PERCEPTUAL INFLUENCE OF FREEDOM OF INFORMATION ACT ON JOURNALISM PRACTICE IN NIGERIA

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Abstract
This study investigated the perceptual influence of Freedom of Information Act (FOIA) on journalism practice in Nigeria using journalists in Anambra State as a case study. The objectives of the study centred on ascertaining the journalists’ level of awareness of the provisions of the Act and determining the journalists’ perception of the strength and weaknesses of the Act in journalism practice as well as the direction of influence of the Act on journalism practice (whether negative or positive). The study adopted survey method. A sample of 165 was drawn from a population of 289 registered journalists in Anambra State using the proportionate stratified random sampling technique. Questionnaire was used to obtain data. Findings revealed that the journalists studied had a high level of awareness of the provisions of FOIA. Also, the journalists perceived the Act as having a more positive influence on journalism practice. Conclusion was that the Act portends good for journalism practice in Nigeria. It was recommended that journalists should make maximum use of the Act, and aspects of the Act that contain nebulous and slimy concepts that are open to differing interpretations should be reviewed.

Key words: Freedom of Information Act, influence, journalism practice, strength, weakness.

INTRODUCTION/BACKGROUND

Journalism is one social institution that requires freedom to effectively function in society. It plays a crucial role to society, serving as the watchdog of the society, and providing constant stream of information, education and socialization. Soeze (2005, p.19) elucidates further:

*The media as the watchdog of the society have the responsibility of keeping the public informed, educated and socialized. This involves making people know the day-to-day activities and dealings of those in government whether military or civilian. In addition, the media also help to ensure that the government knows the feelings and yearnings of those it governs. However, for the media to perform these functions effectively and efficiently there must be press freedom."

Journalism also sets agenda, organizes public debates and discussions, and interprets issues to put them in proper perspectives to make meaning to people. Through these roles, journalism not
only educate, inform and socialize; it also confers status, values and significance to issues, thereby serving as the mouth-piece and defender of the voiceless and the oppressed in society (Sambe, 2008).

Since the emergence of modern journalism in Nigeria in 1859 (Aliede, 2003), it has been struggling to achieve the needed freedom that would enable it discharge its social responsibilities creditably. The journalistic task of gathering and disseminating news has not been an easy one largely due to limited freedom occasioned largely by government firm grip and control of the mass media. Thus, Uche (1989) notes that relationship between the mass media and the government in Nigeria has been a cat and mouse affair. The free flow of information has been tampered with. Journalists have had no access to vital information let alone the masses. In struggling to get detailed, factual and balanced reportage, journalists have had to continue to nose around for information, exposing themselves to high levels of risk that got them victimized, jailed, tortured and sometimes killed (Ezeah, 2004).

Obnoxious laws and decrees have been promulgated by various governments directly or indirectly aimed at limiting the freedom of the press and oppressing of journalists, Ezeah (2004, p.18) stresses that “many journalists have suffered undue hardships in relation to these laws and also in the hands of over-zealous government officials and security operatives. They were challenged with all sorts of deprivations and deprivations.” For instance, during the military government of General Muhammadu Buhari, two journalists with the Guardian newspaper, Tunde Thompson and Nduka Irabor, were in 1984 jailed for a story they wrote on diplomatic postings which the government considered offensive and promptly promulgated Decree No. 4 (Accusation Against Public Officers), under which the journalists were tried and sentenced to one year jail term (Eme, 2008). During General Ibrahim Babangida’s military government the founding Editor-in-Chief of Newswatch magazine, Dele Giwa, was assassinated on 19th October, 1986 through a parcel bomb. Soon after the assassination, the government proscribed Newswatch in 1987 and followed with sundry arrests, intimidations, harassments and detention of journalists while the proscription of media houses became the order of the day (Anim, 1989).

Journalism also had it tough during the General Sani Abacha’s military government. During this government, the degree of abuses against journalists escalated. Criminal allegations of treason were leveled against journalists including Kunle Ajibade of The News magazine, George Mbah of Tell magazine, and Chris Anyanwu, publisher of the defunct Sunday magazine, Weekend Classique. These journalists were unfairly tried and sentenced to various prison terms (Ogbondah, 2005). Other forms of anti-journalism activities under Abacha’s government included confiscation of newspapers and magazines, disruption of printing and distribution, publication of false editions of some magazines, withholding of official advertisements and promulgation of anti-press decrees (Ezeah, 2004).

