

ETHICAL AND LEGAL ISSUES CONSIDERATION IN PUBLIC AFFAIRS REPORTING: A Study of Parliamentary Reporting in Nigeria

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ABSTRACT

Every profession or avocation is guided by ethics and law. Ethics is a code of conduct guiding the behavior of professionals in the course of their study. Law, on the other hand, is a regulation which has to be obeyed by the society. Both ethics and law are aimed at achieving a decent society and serve the public interest. Journalism as a profession deals with news gathering and reporting. In reporting any event including of course public affairs, the journalist should adhere strictly to the basic ethical standard of reporting accurately, fairly and objectively, being truthful, maintenance of social responsibility, avoid invasion of privacy and sycophancy. As a matter of fact, a breach of the code of conduct could lead to violation of the law. For instance invasion of a citizen's privacy could warrant court action. Poor parliamentary reporting could also lead to contempt of parliament which could send a reporter or editor to jail. It is against this backdrop that this paper examines ethics and legal issues in public affairs reporting with particular interest in parliamentary reporting. Public affairs' reporting is reporting government issues and government functions. As an arm of government, the parliament falls within the ambit of public affairs reporting. The purpose of such coverage is to keep the public informed about activities of the parliament and set agenda of discussion on any legislation being debated. Hence agenda setting was used as the theoretical standpoint of the study. While acknowledging the role of the press as the watchdog of those in government, the paper enjoins the press to abide by the laid down ethical standard of the profession as well as such laws as defamation, privacy, contempt of court, contempt of parliament, e.t.c. so as not to run their organizations into trouble.

Key words: *Public Affairs Reporting, Ethics, Law, Parliamentary Reporting, Accuracy, Fairness, Agenda Setting.*

INTRODUCTION

News writing and reporting is a universal feature of print and electronic media. For an event to be newsworthy, it must meet certain criteria which among other things include prominence, proximity, oddity, magnitude, personality involved and so on. Reporting Public Affairs issues, which in this paper is operationalized as reporting government officials and government institutions is an important area of coverage for journalists. Except for community newspaper or community radio/television, the major area of news coverage for provincial and national newspapers is government and its institutions. This is why most of our newspapers in Nigeria use government activities as the lead stories in the front pages of their newspapers, magazines and even on Radio and Television stations. As a matter of fact, the press outsmart themselves in covering public affairs issues. In covering such news, however, the primary factors of consideration should revolve around what is called determinants of news or news values.

THEORETICAL FRAMEWORK

This study is situated in professional ethics of journalism. Ethics is the study of human actions in respect to their being right or wrong. The actions of individuals and social groups supply the subject matter of ethics. There are two types of action - the voluntary - those which we do intentionally - and actions that are involuntary. Ethics studies voluntary actions, those that we carry out with sufficient knowledge and choice (Daramola, 1999). Ethics makes a systematic study of our moral ideals and goods, our motives and our patterns of good and bad conduct. In a nutshell, ethics deals with the issue of right living.

Mass Communication (Journalism) ethics is a form of applied ethics or professional ethics that examines ethical principles and moral or ethical problems that arise in the course of news reporting and publishing. It applies to all aspects of journalism practice and is relevant to the conduct of individuals and newspaper organizations as a whole. Applied ethics is a field of ethics that deals with ethical questions in many fields including mass communication.

Journalism, like other professions has ethics guiding members and a disciplinary body that enforces ethics. Some of the ethics in the profession are sanctionable by the disciplinary body of the profession while others only attract condemnation. Ethics of journalism are, therefore, the dos and dont's of the profession.

DETERMINANTS OF NEWS

Timeliness: This refers to the time an event occurs. An idea, event, experience, observation or problem is news when it is new or recent. Its relevance lies in the fact that it should be hot and juicy. Thus, the reporter must endeavour to get the news before others or at least not later than others. An editor can only be interested if the news is current or very recent, not when others have used it. Editors always strive to get the news first to the audience and a good reporter/correspondent is the one who gets it first and gets it right to the Editor.

The electronic media stand the opportunity of getting news stories aired first than the print media but this will not render the news story stale if it is published simultaneously by the next day. When the news of trial of those involved in oil subsidy scam in Nigeria filtered in late July 2012 the electronic media (Radio and Television) were the first to air it but that did not render it useless the next day as all the newspapers carried the news simultaneously.

Proximity or Geographical Location: This means nearness in space or nearness to the audience, it could be physical nearness or even psychological or emotional. The nearer an incident or event is to the audience, the more the impact, and the more effective the feedback. This is true because, the nearer the occurrence the more empathy it receives from the audience. The people in Lagos for example, will empathize more with an automobile accident at Berger Area along Lagos - Ibadan express way than people in Kano.

