

# RETHINKING 'FREEDOM OF INFORMATION' FOR A NEW ERA OF TRANSPARENCY IN PUBLIC SERVICE MEDIA IN NIGERIA

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**ABSTRACT** *The emergence of global production and information networks, the rise of super sized national, supranational and multinational media organisations, their impact and influence on global trends, the expansion of technology and the presence of a sophisticated information superhighway that allow for the instantaneous transfer of information all converge to make the control of the flow of information next to impossible. However, in young democracies, such as Nigeria, the power to regulate the access to information conferred on state actors has been regularly exploited as a means of denying of information to the public, freedom of the press and freedom of speech. This paper inquires into the antecedents of censorship, examines these antecedents in the light of broader historical and contemporary dynamics within the country and projects the likely implications for the entrenchment of transparency in the Public Service Media (PSM) in Nigeria via freedom of information. The research adopted the qualitative doctrinal and empirical methods of legal research.*

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## KEY WORDS

MEDIA, CENSORSHIP, FREEDOM OF PRESS, TRANSPARENCY, INVESTIGATIVE JOURNALISM

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## INTRODUCTION

Public service media (PSM) in Nigeria has been the subject of intense censorship for decades, especially in the area of reporting so-called "sensitive" news items and events; hence, the passage of the Freedom of Information Act in 2011 was heralded as a gateway to a new era of transparency in the PSM in the country. Suddenly, freedom of information was rediscovered as a sure and certain right enforceable under the law. However, three years into the existence of the Act, the practice of censorship by officials against journalists in the PSM still remains deeply entrenched. Such practice, aberrant from the original conception of the law, has spread across the system leaving in its wake anger and disappointment. Although the phenomenon of censorship and other forms of deprivation of information to PSM journalists had existed in the country at least since the military coup of 1966 and elsewhere (Donald, 1969), its continuance in the age of the Freedom of Information Act has raised numerous questions begging for answers. What possible factors are responsible for the censorship of news items in the PSM? How and in what ways is the existence or collapse of investigative journalism related to the rise of censorship in the PSM? What accounts for the variations in the incidence of censorship across the media and how can it be reduced/eradicated?

In addressing these questions, this paper first makes three major assumptions. First, the rise of censorship in the PSM is inversely related to the degree of investigative journalism in the country. This assumption begins from the simple observation that there is a need to examine why censorship started gaining ascendancy at about the same time investigative journalism started declining in the country; thereby suggesting that these occurrences may not be independent of one another. The daunting difficulties inherent in the resolution of the tension between objectivity and adversarialism in investigative journalism (Glasser and Ettema, 1989), the absence of consensus among journalists about the ideals that should govern them in the conduct of investigative journalism (Waisbord, 1996; Ettema and Glasser, 1984) coupled with the fact that the concept of freedom of expression remains theoretically and practically unstable (Patterson, 1984), especially in the wake of novel privacy policies (Dienes, 1999) all combine to make the work of investigative journalists especially difficult and vulnerable to criticism.

The paper argues that the State, in response to growing investigative journalism from both the PSM and private media has employed various techniques to demobilise, defuse, and control activism, prominent among which was the reliance on censorship. Several mechanisms employed by the State had serious effects on the morale and zeal of journalists: the cooptation of radical journalists into government, dismissals of and/or violence against uncooperative journalists, and the declining budgetary allocations to the various units of the PSM. Second, the success of this strategy depended in part on the internal contradictions of the PSM itself, and particularly on the way investigative journalism imploded in response to wider social forces within the country. Third, the erosion of professionalism, the crises of values, and especially the challenges brought upon by the reward system in which the opportunists are accorded more opportunities,

have all contributed to the eclipse of logic and reason and the ascendancy of greed across the PSM.

The paper explores these assumptions and provides insight into the reasons why the passage of the Freedom of Information Act 2011 has yet to translate into more access to unfettered information in the media. It inquires into the antecedents of censorship, examines these antecedents in the light of the broader historical and contemporary dynamics within the country, identifies the main interests behind them, and projects its likely implications for the entrenchment of transparency in the PSM in Nigeria via the norms of freedom of information.

## **METHODS OF DATA COLLECTION AND SOURCES**

This paper uses the qualitative doctrinal and empirical methods of legal research. It makes use of primary and secondary data. The primary data were obtained through the use of structured and unstructured interviews while the secondary data is sourced from the literature and statistical bulletins. The study area, Nigeria, is one of the 54 countries on the continent of Africa, located in the West African Region. It was colonised by Britain and gained its independence on the 1<sup>st</sup> of October 1960. It is inhabited by multicultural and multi-religious population of about 170 million.

