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## Evaluative Study of the Freedom of Information Act on Journalism Practice in Nigeria

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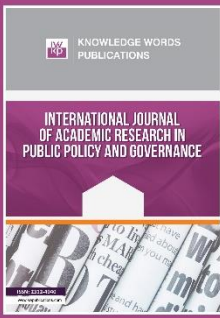
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# INTERNATIONAL JOURNAL OF ACADEMIC RESEARCH IN PUBLIC POLICY & GOVERNANCE



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## Evaluative Study of the Freedom of Information Act on Journalism Practice in Nigeria

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### Abstract

This study evaluates the Freedom of Information Act on Journalism practice in Nigeria. A study of Journalists in Jalingo metropolis. The study employed the quantitative survey design. The population was made up of Journalists in Jalingo Metropolis which are about 293. The researcher employed Taro Yame's formula to sample out 75 Journalists which formed the sample frame. Questionnaire was used as the instrument for data collection. Data gathered were analyzed with SPSS version 22 and results were presented descriptively. Findings revealed that Journalists in Jalingo metropolis are fully aware of the Freedom of Information Act. The study also revealed that although FoIA can aid journalism practices towards fair, balance, accurate and objective reporting, it has not created access to government-held information for journalists in Taraba State. The study recommends that journalists should go beyond just being aware of the passage into law of the FoIA, but to be well acquainted with relevant provisions of the Act.

**Keywords:** Freedom of Information Act, Journalism, Jalingo, Taraba State, Government.

### Background to the Study

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 that 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.

Ogunkwo, (1999) in Suntai and Vakkai (2014) assert that "the mass media ought to play the role of gathering, analyzing and disseminating news and information about people, events and issues in society which could be in form of news, commentaries, editorials, advertorials, news analysis, profiles, columns, cartoons, pictures or magazine feature via mass communication medium such as radio, television news papers, magazine, digital TV, face book, you tube, 2go and other numerous social media to a heterogeneous audience simultaneously or about the same time."

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 according to 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". This implies that, the free flow of information has been trampled upon. 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). In contribution, Malayo, (2012) asserts that: "Over the years, the agitation for the emergence of a free press society, has been on the front burner of national discuss, especially among journalism practitioners in Nigeria. This owes largely to the fact that the expediency of having a legislation that guarantees a high level of press freedom cannot be ignored. It cannot be ignored apparently against the backdrop of the attendant positive effect it could have on any society."

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).

Against this backdrop, the need for a Nigeria Freedom of Information Act (FoIA) had been emphasized by many media scholars. For instance, Ogbondah (2003:128) did note prior to its enactment that: "The National Assembly should enact or guarantee the press and members of the public the right of access to government-held information including computerized records."

Similarly, the Media Right Agenda (2004:4) at some point, wrote thus about the FoIA Bill when passed into law as an Act of Parliament, it will make public record and information in the custody of any government-Federal, State or Local available to every person in Nigeria. Accordingly, the right of access of official information, which the Bill grants will be legally enforceable; with the Freedom of Information Act, it will be possible to find out from Governors, Council Chairmen, Ministers, the President or other public officers, details of any transaction conducted in those offices.

The law, is believed will give protection to public officers who discover the perpetration of a fraudulent act and reveal is thereby discouraging corruption among public office holders. More so, Johnson, as cited by Ogbondah (2003:128-129), stated that: "a democracy works best when the people have all the information that the security of the nation permits, no one should be able to pull curtains of secrecy around decisions which can be revealed without injury to the public interest."

Before now, the challenges posed by anti-press laws that inundate the Nigerian constitution, have made the process of news sourcing gathering and dissemination, seemingly impossible for journalism. This was well capture by the Nigeria Guild of Editors (2001:96) when it observed that: "We are conscious of the responsibility of the press but we cannot perform our role creditably unless

the shackles wrought by repressive laws are erased from our law books... the realization of this objective is contingent on the freedom of the press to function without any hindrance.”

Unfortunately, the media being the fourth estate of the realm and the watch-dog of the leaders and the led cannot successfully carryout this sacrosanct function, without the ample freedom to seek, gather and disseminate information. Taking a cue from the functional aspect of the freedom of Information Act, Yalaju (2001:205) avers that: “the right of access to information is aimed at strengthening the media by securing and protecting freedom of expression and the press particularly.”