Thus, the reporter first and foremost must nose around for events in his immediate environment to attract an interested audience. The news of the desire of the Lagos State House of Assembly to revisit the new appropriation being sought by the State Governor to execute certain infrastructural project(s) was of interest to Lagosians than residents of Edo State. Similarly, Nigerians will be interested in political developments in their country than that in another country. The news that a prime minister of one country was planning to resign his appointment because of the report of a probe panel that he employed his daughter in his ministry will be more of interest to that country.

Magnitude of people involved: This is another factor that determines what news is. A news story can also be assessed by the number of the event. For example, news story that will affect millions of people is sometimes considered to be more important and news worthy than a news item in which less than ten thousand people is affected. The 2012 flood that wiped several millions of people away in Pakistan is more important to the whole world than the bomb blast that killed two passengers in Afghanistan.

Unusualness or Oddity: Anything that is unusual will attract great interest. A reporter must strive to get news items that nobody may have heard of before or what is not common. An editor will be very interested in a very new thing that he can beat others with, so far as it is backed up with facts. If a lion gets loose and run into the market, it would attract the interest of the entire people until it is captured or killed. A good reporter should, however, be able to distinguish between what is usual and what is unusual or odd.

Human Interest: Human interest is another important element in which news is evaluated. Human interest stories are stories that touch human feelings and this does not have a limit. Where the feeling of the reporter ends, the feelings of the reader, listener or viewer begins. Human interest stories are stories that affect humanity as a whole irrespective of status or personality.

The things that will make a human being feel sorry for other human beings or even laugh at them often make news. Such story touches the emotion of the reader, listener or viewer.

Prominence and personality involved: Popularity or eminence is a determining factor for the news worthiness of an event. Thus, the decision of an editor regarding news worthiness can be influenced to a very large extent by the personality or personalities involved. For example, the death of President Umaru Yar'Adua (Nigeria) in May 2010 was more important to the media than the death of 100 school children. A press conference called by the president, Dr. Goodluck Jonathan will receive the attention of editors more than the one called by a state legislator.

Celebrities do make news and are considered more news worthy at any point in time. A personality or a man of prominence or eminence will easily attract the attention of editors any day, any time.

Accuracy: Without accuracy, there is practically no difference between news and rumours. In fact, it is unethical as well as criminal for journalists to deliberately distort news items for whatever reasons. Accuracy implies that the reporter must go for facts. In other words, the reporter must report the story objectively giving equal attention to all sides in a case. Any reporter who loses sight of facts will easily lose credibility before readers and its editors.

Consequence or effect of an event: The consequence of an event confers news worthiness on it. An event that has tremendous consequence for the community or country will automatically take a pride of place in news judgment. The outbreak of cholera in Bauchi State may have contagious effect on neighbouring states and the country at large and so the consequence may be unimaginable. Strike actions by oil workers may affect fuel suppliers and by extension the citizens of the country in terms of transport either on land, sea or in the air.

All these will easily attract an editor's attention and the audience. A reporter should watch out for them.

SOURCES OF PUBLIC AFFAIRS REPORTING

Sources of public affairs reporting are limitless. They are always there for reporters either through press releases from press officers in the Ministry of Information or from the ones attached to each ministry or government officials of importance. In fact, government officials, from president, governors, secretary to government, ministers, commissioners and heads of parastatals are always making speeches, holding conferences or releasing information to the press. There is never a time that news does not emanate from government officials. As a matter of fact, government is the biggest news source. However, the press officers must be careful at managing information so as to maintain the integrity of the nation-state, its welfare, prestige and national security which are some of the denominators of national interest.

Reporting Politics and Parliament

One of the difficult human endeavours to report is politics and parliamentary proceedings. To be working as a beat reporter for parliamentary proceedings therefore, requires more carefulness and dedication. It is just like walking on a tightrope. One wrong step, you are in for a charge of libel.

What makes the parliament or legislature difficult to report is that members of both bodies are constitutionally immuned of being charged to court for libel for any libelous statements made on the floor of the House whereas a reporter who reports such Libelous statements, stands the risk of being jailed if he is found guilty on a charge of libel. Where the problem really lies is that in many parliamentary proceedings, members make defamatory statements. Since they know that they are constitutionally immuned, they feel free to say anything they like. While the parliamentarians are free to say anything they like and can get away with it, the reporters are not so free. What that boils down to is that a reporter who is assigned to report parliamentary proceedings must weigh the members' utterances very well with a view to sifting the chaff from the grain. All libelous statements made by members on the floor of the House must be eliminated in the story.

Alternatively, the reporter may correctly quote the person who made the statement concerned since it is already on tape. In other words, although one may not be a television or radio reporter, yet one is expected to be equipped with a tape recorder when covering parliamentary proceedings for your newspaper. This is essential in developing countries such as Nigeria and other African countries where a statement made by a government functionary a moment ago can be denied an hour later. This is good advice not only for beat reporters for parliament or legislature but also for beat reporters for courts and political campaigns.