When the military handed over power to a civilian government on May 29, 1999, there was a high expectation that journalists were going to enjoy relative freedom to enable them effectively discharge their duties. However, this was not to be the case. Cases of assault on journalists were witnessed during the civilian democratic government of Olusegun Obasanjo. The cases include the brutalization of Akinbode Akinleye, a photo- journalist with Daily Independent, the detention of three editors of the Insider magazine in 2003, the experiences of Isioma Daniel, the reporter with ThisDay newspaper and Cyril Mba of the Monitor newspaper among others. Similarly, two Nigerian journalists, Rotimi Durojaiye of Independent newspaper and Gbenga Aruleba of African Independent Television (AIT) were arrested and detained, following their coverage of the controversial air disaster involving Boeing 737 in 2006. The journalists, as noted by Eme (2008), were charged for sedition in connection with the materials they published on the cost and age of the controversial presidential jet purchased by the President Obansanjo’s administration. The journalists reported that the Boeing air bus was purchased at the cost of 72 million US dollars, about 9.3 billion naira.
As a result of the foregoing predicament prevailing against the practice of journalism, journalists, civil societies and coalition groups in Nigeria worked assiduously to achieve press freedom. This freedom, according to Uche (1989) was going to encourage journalism practice in diverse ways including: providing press liberty to communicate ideas, opinions, information; the right to criticize the political, economic and social institutions of the country; the right to help enlighten every Nigerian by providing him/her with the day’s intelligence in an open market place of ideas without any overt or covert systematic means of applying censorship, pressure or any form of inhibition on the part of the federal and state government institutions within the country, within the law of sedition, libel, slander and defamation. These efforts materialized with the enactment of the Freedom of Information Act (FOIA) in 2011.

Even before the passage and subsequent signing of the Freedom of Information Bill into law, there were strong views that the Act was going to facilitate journalism practice in Nigeria. Even though the Act is not a journalism law, journalists were at the fore-front in agitation for its passage; Nigeria Union of Journalists (NUJ) and Media Rights Agenda (MRA) were among the three civil society organizations that began the campaign of a law of this nature (FOI Coalition, 2003). The bill was presented to the National Assembly two times by journalists: Tony Anyanwu and Nduka Irabor for the first time and Abike Dabiri for the second time (Ojebode, 2011). These varying roles of journalists in the enactment of the Act shows that it was going to make an impact on journalism practice. On the other hand, there may be constraints with the Act that may stand in the way of effective journalism practice. Are journalists aware of the provisions of the law with their strengths and weaknesses? Are journalists optimistic or pessimistic that the Act would facilitate journalism practice? These questions constitute the problems this study investigated. This study is coming from the backdrop that journalists’ knowledge of the Act and their optimism or pessimism about the function of the Act in journalism practice are pointers to the success or failure of the Act in encouraging journalism practice in Nigeria.

OBJECTIVES OF THE STUDY
The main objective of this study was to find out the perception of journalists in Nigeria on the influence of Freedom of Information Act on journalism practice in Nigeria. The specific objectives were to:

1. Determine the level of awareness of the provisions of the Freedom of Information Act among journalists in Nigeria
2. Ascertain the journalists’ perception of the strengths of the Act in journalism practice.
3. Find out the journalists’ perception of the weaknesses of the Act in journalism practice.
4. Evaluate the journalists’ perception of the direction of influence (positive or negative) of the Act on journalism practice.

THEORETICAL FRAMEWORK
This study finds expression in the libertarian theory. The theory, also known as the free press theory, prescribes that an individual or organization including the press should be free to publish and express information freely (Umechukwu, 2001). The central tenets of the libertarian theory are located in John Milton’s notion of the “self righting process of the free market place of ideas.” This means that good ideas would drive out bad ones if all ideas were guaranteed free expression (McQuail, 1987). Also, the ideas of John Stuart Mill were the central foundation of this theory. Mill wrote:

*The peculiar evil of silencing the expression of an opinion is that it is robbing the human race posterity as well as the existing generation, those who dissent from the opinion are even more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose what is almost as great a benefit, the clearer...*
The ideas of John Milton and John Stuart Mill are in consonance with the principles of the press as a “free market place of ideas,” first put forward in 1918 by an American judge (DeFleur, 2010). This theory is a necessity in a democratic environment since it is important in itself as a core principle of democracy. This explains why many democratic countries incorporate in their constitution the principles of liberty, freedom of speech, freedom of expression and freedom of the press. The main principles of the theory are expressed by McQuail (1987) as follows: (1) Publication should be free from any prior censorship by any third party. (2) The act of publication and distribution should be open to a person or group without permit or licence. (3) Attack on any government official or political party (as distinct from attacks on private individuals or treason and breaches of security) should not be punishable, even after the event. (4) There should be no compulsion to publish anything. (5) Publication of “error” is protected equally with that of truth, in matters of opinion and belief. (6) No restriction should be placed on the collection, by legal means, of information for publication. (7) There should be no restriction on export or import or sending or receiving “messages” across national frontiers. (8) Journalists should be able to claim a considerable degree of professional autonomy within their organization.

In relation to this study, the libertarian theory explains that the Freedom of Information Act is intended to guarantee freedom of expression, freedom of speech and freedom of the press. This is because the Act is aimed at making information freely accessible to whoever needs it. This is the case especially with the sixth principle of the theory. Similarly, the theory is necessary in a democratic society like Nigeria. In other words, Nigeria, a democratic country, cannot do without a press which is expected to be guaranteed by the Freedom of Information Act. The findings of this study will therefore express the extent to which the Freedom of Information Act is predisposed to guarantee a free press in Nigeria.

THE FREEDOM OF INFORMATION ACT IN NIGERIA

The search for freedom of information law in Nigeria dates back to 1993 during the regime of General Sani Abacha, which was noted for high level suppression of the press and journalists. Ogbuokiri (2011) observes that it was the Media Rights Agenda (MRA), Civil Liberties Organization (CLO), and the Nigerian Union of Journalists (NUJ) Lagos State Chapter which introduced the idea of Freedom of Information law by drafting a manuscript of the Freedom of Information Bill (FIB). The objective of their manuscript was to come up with guiding principles for the right of access to documents and information in the custody of the government or its officials so as to guarantee freedom of expression. The original manuscript of the FIB went through several reviews. When the opportunity of democratic governance presented itself in 1999, the bill was presented to the National Assembly on December 9th, 1999 for the first time, and was passed by the House of Representatives in 2004 and by the Senate in 2006. However President Olusegun Obasanjo could not sign it into a law before leaving office in 2007. The bill was re-presented to the National Assembly in 2008. According to Ndiribe (2011, p.21), “the Freedom of Information Coalition (FOIC) had embarked on a sensitization campaign among members of the public and this led to one of the greatest debates Nigerians have ever been engaged in. To a very large extent, this sensitization paid off and swayed public opinion in favour of the bill which was labeled the media bill.” This was not without hostility towards the bill from some quarters, which arguably, was responsible for the decision of the House of Representatives to throw it out and stop it from being re-presented on the floor of the House. The Senate, on its part, did not stop its re-presentation, but considered it and diluted some of its essential provisions. Ndiribe (2011, p.21), notes further that the Senate’s Media and Information Committee had recommended in Section 2 of its own version that:
Every citizen of Nigeria has a legally enforceable right to information and shall on application be given access to any information or record under the control of a government or public institution or private companies performing public functions, provided the disclosure of such information or release of such records shall not compromise national security and that the applicant shall have satisfied a state or federal high court of the need for the disclosure of such information.

The House of Representatives however later considered and passed the Bill just as the Senate too did. The two arms of the National Assembly harmonized their positions on the bill and passed the harmonized version of the bill on May 26, 2011. It was signed into law by President Goodluck Jonathan on May 28 2011. The major provisions of Nigeria’s FOI Act are:

1. A guarantee of the right of access to information held by public institutions, irrespective of the form in which it is kept and is applicable to private institutions where they utilize public funds, perform public functions, or provide public services.

2. A requirement for all institutions to proactively disclose basic information about their structure and processes and mandate the institutions to build the capacity of their staff to effectively implement and comply with the provisions of the Act.