It is against the above grounds that the enacted FoIA seeks to make information more available to journalists in the same way it would be available to every other person who might request any information. It is also expected that with the law in effect, the media would have access to more accurate information, which would improve tshе quality of media practice. There is no gain saying the fact that the Nigeria Freedom of Information Act was proposed in the context of international affirmation of the rights of citizens to access information held by public bodies as fundamental human right. It is therefore instructive to note that the FoIA is one of the criteria for gauging a truly democratic state. It goes without saying that democracy is at its best, when the people have all the information that the constitution of the nation permits. The question now is that, 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 investigates.

### **Statement of the Problem**

The FOIA in Nigeria has been greeted by many proponents of the law as a step in the right direction. Media practitioners believe that the Freedom of Information, as a communication phenomenon will play an essential role in placing Nigeria on the right track of development. It will also increase the people’s participation in government programs and policies as well as translate to the enthronement of accountability and good governance. The issue now is the level of preparedness on the part of the core agitators of the FoIA, being the journalists as it relates to their maximizing the provisions of the Act towards effective journalism practice. While the FoIA promises a lot, its workability in a country like Nigeria, where there is a penchant for violating laws with impurity, tends to puncture its potentials direction towards effective media practice. Therefore, maximizing the potentials of the FoIA in Nigeria depends on how well the media practitioners are acquainted with its provisions. Malayo (2012) argues that not many journalists are fully aware of the provisions of the FoIA, thereby limiting their push for information in the custody of government, as well as other public institutions.

### **Aim and Objectives of Study**

The aim of this study is to assess the knowledge of Nigerian Journalist with regards to the Freedom of Information Act.

The whole gamut of the study is anchored on:

- (i). Examining the level of awareness among journalist in Nigeria on the FoIA;
- (ii) Determining the extent to which the FoIA can aid media practice towards a fair, balanced, accurate and objective reporting;
- (iii) Ascertaining the seeming challenges to the maximization of the FoIA in Nigeria.

### Research Questions

The study is anchored on the following questions:

- (i) What is the level of awareness among journalists in Jalingo metropolis on the FoIA?
- (ii) To what extent can the FoIA aid media practice towards a fair, balanced, accurate and objective reporting?
- (iii). What are the seeming challenges to the effective maximization of the FoIA in Nigeria?

### Significance of the Study

This study is significant as it attempts to reveal the point of convergence between the FoIA and effective media practice. Aside its immense potency to contribute to the body of knowledge, the study also provides a variable insight into provisions of the FoIA, thereby creating awareness about the law and its attendant prospects.

Moreso, the study can serve as one existing literature or as an additional literature on freedom of information in Nigeria libraries. It will also be instrumental to prospective researcher who may want to plunge into this similar area of study.

Again, journalists, editors, specialized groups, society, government etc. stand to gain immensely from the study. For the journalists, it provides them an ample opportunity to press for national development and enthronement of transparency in government. The government, through this study could harness the latent potency of the law as educated in it towards providing quality service to its citizens.

In the same vein, the study is significant as it provide a platform for government press collaboration which if harnessed, can facilitate national development.

### Scope of the Study

Although the awareness and utilization of FoIA among Journalists is an issue that cut across media practice in Nigeria. The study is limited to Journalists in Jalingo metropolis registered under NUJ, assessing their awareness and knowledge as regards to FoIA.

### Definition of Operational Terms

(i) **Act:** in this study, act means a law made by the National Assembly and has been given presidential assent.

(ii) **Constitution:** Base on the study. Constitution implies a body of laws and principles by which a nation (like Nigeria) or other organization is governed.

(iii) **Freedom of Information Act (FoIA):** A law that seeks to guarantee citizens access to government-held information.

(iv) **Journalism:** this study sees journalism as the work of collecting and writing news stories for newspapers, magazine, radio, television and the internet.

(v) **Evaluative:** Relating to the examination or judgment of the value of the importance of something.



### **Explicating Literature**

Review of related literature is the process of exploring the existing literature to ascertain what has been written or otherwise published on chosen research topic, the previous research conducted and their impact on the present topic chosen.

Therefore this chapter is divided into the following readings: Freedom of Information Act, right to access to government information, significance of the Freedom of Information Act, challenges impeding the implementation of the FoIA, Freedom of Information and media practice in Nigeria and theoretical framework.

### **Meaning of Freedom of Information Act (FoIA)**

Freedom of Information Act (FoIA) was signed by former President Goodluck Jonathan in May 2011. The aim of the Act is to provide public access to records or information. Section 1(1) of the Act reads: "Notwithstanding anything contained in in any other Act, Law or regulation, 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, is established" the Act is intended to:

...make public records and information more freely available, provide for public access to public records and information, protect public records and information to the extent consistent with the public interest, and the protection of personal privacy, protect serving public officers from adverse consequences of disclosing certain kinds of official information without authorization and established procedures for the achievement of those purposes. (Freedom of Information Act 2011:1).

