



## Freedom of Information Act and its Impact on Journalistic Practice in Nigeria

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### ABSTRACT

**Background:** In 2011, the Nigerian Government signed the FOI Bill into law, thereby making Nigeria the ninth country in Africa and among the over 90 countries in the world to have passed this bill. The Act, according to Media Rights Agenda (2011) is indeed very explicit in its mission, which is simply 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 for disclosing certain kinds of official information without authorization and establish procedures for the achievement of those purposes and, for related matters. However, journalists in Nigeria among other obligations facing them have the mandate to beckon on the act and provide information roles to the society in line with their professional demand. This therefore called for in-depth study on the impact of the Act on the performance of the Nigerian journalists in the complex Nigerian society.

**Objective:** This study was undertaken to ascertain the impact of the Freedom of Information Act on journalistic practice in Nigeria.

**Method:** This study employed descriptive survey research method using respondents/journalists drawn from the capital cities of Enugu and Ebonyi States via purposive sampling techniques in choosing respondents. A total of 386 registered journalists were sampled and questionnaire administered to them to ascertain the impact of freedom of information act on their journalistic practice in Nigeria.

**Result:** Findings show high knowledge level of the Nigerian journalists on the FOI Act without equitable application of it in their journalistic practice in Nigeria.

**Conclusion:** The study concluded that freedom of information act exists in Nigeria but not applied in journalistic practice. This is as a result of the nature of government and its mode of administration in Nigeria. Therefore, FOI Act has not impacted positively on journalistic practice.

**Unique Contribution:** This study will be an eyes opener to the Nigeria citizens on the nature of FOI Act and its impact on registered and practicing journalists in Nigeria. The Nigerian journalists are challenged to find out how the FOI Act can be used to positively impact on their journalistic practice in the Nigeria.

**Key Recommendation:** This study recommends that the government of Nigeria should encourage and support journalists on the application of the Freedom of Information Act to make positive impact on their journalistic practice in Nigeria.

**Keywords:** Act, Freedom of Information (FOI), Journalists, Practice and Imperatives



## INTRODUCTION

The Freedom of Information Act in Nigeria since its emergence has indeed created high expectation from the public concerning journalism practice in the country – expectations of truthful and adequate information from the media on all spheres of the society; a broader window of opportunity to practice unfettered journalism and a powerful investigative tool that empowers the media to hold public officers accountable to the people. However, these expectations become a reality only when the media practitioners put this powerful investigative tool to use.

Over the years in the history of journalism practice in Nigeria, harassment of journalists in the course of their legitimate duties has shown that press freedom still remains under threat in the country despite the efforts that have been made to widen the scope of Freedom of expression and uphold the right of the public to know the truth since the return of civil rule (Chibuwe & Nwafor, 2014; Apuke, 2016; Aligwe et al., 2017). Most of the Journalists have been either harassed or killed in the course of carrying out their assignment despite the provisions of 1999 Nigerian constitution. For instance, Okonkwo, (1996) indicated that the right purported to have been given to every citizen has been taken away by sub- section (3) which provided that nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society and section 45 which is under the title restriction on and derogation from fundamental rights.

In the eighteenth century which marked the advent of printing, press and mass media, Ebo (1996) reveals that it was in the hands of royal or religious prerogative to exercise control to the corollary concept of freedom of expression. The nineteenth century saw the extraordinary development of the mass circulation marked by constant struggles to win freedom of the press. The situation was triggered by the successive advent of other broadcast or electronic form of mass media leading to the expansion and complexity of their role in the society. This shortly brought conflicts among media practitioners and the need for a universal human rights paired with that of the press became obvious. In view of this, the universal declaration of human rights was enforced in the middle 1960s. It was supplemented by the International Covenant on Civil and Political Rights by the United Nations on 16 December, 1966.

The UNESCO declaration on mass media which states that the mass media throughout the world, by reason of their role contributed to promoting human rights. By doing this, the media have the power to promote public awareness and understanding of the culture, the social habits and traditions, the attitudes and hopes as well as the grievances of every group in the society. More importantly, the role of the press as presented by Galadima and Enigbe (2001) reveals that as the fourth estate of realm, press enhances not only the smooth operation and interaction between the executive, the legislative and the judiciary in the service of the people, but also prevents any oppression of the people by these arms of government.