3. A provision for the protection of whistleblowers.

4. Adequate provision for the information needs of illiterate and disabled applicants.

5. Recognition of a range of legitimate exemptions and limitations to the public’s right to know. The exemptions are however subject to the idea that public interest, in deserving cases, may override such exemptions.

6. Creation of reporting obligations in compliance with the law for all institutions affected by it. These reports are to be provided annually to the Federal Attorney General’s Office, which will in turn make them available to both the National Assembly and the public.

7. Requirement for the Federal Attorney-General to oversee the effective implementation of the Act and report on execution of this duty to parliament annually.

Accordingly, Section 2(1) of the Act, “Subject to the provisions of this Act but notwithstanding anything contained in any other act, law or regulation, every citizen of the Federal Republic of Nigeria, has a legally enforceable right to, and shall, on application be given access to any record under the control of a government or public institution.” Such applicant “need not demonstrate specific interest in the information being applied for.” Section 4 mandates individuals seeking information to make written requests given sufficient details to the government institution. In Section 10, the Act forbids government officials from tampering with official information. Thus:

*It shall be a criminal offence punishable on conviction with three years imprisonment for any officer of the head of any government or public institution to which this Act applies who tries to either willfully destroy any records kept in his/her custody or attempts to doctor or otherwise alter same before they are released to any person, entity or community applying for it.*

While Section 5(1) of the Act provides that: “Where access to record is applied for under this Act, the head of the government or public institution to which the application is made shall… not later than 14 working days following the date of receipt of the application:

(a) Give written notice to the person who made the application as to whether or not access to the record or a part thereof will be given; and

(b) If access is to be given, give the person who made the application, access to the record or a part thereof.”
How would all these sections and the entire Nigeria’s Freedom of Information Act contribute to the advancement of journalism practice? This study examines this question by accessing journalists’ perception of the Act in influencing for good or for bad the practice of journalism. In other words, this study examines what journalists in Nigeria envisage would be the effectiveness or otherwise of the Act in journalism practice.

**METHOD OF STUDY**

The study adopted survey research method, with Anambra State, Nigeria as the area of study. The population of study consisted of registered journalists working for the print media, broadcast media and government information agencies within Anambra State. The population, according to data from the secretariat of the Nigeria Union of Journalists (NUJ) Anambra Chapter, as at 2012, is 289 broken down as follows: Anambra Broadcasting Service (ABS), 53; National Light Newspaper (NLN), 49; National Orientation Agency (NOA), 20; Federal Information (FI), 20; Anambra State Information (ASI), 32; Living Christ Mission (LCM), 24; Nigerian Television Authority (NTA), 15; Radio Nigeria (Purity FM), 12; and Correspondent Chapel (CC), 64. A sample of 165 journalists was drawn for the study, using Krejcie and Morgan table of sample size determination (Keyton, 2001, p.127). The table has established sample sizes against their corresponding populations at 95% confidence level and 5% sampling error. This sample was obtained using the proportionate stratified random sampling technique. Simple random sampling technique was then used to obtain the individual sampled journalists for the study. This was done using a table of random numbers. This approach of using a table of random numbers in simple random sampling has been successfully put to use by many communication researchers (Stacks & Hocking, 1999; Wimmer & Dominick, 2000; Keyton, 2001; Bordens & Abbott, 2002). A 15-item questionnaire was used to obtain data for the study.