Through the Act, both journalists and the civil society are empowered to probe deep into issues and expose corruption, misconduct, misappropriation, embezzlement and all sorts of malpractices in the process of public administration. In the words of Akor and Oko (2015), the FoIA implies a change in the principle of the provision of government information from a 'need to know' basis to a 'right to know' basis. It implies a change from passive citizenship to active citizenship in government.

The fundamental principles and contents of the Act include the need for maximum disclosure of information, the obligation to publish information, promotion of open governance, limited scope of expectations, the process to facilitate access to information, open meetings, supremacy of the FoIA over other Laws that limit access to information, protection of whistle blowers and the bodies responsible for enforcing the Act (Inokoba, 2014, Mmadu, 2011, Akor and Oko, 2015, FoIA, 2011).

Freedom of information, specifically access to information held by public authorities is a fundamental element of the right to freedom of expression and vital to the proper functioning of a democracy. It is an act that makes provision for the disclosure of information held by public authorities or by persons providing services for them (Robert, 2000). This means that the act enables one sees a wide range of public information because it gives the right to ask any public body for all the information they have on any subject. According to the Media Rights Agenda (2011) this Act "makes public records and information more freely available, provides for public access to public records and information, protects public records and information to the extent consistent with the public interest and the protection of personal privacy, protect serving public officers from adverse consequences for disclosing certain kinds of official information without authorization and establish procedures for the achievement of those purposes and; for related matters".

In a country where Freedom of Information Act is in operation, anyone can make a request for information— there are no restrictions on your age, nationality, or where you live. You can ask for any

information at all, but some information might be withheld to protect various interests which are allowed for by the Act. If this is the case, the public authority must tell you why they have withheld such information. According to Bard (2001), unless there's a good reason, the organization must provide the information within seven (7) working days.

In a democratic world, the public is expected to have access to information (particularly through the media) not only on how they are governed but also on anything that is of interest to the individual or group. This is what the Act is all about. Until recently, the right to freedom of information in Nigeria has been overlooked. While many established democracies across the world have enacted freedom of information regime, Nigeria had (before now) regarded freedom of information as a luxury only practicable in the Western World and other established democracies (Ekunno, 2001). Ekunno further asserts that "a culture of secrecy had become entrenched in Nigerian government and members of the public including the media are always denied access to official information, which in a democracy, they should be entitled to".

Against this backdrop, it could be inferred that, this breakdown in the flow of information impairs the democratic process and slows economic and social development as citizens are unable to participate effectively in the process of government, make informed choices about who should govern them and to properly scrutinize officials to ensure corruption is avoided. Government officials themselves also fail to benefit from public input which could ease their decision making or improve their decision. Also, without accurate information on matters of public interest, citizens must rely on rumours and unconfirmed reports with the obvious danger this presents for accurate and objective reporting by the media.

### **Right of Access to Government Information**

In the light of the Freedom of Information, Ogbondah (2003:128) wrote on the need for the law. According to him, "the need for the law arises because the 1999 Constitution of Nigeria does not guarantee the press and members of the public the right to access to government-held information. As a result of the absence of this type of law, a handsome volume of public affairs conducted in secrecy. Government records and documents belong to the people, should members of the public not be entitled to have access to their property?" Also quoting President Lyndon, B. Johnson of the United State of America on July 4, 1996 when he signed the Freedom of Information Act, Amadi (2004:36) did note that: "This legislation springs from one of our most essential principle. A democracy works best when the people have all the information that the security of the nation permits. No one should be able to pull curtains of secrecy around decisions, which can be revealed without injury to the public interest." Yalaju (2001:261-262) notes "a popular government without popular information or means of acquiring it, is but a prologue to a farce or tragedy or perhaps both." Yalaju, averred that: "In the draft it is safe to hypothesize that the drafters intended partly to provide the citizenry access to information. This is to be expected for if we are to shape enlightened society about how we are to be governed. The citizenry is therefore expected to have access to information that would enable them evaluate the performance of the government."