The final report of UNESCO International Commission for the study of communication problems in 1980, gave condition necessary for press to exercise its functional powers. It says: Free access to news sources by journalists is an indispensable requirement for accurate, faithful, and balanced reporting. This necessarily involves access to unofficial as well as official sources



of information and access to the entire spectrum of opinion within any country. It could be recalled that many years of governance in Nigeria since its independence were thrown into military rule. Within those years, the press-mass media practice was something else. Aliede (2003, p.25) noted that “the inception of the military into Nigerian politics brought a lot of inconveniences to the mass media practice”.

As at then, Okonkwo (1996); Nwafor, (2012) laments that there are numerous cases abound about the hazard and humiliation pressmen have been unduly subjugated to in the process of practicing their profession. There were agony tales of the embarrassment and humiliation in endless and resentfulness. This situation drastically silenced all efforts towards promoting a healthy media practice anchored on freedom of information. After all, as Onwe (2003, p.6); Omu-Ngebo et al., (2024) posits: “no press can be freer than the political system it finds itself”. Thus, the scenario lingered until 1999 when democracy fully returned to the Nigeria polity.

The struggle and pursuit for the enactment of Freedom of Information Act are stories themselves as noted by the Executive Director of Media Rights Agenda, (2011) The FOI had a tortuous journey which spans over 18 years. The fight for the passage of the bill dates as far as 1993 with agitations in the form of workshops and sensitizations from civil societies such as the Media Rights Agenda, Civil Liberties Organisation and the Nigerian Union of Journalists. Eventually, it was celebrated on 28<sup>th</sup> May, 2011 when President Goodluck Jonathan signed it into law.

With the emergence of FOI Act, Enonche (2012, p.5) observes that “Nigerians finally have vital tools to uncover facts, fight corruption and hold officials and institutions accountable’. Given the enabling power of the FOI instrument, the critical question now is: are the Nigerian journalists making us of this important tool? This supports the argument that ‘a law is useless or ineffective if not put to use/operation’. The struggle for the freedom of information and of the press started long ago.

Though the signing brought too many jublations and praises by individuals, groups and association whose personal and collective activities are directly and indirectly affected by the Act, the arising issue of the day is the applicable implications of the Act on the Official Secret Act. It is this obvious problem that this paper attempts to proffer solutions, answers and results by critically overhauling and examining the existence of Freedom of Information Act and implications of journalism practice with a view of finding their extreme gaps, differences, similarities, strengths, weakness and opportunities for the good of the present day journalists in Nigeria.

## **STATEMENT OF RESEARCH PROBLEM**

Before the signing of Freedom of Information Act (FOI) by president GoodLuck Jonathan on the 28th May 2011, many journalist/media practitioners were imprisoned, assassinated and assaulted for gathering and reporting certain classes of information especially from the government and government agents for public consumption. As a democratic government and society, freedom of information ought to be existing to enable journalists’ access and usage of information from



various sources including the government and as well report same the target audience in the society. Unfortunately, in spite of the existing of FOI Act, journalistic practice has been affected by the level of access of information. This was undertaken to ascertain the impact of the Act on journalistic practice in Nigeria.

## **OBJECTIVES OF THE STUDY**

The objectives of this study were stated as follow:

1. To ascertain the knowledge level of Nigerian journalists on FOI Act.
2. To examine the level of application of the FOI Act by the Nigerian journalists.
3. To find out the Impact of the FOI Act on journalistic practice in Nigeria.
4. To determine the constraints facing Nigerian journalists on the application of FOI Acts on their practices.

