

A PERISCOPIC VIEW OF FREEDOM OF THE PRESS IN NIGERIA

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Abstract

This work is aimed at highlighting the interconnectedness of press freedom and democracy in Nigeria, using President Obasanjo's administration as a case study. The recognition of the press as the watchdog of the society connotes the capacity of the press to monitor governmental activities. However, in Nigeria, the authority controls the press in manners that negates the principle of press freedom. Data was collected through the simple random sampling technique and analyzed using the Yaro Yamini formula and the scientific chi-square methodology. The results reveals that, there is a positive link between press freedom, democracy, and development. The work therefore recommends that the government should advance the cause of press freedom, by granting the press a free hand to its duty, and that there should be continuous intensive training and retraining for journalists to make them more professionally competent and globally competitive. The work also recommends that those in authority, should be tolerant of the press, and that the press should observe the ethics of its profession.

Introduction

Let it be said that practical actualization of most of the fundamental rights cannot be achieved in a country like ours where millions are living below starvation level. It is only a few days ago that some Nigerian Newspapers reported that according to statistics compiled by the United Nations expert- sure rather conservatively- that over 13 million Nigerians are living below starvation level. In circumstances of this nature, fundamental rights provision enshrined in the constitution are nothing but a meaningless jargon to all those living below or just at starvation level. A situation like ours where a few are living in unimaginable luxury and opulence whilst the vast majority are living just on or below starvation level and where multitudes are roaming the streets seeking employment which will never come is the greatest injustice of our time and it is one that no Nation has ever survived (Aguda, :27).

In Nigeria, like many other African countries, certain human rights are categorized as “fundamental” based on the consequences of their violation. Under the Nigerian Constitution, these fundamental rights are found in Chapter IV and they are the following: Right to life (Section 33), Right to dignity of human person (Section 34), Right to personal liberty (Section 35) - Right to fair hearing (Section 36) Right to private and family life (Section 37)- Right to freedom of thought, conscience and religion (Section 38) - Right to freedom of expression and the press (Section 39)- Right to peaceful assembly and association (Section 40)- Right to freedom of movement (Section 41)- Right to freedom from discrimination (Section 42)- Right to acquire an immovable property anywhere in Nigeria (Section 43) - Right not to be deprived compulsorily of property lawfully acquired except through processes lay down by law and upon payment of compensation (Section 44)

These rights are fundamental because they are justiciable, meaning that, upon their violation, an individual victim can seek redress in a law court, unlike other rights provided for in the Chapter II of the same Constitution. The non-fundamental rights in the Chapter II are categorized as “Fundamental Objectives and Directive Principles of State Policy” and they include such objectives as abolition of corrupt practices, provision of shelter, food, minimum living wage, old age care, pensions, humane governmental actions, provision of education, medical facilities and many others. However, by virtue of section 6 (6) (c) of the Constitution, no citizen can initiate a court proceeding in order to compel government to give effect to these lofty objectives.

The press remains a cornerstone of democracy and popular participation worldwide. Press organizations are vibrant and restive institutions which provide platforms for power negotiations in the public space. They set the stage for public discourse on popular issues and enjoy wide readership. The principal features of press organizations include critical independence, democratic constructiveness and commercial viability (Bruns 2008; Oyeleye 2004; Kuper and Kuper 2001). The state's fear of the power of press organizations and their immense contributions to the defence of fundamental human rights often serves as justification for censorship.

Media practitioners have faced a lot of stampedes on their operations making many of them to go silent. Press freedom does not have a straight jacketed definition; it is the right of the mass media to communicate ideas, opinions and information. It has to do with the right of the media to criticize the political, economic and social institution of the country (Asemah, 2011). According to Onagoruwa (1985), press freedom, is the right of the press to publish without being subjected to any form of intimidation, molestation or blackmail. To the above scholars press freedom connotes the liberty to publish news or information without formal or informal restraints.