The beaming lacuna in our constitution is the absence of a specific provision for a free press. Like the United States Constitution, there was no original openness in the constitution with regard to citizen's "right to know" to affirm this right the American congress passed the Freedom of Information Act (FoIA) in 1965 and has been amended several times. The decision-making Federal Administrative Agencies to the public, the Nigeria FoIA is intended to achieve the same purpose. From the above stated by Ogbondah and Yalaju, it is imperative to note that the right of access to government

information is very important as the constitution itself for the enlightenment of the general public especially the media. From Ogbondah's description, our government records and documents belong to us and we should not be restricted from knowing how things are being done, if there must be a transparent governance. We must be allowed access to the occurrence in the government. This is a typical example of what the media have been fighting for. There is no how the citizen will be held to ransom, by the secrecy of the government and yet be expected lie low. Yalaju also emphasized it that "the citizenry is therefore expected to have access to information, that would enable them evaluate the performance of the government." In this case, there is no how the Freedom of Information Act will function effectively in Nigeria if the above stated points are not put into consideration. Amadi (2003:65) asserts that "Freedom of Information Act in Nigeria is still a pawn in the political chessboard of Nigerian politicians... Such legislation in Nigeria may not be farfetched... such a powerful pro-media pro-people legislation will constitute an effective check on their venality... anything that takes off this veil can burst corruption in Nigeria. And that is why politician will continue to balk at it."

Any government that wants to keep secret of their performance would not want the passage of the Freedom of Information Act. Dominick (2002:407) stated, "reporting the doings of the government can be a frustrating task if the government insists that information about its activities be kept secret." Justice P. B. Sawant in his presentation titled: "Media and Democracy: A Global View" (32), noted that, "It appears that out of 117 democratic countries, only 12 countries have a legislation ensuring access to government-held information. He further stated that if the media is to discharge its functions in democracy properly, it must have access to all authentic information from the primary sources, except the people themselves do not find interest in it." Judging from the fact that democracy gives a clear access to Freedom of Information and Nigeria practicing democracy is a great opportunity to pass this Act into law as that will grant the citizenry easy and quick access to government-held information else the government want to uphold to its secret code thereby ruling the people arbitrarily.

### **Significance of the Freedom of Information Act**

The Freedom of Information Act is not meant to witch-hunt government and public officials, but to provide the foundation for an open system of governance and consequently an open society, which will be for the benefit of all sectors of the society, including the government. Devasher (2006:16) explains that "a Freedom of Information Law can bolster the effectiveness of development and poverty alleviation strategies". Devasher attributed some failure in development strategies to "non consideration of citizens input to whom such policies are targeted." Access to information makes government more sensitive and responsive to the needs and demands of the ordinary people. A Freedom of Information Law increases public participation because the public can regularly engage with government officials and parliamentary representatives which can be crucial to national stability. Information sharing and openness help bolster public trust in the political system, by establishing a two-way information flow between citizens and the State. Devasher (2006:1) advocates that "such dialogue can combat feelings of exclusion, fear and victimization and reduce the risk of agitation of marginalization." According to Devasher (2006:8), the Act would among other things:

- Promote the oversight role of the National Assembly, by facilitating access to public documents and information necessary for the work of the National Assembly and its committees.



- Improve the record-keeping practice of public institutions. It will ensure that government records and documents are properly kept and reasonably guarantee the integrity of such records and documents.
- Enhance the realization of the economic reform agenda of the Federal Government as provided for in the National Economic Empowerment and Development Strategy (NEEDS) document, which provides for the adoption of an access to information law as flagship legislation required for its successful implementation.
- Promote transparency and accountability in governance as government policies and activities will become more open and available to the public.
- Ensure that government institutions work better and more efficiently as public institutions become aware that their decisions will be made public and have to be based on objective and justifiable reasons.
- Enhance participatory democracy in Nigeria, enabling citizens to make informed decisions, promote compliance, monitor distortions in policy implementation, and where necessary, improve the quality of governmental decisions and policies. This possibility in itself will give citizens a greater sense of belonging and ownership and ensure public confidence in the government and
- Complement and enhance the anti-corruption legislations of the Federal Government (including the prohibition and punishment of Bribery Act; the Code of Conduct Bureau Act; the Independent Corrupt Practice and Other Related Offence Act, 2000; the Economic and Financial Crimes Commission Act, etc.) as accountability and transparency in government cannot be possible if citizens have no right of access to information held by State or its agencies and do not consider themselves as stakeholders in the fight against corruption (*The Guardian*, 2008:11).

In a nutshell, Freedom of Information Law would make government more accountable, increase public participation, promote the involvement of all in public life, make private companies more accountable, monitor and expose corruption, lead to better decision-making, protect privacy, expose human rights violations, and promote worker's rights as well as make the country more secured (visit <http://www.pambazuka.org>). Good governance as an essential component of any thriving democratic state is premised on a system of openness, trust and government accountability. This can only be achieved if the public is involved in the process of governance. If the general public knows the functions, policies and decision made, they can question the government on the basis of the information obtained, and most importantly, the reasons for the government's actions. Government needs to demonstrate its commitment to a people-oriented democratic programmes and legislations by adopting a Freedom of Information Law that is strong and effective.