Limitations in the availability and collection of data in Nigeria exist generally. The limitations increase in volume in a study seeking to uncover cases of suppression of the freedom of the press and the curtailment of the right to access to information. In the absence of well-documented data of such incidences, the paper relied on primary data collected from seasoned retired and active journalists in three major public service media; these are the Nigerian Television Authority (NTA), the News Agency of Nigeria (NAN); and the Federal Radio Corporation of Nigeria (FRCN). Additional data was sought from the National Broadcasting Commission (NBC); the Broadcasting Organisation of Nigeria (BON); the Nigerian Press Council (NPC); the Nigerian Communications Commission (NCC); the Nigeria Union of Journalists (NUJ); the Federal Ministry of Information; the Wole Soyinka Centre for Investigative Journalism (WSCIJ); and the Television College Jos. Structured and unstructured, open-ended interviews were conducted. The structured interviews involved the use of a questionnaire that served as an interview guide. The unstructured interviews were conducted in the form of discussions in informal settings mainly with television, radio and newspaper reporters and legal practitioners. Most of the interviews were conducted face-to-face, but some, including structured interviews, were conducted over the phone.

The data sourced were analysed using both descriptive and inferential methods of analysis.

## THEORETICAL FRAMEWORK

The paper hinges on Social Responsibility Theory. Social Responsibility Theory, a brain-child of the Commission on Freedom of the Press (popularly known as the Hutchins' Commission) Report 1947, advocates for a concomitant right to freedom of the press and the social responsibility of the press. The Commission launched in December 1942 and its members composed under the leadership of Robert Maynard Hutchins, Chancellor, University of Chicago, in 1943, developed Social Responsibility Theory, which postulates the possibility of the press losing some of its freedoms if it fails to take on more responsibility in the society. It posits that the press has a moral obligation to consider the overall needs of the society when making journalistic decisions in order to produce the greatest good. To this end, the report outlines five requirements for a free and responsible press, which are the pillars of Social Responsibility Theory. These are:

- >The media should provide a truthful, comprehensive and intelligent account of events in a context which gives them meaning;
- >The media should serve as a forum for the exchange of comment and criticism;
- >The media should project a representative picture of the constituent groups in the society;
- >The media should present and clarify the goals and values of the society; and
- >The media should provide full access to the day's intelligence.

The evaluation of the data sourced in this paper was done along the lines of the main premise of Social Responsibility Theory; its affirmation or negation in the context of the work of journalists in the PSM in Nigeria forms the broad spectrum of the analysis herein contained.

Even though the PSM in Nigeria shares some similar features with those of other African, especially West African, countries, this research focuses on the consideration of the issues identified in relation to transparency, the freedom of information, censorship and investigative journalism in Nigeria. An analysis of PSM in other African countries is beyond the scope of this research.

## LITERATURE REVIEW

The freedom of expression is a vital part of free and democratic societies; however, the concept of the freedom of expression remains theoretically and practically unstable (Patterson, 1984: 3). In addition, censorship, particularly political censorship generated by fear of enemies at home and abroad is not a new phenomenon. From 1695 to 1760 in the United Kingdom, political censorship was prevalent (Dienes, 1969). Even in present day democracies, footprints of acts of censorship are sparsely present. Although this phenomenon of censorship and other forms of deprivation of information to PSM journalists had existed in Nigeria and elsewhere, its continuance in the age of the Freedom of Information Act raises questions concerning the dynamism of the PSM journalists in

the utilisation of *available* tools for the attainment of productive outcomes. Do journalists in the PSM merely conform to the notion that media is merely an apparatus for the propagation of ideologies of the ruling class?

David Holmes (2005) writes about the contemporary Marxist perspectives on the media, which largely subscribe to the argument that the media offer an extension, by reflection, of social relations. This, in essence, postulates the use of media as an apparatus of propagation of ideologies, through ideological incorporation. On Karl Marx and Friedrich Engels' view in their book *The German Ideology*:

*The ideas of the ruling class are in every epoch the ruling ideas, that is, the class which is the ruling material force in society is at the same time its ruling intellectual force. The class which has the means of material production at its disposal, has control at the same time over the means of mental production, so that thereby, generally speaking, the ideas of those who lack the means of production, are subject to them.* (1970, in David, 2005: 27)

Holmes opines that the fact that one class may have monopoly over the means of mental and material production does not necessarily guarantee that it can simply *impose* its ideas. Instead, these ideas are negotiated in a way in which their rule is accepted. The acceptance or rejection of the rule is often dependent on the outcome of a *systematic* investigation into the cost and benefits of such rule. However, it is arguably settled that when the government becomes actively involved in the ownership and operation of the media, the public becomes the target of political brainwashing. Because the media are supposed to check the excesses of the government, truth becomes hidden. As a result, the media become mere political tools used only to advance the wishes of the government.