**FINDINGS**

**DEMOGRAPHIC CHARACTERISTICS OF RESPONDENTS**

Out of the 165 copies of the questionnaire administered, 160 copies were returned and found usable, yielding 97% response rate. Male respondents dominated the sample by 61.2%, leaving the female respondents at 38.8% only. Ages of the respondents ranged from 20 – over 50 years. More respondents (45 or 28.1%) were in the age category of 40 – 44 years. This was followed by 39 or 24.4% in the age category of 35 – 39, 30 or 18.8% in the age bracket of 30 – 34, and 20 or 12.5% within the age range of 45 – 49. The age category of 25 – 29 years and above accounted for eight or 5% respondents, and that of 20 – 24 was responsible for two or 1.3% respondents. More of the respondents (78 or 48.8%) were yet to be married. Those married were 64 or 40%. Respondents who said they were either divorced or separated were 12 or 7.5%, and those widowed were six or 3.7%. In terms of their highest educational qualification, more than half of them (82 or 51.2%) acquired either first degree or Higher National Diploma (HND) or their equivalent. This was followed by 42 (26.3%) who acquired Ordinary National Diploma (OND) or its equivalent while 24 (15.0%) had Master of Arts (MA) Degree or its equivalent, and two (1.3%) acquired only secondary school education. The category tagged “others” attracted 10 (6.2%) respondents made up of three National Certificate of Education (NCE) holders, three Postgraduates Diploma (PGD) holders and four holders of certificate in different management courses. In terms of their duration of practice of journalism, the data indicate that 14(8.7%) had put in 20 years and more; 20 (12.5%), 15-19 years; 46 (28.8%), 10 – 15 years; 48 (30%), 5-9 years; and 32 (20%), 1 – 4 years in the practice.

**JOURNALISTS’ AWARENESS OF PROVISIONS OF FREEDOM OF INFORMATION ACT**

Table 1: Respondents’ awareness of the provisions of Freedom of Information Act

<table>
<thead>
<tr>
<th>Response</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>134</td>
<td>83.8</td>
</tr>
</tbody>
</table>
Data in Table 1 reveal that overwhelming 134 or 83.8% respondents said they were aware of the provisions of Nigeria’s Freedom of Information Act. Only 22 or 13.7% respondents said they were not aware, and four or 2.5%, undecided.

Table 2: Respondents’ level of awareness of Freedom of Information Act

<table>
<thead>
<tr>
<th>Awareness</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>76</td>
<td>56.7</td>
</tr>
<tr>
<td>Moderate</td>
<td>46</td>
<td>34.3</td>
</tr>
<tr>
<td>Low</td>
<td>10</td>
<td>7.5</td>
</tr>
<tr>
<td>Not sure</td>
<td>2</td>
<td>1.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>134</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>


Data in Table 2 indicate that of the 134 respondents who (in Table 1) said they were aware of the provisions of the Freedom of Information Act, 76 (56.7%) said their awareness of the Act was high, 46 or 34.3% said their awareness of the Act was moderate, and 10 or 7.5% said they had a low awareness of the Act. Two (1.5%) respondents were not sure on this count. Data in Tables 1 and 2 therefore suggest that a significant number of the respondents had high level awareness of the Freedom of Information Act, as such their views in the proceeding findings should be considered candid and informed.

**JOURNALISTS’ PERCEPTIONS OF THE STRENGTHS OF THE ACT IN JOURNALISM PRACTICE**

Table 3: Respondents’ views on whether the Act enhances journalism practice

<table>
<thead>
<tr>
<th>Response</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>104</td>
<td>77.6</td>
</tr>
<tr>
<td>No</td>
<td>26</td>
<td>19.4</td>
</tr>
<tr>
<td>Not sure</td>
<td>4</td>
<td>3.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>134</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>


Data in Table 3 show that as many as 104 or 77.6% respondents said the Freedom of Information Act will enhance the practice of journalism in Nigeria. Only 26 or 19.4% respondents felt otherwise, and four or 3% were not sure on the issue.

Table 4: Respondents’ identification of factors that constitute the strength of Freedom of Information Act in journalism practice

<table>
<thead>
<tr>
<th>S/N</th>
<th>Factors</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Makes information more freely available.</td>
<td>64</td>
<td>26.2</td>
</tr>
<tr>
<td>2</td>
<td>Empowers public officials to disclose information without authorization.</td>
<td>28</td>
<td>11.5</td>
</tr>
<tr>
<td>3</td>
<td>Reinforces journalism ethics of not disclosing sources of information obtained in confidence.</td>
<td>18</td>
<td>7.4</td>
</tr>
<tr>
<td>4</td>
<td>Makes information available even if not solicited for.</td>
<td>30</td>
<td>12.3</td>
</tr>
<tr>
<td>5</td>
<td>Compels public institutions to disclose details of their expenditure.</td>
<td>18</td>
<td>7.4</td>
</tr>
<tr>
<td>6</td>
<td>Provides for public access to public records and information.</td>
<td>52</td>
<td>21.3</td>
</tr>
</tbody>
</table>
Protects public information and records consistent with public interest. | 24 | 9.8
---|---|---
Others. | 10 | 4.1
Total | 244 | 100

