms and conditions as it may deem fit. In carrying out its dispute resolution functions, the Commission is to be guided by the objective of establishing a sustained dispute resolution process that is fair, just, economical and effective and shall not be bound by technicalities, legal forms or rules of evidence and shall at all times act

according to the ethics of justice and the merits of each case.<sup>172</sup>

Under Chapter VII, Part I (**sections 104–106**) of the Act dealing with consumer protection and quality of service, all service providers are required to meet such minimum standards of quality of service as the Commission may from time to time specify and publish; deal reasonably with consumers, and adequately address consumer complaints empowered to use any of its powers under the Act in the resolution of complaints received from consumers in relation to matters of customer service and consumer protection including but not limited to quality of service or the failure by a licensee to comply with a consumer code. The Commission shall establish procedures or guidelines for the making, receipt and handling of complaints of consumers regarding the conduct or operation of licensees and may, at its discretion, institute alternative dispute resolution processes for the resolution of the complaints or disputes provided that the licensee's dispute resolution procedures shall first have been exhausted by the consumer before presentation of the complaint to the Commission.<sup>173</sup>

Under section 106, the Commission may designate an industry body to be a consumer forum and to prepare a consumer code, and the consumer code prepared by such body shall be subject to the prior approval of and ratification by the Commission. The Commission may require licensees to prepare individual consumer code for their respective customers, and such consumer code shall be subject to the prior approval of and ratification by the Commission.

A consumer code prepared by a consumer forum, the Commission or licensees shall include model procedures for reasonably meeting consumer requirements, the handling of customer complaints and disputes including an inexpensive arbitration process other than court, and procedures for the compensation of customers in case of a breach of a consumer code, and the protection of consumer information. Other matters which the consumer code shall address include, but are not limited to, further recourse available to a consumer who is dissatisfied with the licensee's complaints-handling procedures together with specific details of compensation and refund schemes offered by licensee to its customers, the provision of information to customers regarding services, rates and performance, and any other matter which, in the opinion of the Commission, may be of concern to consumers.

In the exercise of the foregoing powers, the Commission has made and published a number of regulations and guidelines to protect the interests of consumers of telecommunication services in Nigeria. These include:

- (a)** Dispute Resolution Guidelines 2024;

<sup>172</sup> Section 76 (1) & (2) *ibid*

<sup>173</sup> S. 105 (1) and (2). *ibid*



- (b) Consumer Code of Practice Regulations 2024
- (c) Enforcement Processes, Regulations 2024;
- (d) Competition Practices Regulations 2024; and
- (e) Quality of Service Regulations 2024

### Enforcement Mechanism

An enforcement mechanism refers to the processes and tools used to ensure compliance with laws, regulations, or agreements. These mechanisms can be formal, such as legal penalties and monitoring systems, or informal, like social norms and reputational pressures. In international contexts, enforcement mechanisms may include treaty-based systems, specialized agencies, or appointed rapporteurs that monitor compliance with human rights or environmental standards. Effective enforcement is crucial for governance and achieving desired policy outcomes.<sup>174</sup> Courts play a vital role in enforcing consumer rights, as seen in cases like **Adegboruwa v. Nigerian Communications Commission**, addressing service delivery issues and tariff disputes. In Nigeria, telecom service providers face several penalties for violating consumer rights, including:

1. **Fines and Penalties:** The Federal Competition and Consumer Protection Commission (FCCPC) can impose fines for breaches of consumer rights, such as misleading practices or poor service quality. For instance, Meta was fined \$220 million for violations related to consumer data protection laws.<sup>175</sup>
2. **Monetary Restitution:** Consumers may receive compensation for losses incurred due to a provider's negligence or breach of contract, including refunds for underutilized services.<sup>176</sup>
3. **Injunctions:** Courts can issue injunctions to prevent telecom companies from continuing harmful practices.<sup>177</sup>

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<sup>174</sup> An Examination of the Role of Nigerian Communications Commission (NCC) in Regulating the Telecommunications Sector. Retrieved from <https://project4topics.com/an-examination-of-the-role-of-nigeriancommunications-commission-ncc-in-regulating-the-telecommunications-sector>, accessed on 10 July, 2024, 6:30

<sup>175</sup> S&P 500 Real Estate [Sector] (SRRE) Quote - Press Release. Retrieved from <https://www.theglobeandmail.com/investing/markets/indices/SRRE/pressreleases/27498051/nigeria-fines-meta-220-million-for-violating-dataprotection-and-consumer-rights-laws>, accessed on 10 July, 2024, 6:45.