In their article "Investigative Journalism and the Moral Order", Theodore L. Glasser and James S. Ettema (1989) examine the difficulties inherent in the resolution of the tension between objective and adversarial elements in investigative journalism. They applaud the contribution of investigative journalists to moral order within their communities viz: the "objectification" of standards by which the public can make moral judgments and concluded that investigative journalism may oversee the reinforcement and re-legitimation of enduring or dominant moral values, while at the same time presiding over the definition and development as well as the debasement and dissolution of those values. Silvio Waisbord (2002: 377) recounts the reasons behind the ubiquity of investigative journalism in many countries: "the consolidation of democratic governments; the mediation of politics; transformation in media economics; the existence of publications committed to denouncing specific abuses; and confrontations between news organisations and administrations." He, however, acknowledges the existence of variations in the evolution, the seesaw development and transformation of investigative journalism in countries resultant from varying domestic political developments, as well as editorial and industrial changes in the news media.

The universal understanding of investigative journalism originates from people's memories of the heroic practices of a special type of journalism in Western democracies,

especially in the United States of America (US) and the United Kingdom (UK), in the 1960s and 1970s. This type of journalism fulfils the democratic role of journalism by exposing individual and institutional scandals and faults (Jingrong, 2011: 11). Investigative journalism, also known as watch-dog journalism, as a specific genre of journalism, continues to assert dominance as a very important style of uncovering the "truth". Depending on how you define "investigative journalism" – revealing the concealed truth in media coverage (De Burgh, 2008); "the journalism of outrage" (Ettema and Glasser, 1998; Protess et al., 1992); or the revelation of scandals, it can be debated whether journalists in the PSM in Nigeria can lay claim to a higher rate of success in this area of journalism. Equally debatable is whether the increased amount of censorship of the PSM is the factor accountable for the absence of robust investigative journalism by the media.

### BACKGROUND OF PSM IN NIGERIA

There is no fixed definition of the concept of PSM (also referred to as Public Service Broadcasting - PSB). As Moe opines while attempting to define PSB, the concept is slippery and "constantly changing" (Hallvard, 2008: 2). Hence, the concept is typically considered in the light of its normative criteria and its functions. On the normative criteria and functions, two key terms emerge: Public and Service. The former refers to things connected with government and ordinary people in society in general, while the latter entails the provision of something that the public needs. Media, on the other hand, include outlets such as Radio, Television, Internet and other electronic media used in the dissemination and broadcast of information and programmes.

Until July 1975, policies that regulated the mass media in Nigeria were mainly within the domain of the states' governments. In that year, "the Federal Government took over the ownership of Nigeria's broadcast media, the *New Nigerian* group of newspapers, and acquired 60 percent shares of the *Daily Times*" (Onyero, 1991: 49). The reasons for the takeover were that the Federal Government wanted to ascertain that:

- a. The newspapers made *constructive* criticisms in their comments. In doing so, it was hoped that they see it necessary to serve the national interest and that they and other Nigerian news media would take into consideration, at all times, in their reportage and commentary, the sensitivities of the Nigerian community, and
- b. To prevent the proliferation of the networks at the expense of the taxpayer's money, (and) to effectively participate in the country's mass media to supplement its giant programmes in educating the masses (Ibid.)

By 1977, the Federal Government had, by Decree 24, taken over all regional television stations and merged them with other broadcasting stations to form the Nigerian Television (NTV) (now Nigerian Television Authority (NTA). The merged stations include the Western Nigerian Television (WNTV), the Eastern Nigerian Television (ENTV), the Radio Kaduna Television (RKTv), the Nigerian Broadcasting Corporation (NBC), the Mid-West Television, and the Benue-Plateau Television Corporation (BPTV). It also merged the

Nigerian Broadcasting Corporation (established by an Act of Parliament No. 39 of 1956) with the Broadcasting Company of Northern Nigeria (BCNN) to form the Federal Radio Corporation of Nigeria (FRCN) by virtue of Decree No. 8 of 1979 with retrospective effect from 1st April, 1978. The News Agency of Nigeria (NAN), the official news reporting agency in Nigeria, was established on May 10, 1976 with the primary function of gathering, processing and distributing news about Nigeria to local and foreign news media. These three organisations are the major PSM in the country.