Source: Field Survey, 2012

Data in Table 4 are on factors that constitute the strength of the Act under study in enhancing journalism practice, as identified by the respondents. Accordingly, as many as 64 (26.2%) comments by the respondents indicate that the strength of the Act in facilitating journalism practice lies in the provisions of the Act which guarantee free availability of information to all including journalists. For 52 (21.3%) comments, the strength is in the provision of access to public records and information. Making information available even if not solicited for was seen in 30 (12.3%) comments as strength of the Act in journalism practice. Other factors identified by the respondents as areas of strength of the Act in journalism practice include the Act’s provisions which empower public officers to disclose information without authorization (28 or 11.5% comments), protect public information and records consistent with public interest (24 or 9.8% comments), compel public institutions to disclose public records and information (18 or 7.4% comments), and reinforce journalism ethics against disclosure of sources of information obtained in confidence (18 or 7.4% comments). The category tagged “others” attracted 10 (4.1%) comments, which have to do with issues of freedom of access not mentioned in the foregoing factors and the duty of courts to facilitate access to information where it is denied.

JOURNALISTS’ PERCEPTIONS OF THE WEAKNESSES OF THE ACT IN JOURNALISM PRACTICE

Table 5: Respondents’ views on whether the Act discourages journalism practice
<table>
<thead>
<tr>
<th>Response</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>78</td>
<td>58.2</td>
</tr>
<tr>
<td>No</td>
<td>52</td>
<td>38.8</td>
</tr>
<tr>
<td>Not sure</td>
<td>4</td>
<td>3.0</td>
</tr>
<tr>
<td>Total</td>
<td>134</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Field Survey, 2012

In Table 5 above, the data is clear that the Act under study could discourage journalism practice. This is the case with 78 or 58.2% respondents who said that the Act could be a challenge to journalism practice. Only 52 or 38.8% respondents held a contrary view, and four or 3% respondents were undecided on the matter.

Table 6: Respondents’ identification of factors about the Freedom of Information Act which constitute a challenge to journalism practice
<table>
<thead>
<tr>
<th>S/N</th>
<th>Factors</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Continued existence of other challenging laws such as Official Secrets Act, Penal Code, Criminal Code, etc.</td>
<td>18</td>
<td>8.7</td>
</tr>
<tr>
<td>2</td>
<td>Cost and time taken for litigation.</td>
<td>23</td>
<td>11.2</td>
</tr>
<tr>
<td>3</td>
<td>Denial of information for security purposes.</td>
<td>48</td>
<td>23.3</td>
</tr>
<tr>
<td>4</td>
<td>The nebulous term “national security.”</td>
<td>40</td>
<td>19.4</td>
</tr>
<tr>
<td>5</td>
<td>Lack of supervisory body.</td>
<td>10</td>
<td>4.8</td>
</tr>
<tr>
<td>6</td>
<td>Culture of defiance of rule of law</td>
<td>39</td>
<td>18.9</td>
</tr>
<tr>
<td>7</td>
<td>Challenges to implementation of the Act</td>
<td>16</td>
<td>7.8</td>
</tr>
<tr>
<td>8</td>
<td>Others.</td>
<td>12</td>
<td>5.8</td>
</tr>
<tr>
<td>Total</td>
<td>206</td>
<td>99.9</td>
<td></td>
</tr>
</tbody>
</table>

The 78 respondents (in Table 5) who said the Act could pose a challenge to the practice of journalism were able to identify issues about the Act that could constitute this challenge. This is the concern of data in Table 6 above. According to the data, 48 (23.3%) comments identified the provision in the Act which denies public access to information for security purposes as a challenge to the practice of journalism. Similarly, 40 (19.4%) comments indicated that the ambiguity in the definition of “national security,” as mentioned in the Act, may pose a challenge to free access to information (and invariably a challenge to journalism practice). For 39 (18.9%) comments, a culture of defiance to the rule of law, prevalent in Nigerian society, could constitute a challenge to journalism practice. In other words, if the Freedom of Information Act is not respected, journalism practice in Nigeria would not improve. Other comments which suggested that the Act would constitute a challenge to journalism practice include: Cost and time to be taken for litigation (23 or 11.2% comments), continued existence of other challenging laws such as Official Secrets Act, Penal Code, and Criminal Code (18 or 8.7% comments), challenges of implementing the Act (16 or 7.8% comments), and lack of a supervisory body to enforce the Act (10 or 4.8% comments). The category tagged “others” attracted 12 or 5.8% comments, which centre on issues not in the Act but could inter-relate with the Act to threaten its usefulness in journalism practice.