### **Challenges Impeding the Implementation of the FOIA**

The freedom of information act has faced numerous challenges ranging from socio political and constrain as seen in the constitution. In contribution, Collins (2003:33) notes that: "A right of access of officially held information would inevitably enhance good governance transparency, accountability and people's participation in government, but the great fear of the government lies in the criticism of their secret fraud. In revealing the criticism of their dark deeds." This has been a hindrance to the passage of the Act into law. Another criticism or hindrance to the effective use of the law is the fact that some parts of the constitution have to be expunged or repealed upon the passage of the Access to Information Act. This Act as in other jurisdictions (USA) was originally championed by the media to allow them expose the shortcomings of the government that would be hidden: (a) Section 3(a) and

(b) of 1999 Constitution. (b) Official Secrets Act No. 29 of 1962 and Official Secrets (Amendment) Act No. 30 1962. (c) Defamatory and Offensive Publication, Act 1960.

(d) Printing Press Regulations Act 1964. (e) Section 58 of the Criminal Code Act of 1958 (Power of Prohibit Importation of Publications). (f) Section 59 of the Criminal Code Act of 1958. (g) Section 51 of the Criminal Code (sedition). (h) Treason and Treasonable Offences Decree No. 29 of 1993. (i) Newspapers (Amendment) Act of 1964. (Ogbondah, 2003: 131) In photocopy fee, Ogbondah (2003:132) emphasized “information requesters should not pay more than the current photocopying rate at business centers.” These are the challenges the Law will face today, because our government officials would always use that to stop most journalists or public from getting the said information as they would not want to abide to the stipulated law, or as suggested by Ogbondah and thereby creating a lacuna for the access to the information, meaning the law may not be effectively practiced as that of the American first amendment and the Freedom of Information Act of Section 39.3(a) and (b) of the American Constitution.

### **Freedom of Information and the Media Practice in Nigeria**

Access to information from government bodies is essential to the media. Banisher (2007:4) admits it when he says that “without an ability to seek and gather information from government, the media is hampered in its ability to gather reliable information. In consequence, society is harmed since important actions of government are not available to public scrutiny” (<http://www.osce.org/form>). In every free democratic society, the mass media ensures that the government is accountable to the people by providing information of essence and relevance. Banisher (2007:4) advocates that information based on foreign policy issues, the economy, education, and civic rights need be made available to the people so as to avail them the opportunity to better understanding government, its direction, role and impact on their daily lives (emphasis mine). This commitment is based on “ethics and morals, upon which the media is oblige to be honest, sincere, critical and give laurels where and when expedient” (Banisher, 2007:4).

Most countries keep track neither of actual numbers of requests nor of the users of FOI laws. Banisher (2007:4) asserts that “in those that do, journalists are not the largest users of the Freedom of Information laws; in general, they make up only 10% to 20% of those making the request. Most requests are from individuals who are seeking information relevant to their daily lives, such as schools or development.” This however, contradicts the insinuations from our parliamentarians that the FOI Act is a media Act purported to empower the press so as to increase their terrorisms. A study to find out the history of Freedom of Information Acts (FoIA) in Australia, United Kingdom and United States of America shows that while citizens, groups, lobbyists, civil servants, academic and others campaigned for Freedom of Information, the mass media in the three countries generally proved reluctant to push for reform. From the perspective of the leaders and parliamentarians, mass media would appear to gain the most from Freedom of Information Act; but from the perspective of the media in those countries, making government more accessible to the public threatened their professional status and their exclusive relationships with politicians. However, the study did note that the case was less in America because the American Association of Newspaper Editor did advocate FoIA (Dominick, 2002). Dabiri, Erewa – a member of the House of Representative and one of the co-sponsors of the FOI Act in Nigeria explains, in an interview with Daily Independence (2006), that the media is just one aspect of the society that would benefit; adding that, in American government which we often make comparisons, students, researchers and private organizations use it more than the media.

In any given society, the role of the mass media is distinct and enormous. It is the duty of the media as the watchdog of the society to comment upon the constructively criticize all individuals and institutions whose activities have a bearing on public interest. According to Lasswell, the mass media perform three major functions: surveillance of the environment, correlation and transmission of social heritage. Charles Wright, cited in Ukonu, (2006), adopted the Lasswellian functions but added entertainment which he thought, was missing. The expansion continues and gives the media a more embracing role in society which according to Siebert et al, cited in Ukonu, (2006), includes:

- News and information dissemination;
- Analyses and interpretation of social events;
- Education of the masses;
- Persuasion and public relations;
- Advert and sale of products (goods and services)
- Entertainment of people.