## FREEDOM OF INFORMATION/PRESS VS CENSORSHIP

The term freedom, in the legal parlance, connotes the absence of restraint or prohibition except as may be imposed by *just and necessary* laws and the duties of social life. Freedom of the Press on the other hand means the "right to print and publish materials without governmental intervention..." (Bryan, 2009: 736). Section 31 of the Freedom of Information Act 2011 defines "Information" to include "all records, documents and information stored in whatever form including written, electronic, visual image, sound, audio recording, etc."

Since independence, the freedom of expression and the press has been specifically featured in all the Nigerian Constitutions. Section 25 of the 1963 Constitution guarantees the right to freedom of expression; section 36 of the 1979 Constitution provides for the right to freedom of expression and the press; the same right is provided for by the Constitution of the Federal Republic of Nigeria 1999 (as amended) under section 39. Nigeria is also a signatory and has ratified the International Covenant on Civil and Political Rights (ICCPR) 1966 and the African Charter on Human and Peoples' Rights. In addition, in 2011, the Freedom of Information Act (the Act) was passed into law. The Act, by virtue of section 1(1) established the right of any person to access or request information, whether or not contained in any written form, which is in the custody or possession of any public official, agency or institution howsoever described. The request for information is not obliged to demonstrate any specific reason for the interest in the requested information. The Act makes it an offence to wrongfully deny an applicant any information, which is not exempted by the Act; upon conviction, such person who denies access to the requested information is liable to a fine of ₦500,000 (equivalent to 3,080 USD).<sup>1</sup>

The exceptions to the right of access to information as listed out under section 12 of the Act (Section 12, Freedom of Information Act, 2011) are information which contain:

- a. Records compiled by any public institution for administrative enforcement proceedings and by any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public institution, but only to the extent that disclosure would
  - i. interfere with pending or actual and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency,

<sup>1</sup> All conversions were made on 13th July 2014 on <http://www.xe.com/currencyconverter/convert/?Amount=500000&From=NGN&To=USD> (13.07.2014).

- ii. interfere with pending administrative enforcement proceedings conducted by any public institution,
  - iii. deprive a person of a fair trial or an impartial hearing,
  - iv. unavoidably disclose the identity of a confidential source,
  - v. constitute an invasion of personal privacy under Section 15 of the Act, except where the interest of the public would be better served by having such record being made available, and
  - vi. obstruct an ongoing criminal investigation
- b. information the disclosure of which could reasonably be expected to be injurious to the security of penal institutions.

The Act also allows for the denial of request for information where the information could reasonably be expected to facilitate the commission of an offence (section 12(3)); where the information requested is on file and personal information maintained with respect to clients, patients, residents, students, or other individuals receiving social, medical, educational, vocation, financial, supervisory or custodial care or services directly or indirectly from public institutions (section 14(1)(a)); information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies on the commission of any crime (section 14(1)(e)); and trade secrets and commercial or financial information obtained from a person or business where such trade secrets or information are proprietary, privileged or confidential, or where disclosure of such trade secrets or information may cause harm to the interests of the third party (section 15(1)(a)), among others. However, where the public interest in disclosing the information in a. and b. above outweighs whatever injury that disclosure would cause, the Act allows for the grant of the application.

The constellation of exceptions to the right of access to information provided by the Act does not generally represent a major hindrance in the majority of the work of the PSM journalists, what constitutes clog to the right of access to information is the political environment in which the PSM operates, the journalistic practices and the additional legal barriers imposed by other statutes. Journalists, generally, are the watchdogs on government conduct of public affairs, which explains the antagonism of government towards investigative journalists. The PSM, however, suffers from the additional limitation of limited independence from the government. For example, the Nigerian Television Authority (NTA), which is the national television station, 100 percent owned and operated by the government, established in 1977 under the provision of Decree 24, is largely dependent on the government for its funding, supplemented only by very meagre internally-generated revenue. As opined by the editorial of the Guardian Newspaper on Sunday 18 October 2009, "The federal government-owned television network, the Nigeria Television Authority, (NTA) is arguably the largest of its type in Africa, but it is yet to have the operational freedom required to maximise its potentials." The reliance by the organisation, on government, for funding and supervision (through the Federal Ministry of Information) has ensured that its primary loyalty lies with the government. It was essentially set up to offer public service broadcasting, and in so doing, promotes government programmes and policies.