In his statement on World Press Freedom Day, President George Bush (2008) mentioned that press freedom was enshrined in the first amendment to the United States Constitution, recognizing freedom of speech as a necessity for a free society. Similarly, Nigerian governments have made constitutional provision for press freedom. Section 24 (1) of Nigeria's 1960 Constitution states that: 'every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference' (Akinola 1998). Also, Section 39 of Nigeria's 1999 Constitution states the right to freedom of expression and of the press (Federal Republic of Nigeria 1999). The notion that the press is an important factor in the democratic environment (Merrill 1974) has been reflected in the play between the different cultural and ideological forces affecting press freedom in Nigeria. Abati (1998) finds that the prevailing political system in Nigeria determines the scope of press freedom. Conversely, democracy has opened up spaces for the survival of press organizations across the world.

Sustainability of the fledgling press organizations depends on the interplay of political turmoil, sectarian violence, and foreign interventions in the country. The transition in Nigeria from military to civilian administration in 1979-1983 and since 1999 resulted in an increase in the number of press organisations (Hudgens and Trillo 1999). Symbiotically, democracy depends on effective communication systems channeled through the press (Jacob 2002). However, press organisations which are expected to promote democracy and be promoted by democracy, have most often been deployed to protect elite interests to the detriment of the larger society.

Against this background the study seeks to proffer an appraisal of the interconnectedness of press freedom and democracy in Nigeria using President Olusegun Obasanjo administration as case study. Despite the skepticism of many persons in power towards the press, it is obvious that the power of the press in upholding democracy cannot be easily wished away. As Sambe and Ikoni (2004) have pointed out, there are six issues which press freedom is all about: a. No prior or subsequent restraint, b. Freedom to gather information, c. The right not to be compelled to disclose the source of information, d. Freedom of impart, e. The right to receive, information, f. Freedom from unreasonable punishment for what is published. However, press freedom seems to be a term solely defined but not practiced at large, as government often do not want a free press that could be a counterpoise to their exalted position. They would rather that the press be sycophantic so that the abuse of human rights are not brought to the public glare.

Press Freedom, Human Rights, and Democracy

The Nigeria Constitution 1999 (as amended) has captured the various human rights which the law seek to protect under section 33 to 46, vis:

Right to life, Right to dignity of human person, Right to personal liberty, Right to fair hearing, Right to private and family life, Right to freedom of thought, Right to freedom of expression and press, Right to peaceful assembly and association, Right to freedom of movement, Right to freedom from discrimination, Right to Acquire and own immovable property anywhere in region, Right to compensation (compulsory acquisition of property)

Human Rights are rights possessed by all persons by virtue of their common humanity to live a life of freedom and dignity. Human Rights are universal, they are the same for everyone' everywhere. They are inalienable; they are neither be taken away nor given up and they are indivisible, there is no hierarchy among rights and no right can be suppressed in order to promote another right. Human Rights could be seen as those 'rights without which we cannot function as human beings

Since Human Rights are backed by provisions of the law, for there to be a violation of Human Rights, there must be a form of infringement of rights guaranteed under an existing law. To violate the most basic Human Rights is to deny individuals their fundamental moral entitlements. It is in a sense, to treat them as if they are less than human and undeserving of respect and dignity. Examples of violations include acts typically deemed crimes against humanity such as genocide, torture, slavery, rape, deliberate starvation etc. Human rights violations cut across all spheres of man's existence and the Nigerian security services have been accused of being one of the greatest violators of the said rights in Nigeria.

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Indeed, the above issues reasonably represent what press freedom is all about. It even goes beyond to articulate the fact that political authorities should not make unreasonable laws to gag the press. As Nwanne (2000) has previously noted:

It is essential that political authorities in any given environment must have the sagacity and maturity to appreciate that a free and unfettered press is more likely to pursue the goals of national development than a docile one.