## **METHODOLOGY**

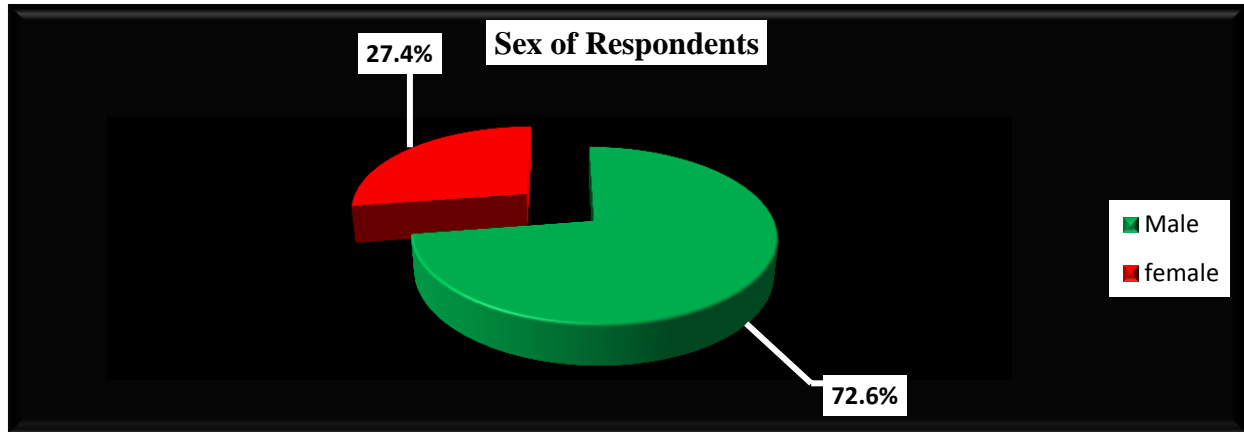
Descriptive survey design was used in this study. Survey research is concerned with the collection of data for the purpose of describing and interpreting a certain condition, practice beliefs, attitudes etc. The population of this study was 983 registered journalists in South East Nigeria. The Topman's statistical formula was used to draw a sample size of 384 journalists. A purposive sampling method was adopted to select journalists as respondents from Anambra, Abia, Ebonyi, Enugu and Imo States in the South East of Nigeria.

Questionnaire was used for data collection. It was designed and administered to the respondents after which data were collected. All data collected were properly arranged, coded and analysed using descriptive analysis method whereby frequency, simple percentage and mean value were used to present and analyse data.

## **RESULTS**

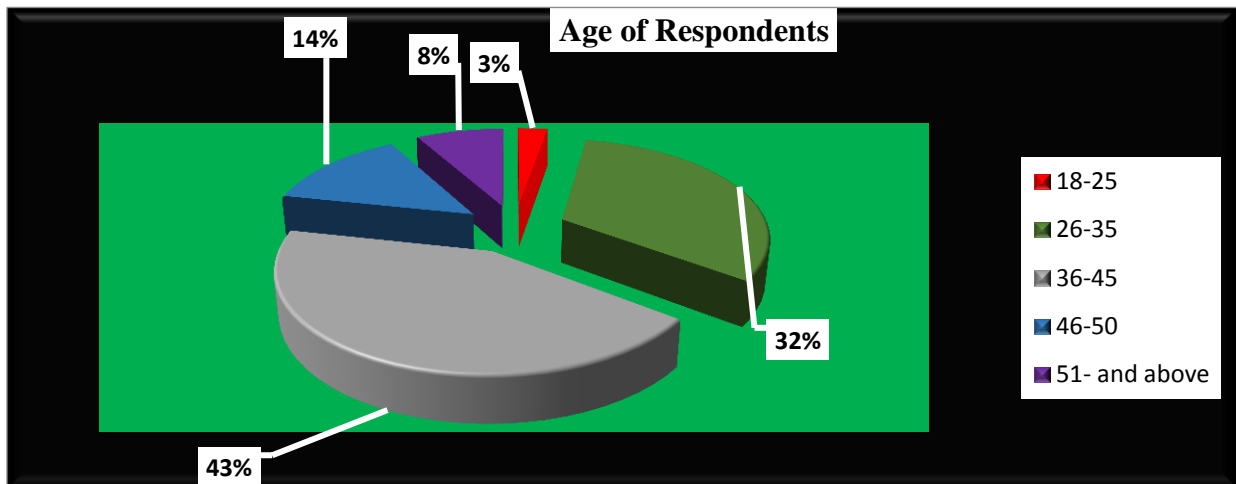
Data collected were analysed and presented in the charts below.