The institutionalisation of censorship of the press in Nigeria began in 1961 with the passage of the Federal Defamation Act No. 66. This was followed by a series of legislation in that regard. These include the Emergency Powers Act of 1961; the Seditious Meeting Act of 1961; the Defamatory and Offensive Publications Decree No. 44 of 1966; and the Circulation of Newspapers Decree of 1966 (repealed by Decree No. 105 of 1979). Also promulgated was the Nigerian Press Council Decree No. 31 of 1978. Under the Council, Nigerian journalists would be required to disclose their sources of information in a very dangerous practice which could stifle the free flow of information. There was also the Newspaper (Prohibition of Circulation) Decree of 1967 (repealed by Decree No. 105 of 1979); the Electoral Act 1982, which was designed to control government-owned media houses three months before and one month after the 1983 general election.

In 1984, Decree No. 4 was passed to empower the federal military government to prohibit the circulation of erring newspapers or revoke the licence of offending television or radio stations. It also stipulated a two-year jail term without the option of a fine for any person found guilty under its provisions. The decree was promulgated to protect public officers from false accusation. Under the decree, two *Guardian Newspaper* journalists, Nduka Irabor and Tunde Thompson, were tried by a special military tribunal and imprisoned for one calendar year; the *Guardian Newspaper* itself was fined ₦50,000 (equivalent to 308 USD). The journalists were accused of publishing the new postings of ambassadors which the military government had not made public.

However, the Official Secrets Act of 1962, which is still in operation, is considered as the most dominant clog to the access of information and freedom of the press in Nigeria. It punishes any person who transmits any classified matter to a person to whom he is not authorised on behalf of the government to transmit; and any person who obtains, reproduces or retains any classified matter which he is not authorised on behalf of the government to obtain, reproduce or retain, as the case may be by a term of imprisonment from two to fourteen years. A "classified matter" as defined by section 9 (1) of the Act is "any information or thing which, under any system of security classification, from time to time, in use by or by any branch of the government, is not to be disclosed to the public and of which the disclosure to the public would be prejudicial to the security of Nigeria."

## PSM AND THE "UNWRITTEN" SOCIETAL VALUES

The failings of journalism in terms of accuracy and fairness in reporting, as well as the familiar evils of sensationalism, offences against privacy and personal dignity have been linked to the tendency of journalists to succumb to the "quest" of adhering to apparent and perceived societal values. Journalism does not exist independently outside of social contexts; it is therefore produced and shaped in specific social environments (Weaver, 1998).

In the course of this research, respondents reported accounts of the erosion of their professional ethics, the poor material conditions for journalists working in the PSM, and

uncooperative communities, involving requests for money in exchange for information or documents by money-hungry sources. The pandemic of censorship features prominently as the dominant factor responsible for limited in-depth investigative reports in the PSM. This pandemic and its organic links to the broader national social milieu within which journalism is embedded, are clearly indicative of wider social problems. Quietism and collusion are common practices in the industry. The patterns and motives of the development of such practices, though sharing a number of common denominators, must be recognised as historically pervasive in the context of governance in the country. In all, events generally point to a situation of the authorities – the officials in particular and the nation in general – incapability to enforce the law as it is enshrined. In some cases, new laws are promulgated to curtail the expansive range of the existing laws.

The diversity of the Nigerian society and the oversensitivity of the various sections of the country constitute obstacles in the way and manner of reporting in the PSM. This is because, in most cases, the media in Nigeria is polarised along ethnic, regional and sectional lines, with every side “supporting and protecting their kith and kin” (Abacha, 1996: 18, in Kabiru, 2012: 147). Demands of the various interest groups in the country compound the difficulty of objective in-depth reporting. The complexities of the ever-changing society and myriad of competing influences in the country have earned it the description of “battlefield of representations” (Agbaje, 1992). The country’s complex social and ethnic structure adulterates the media, metamorphosing the media into a rather easy tool for voicing prejudices and stereotypes.

On the other hand, the phenomenon of censorship continues to remain a recurring problem in Nigeria regardless of the documented freedoms expressed in the Constitution and the Freedom of Information Act 2011. It existed during the military dictatorship and during civilian rule, thereby defying the philosophical notion that democracy entrenches respect for the rule of law. Government policy and legislations may state that press freedoms exist, but in the day to day affairs of life, such freedoms fluctuate widely, which means that the nation is yet to experience a fully functional free press.