The role of the media in the society justifies the fight for the free flow of information. Banisher, (2007) outlines three essential requisites of democracy to include: “a well informed citizenry, participation of the citizens in the day-to-day governance of the society, and accountability to the citizens of those who exercise power on their behalf.” He further argues that unless citizens have adequate and accurate information on all the issues and problems confronting them, they will be unable to make enlightened decision on them, and they will be unable to comprehend the day-to-day working of the government and to participate in it. Answering the question: who can furnish such information to the people at large? Banisher, submits that: “Media reaches the largest section of the society directly or through secondary leadership and viewership, regularly, constantly-almost every hour of the day, and also intimately. Consequently, it is the media which enables the people to perform their three-fold functions in democracy: to participate in the day-to-day affairs of the society, to make informed decisions and to keep a check on the authorities who rule on their behalf (pg. 25).” The media also provide debates and discussions which is absolutely necessary in democracy. The media can act as a channel between the people and the authorities. The grievances, the needs, the problems, the hopes and aspirations of the authorities may in turn be conveyed by the media to the people. The most important role of the Freedom of Information laws is to help establish the presumption that information should be made public, and that older laws favoring secrecy should be over-ruled. This improves the atmosphere for access by the media practitioners and makes it easier for them to obtain information. It will also help to promote justice and fairness in the activities of governments. Banisher (2007) adds that the “affirmative disclosure provisions are important to keep track of the activities of government bodies and to ensure that one type of media (such as government-owned or government-controlled) is not given exclusive access to information while less favoured media are excluded.”

It is pertinent to note that the proceedings in the legislature including the bills which come before it do require a critical analysis, by the media, before, during and after their passage. This informed this research on press coverage of FOI Act in Nigeria. The essence is to find out how the press has been faring in providing awareness and all the necessary information about the Act. It is against these backdrops that Banisher, (2007) has this to say, “the legislators and the citizens do require being properly educated on the implications of the legislative measures, on the response of the executive to the queries, resolutions, notice etc, of the legislators, the stand taken by the different political parties and their spokesmen on various issues etc.” Furthermore, Freedom of Information (FOI) provides an important tool for the media to gather in-depth information on how government is

working. Banisher (2007) opines that “journalists” request under FOI are often more detailed than those of the general public, particularly where these relate to in-depth investigation pieces or difficult questions on local or national decisions of some complexity.” In the essence of the authentic information, the media is required either to speculate on the subject or rely upon secondary sources which may be misleading, motivated and biased hence the need for a FOI law. Writing on the imperatives of the media in sustainable democracy, Akinfeleye (2003:31), cited in Oji (2007:417), explains that the basic imperatives of the press in the promotion and preservation of national interest and sustainable democracy will include but not limited to the following:

- Common carrier of ideas;
- Representative pictures of the society;
- Truth and meaning of truth in democracy;
- Classification of the values and goals of the society;
- Uncover and never to cover up;
- Monitor the government;
- Make the government accountable to the people: inform, educate and entertain the people;
- Promote the concept of accountability, integrity, honesty, fairness and equity;
- Give voice to the voiceless in the society; society agenda setter; forgoing national unity and integration;
- Promotion of sustainable national interest at all time and promotion of journalism integrity.

### **Theoretical Framework**

Theoretical frameworks are principles on which the subject of the study is based. These theories determine their objective parameters. This theory establish a vantage point, a perspective, a set of issues for which the study seeks for answers to the study questions. This study is anchored on the Libertarian theory.

### **Libertarian Press Theory**

The Libertarian Press Theory provides the theoretical bedrock for this work. According to its proponents, (John Milton, John Locke, John Stuart Mill, and Thomas Jefferson), libertarianism hinges on the ‘self-rightening’ principle. It advocates for a ‘free market place of ideas’ with the hope that good ideas will naturally ‘sell’ at the expense of the bad ones (Bitner 1989, Sambe 2008, Nwabueze 2014). To this end, all forms of restrictions or limitations to freedom of expression are criticised.

The theory which emerged in Europe in the 17<sup>th</sup> Century opposes the authoritarian press theory which subjected the press to strict government regulations and restrictions. During the authoritarian era, the press was viewed as an agency of the state which was expected to protect its interest, hence the need to act in accordance with the dictates of the state. However, with the libertarian press theory, the press operates with unlimited freedom, devoid of all forms of censorships. This theory is relevant to discussions in this study.