JOURNALISTS’ PERCEPTIONS OF THE DIRECTION OF INFLUENCE (POSITIVE OR NEGATIVE) OF THE ACT ON JOURNALISM PRACTICE

Table 7: Respondents’ views on whether the strengths of the Act outweigh the weaknesses in enhancing journalism practice

<table>
<thead>
<tr>
<th>Response</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>80</td>
<td>59.7</td>
</tr>
<tr>
<td>No</td>
<td>46</td>
<td>34.3</td>
</tr>
<tr>
<td>Not sure</td>
<td>8</td>
<td>6.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>134</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

*Source: Field Survey, 2012*

Data in Table 7 above suggest that the areas of strengths outweigh the areas of weaknesses of the Act in facilitating journalism practice. This is the case as 80 or 59.7% of the respondents said so and only 46 or 34.3% had a contrary view. Eight or 6% respondents were indifferent on this count.

DISCUSSION OF FINDINGS

It is quite revealing that Nigerian journalists in this study are aware of the provisions of the Freedom of Information Act to a high level, and have perceptual knowledge of the strengths and weaknesses of the Act in facilitating journalism practice. With regards to awareness of the provisions of the Act, it is not surprising that the journalists have a high level of awareness of the Act. This is because journalists were not only the major stakeholders in the clamour for the law; they were also involved at different stages in the preparation of the bill that is now an Act (FOI Coalition, 2003; Guardian Editorial, 2008). Thus, even before the bill became an Act, many journalists had already known its contents. This is more so to the fact that the bill stayed for a very long time in the national assembly before being passed into a law (2000 – 2011, 11 years) and that it attracted a lot of concern and discussion both within the field of journalism. At a point, many people viewed the bill as a ‘mass media’ bill, largely due to the high involvement of journalists in the clamour for its passage (Ojebode, 2011).

It is also quite revealing but not surprising that the journalists studied were able to identify issues that constitute the strength of the Act in enhancing journalism practice. One of those issues the journalists identified is the provision in Section 16, that journalism is among the public institutions that are exempted from not being compelled to disclose certain kinds of information. If this provision of the Act had been otherwise, it is feared, it would have done more harm than good to journalism practice. This provision has reinforced the NUJ Code of
ethics on this matter and given journalists more confidence in protecting their sources of information obtained in confidence.

Other issues identified by the journalists studied which constitute strength of the Act in facilitating journalism practice bother on the provisions that guarantee free availability of information to all as contained in Sections 1, 2, 3, 7, 8, 9, 10, 19, 22, 25 and 29. With this guarantee, journalists can now obtain information freely as against the old scenario where it was difficult for journalists to access certain kinds of information vital to reporting crucial issues of national importance. As soon as the law was signed by the President, some media organizations took advantage of it and started demanding for information from government officials that hitherto they would not have demanded. For example, on August 19, 2011, Eddie Williams, editor of The Envoy, a weekly newspaper in Port Harcourt, Rivers State, under the protection of Section 2 of the Freedom of Information Act, demanded from the Deputy Governor of Rivers State, relevant files on the activities of the Media and Publicity Sub-Committee of the National Sports Festival held in Rivers State in that year (AkanimoReports, 2011). The Deputy Governor was the chairman of the Local Organizing Committee of the festival. The information was given to Williams.