Incidences of intimidation, threat and violence against “uncooperative” journalists abound throughout the history of the country. In 1971, a reporter with the *Nigerian Observer*, Minene Amakiri was detained, flogged and his hair forcibly shaved by the officials of Alfred Diette Spiff, the Governor of Rivers State, for publishing a story that the officials consider to be “embarrassing to the Governor”; *Newsbreed* was closed down in 1977; *Tribune* was closed down in 1984; on October 19, 1986, Dele Giwa, editor and founder of *Newswatch* magazine, was killed by a mail bomb in his home two days after he had been interviewed by State Security Service (SSS) officials on a story he was working on; *Newswatch* was censored in 1988. On 27 May 2001, a sports’ reporter with *THISDAY Newspaper*, Dave Enechukwu, was murdered for his fight against the establishment in the sports community and the mysterious death of the former Deputy Editor of *THISDAY Newspaper*, Sam Famakinwa, in his hotel room at the Maiduguri International Hotel on 26 July 2007 is still unresolved. On 17 August 2008, Abayomi Ogundeji, a member of *THISDAY Newspaper* Editorial Board, was murdered; on 20 September 2009, Bayo Ohu, an assistant

political editor of the *Guardian Newspaper* was shot dead in his house, No 9, Oyeniyi Street, Odukoya Estate, Lagos, by gunmen suspected to be assassins. His brutal assassination was ascribed to the nature of the stories he covered.

Godwin Agbroko former Chairman of *THISDAY Newspaper* Editorial Board was shot dead on 21 December 2006 after publishing a satire on the Presidential primaries of the Peoples Democratic Party (PDP), the ruling party in the country, which he described as "electoral magic" because of the manner in which the elections were held. Before his murder in 2006, Agbroko had been detained and tortured severally because of his outspoken criticism of Nigeria's ruling class. He was arrested and held twice in 1995. On 17 December 1996, he was arrested by the State Security and detained at the Military Intelligence Detention Center in Lagos only to be released after he won the prestigious Barbara Goldsmith Freedom to Write Award.

The foregoing are typical examples of unresolved cases of assassinations of journalists who, by their journalistic endeavours, have managed to ruffle feathers of the "untouchables". These incidents, some of the respondents in this research posit, are responsible for the cautious attitudes of journalists in their reportage. They outlined numerous reasons why the brutality of the ruling class against journalists appears to be increasing during democratic dispensation. They repeatedly cite the issue of intolerance to criticism amongst the politicians. The level of tolerance to criticism was considered higher in the military than it is in the political class. The military were tolerant because they knew they were not fully in charge. Even though they were in power, because journalists are pivotal tools in the legitimisation of governments, they seek to court them in order to legitimise their hold. Politicians, on the other hand, have a sense of "entitlement" to their occupied positions. They are, from the first day of assuming office, trying to capitalise on their connections with the journalists to further their goals of reelection and domination. Any attempt to thwart their plan would be met with anger and in some cases violence. For example, on 6 and 7 June 2014, the Nigerian military arrested workers of newspapers and confiscated thousands of copies of four national dailies – *the Nation*, *Guardian*, *Daily Trust* and *Leadership* newspapers – at gun point, across the country for reasons described by the government as "security threat".

The June 2014 action by the security agents was described by media activists as "renewed attack on the Nigerian Press", "attempt to muzzle and gag the media", "attack on free speech", etc. In a press release, the President of the Nigeria Guild of Editors, Femi Adesina, opined that:

*The media do not bear arms; rather, we bear information, which sheds light on darkness, no matter how seemingly impenetrable the darkness is. [...] Let no one accuse the media of any flimsy and nebulous security breach, and hide under that umbrella to traumatise us.* (Premium Times, 2014)

On 8 January 2013, a reporter with the Nigerian Tribune Newspaper, Laolu Harold, was beaten in Ibadan by soldiers attached to the Oyo State Government's Demolition Task

Force for attempting to snap pictures of members of the Force demolishing some shops. In the words of the reporter:

*They slapped me severally, dragged me by the collar of my shirt and dragged me into one of their vans. They asked me to lie on the floor and one of them went for a three-prong whip with which they beat me ... they dragged me out of the van and asked me to roll on the floor. While one of them kept beating me, the other was slapping me. At that time, they had impounded my digital camera. (Jide, 2013)*

On 24 December 2012, two journalists, who work with *Al-Mizan Newspaper*, Aliyu Saleh and Awwal Musa, were seized by men of the State Security Service (SSS) allegedly for a story on the activities of the Joint Task Force (JTF) in Potiskum, Yobe State. The story focused on illegal arrests and detention by the JTF including the abduction of 84 young men in Yobe (Tukur, 2012).