**Figure 1: Sex distribution of respondents**



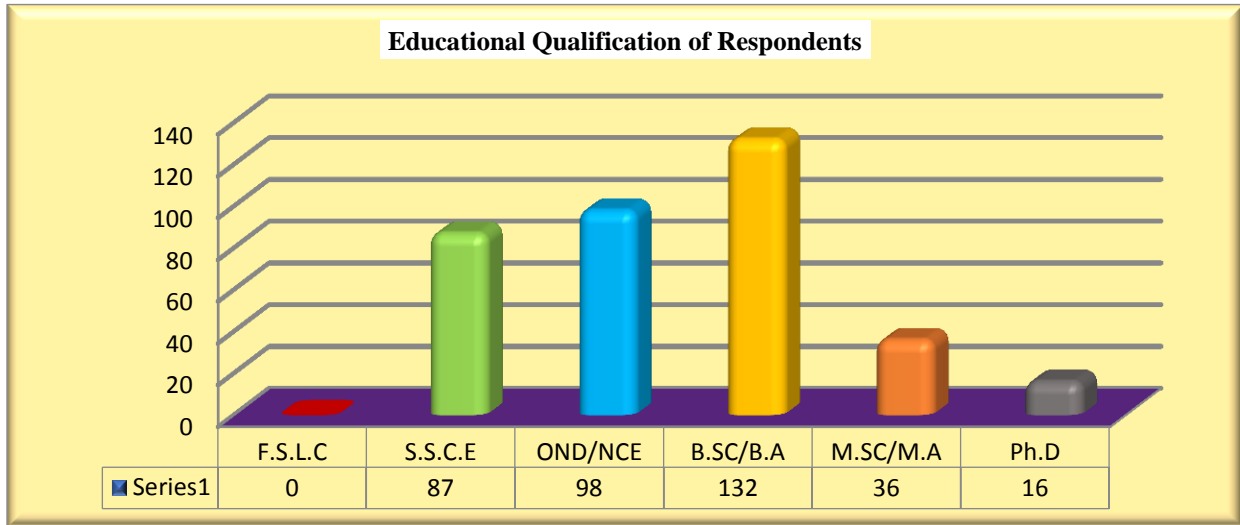
From the statistical chart presented above, it can be deduced that 268 respondents representing 72.6% of the total population studied were male while the remaining 101 other respondents amounting to 27.4% were female. The male respondents were more than the female journalists that participated in this study.

**Figure 2: Age of respondents**



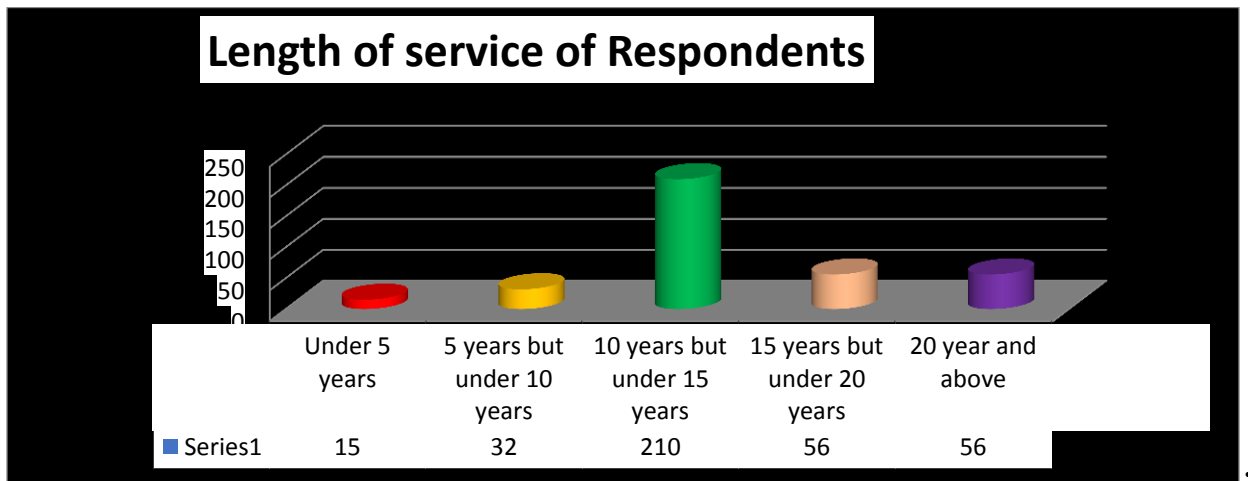
Data presented above indicate that majority of the respondents were those representing 43% were those within the age limit of 36-45 years. This was followed by 120 respondents amounting to 32% of the age bracket of 26-35 years. The least were those who were 18-25 years of age were 10 in numerical strength and constituted 3% of the total population studied. Also, 50 respondents amounting to 14% were those within the age bracket of 46-50 years and finally, the remaining 30 respondents amounting to 8% only of the total population studied were those within the age of 51 years and above. Thus, majority of the respondent were on the active practicing age in journalism.