Quite often, the perceived security of the incumbent regime is interpreted in a way and manner that might suggest that the press constitutes a 'security risk' through the kind of stories it publishes about those in power and their families. Any publication that does not sing the praises of those in power to high heavens is perceived as 'sedition', 'treason' and similar other adjectives

Nigeria emerged from colonialism in 1960. While colonized, Nigerians suffered press freedom infractions from the colonial authorities. According to Momoh (2002) restrictive media laws could be said to have actually taken roots in 1903 with the enactment of Newspaper Ordinance of that year and the sedition Ordinance of 1909. Perhaps the most notorious press gag law was the 1917 Act. He noted that it brought together previous colonial laws.

No doubt, these laws were put in place to curb the perceived "excesses" of the local press and sufficiently frighten them to desist from attacking the Colonial Administration. Tellingly, most of those Draconian laws have remained in Nigeria's law books because the new rulers who took over from the colonialists were not interested in abrogating them. Not unexpectedly, therefore, in 1964, this earlier Act was amended and has been the basis of anti-press laws in Nigeria. The first civilian administration under Tafawa Balewa, the Prime Minister enacted the law. If the civilian administration was not particularly media-friendly, it was even worse with the subsequent military administrations, each of them trying to outdo each other in an effort to put the media in its rightful place

In the United States of America, there is a stable democracy, anchored on freedom of the individual and the press. The first amendment to the American Constitution provided that Congress shall make no laws abridging the freedom of the press. But in Nigeria, the writers of the constitution did not seem convinced

that Nigerians deserved unconditional freedom, hence the frequent reasons to the clause 'provided'. Such limitations of the freedom of the press in Nigeria often provides opportunity for those in authority to take advantage.

On ascension to office, Obasanjo spoke of the need for a free press. But his disposition and body language did not always support his public statements. Unlike when he was military head of state, he managed to conceal his famed contempt for the local press. Under his watch, security agents had invaded the African Independent Television (AIT), a credible private outfit.

After an eight-year tenure, Obasanjo handed over power in 2007 to Umaru Musa Yar'adua, a scion from Katsina, North Central Nigeria. Mild-mannered, quiet but effective, Yar'Adua's relationship with the press was generally all right, except probably on one or two occasions when he lost control. On one instance, the highly credible Channels Television had aired a story about the failing health of the President and the intrigues associated with it. Yar'Adua did not find it funny as he reacted rather angrily. Yar'Adua, probably Nigeria's most honest president by admitting that the electoral process that brought him to power was flawed. Abubakar (1999) views press freedom as the cardinal pillar of democracy. The African Guardian (1993) also reported that the safety of democracy in Nigeria is irrevocably dependent on the existence of a mature responsible, courageous, free and vibrant press; it is only when the press is free that the reports object in affairs which the people need and deserve, otherwise its reporting will be subjective, by favouring the government. Journalists make it a point of duty to furnish citizens of this country with the needed and corrected information. Adeyemo (1998) points that the mass media should uphold, among other things the responsibility of government to the people.

However, the press in Nigeria under the administration of Obasanjo can be said to be better off compared to the previous administrations and regimes especially the military junta of Babangida and Abacha. But that does not mean that the press in Nigeria is now free, far from it. The press in Nigeria is still under siege. Since it means that some basic fundamental human rights are still being violated, the citizens molested and treated contrary to the provisions of the constitution.

Many erroneously believe that press freedom is all about inhibited freedom of journalists to print or air whatever pleases them. The reality of the situation is that journalists are professionals who gather, analyze and present the news of the day to an information-hungry world. Therefore, they require some form of constitutional encouragement.