Although the Nigerian constitution addresses the issue of freedom of expression in section 39, the FoIA expands the scope of press freedom in the country, as it provides for freedom of access to information of whatever kind. The implication here is that, though freedom of expression has been guaranteed by the 1999 constitution as amended, official records and information that are vital in the fight against corruption were shielded in bureaucratic secrecy and tagged ‘classified information’;

hence the advent of the FoIA provides a new dimension to the concept of press freedom in the country.

### Methods

This section presents the method used in carrying out this study. It deals with the research design, area of study, population of the study, sample/sampling method, instrument of data collection, method of data presentation and analysis.

### Research Design

Survey method is the research design adopted for this study. Survey, according to Nwodu (2006:67) “is a research method, which focuses on a representative sample derived from the entire population of study”. A researcher who employs this method therefore, goes into the field and selects samples out of the entire population. It has to do with administering questionnaires personally to gather data, and collecting them back from the various respondents in order to analyze the data for a better result.

### Area of Study

The area of study is Jalingo metropolis. The study examined the awareness and utilization of the Freedom of Information Act by Journalists in Jalingo Metropolis. The choice of this area is as a result of its proximity to the researcher.

### Population of the Study

Population of the study according to Ogili (2005:53) “involves a group of persons or aggregate items, things the researcher is interested in getting information from for the study” Therefore, the population of this study are journalist in Jalingo Metropolis registered under NUJ which are about 293 (Source: *Nigerian Union of Journalists, Jalingo Chapter*)..

### Sample Size/Sampling Technique

Jen, (2002) holds that “a sample is a sub-set of the target population being studied. This sample is necessary owing to the large size of geographical location, and economic implication”. However, the sample must be a true representative of the population hence the researcher must consider their similar characteristic and experience (Jen, 2004:31).

Therefore, to determine the sample size of the population, the Taro Yamene’s formula was applied thus:

$$N = \frac{N}{1 + N(e)^2}$$

Where:  $N$  = sample size sought

$e$  = Margin  $(0.10)^2$

$N$  = Population size 293

$$N = \frac{293}{1 + 293(0.10)^2}$$

$$N = \frac{293}{293 + (0.01)}$$



$N = \frac{293}{3.93}$   
 $N = 74.5$  approximately 75

Sampling technique refers to the procedures for drawing representative samples from populations (Ojo, 2003). Therefore, the researcher used purposive sampling technique in selecting 75 respondents (Journalists). The respondents were purposively selected from the different correspondent's chapel and Newspaper bureau that are covering Taraba State. The essence of using purposive sampling was because the researcher had certain characteristics in mind and such characteristics had to do with on-the-job experience.

### **Instrument for Data Collection**

The research instruments for data collection means the tools which will be used to collect data for the purpose of testing hypotheses or answering research questions, (Ojo, 2003: 30). The instruments used in this study were questionnaire and observation. (Ojo, 2003) says that "a questionnaire refers to a list of questions or statements designed to generate data in a survey in order to achieve research objective, answer research questions and validate or reject a hypothesis if any".

### **Method of Data Collection**

The questionnaire instrument was used for data collection. The researcher administered the copies of questionnaire to the respondents face-to-face. The researcher gave respondents few minutes to respond to the questionnaires after which they collected them. This was because it would not be easy for them to repeat calls to retrieve them in view of logistic constraints and the fact that the questionnaire copies might get missing due to tight schedules of respondents.

### **Method of Data Presentation and Analysis**

Data gathered were coded and analysed with SPSS version 22 and the results of the analysis were presented descriptively for better understanding and comprehension.

### **Validity and Reliability of Instrument**

The instrument used is questionnaire. It is valid because it is ideal for measuring what it is designed for, which is evaluating the freedom Information Act as regards to journalism practice in Nigeria with special reference to Journalists in Jalingo metropolis. Obasi (2008:20) says "validity is the appropriateness of an instrument in measuring what is intended to measure".

### **Discussion of Results and Findings**

Several issues were revealed in the course of this study. This is evident from the responses to the research questions by the respondents which formed the basis on which the study is entrenched on. Based on the data gathered and analyzed in relation to the literature reviewed in this study, it could be concluded that the FoIA is just law in the constitution but not in full practice in Nigeria.

The findings revealed that journalists in Jalingo metropolis are more of general assignment reporters than any other form of reporters and that the male journalists are more in number than the female journalists.

Findings also revealed that most of the Journalists in Jalingo metropolis are government employed and majority of them are within ages of 36-40.