**Figure 3: Educational qualification of respondents**



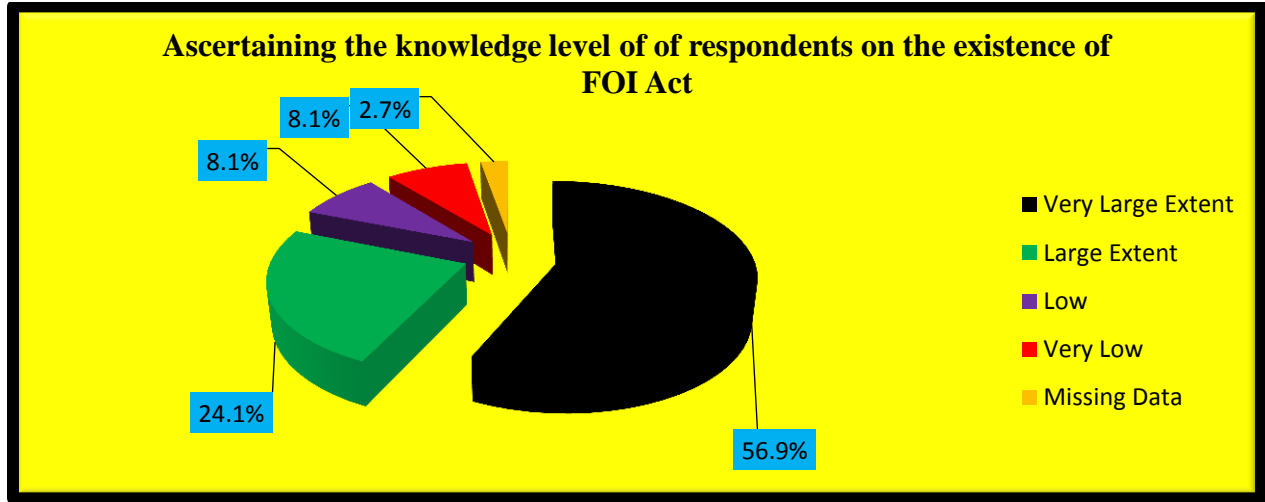
From the statistical chart presented above, it can be deduced that majority of the respondents were those of B.Sc/BA. MSC/MA holders were 36 in numerical strength and finally, PhD holders were 16 in number. None of the respondents had F.S.L.C as educational qualification. 87 respondents were SSCE holders while 98 of another set of respondents were OND/NCE holders.

**Figure 4: Length of service of respondents**



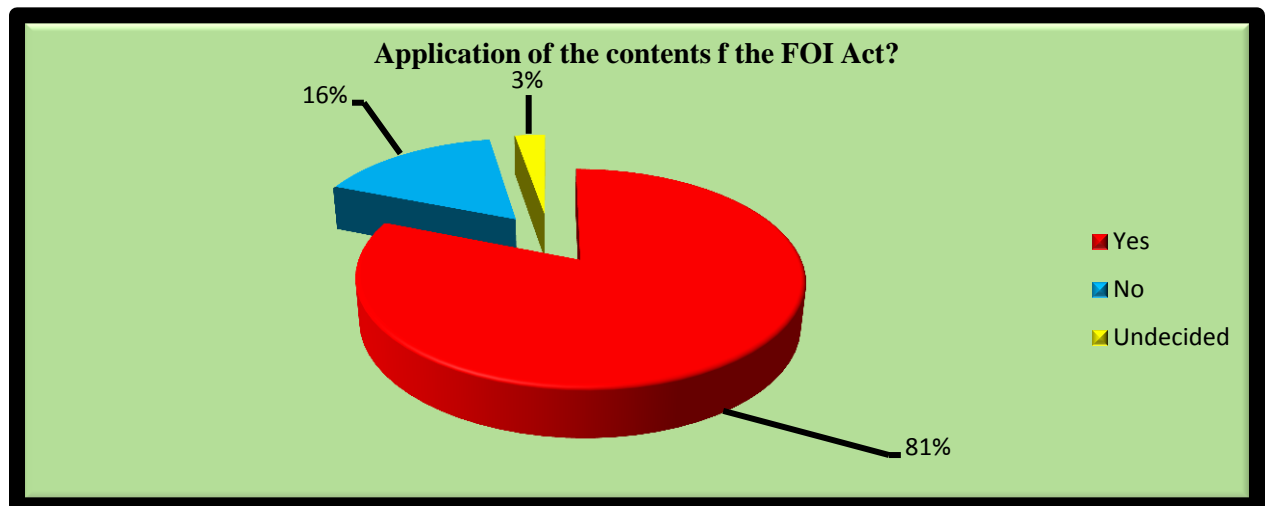
The information gathered and present in the chart showed that most of the respondents had been in active journalistic practice for 10 years and above. The least service length were those that had served for 5 years and below. This revealed that most of the journalists had good journalistic field knowledge with regard to the purpose of this study.