Given this enormous responsibility, Oji (2006:424) makes a robust argument for 'pure' freedom of the press. According to him the press need freedom for the following reasons:

That the media must have constitutional safeguards to enhance the discharge of its duties, that the media must have access to information, that the media should be protected to protect and prevent the disclosure of sources of information, call for the stipulation of freedom of the press in the text of nations' constitutions and that it should be preceded by a statement of the obligation of the press, where there are sedition laws in the world, clauses which do not see truth as a condition for the free practice of journalism should be expunged and, in places where the constitution or any act cedes the power to grant a media license to any government official, such as Section 39 of the 1999 constitution and replicated in the National Broadcasting Commission Decree of 1992, should be expunged.

Oji's recommendations are clearly well thought through partly because giving a government official the right to issue a license is conferring too much power on one man which lays open the possibility of egocentrism and unbridled arrogance knowing that power corrupts while absolute power corrupts absolutely as has been articulated by political philosophers. The case of Nigeria is somewhat worrisome because there is no specific mention of press freedom in the constitution. As Ajibade (2003) has observed, given the situation in Nigeria and "the lack of constitutional guarantee for free press, it is obvious that there is no true press freedom in Nigeria. What is guaranteed in Section 39 of the constitution is freedom of expression and freedom to own and operate mass media agencies. A specific guarantee of press freedom is missing.

Nevertheless, since the government is claiming to be democratic, it should understand that the growth and development of representative government is so much intertwined with the growth of the press. That is the press has come to be re-organized as an indispensable limb to modern democracy. Nigerian leaders ought to emulate the immortal works of Thomas Jefferson, a one-time president of America, who stated that if he was asked to choose between a government without a newspaper and a newspaper without a government, he would not hesitate to prefer the later.

However the relevance of press freedom and other fundamental human rights on democracy can be summarized thus: let reason be opposed to reason and argument to argument, and every good government will be safe.

Data Analysis

Question 1: Press freedom is fully observed in the Nigerian democracy.

Response	No of Respondents	% of Response
Strongly Agreed(SA)	37	37%
Agreed(A)	5	5%
Undecided(U)	1	1%
StronglyDisagreed(SD)	34	34%
Disagreed(D)	23	23%
Total	100	100%

In the table above, the data show that 37 respondents representing 37% indicated that Press freedom is fully observed in the Nigerian democracy. 5 respondents (representing 5%) indicated that the press is restricted, 34 respondents (representing 34%) indicated that it is not free, while 23 respondents (representing 23%) indicated that the press is less free.

Therefore from the data, it could be deduced that the press is not completely free in Nigeria.

Question 2:Has press freedom and fundamental human rights played a significant role in the recent Nigerian democracy?

Response	No of Male	No of Female	% of Response
Strongly Agreed(SA)	43 (43%)	29(29%)	72%
Agreed(A)	15 (15%)	11 (11%)	26%
Undecided(U)	-	-	-
Strongly Disagreed(SD)	1 (1%)	1 (1%)	1%
Disagreed(D)	-	-	-
Total	59 (59%)	41 (41%)	100%

In the above table, 43 male respondents (representing 43%) and 29 female respondents (representing 29%) said that press freedom and fundamental human right contributed to the recent democracy in Nigeria, while 15 male respondents (representing 15%) and 11 female respondents (representing 11%) agreed with the question.

From the collected data, it could be deduced that press freedom and fundamental human rights contributed to democracy in Nigeria.

Question 3: Will press freedom guarantee other human rights and democracy in Nigeria?

Response	No of Male	No of Female	% of Response
Strongly Agreed(SA)	50 (50%)	28 (28%)	78%
Agreed(A)	15 (15%)	7 (7%)	22%
Undecided(U)	-	-	-
Strongly Disagreed(SD)	-	-	-
Disagreed(D)	-	-	-
Total	65 (65%)	35 (35%)	100%

From the table above, 50 male respondents (representing 50%) and 28 female respondents (representing 28%) strongly agreed that truthfulness and objectivity will be the answer to the question while male respondents (representing 15% and 7% female respondents (representing 7%) agreed with the question. As the data revealed, majority believed that press freedom will guarantee human rights and democracy in Nigeria.