On the everyday routine of parliament proceedings, the beat reporter concerned should endeavour to get to the parliament arena on time. He should listen well to the statements made or being made by each MP. He needs to note down any obscure point in his reporter's notebook. At the end of the day's proceedings, he should contact the House Speaker or House Majority Leader or the sponsor of the bill concerned for further clarification. Chairmen of relevant standing Committees may also be contacted for help. In addition, he could get a copy of the House's Record Books and check for the necessary facts in it.

Parliamentary reporters must be well acquainted with parliamentary proceedings. Also, they must know the names and functions of the various officers of the parliament e.g. House Majority Leader, House Minority Leader, Chief Whip, Speaker, Mace Bearer, etc. Like court stories, all statements made by Members of Parliament (MP) must be accurately quoted or explained. The reporter must always remember that resolutions, rules and amendments are adopted while bills are passed and laws are enacted.

Parliamentary stories must be properly attributed and Senators and MPS must be correctly identified. The same thing should be done in respect of abbreviations of the names of political parties and the rules regarding legislative bodies whose first letters must be set in upper case and those that must not be capitalized.

Just as a reporter could be charged for contempt of court so also can he be charged for contempt of parliament. A parliamentary reporter must guard against such a charge of contempt of parliament by ensuring that his stories are based on facts and by making accurate quotations.

Ethical Consideration

Much as the journalist goes out to gather news for dissemination purpose, he should always abide by the ethics of the profession as laid down, in the Nigeria Union of Journalists ethics and other international associations of Journalists. He must be accurate and fair in his writing.

Truthful, fair and accurate information: A journalist is expected at all times to tell the truth no matter how bitter. He should be fair by ensuring that news, comments and criticism are balanced. There shall not be exaggeration; information should be accurate without falsification or distortion.

Rectification of Harmful inaccuracies and right of reply to criticism: Journalists should rectify promptly harmful inaccuracies in the media, ensure correction and apologize to the offending party. Journalists should apologize to persons criticized when the issue is of sufficient importance.

Information should not be obtained by crooked means: Journalists should not obtain information, photographs and other illustrations by crooked means such as paying or offering bribe to obtain information of public interest.

Intrusion into private grief and distress: It is unethical for any journalist to intrude into private grief and distress except for overriding public interest.

Protection of confidential information: As a cardinal rule, journalists should not disclose confidential sources of information. The reason being that such source might be endangered.

Inducement or freebie to influence editorial conduct: Journalists should not accept bribe (freebie) and other inducements to influence editorial content or suppress news, comments or criticism.

Advertising consideration: Journalists should not distort or suppress truth for the sake of advertising or other considerations.

Violence: It is an unethical practice for any journalist or media organization to present or report acts of violence, armed robbery, terrorism or vulgar display of wealth in a manner that glorifies such acts in the eyes of the public.

Children and Minor: A journalist should not report children under the age of sixteen or identify them or show their pictures in cases relating to sexual harassment, witchcraft or armed robbery.

Plagiarism: A journalist should not copy whole sale or in part other peoples work without attribution.

Sense of social responsibility: Journalists should not originate materials which encourage discrimination on grounds of race, colour, creed, gender or sexual orientation or use the media for axe grinding or settling scores.

OBSERVATION

A close look at the ethics shows that Nigerian journalists flagrantly disobey the code of conduct. For instance, there are reports that journalists collect brown envelopes with impunity. Beside his, many of the media contravene the provision regarding children and minor. Most often, they are excited

that they publish pictures and names of children below the age of sixteen who are either accused of witchcraft, sexual harassment, fraud and even stealing. Many a times, they forget the issue of national interest and the privacy of individual by publishing stories that could jeopardize the security of their country and things that could tear families apart. If for example, the Yoruba people are being massacred in Jos, it will be foolhardy for any reporter to say 'Yoruba massacred in Jos. The implication is that such news story could spark off a bigger crises or even war in South Western part of Nigeria or elsewhere. In reporting this kind of news, it is better to simply say "Crisis looms in Jos", by not mentioning that one tribe is being butchered or extirpated.

As social responsible journalists, we must abide by the social responsibility rule. Just as we have the right to publish and broadcast anything as canvassed by the libertarian philosophers, we must do everything responsibly so as not to endanger the polity.