**Figure 5: The extent Nigerian journalists have knowledge of the existence of FOI Act.**



From the data gathered above, it is evidence that greater number of respondent are aware of the existence of the FOI Law. Research shows that 210 respondents says that to a very large extent they have knowledge on the existence of the FOI Law, These 210 respondents is represented by 56.9% of the total population studied. Also, 89 respondents amounting to 54.1% of the total population sampled says that to a large extent they know about the law and about 30 of another group of respondents constituting about 8.1% says that they have low knowledge about the law. On the other hand, 30 other respondents also said that they have very low knowledge of the existence of the law and finally, the remaining 10 respondents amounting to 2.7% of the entire population studied did not make their stance known.

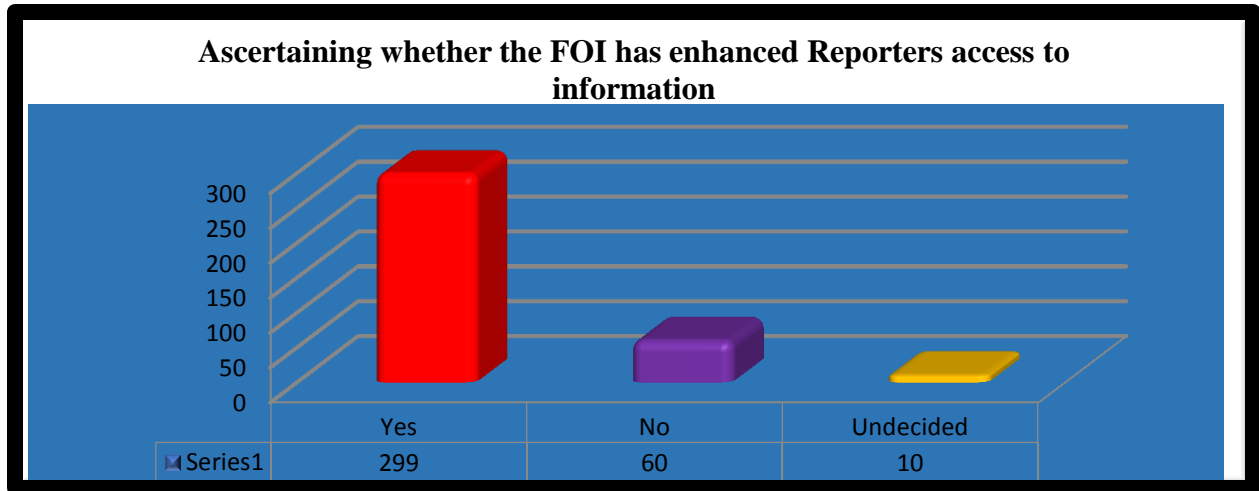
**Figure 6: Level of application of the contents of FOI Act by the Nigerian journalists.**



From the statistical chart presented above, it can be seen that greater number of the respondents has knowledge of the contents of the FOI Law. 299 of the respondents amounting to 81% affirmed this while 60 of another set of respondents opposed the claim. These 60 respondents constituted 16% of the entire population studied while the remaining group of respondents who