Another important aspect of the findings of this study is the journalists’ perceptions on issues that constitute a threat to the Act in facilitating journalism practice. One of these issues identified by the journalists is Section 11(1) which states that “a public institution may deny an application for any information the disclosure of which may be injurious to the conduct of international affairs and the defence of the Federal Republic of Nigeria.” The problematic issue here is how to determine and who determines information that is injurious to the conduct of international affairs and defence of the country? Sources, especially government ones, could hide under this provision of the Act and deny journalists vital information needed for effective journalism practice. Section 11(2) appears to save the situation by providing that information on the conduct of international affairs and national security could be disclosed if such information is of public interest. This section introduces the concept of public interest. Apart from Section 11(2), the issue of public interest also appears in Sections 12(2), 14(3), 15(4) and 19(2). This issue of public interest in the Act poses a challenge to journalism practice. The concept of public interest is difficult, if not impossible, to define. What is public interest? Who defines public interest? How do we weigh public interest in a case in order to compare it with “injury that a disclosure would cause”? Answers to these and other questions regarding public interest in the Act cannot be obtained from the Act, but may have to wait for the courts to determine.

The idea of the courts is related to another challenge identified by the journalists studied, and comes under “implementation challenges of the Act.” The argument is that legal tussle may need to take place for the jurisdiction of the Act to be firmly established. The courts from time to time may need to interpret some provisions of the Act, especially those that contain nebulous concepts and expressions such as ‘national security,’ ‘public interest,’ ‘defence,’ ‘personal information,’ etc.

Other challenges identified by the journalists studied about the Act are issues not specifically stated in the Act. One such issue is the existence of other laws such as Official Secrets Act, Penal Code, and Criminal Code, which have provisions that discourage free access to information. Even though some scholars have argued that Freedom of Information Act 2011 renders the Official Secrets Act useless (Anorue, Obayi, Onyebuchi & Ekwe, 2012), this is still largely an issue for the courts to determine (Omu, 1996). Another issue not directly provided for in the Act is the absence of a supervisory body to coordinate the implementation of the law. Ojebode (2011) argues that, just as it is the case with Economic and Financial Crimes (EFCC) Act of 2004 as amended in 2006, which provided for the establishment of the EFCC Commission to coordinate and enforce the EFCC Act, the FOI Act should have provided for a similar commission to coordinate and help actualize the goals of the Act. Without this
supervisory body, the Act will not be implemented or obeyed to the fullest. This will invariably affect adversely the practice of journalism. This is buttressed by the fact that the rule of law has no firm roots in Nigeria; disregard for the rule of law is very common in Nigeria. Indeed, the journalists studied identified disregard for the rule of law as another challenge of the Act in facilitating journalism practice.

On the whole, the findings of this study have given ample support to the theoretical framework of the study – libertarian theory. The findings on the strength of the FOI Act suggest that journalists are now at liberty to freely assess information that would facilitate their work. Freedom to assess information is a necessity and a precursor to freedom of expression, since freedom of expression cannot come without freedom of access to information.

CONCLUSION AND RECOMMENDATIONS

This study investigated the perceptual influence of freedom of Information Act on journalism practice in Nigeria. The objectives of the study centred on ascertaining the journalists’ level of awareness of the provisions of the Act and determining the journalists’ perception of the strengths and weaknesses of the Act in journalism practice as well as the direction of influence of the Act on journalism practice (whether negative or positive). The study adopted survey method, with questionnaire as the instrument of data collection. The study came to the conclusion that journalists in Nigeria have appreciable knowledge of the Freedom of Information Act, and favourably perceive the Act as a veritable tool in journalism practice. Notwithstanding, the journalists also perceive some provisions of the Act and other issues directly or indirectly related to the Act that could hinder effective journalism practice. There is therefore a need to address those challenges to enable the Act realize its objectives.

It is recommended that some aspects of the Act, especially those provisions that contain nebulous and slimy concepts that are open to differing interpretations, should be reviewed. The review should also make provision for a supervisory body to oversee the implementation of the Act. There is also the need for journalists to increase the tempo to which they put the Act to practice. This will enable the journalists to get used to and understand the Act more. Similarly, media organizations should organize conferences and workshops to educate and enlighten journalists and mass media practitioners on how to put the law into practice to assist them in their journalism tasks. Communication education institutions too, as stakeholders in the realization of the objectives of the Act, have a role in this regard by including the teaching of the law journalism and mass communication training curriculum.

For further study, it is suggested that the methodology should be expanded to include qualitative methods of data collection and analysis like in-depth interviews, Focus Group Discussions (FGDs) and Critical Disclosure Analysis (CDA). This is to guarantee more reliable and valid findings. Similarly, future study should attempt to study more states across the country so as to have an overall picture of the issue across the length and breadth of the country.

REFERENCES