<sup>176</sup> In brief: telecoms regulation in Nigeria – Lexology. Retrieved from <https://www.lexology.com/library/detail.aspx?g=90802844-a1db-494c-a43d-8de63745782c>, accessed on 7 July, 2024, 4:15.

<sup>177</sup> Enforcement Mechanism collocation, meaning and examples of use. Retrieved from <https://dictionary.cambridge.org/us/example/english/enforcement-mechanism>, accessed on 7 July, 2024, 4:55.



4. **Contract Rescission:** Consumers may terminate contracts if breaches are significant, allowing them to reclaim payments made.<sup>178</sup>

## COLLABORATIONS

1. The **FCCPA** provides a comprehensive framework for competition and consumer protection, establishing the **FCCPC** as a central authority to oversee compliance. The NCC complements this by regulating service providers to ensure quality standards are met. . The Nigerian Communications Commission (**NCC**) has established mechanisms like a toll-free complaint hotline, enabling consumers to report issues against service providers. The **NCC** investigates complaints and ensures timely resolution.<sup>179</sup>
2. The Federal Competition and Consumer Protection Act provides legal remedies for consumers against unfair practices and service failures. Courts have enforced consumer rights in cases like **Adegboruwa v. Nigerian Communications Commission**.<sup>180</sup>
3. Telecom providers face penalties for violating consumer rights, including fines from the Federal Competition and Consumer Protection Commission (FCCPC) and potential contract termination by consumers for significant breaches.<sup>181</sup>

## PERFORMANCE EVALUATION

### FCCPC

#### 1. Consumer Protection Laws and Enforcement:

- The **FCCPC** has been proactive in investigating and enforcing consumer protection laws. This includes monitoring telecommunication service providers to ensure that they adhere to consumer rights, such as access to transparent billing practices, complaint resolution, and service quality.
- The commission has also acted against unfair trade practices such as misleading advertising, unfair contract terms, and deceptive sales tactics, which are common complaints in the telecommunication industry.

#### 2. Handling Consumer Complaints:

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<sup>178</sup> Ensuring Consumer Protection in the Nigerian Telecom Sector. Retrieved from <https://www.kwikattorneys.com/ensuring-consumer-protection-in-the-nigerian-telecom-sector-a-comprehensive-overview>, accessed on 13 July, 2024, 3:25

<sup>179</sup> Legal Protection of Consumers of Telecommunication Services in Nigeria. Retrieved from <https://www.projectreserve.com/2020/01/legal-protection-of-consumers-of-telecommunication-services-in-nigeria.html?m=1>, accessed on 13 July, 2024, 3:10

<sup>180</sup> Telecommunication Services in Nigeria: The Available Legal Rights and Remedies to Customers (Subscribers). Retrieved from <https://www.legal500.com/developments/thought-leadership/telecommunication-services-in-nigeria-the-available-legal-rights-and-remedies-to-customers-subscribers>, accessed on 13 July, 2024, 3:50.

<sup>181</sup> . Adesina-Babalogbon, O. (2018). Non Passage of the Federal Competition and Consumer Protection Bill: The void in Nigeria's Economy. Obafemi Awolowo University Law Journal.

- The FCCPC has set up mechanisms to receive consumer complaints related to telecommunications services. It has created an online platform and call centers to ensure that grievances are addressed in a timely manner. In some instances, the FCCPC has intervened in cases where consumers were subjected to unjust service disruptions or billing errors.