This tactic of attack and intimidation by the government on journalists who dare to publish "un-cleared" news items was mentioned by several respondents as a hindrance to their ability to conduct in-depth investigations. Other reasons for a decrease in the volume and quality of investigative journalism include the political undercurrent and compromised leadership of PSM; laziness; institutional bottlenecks; the Fear Factor: such as the threat of Newspaper closure – the economic survival of the outlet is critical; threats of patronage withdrawal; discrimination, such as the transfer of uncooperative journalists to other stations; and bribery and corruption. The impact of Social Media has also rendered the work of investigative journalists, in some aspects, redundant. Social media has taken the air out of the stall of the mainstream media. Social media has made the reader more sophisticated. Stories are usually broken on the social media and are widely circulated within minutes. Advances in technology have also made violations by the ruling class more sophisticated. Technology has eliminated so many layers of crime that usually expose the perpetrators. There is also the issue of personal privacy and the danger of falling prey to legal proceedings in the event of failing to religiously adhere to the laws that seek to protect the privacy of individuals. However, informational privacy is not so sacred or preeminent to warrant the sacrifice of the values of freedom of the press (Dienes, 1999: 1139).

Admittedly, a multi-ethnic and seemingly tense state such as Nigeria could explode at any misconstrued piece of misinformation. Yet, the significance of the media fulfilling its responsibilities in line with the pillars of Social Responsibility Theory is vital and if proffered according to the spirit of the letters of the pillars, could certainly serve to strengthen and unify the nation rather than cause disunity. After all, the media is required to provide only "truthful, comprehensive and intelligent account of events in a context which gives them meaning", while projecting "a representative picture of the constituent groups in the society" and clarifying "the goals and values of the society" (see previous section on Theoretical Framework, paragraphs on Social Responsibility Theory).

## CONCLUSION

Transparency in the PSM would require the eradication of the agents, agencies, and social contexts that hinder its actualisation and sustenance. This means dealing with serious internal forces implicated in the curtailment of the freedom of the press, and external forces that sustain such acts of curtailment. It will also include addressing broader social forces. The PSM in Nigeria has not lost its utility for the dissemination of important information to the public; what it lacks is the ability (and indeed the courage) to utilise the opportunity afforded by the passage of the Freedom of Information Act 2011 to conduct in-depth investigations into news items they report. On the flip side and equally poignant is the reluctance of public officials to allow for the full implementation of the law thereby depriving the public the benefit of access to unfettered information. These factors are indicative of either a complete lack of understanding of the dynamic rights guaranteed by the provisions of the law, or, a deliberate attempt at obfuscation. Even more disturbing however, is the intricate relationships between journalists in the PSM and the wider structure of power and policymakers in the society.

While it is noted that the phenomenon of censorship is common in many parts of the world, the incidences of censorship in Nigeria appear to defy the norm of "refusal to disclose" and have metamorphosed into the violent curtailment of press freedom with the resultant effect being the adoption of the tactic of self-preservation by journalists, whereby they remain within the acceptable and tolerable purview of the dictates of the ruling class in order to avoid becoming victims of acts of violence, intimidation and threats, as they have witnessed such actions against some of their compatriots.

Apart from their role as watch-dogs, certain dynamics internal to the running of media houses, in the immediate and changing contexts of the country's politics, and in the wider society within which they are embedded, have had an impact in the conduct of the journalists in the PSM in the country. The clear inference is that there is little disagreement as to the immensity of the problems censorship could cause; but the inadequacy of single tract explanations should be obvious, if only because of the various forces converging on the PSM and how these forces are refracted by internal dynamics within the systems of operation of the PSM themselves.

The revitalisation of investigative journalism and critical inquiry to countervail censorship ought to be the focus of journalists in the PSM. Notwithstanding the immediate reaction of the ruling class to such inquiry; in the long-run, the political risks associated with a clampdown on journalists who have already uncovered facts are grave. In the wake of the turbulent electioneering campaign leading to the 28 March 2015 General Elections in the country, it remains to be seen how the reporting and commentary of the PSM will unveil its ability or otherwise fulfil its responsibilities in line with the pillars of Social Responsibility Theory.