Findings revealed that all the Journalists i.e 75 (100%) that made the sampled frame agreed to have full awareness of the FOIA, this implies that majority of the journalists in Jalingo metropolis are fully aware of the Freedom of Information Act.

Probing on the extent to which the FoIA aid media practice towards a fair, balanced, accurate and objective reporting, the study revealed that majority 70 (93.3%) of the respondents strongly agreed that the FoIA can aid journalism practices towards fair, balance, accurate and objective reporting. But they do not agree that the FoIA has created access to government-held information for journalists in Taraba State. This means that although the FoIA is meant to allow Journalists probe into government held information in order to enlighten the public, reverse is the case in Nigeria as the law is only enacted on paper and not in practice. That is why majority 65 (87%) of the respondents strongly agreed that every member of the society needs to know how the government uses funds. As far as Journalists in Jalingo are concern every member ought to know how government uses funds.

The study further revealed that 58 (77.3%) Journalists out of the 75 sampled in Jalingo metropolis do not agree that the Freedom of Information Act (FoIA) ensures effective journalism practice among journalists in Taraba state and that the right of access of information would bring about transparency and good governance.

Findings also revealed that most of the respondents i.e 60 (80%) out of the sampled 75 were with the opinion that Nigerian government does not encourage Freedom of Information Act. It is just a law in the constitution but not a law in practice.

Elucidating the factors affecting the maximization of the FoIA in Taraba and Nigeria at large the study revealed as concurred by 55 (73.3%) of the respondents that government and the society play a huge role in hindering the effective utilization and maximization of the FoIA.

## **Summary, Conclusion and Recommendations**

### **Summary**

Having exhausted the analysis of the data collected from respondents via the questionnaire, the findings are summarized thus: that there is a growing awareness of journalists on the FoIA. This is not coming as a surprise as journalists a long side other civil society organization were at the forefront for the passage into law of the Freedom of Information. This awareness, it is discovered, is necessary for the maximization of the latent prospects of the FoIA in Nigeria. Again that the FoIA will indeed create access to government-held information remains cheering news. This is against the backdrop of the fact that the law provides a platform for participation and interaction between the government and the governed – these are veritable indices of a true democracy. However, the 1999 Constitution of Nigeria as it is at the moment has been seen as one of the greatest banes to the workability of the FoIA in Nigeria. To this end, the advocacy for the repelling of some of these anti-press laws in our statutes if the FOIA must work is a call that cannot be easily waved off.

Also, sheering is the fact that the FoIA has been seen as one of the ingredients for the sustenance and strengthening of our nation's democracy. This owes largely to the fact that the Act has been seen as engendering responsibility, transparency and accountability in government.

Interestingly, the FoIA has been seen as an indispensable agent catalyst to effective journalism practice. This is true in that, it provides the necessary platform for objective, factual, fair and balanced reporting.

Finally, the FOIA ushers in an era of freedom with responsibility in which the journalists is saddled with the task to reporting in such manners that would only be fair and factual yet engendering national development.

## Conclusion

In view of the analysis made from responses of respondents, it is therefore submitted that the Freedom of Information Act has the potency to enhance the journalism practice in Nigeria, national development, guarantee national security, transparency and good governance and press freedom. However, the anti-press laws that adorn our law books, unfortunately have the capacity to frustrate the FoIA in Nigeria.

Moreso, the FoIA is a catalyst for freedom with responsibility. This is so because the media now are made to assume the full states of the change agents they have often been denied.

The FoIA places on the shoulders of the journalists a rather “heavy burden” – the task to report in manners that are not only responsible but also engender development. It is in journalist’s adherence to journalism tenets that they would avoid the pitfall of irresponsible journalism practice – to whom much is given much is required. It is in this light that journalists must know that freedom must be matched with responsibility.

## Recommendations

In view of the findings made in the study, the following recommendations are hereby submitted:

- (i) That journalists should go beyond just being aware of the passage into law of the FoIA, but to be well acquainted with relevant provisions of the Act. It is when they do that, that they can make the most of the Act.
- (ii) That the workability of the law in Nigeria remains a concern. Allaying this concern will be highly predicated on how well strict compliance is made to the relevant provisions of the law.
- (iii) That some of the anti-press laws that adorn or law book should either be expunged or repelled. It is in that, that the FoIA can be beneficial to the Nigerian nation and its citizens alike.
- (iv). That efforts must be made to punish public office holders who attempt to frustrate the public’s effort to get information.
- (v). Journalist should hold tenacious to the ethics of the profession and as report in manners that will advance the cause of development of the people.

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