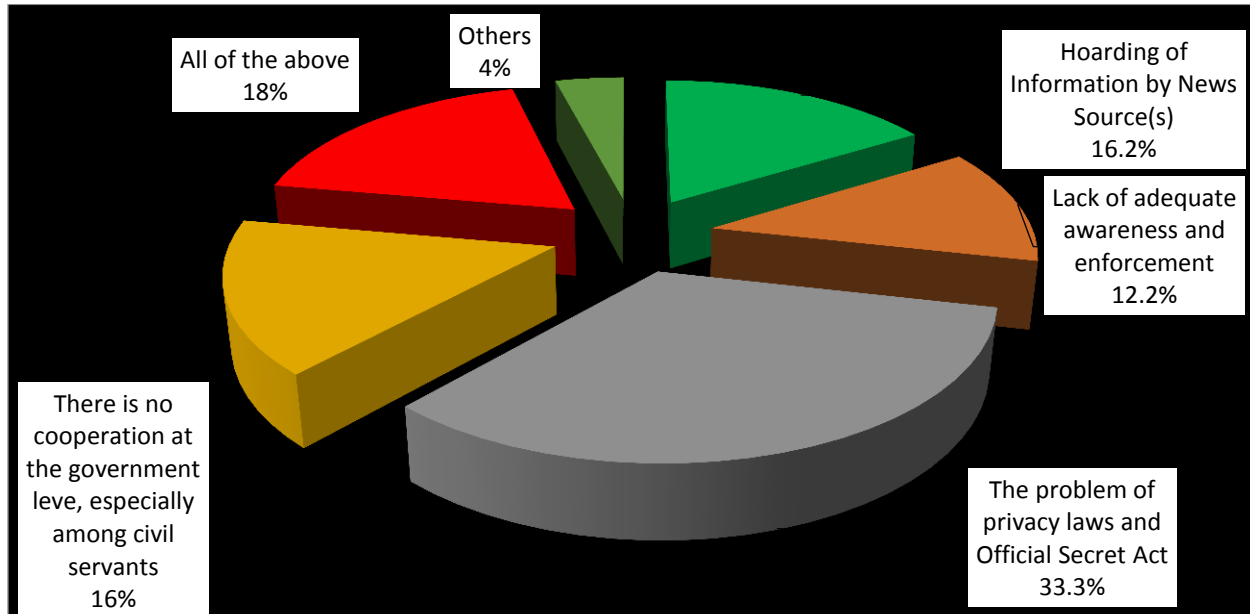
were 10 in numerical strength and constituted about 3% of the total population studied did not make their stance known.

**Figure 7: The usefulness of the FOI Act to the role and activities of Nigerian journalists?**



From the data gathered above, greater number of respondents affirmed that the FOI Law has enhanced their access to information. As shown in the chart above, 299 respondents were of the view that the FOI Law has enhanced their access to information while about 60 of another set of respondents disagreed with the claims and finally, the last group of respondents. Amounting to 3% of the total population studied did not make their stance known.

**Figure 8: The constraints facing Nigerian journalists on the application of FOI Act on their practices**



From the chart presented above, 60 respondents amounting to 16.2% of the entire population studied says that major challenge facing the use of FOI by journalists is the deliberate hoarding of information by news source(s). Also, 45 respondents, constituting about 12.2% of the total population studied says that lack of adequate awareness and enforcement poses a great challenge to the effective utilization of the FOI Act by journalists. Furthermore, 123 respondents which are the highest on the chart and constituted the 33.3% of all the people sampled and returned did affirm that the greatest challenge of the FOI Act before journalists is the problem of Privacy Law and Official Secret Act. On the other hand, about 59 respondents, constituting 16% were of the view that there is no cooperation at the government level, especially among the civil servants when it comes to giving out information to journalists. However, 67 respondents amounting to 18.2% says that all the options were the challenges facing the implementation of the FOI Law by the media practitioners in Ebonyi and Enugu States. On the contrary, about 15 respondents did not make their stance known.

## DISCUSSION

Results of this study were strictly derived from the analysis of data obtained from the Nigerian journalists in South Eastern zone of Nigeria. Out of the sampled journalists, majority of them responded in line with the questions of this study since the study borders on their area of profession. The respondents were made up of male and female journalists with different age brackets and educational levels.

Result of data analysis from research objective one revealed that all the journalists had good knowledge of the existence of FOI Act in Nigeria. On this note, majority of them indicated very high followed by those that indicated average. The implication of this result showed that FOI Act is a public document meant for journalists and public information managers. Accordingly, Olarinde (2015) stated that freedom of information is one of the most important legal tools for



citizens and reporters to enable them demand for transparency and accountability in governance. In the way, Ifemeje and Odo (2016) reveal that the passage of this all important Act was heralded by all and sundry in Nigeria, because it not only reduced the risk of obtaining and realizing information held by government and public institutions, the act equally affords the citizen the opportunity to participate in governance and with this legislation in force the era of official secrecy backed by law has been effectively and decisively dethroned and transparency and accountability enthroned.