### **3. Public Awareness and Education:**

- The FCCPC has made efforts to educate consumers about their rights and the proper channels to seek redress. Through public awareness campaigns and collaboration with other stakeholders, it has contributed to a more informed consumer base that is aware of their rights and how to protect them

## **NCC**

### **1. Regulation of Service Quality and Pricing:**

- The **NCC** has implemented several policies to ensure that telecommunication service providers maintain reasonable service standards. This includes monitoring network performance, enforcing quality of service (**QoS**) metrics, and ensuring that service providers address complaints about poor service quality.
- The **NCC** has also played a significant role in regulating tariffs to prevent exploitative pricing practices. The commission sets limits on prices for services like mobile data and voice calls, especially when market conditions or the power of a particular provider could lead to anticompetitive behavior.

### **2. Consumer Complaints and Redress Mechanisms:**

- The **NCC** has established a Consumer Affairs Bureau (**CAB**), which is responsible for handling consumer complaints. The bureau allows consumers to report issues ranging from network problems to billing disputes.
- The **NCC** has demonstrated efficiency in resolving some consumer complaints, particularly those related to incorrect billing, poor network coverage, and unsolicited services (e.g., unsolicited SMS or subscription services).

### **3. Enforcement Actions and Penalties:**

- The **NCC** has taken enforcement actions against telecom companies that violate consumer rights. For example, it has imposed penalties on operators for failing to meet service quality standards or for issues such as unsolicited activation of services (e.g., data bundles, subscriptions).
- In 2021, the NCC directed network providers to refund consumers who had been charged for unsolicited data services or other unauthorized charges, signaling a clear commitment to consumer protection.

### **4. Regulatory Initiatives:**

- The **NCC's Consumer Code of Practice Regulation (CCoPR)** is a key initiative designed to set minimum standards for telecommunication services in Nigeria, ensuring that consumers' rights to transparency, fairness, and complaint resolution are protected.

- The **Do-Not-Disturb (DND) Code** was another significant initiative aimed at protecting consumers from unsolicited telemarketing and subscription services. Through this code, consumers can block unwanted marketing messages and services

### Comparative Performance

- **Scope of Regulation:** The **NCC's** focus is specifically on telecommunications, giving it more sector-specific expertise and authority compared to the FCCPC, which has a broader mandate covering all sectors of the Nigerian economy.
- **Consumer Complaint Handling:** Both bodies have mechanisms for consumer complaints, but the **NCC** has a more established and specialized system for handling telecom-related issues. However, the **FCCPC's** consumer protection framework is broader and applies across all sectors, which can sometimes result in more comprehensive oversight when telecom issues spill over into general consumer protection concerns.
- **Enforcement and Impact:** While the **NCC** has successfully imposed penalties on service providers for non-compliance with regulations, the **FCCPC**, due to its broader mandate, has sometimes struggled to enforce telecom-specific protections as robustly as the **NCC**. However, **FCCPC** has shown effectiveness in handling cross-sector consumer protection issues that the **NCC** may not be fully equipped to address

### CHALLENGES

Significant challenges faced by both agencies in enforcing regulations effectively include:

1. **Limited resources:** Despite these efforts, the **FCCPC** faces challenges in enforcing its decisions effectively. The agency lacks the same level of visibility and power as sectorspecific regulators, such as the **NCC**. Moreover, limited resources and regulatory overlap with other agencies can sometimes hinder swift action.
2. **The scope of consumer complaints** that the **FCCPC** can handle is limited, as telecommunications is primarily within the **NCC's** mandate, requiring inter-agency cooperation that may not always be efficient
3. **Consumer awareness :** many consumers remain unaware of these rights, which undermines their ability to seek redress when issues arise
4. **Bureaucratic delays:** One of the biggest challenges for the **NCC** is the power imbalance between telecom service providers and consumers. While the **NCC** has regulatory authority, many consumers still face difficulties in having their issues resolved due to the market dominance of a few large telecom companies
5. **Insufficient penalties for non-compliance by service providers**<sup>182</sup>: The **NCC's** consumer protection efforts are often constrained by the limited enforcement capabilities and the complex nature of the telecom sector, where service

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<sup>182</sup> . Banwo & Ighodalo. (2021). Consumer Protection 2021: A practical cross-border insight into consumer protection law retrieved from <https://www.banwo-ighodalo.com/assets/resources/418e11b577c7d187a13da793841b4996.pdf>

disruptions may result from network issues beyond the control of individual operators