Question 4: Did the Obasanjo regime observed press freedom and fundamental human rights in Nigeria?

Response	No of Male	No of Female	% of Response
Strongly Agreed(SA)	3 (3%)	1	4%
Agreed(A)	15 (15%)	5	20%
Undecided(U)	38 (38%)	38	76%
Strongly Disagreed(SD)	-	-	-
Disagreed(D)	-	-	-
Total	56 (56%)	44%	100%

From the above table, 3 male respondents (representing 3%) and 1 female respondents (representing 1%) strongly agreed that press freedom and fundamental human rights under the Obasanjo regimes were absolutely free, while 15 male respondents (representing 15%) and 5 female respondents (representing 5%)

indicated that a very small attention was accord to the issues is question. Furthermore 38 male (representing 38%) said that press freedom and fundamental human right were seriously restricted.

From the collected data, press freedom and fundamental human rights were not adhered to, thereby hindering Nigerian democracy.

From the above discussions, findings revealed that despite the skepticism of many persons in power towards the press, it is obvious that the power of the press on democracy cannot be easily wished away, as the link between good governance and a vibrant press cannot be doubted.

The greatest sources of information in any nation are the mass media, which include the press, the electronic, and of course the internet. It is through the mass media that information is disseminated which is expected to influence both the government and the governed, sharpen public opinion that consequently leads to sound policy formulation, result-oriented reforms and positive changes.

Findings also revealed that press freedom influence fundamental human rights, thereby enhancing democracy. That is to say that press freedom and fundamental human rights in Nigeria play complementary roles as the people are given an opportunity to express their views in respect of the activities of the government. As a matter of fact it allows them the opportunity to offer constructive criticism. This public opinion role of the masses is usually effective when the press enjoys a substantial degree of freedom.

Conclusion and Recommendations

This work looked at press freedom, fundamental human rights, and democracy in Nigeria under the Obasanjo administration and observed that press freedom and fundamental human rights play complementary roles in ensuring true democratic governance.

In order to achieve a measure of clarity, press freedom and democracy were conceptualized while the theoretical framework was anchored on the normative theories of the press and the dependency theory. Issues in press freedom were explored with the clear link between a free and unfettered press, democracy, and good governance. The state of press freedom in Nigeria was examined, noting that the greatest infractions took place during the military. However, the civilian administrations that emerged from 1999 in Nigeria managed to maintain a measure of decorum with the press but occasionally exploding to show that they were really in charge.

Therefore, for the dividend of democracy to be fully and optimally harnessed, and national development ensured, press freedom must be guaranteed. After an exhaustive study and analysis of the interconnectedness of press freedom and democracy; using the Nigerian experience:

- i). Findings revealed that press freedom influences the observation of the fundamental human rights, thereby enhancing democracy. The work therefore recommends that the government should advance the cause of press freedom, by granting the press free hand to its duty. An unambiguous constitutional provision should be made to ensure that no law shall be made to abridge the freedom of the press.
- ii). Findings also revealed that press freedom and fundamental human rights in Nigeria play complementary roles as the people are given the opportunity to make constructive criticism about the activities of government. The work therefore recommends that the people should be educated more to know their rights. There should be continuous intensive training and retraining for journalists to make them more professionally competent and globally competitive.
- iii). Findings revealed that the greatest source of information dissemination is the mass media, which is expected to influence both the government and the governed, sharpen public opinion, and consequently leads to sound policy formulation, result-oriented reforms and positive changes. Therefore the work recommends that those in position of authority, should be more tolerant of the press, knowing that the press is contributing its own quota to national development.
- iv). Findings also revealed that despite the skepticisms of those in authority towards the press, it is obvious that the power of the press on democracy cannot be easily wished away, as there exist a link between a vibrant press, democracy, and good governance. The work therefore recommends that the press should do

its work according to the ethics of the profession. All the professional bodies involved should work hard to professionalize and sanitize the profession so as to give it the needed integrity.

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