On the second objective which are sought to examine the level of application of FOI Act by the Nigerian journalists received an average response of the journalists. This shows that only average size or number of the Nigerian journalists applied the FOI Act in their practice. By implication, the high knowledge level of journalist on the FOI Act did not guarantee high access and usage of it by them. Thus, most journalists knew the FOI Act, but did not rely on it for the discharge of their duties.

However, the finding of Malu (2011) reveals is to make public records and information more freely available and to also protect public records and information to the extent consistent with the public interest and protection of personal privacy. On this note, Freedom of Information stands as a cardinal point in the exercise of professionalism in mass media. It is designed to help guarantee the ability of the news media to disseminate truthful, accurate and complete information. Freedom of Information laws attempt to assure the press access to (i) meetings of governmental bodies and (ii) documents that are classified or are part of public officials' files and reflect possible corrupt activities in government.

The research objective three sought to find out the usefulness of the FOI Act to the role and activities of Nigerian journalists. Result on this showed that majority of the journalists responded that FOI Act is a useful document to guide journalism practice in Nigeria. However, its usage as at the time of this study was at average rate. Thus, FOI Act stands a genuine and legal public document meant to guide and guarantee journalists' access and usage of information for their professional practice. The above finding is in line with Daramola (1999) whereby the Act prevents reckless, garrulous and careless public servants and overzealous journalists from divulging such confidential document or information, which may jeopardize the security of a state.

It is therefore a law designed to protect official information and preclude the media from making public, information about what the government describes as protected place (Obodo (2006). Thus, the Act is for the security of public safety and for purpose connected therewith. The official secret Act of 1962 is an Act of the Nigerian legislature enacted to provide for the securing of public safety and for purposes connected therewith.

The fourth objective of this study sought to determine the challenges facing the FOI Act by Nigerian journalists in carrying out their functions. Data collected and analyzed revealed that some constraints exist against journalists' access and usage of the document. Among the constraints, majority of the respondents revealed that government and its agencies hid vital



public information in the name of official secret act of the government. Also, the act of threat and denial were used affecting the functionality of the Act.

Accordingly, the nature of the Nigerian government is such that classified matters are regarded as secret until it is made officially public to both individuals and the press. The role of the press then therefore was chiefly to support and advance the policies and thinking of the government in a society where criticism of the political machinery and officials in power through the media forbidden.

Agba, Ogri & Adomi (2018) in their study indicated the Journalists and citizens have not used the FOIA to improve their. The study identified ignorance, denial of access to information by public officers, executive impunity, exclusion and rigid legal procedures as some of the challenges working against the implementation of the Act. The implication of this finding is that the FOIA will function more effectively if those bottlenecks are removed.

## **CONCLUSION**

This study revealed that the existence of freedom of information act in Nigeria has not impacted on the nature and effectiveness of journalistic practice in Nigeria. This is because most of the practicing journalists in Nigeria did not apply the act in the course of gathering information from some sources especially the government angle. Thus, the Nigerian society and its leadership had not created a friendly cum enabling journalistic atmosphere that will enhance the performance cum activities the journalists in discharging their professional duties.

This study concluded that there is under-application of FOI Act by the Nigerian journalists due to government's strictness and restrictions to some so called classified information it considered vital and secret against public knowledge and usage. On this note, the FOI Act has not really served its purpose to the public's neither have the Nigerian journalists enjoy the existence of the FOI Act in discharging their duties in Nigeria.

The recommendations made by this study are presented as follow:

1. The Nigerian journalists should spear-head the awareness campaign for FOI Act to their practicing members through their union (Nigerian Union of Journalists) and to the Nigerian citizens through various mass media outlets.
2. This study recommended that the Nigerian government at various levels (Federal, State and Local) should encourage journalists based on the provisions of the Act to have access to relevant informant from its units and consequently use same for public purposes.
3. It is recommended that journalists should apply legal cum constitutional frameworks in enforcing the Act in their journalistic practice.



### **Ethical Clearance**

Ethical clearance was sought and obtained from the practicing journalists in South East Nigeria. Appropriate research measures were taken to safeguard privacy, confidentiality, and prevent any harm and as well maintain transparency, impartiality, and adherence to proper research ethics and rules.

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The study was not funded.

### **Conflict of Interest**

There was no conflict of interest.

### **Author' Contribution**

Dr. Nelson Ogbaeja, after necessary consultations, conceived and developed this study, conducted the research and Dr. Stella Nelson-Ogbaeja worked on the analysis. The discussion and recommendations were also carefully done by the two researchers.

### **Citation**

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