## Conclusion

The performance evaluation of the **FCCPC** and **NCC** reveals both progress and challenges in protecting the rights of telecommunication service consumers in Nigeria. While these regulatory bodies have established frameworks aimed at safeguarding consumer interests, significant gaps remain in enforcement effectiveness, consumer awareness, and complaint resolution processes<sup>183</sup>. Both the **FCCPC** and the **NCC** play crucial roles in safeguarding the rights of telecommunication consumers in Nigeria. The **NCC** is more directly involved in regulating the telecom sector, with a strong focus on ensuring service quality, fair pricing, and consumer redress mechanisms. However, its capacity to handle broader consumer rights issues is limited compared to the **FCCPC**.

The **FCCPC**, on the other hand, has a broader mandate and has been a strong advocate for general consumer protection. While it has made strides in protecting telecom consumers, it faces challenges in addressing sector-specific issues without overlapping with the **NCC's** role.

Ultimately, both agencies need to enhance cooperation and coordination to provide more seamless consumer protection, particularly as the telecom sector continues to grow and evolve in Nigeria. Effective consumer protection will require a combination of proactive regulation, swift enforcement, and consumer education to balance the power dynamics between consumers and telecom service providers.

## RECOMMENDATIONS

Based on the evaluation of the performance of the Federal Competition and Consumer Protection Commission (**FCCPC**) and the Nigerian Communications Commission (**NCC**) in protecting the rights of telecommunication service consumers, several recommendations can be made to enhance their effectiveness:

**Strengthening Consumer Awareness Programs:** Both the **FCCPC** and **NCC** should implement comprehensive consumer education initiatives aimed at informing users about their rights and available complaint resolution mechanisms. This could include workshops, social media campaigns, and partnerships with civil society organizations to reach a broader audience.

**Enhancing Complaint Resolution Mechanisms:** The regulatory bodies should streamline their complaint handling processes to ensure timely responses and resolutions. This may involve adopting digital platforms for easier access to complaint submission and tracking, as well as increasing staffing levels in consumer protection units to handle complaints more efficiently.

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<sup>183</sup> . Eprints Federal Polytechnic Ilaro. (2021). A Critical Examination of the FCCPC's and FCCPT's Performance retrieved from <https://eprints.federalpolyilaro.edu.ng/2021/1/AMENDED%20FCCPC%20PAPER%20CLEAN%20COPY.pdf> 20110221%

**Increasing Enforcement Action:** The **FCCPC** and **NCC** should adopt a more proactive approach to enforcement by conducting regular audits and inspections of service providers. They should also consider imposing stiffer penalties for non-compliance with consumer protection regulations to deter violations.

**Improving Data Collection and Analysis:** Both agencies should prioritize the collection of data on consumer complaints, service quality, and enforcement outcomes. This data can be used to identify trends, assess the effectiveness of existing regulations, and inform policy decisions.

**Collaboration with Stakeholders:** The **FCCPC** and **NCC** should foster collaboration with industry stakeholders, including telecom operators, consumer advocacy groups, and academic institutions. Such partnerships can facilitate knowledge sharing, improve regulatory practices, and enhance consumer protection efforts.

**Benchmarking against International Standards:** The regulatory bodies should conduct comparative studies with other countries that have effective consumer protection frameworks in telecommunications. Learning from best practices can help improve local regulations and enforcement strategies.

**Regular Review of Regulatory Frameworks:** The **FCCPC** and **NCC** should periodically review existing laws and regulations to ensure they remain relevant in the rapidly evolving telecommunications landscape. This includes adapting to new technologies and addressing emerging issues such as data privacy.

**Promoting Transparency in Service Delivery:** Telecom service providers should be encouraged to adopt transparent billing practices and provide clear information regarding service terms and conditions. Regulatory bodies can mandate that all providers publish detailed service quality reports accessible to consumers.

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Persons subject to the Act include service providers and consumers. “Consumer” is defined in the Act as “...any person who subscribes to and uses a communication service” while “communications” means any communication, whether between persons and persons, things and things, or persons and things, in the form of sound, data, text, visual images, signals or any other form or any combination of those forms; see section 157.

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