LEGAL ISSUES AGAINST PRESS PRACTICE

The inability of the press to abide by the social responsibility rule necessitated the enactment of several laws to guide the profession. The Jaw of defamation forbids publications that lower 3. person in the estimation of right-thinking members of the society generally; or exposes him to hatred, contempt or ridicule, or injures him in his profession, business or employment, or causes others to shun him (Daramola, 1999). In a nutshell, a defamatory statement includes matters which in all the circumstances would likely affect a person adversely in the estimation of reasonable people generally. This can either be libel or slander. It is libel when it is published or scripted and .slander when it is spoken extempore. Although the law of sedition has been laid to rest in Nigeria but we must remind ourselves that a seditious statement is a statement that could bring a person into hatred or contempt or to excite disaffection against the persons of the President, or the Governor of a state, in the government of the federation or of any state thereof, as by law established or against the administration of justice in Nigeria; or to promote feelings of ill-will and hostility between different classes of the population of Nigeria.

Another legal issue that could be used to tame erring journalists is contempt of court. The law of contempt of court refers to any conduct that tend to bring the authority and administration of the law into disrepute or to prejudice parties litigant or their witnesses during litigation. It also refers to any attempt to obstruct proceedings in the court such as noise making etc. There are two types of contempt of court - civil and criminal. Civil contempt consists of disobedience to court orders either in relation to a party who refuses to carry out the verdict of a court of law, or disobedience to a subpoena.

Criminal contempt, on the other hand, is any act of public character that tend, or likely, to interfere with the administration of justice or bring administration of justice into ridicule Contempt by media are almost invariably criminal contempt. They take the form of publication of materials calculated to prejudice the conduct of legal proceedings which are pending or imminent, or to interfere with the administration of justice generally, or to scandalize the court.

It must be understood that in contempt of court, there is no room for defence counsel. One can easily go to jail as the judge has the power to convict a contemnor to prison until he/she purges

him/herself of contempt.

Just as the court could punish anyone for obstructing its proceedings or trying to bring administration of justice into disrepute, the parliament has the power to punish any person for an act or omission that tend to obstruct either Houses of the Parliaments (Senate or House of Representatives) and the State Houses of Assembly in the discharge of their duties. The parliament also has the power to punish for contempt any insult or attack on the person of any member of parliament (MP) for words spoken or opinion raised on any matter debated in the House or in the precincts of the House.

Simply put, contempt of parliament is any act or words that tend to obstruct or impedes either Houses of Parliament in the performance of its functions or any acts or words which tend to intimidate or influence members of either House in the discharge of their duties. Members of Parliament (MP) enjoy immunity against what they say during parliamentary proceedings, the disclosure by the press of such statements may lead to contempt of parliament.

The law also forbids journalists and any of the media generally to engage in obscenity. Obscenity refers to words, thoughts, magazine and pictures that are against good morals. Mr. Justice Sachs as cited by Daramola (1999) once defines obscenity to mean "filthy, indecent, offensive to modesty or decency, expressing or suggesting lewd thoughts". Obscene publications are simply those publications that are likely to deprave and corrupt those who are likely to read, see or hear it, or corrupt public morals or outrages public decency.

Similarly, journalists are expected to respect the copyright of others. Copyright here refers to the exclusive right of the owners of an invention or author to control his original work. It extends to the control of the reproduction, broadcasting, publication, adaptation, communication, public performance, or any translation of his work. Copyright is also known as property or intellectual right. It covers every literary, musical, artistic, cinematograph work, and sound recording. The purpose of the law of copyright is to protect authors and inventors against theft and piracy of their original work. Copyright expires seventy years from the end of the year in which the author or inventor dies.

In the United Kingdom, the press is forbidden by defense notices not to disclose the whereabouts of certain military arms, armament or strategic military information from being aired or published. This law as may apply in Nigeria is meant to protect national security and our sovereignty as a nation-state.

CONCLUSION

Happily, the Nigerian press has been given latitude of freedom by section 39 (1999) constitution (page) and more importantly, section 22 (1999) constitution (Page). The section in question empowers the press to monitor governance and hold government accountable to the people. The extent to which the press has used the constitutional provision is wide. Another law that has strengthened the hand of the press is the Freedom of Information Act which was passed and

assented to by President Goodluck Jonathan in 2011.

There is no gainsaying the fact that the Nigerian press has done very well to act as watchdog of government. It is on record till today, that it was the record till today, that it was the Nigerian press that exposed the first speaker of the House of Representatives, Alhaji Ibrahim Salisu Buhari in 1999 of forged University of Toronto certificate. The scandal led to the resignation of the speaker. The press also exposed the discrepancies in the name of the first president of the Nigerian Senate, Evan (or Evans) Enwerem. That disclosure forced the senate president to vacate the office. It is also gratifying to note that it is the Nigerian Press that exposed the former National Chairman of the Peoples Democratic Party (PDF), Chief Olabode Ibiyinka George of misappropriation of funds and corrupt practices in the management of the Nigeria Ports Authority. The case against Chief Olabode George by the Economic and Financial Crimes commission led to his trial and conviction to two years jail term.

In news writing and reporting, journalists should put the ethics of the profession and laws guiding the profession at the back of their minds. They should as well understand and respect the national interest of their country.

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