## References

- >Agbaje, Adigun A. B. (1992) *The Nigerian Press, Hegemony, and the Social Construction of Legitimacy: 1960-1983*. Lewiston, NY: The Edwin Mellon Press.
- >De Burgh, Hugo (2008) *Investigative Journalism*. New York: Routledge.
- >Dienes, Thomas C. (1999) The Media's Intrusion on Privacy: Protecting Investigative Journalism, *George Washington Law Review* 67: 1139-1150.
- >Donald, Thomas (1969) *A Long Time Burning: The History of Literary Censorship in England*. New York: Praeger.
- >Garner, Bryan A. (2009) *Black's Law Dictionary*, 9<sup>th</sup> Edition. Minnesota: Thomson West.
- >Glasser, Theodore L. and Ettema, James S. (1989) Investigative Journalism and the Moral Order, *Critical Studies in Mass Communication* 6 (1): 1-20.
- >Holmes, David (2005) *Communication Theory: Media, Technology and Society*. London: SAGE Publications.
- >Jingrong, Tong (2011) *Investigative Journalism in China: Journalism, Power, and Society*. London: Continuum International Publishing Group.
- >Kabiru, Danladi and Abubakar, Siddique Mohammed (2012) Press Coverage of the Post-Election Violence in Bauchi and Kaduna: A Content Analysis of Daily Trust and Punch Newspapers Headlines from April 1-May 31, 2011, pp. 144-158 in AbdulRahman, Dejo Adepoju; Ogundiya, Ilufeye Sarafa; Garba, Tukur and Dankani, Ibrahim Mustapha (eds) *50 Years of Nigeria's Nationhood: Issues and Challenges for Sustainable Development*. Ibadan: Crown F. Publishers.
- >Marx, Karl and Friedrich, Engels (1970) *The German Ideology*. New York: International Publishers.
- >Moe, Hallvard (2008) Defining Public Service beyond Broadcasting: The Legitimacy of Different Approaches, *Paper for RIPE Conference*, Mainz, 9-11 October 2008. <http://ripeat.org/wp-content/uploads/2010/03/Moel.pdf> (13.06.2014).
- >Onyero, Mgbejume (1991) Constraints on Mass Media Policies in Nigeria, *Africa Media Review* 5 (2): 47-57.
- >Patterson, Annabel (1984) *Censorship and Interpretation: The Conditions of Writing and Reading in Early Modern England*. Wisconsin: University of Wisconsin.
- >Protess, David L.; Cook, Fay Lomax; Doppelt, Jack C.; Ettema, James S.; Gordon, Margaret T.; Leff, Donna R. and Miller, Peter (eds) (1992) *The Journalism of Outrage: Investigative Reporting and Agenda Building in America*. New York: Guilford Press.
- >Waisbord, Silvio (2002) The Challenges of Investigative Journalism, *University of Miami Law Review* 56 (1): 377-395.
- >Weaver, David Hugh (ed.) (1998) *The Global Journalist: News People Around the World*. Cresskill, NJ: Hampton Press.

## Internet resources

- >Jegade, Jide (2013) *Soldiers beat Nigerian Tribune journalist*. <http://www.premiumtimesng.com/news/114334-soldiers-beat-nigerian-tribune-journalist.html> (06.06.2014).
- >Premium Times (2014) Nigerians Condemn Military for Attack on Newspapers. June 8, 2014. <http://www.premiumtimesng.com/news/162309-nigerians-condemn-military-attack-newspapers.html> (16.06.2014).
- >Tukur, Sani (2012) *Four days gone, SSS refuses to release, try Al-Mizan journalists*. <http://www.premiumtimesng.com/news/112907-four-days-gone-sss-refuses-to-release-try-al-mizan-journalists.html> (10.06.2014).
- >XE Currency Converter. <http://www.xe.com/currencyconverter/convert/?Amount=500000&From=NGN&To=USD> (17.06.2014).

# PONOVNO PROMIŠLJANJE „SLOBODE INFORMIRANJA“ ZA NOVO RAZDOBLJE TRANSPARENTNOSTI JAVNOG MEDIJSKOG SERVISA U NIGERIJU

Balkisu Saidu

**SAŽETAK** *Pojava globalne produkcije i informacijskih mreža, uspon iznimno velikih nacionalnih, nadnacionalnih i multinacionalnih medijskih organizacija, kao i njihov utjecaj na globalne trendove, te razvoj tehnologije i prisutnost sofisticiranih informacijskih puteva koji omogućavaju trenutni prijenos informacija – sve to konvergira te čini kontrolu protoka informacija gotovo nemogućom. Ipak, u mladim demokracijama, kao što je Nigerija, moć regulacije pristupa informacijama prepuštena je državi te se redovito koristi kako bi se uskratilo pristup informacijama te onemogućila sloboda medija i sloboda govora. Ovaj rad ispituje što je prethodilo cenzuri, to analizira u svjetlu šireg povijesnog konteksta i suvremene unutarnjopolitičke dinamike te predviđa moguće implikacije na uspostavljanje transparentnosti javnog medijskog servisa u Nigeriji putem borbe za slobodu informiranja. Istraživanje se temelji na kvalitativnim doktrinarnim i empirijskim metodama korištenim u pravnim istraživanjima.*

## KLJUČNE RIJEČI

MEDIJI, CENZURA, SLOBODA TISKA, TRANSPARENTNOST, ISTRAŽIVAČKO NOVINARSTVO

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