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Analysis of Impediments to Nigerian Press Freedom: Implication on the National Development

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Abstract: This paper focuses on the importance of press freedom, as a fundamental human right that is necessary in every society, especially in Nigeria. Freedom of information and expressions is imperative for the functioning of any democratic society. Democracy thrives on transparency, openness and accountability, as to encourage the free flow of information, at international as well as national levels, to promote the wider and better balanced dissemination of information, without any obstacle to freedom of expression, and strengthen communication capacities in the developing countries in order to increase their participation in the communication process. Though, there is no absolute press freedom anywhere in the world, even Nigeria has a lot of limitations to press freedom for the overall interest of the society. The paper adopted empirical secondary data, and concluded that in order to achieve the important aim of assisting to give democratic participation 'meaning', the press must fulfill their professional roles. It also recommended that the mass media to serve as a tool for national consolidation, development, and authoritarian control... The reach of the mass media should be extended to rural areas for meaningful development.

Keywords: Press freedom, Press, Press Censorship and Censorship

INTRODUCTION

Press freedom is practically the same thing with freedom of expression which many people believe is the mother of all freedoms. Press freedom connotes a free flow of information and the rights to disseminate information. The press council ensures that journalists operate within the professional dictates as it monitors and regulates the practice of the journalism profession. One of the ways ensuring that journalists perform their social responsibility functions effectively is through strict adherence to ethical standard of their profession. Freedom is the right or ability to think, act, speak or write without interference. Press freedom is the ability of the mass media to operate without the interference of the government. It has been acclaimed that modern mass media is said to be 'too poor' to buy the 'too expensive' absolute freedom. That is why professor S.I. Ndolo said that press freedom is "legality in antiquity" in the sense that, it was only in the 17th century, when Libertarian theory existed that absolute freedom was conceived.

The concept of press freedom has become widely accepted by journalists in the developing countries. In Nigeria for instance, press freedom as implied in the constitution guarantee that "every person shall be entitled to freedom of expression, including the freedom to hold opinions and to receive and impart ideas and information without interference." However, research over the years has shown that there is an array of political restraints and pressures which have crippling effects on the press in many African countries.(Okunna,2003). Nigeria is a typical example of an African country in term of government control of the press activities and operation in the society. Nevertheless, the press struggles with the government to operate as the watchdog of the populace in making the government accountable to the citizens of the nation.

The sailing of Nigerian ship in politics from colonial era have been in conjunction with some people who can be described as the Nation builder because of the role they have played in the Nigerian political development among whom is the press. Who make good use of their institution to contribute immensely to development of Nigeria despite the fact that the political arena is unfriendly to them? The Press which is the bone of contention here makes judicious use of the institution to enhance nationalist struggle which later extend to different dispensation, though, men of the press were humiliated and victimized which even worst during military era with slighted differentiation during civilian era.

The 1960 constitution provided under Section 24 for freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interferences, (Momoh, 2004), observed that: Section 24 of the 1960 constitution became Section 25 of the Republican Constitution of 1963 which formed the major part of Section 38 of the 1989 Constitution, Section 40 of the 1995 draft constitution, and Section 39 of the 1999 Constitution. To examine Section 39 of the 1999 constitution of the Federal Republic of Nigeria in full in order to appreciate constitutional guarantees for press freedom in Nigeria. It states as follows:

- 1) Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.
- 2) Without prejudice to the generality of subsection (1) of this section, every person shall be entitled to own, establish and operate any medium for the dissemination of information and opinions: Provide that no person, other than the government of the Federation or of a state or any person or body authorized by the president on the fulfillment of conditions laid down by an Act of

Assembly, shall own, establish or operate a television or wireless broadcasting station for any purpose whatsoever.

There is no absolute press freedom anywhere in the world. Nigeria which professes to have one of the freest Press' in Africa has a lot of limitations to press freedom. Sunday (2006:115) argued that press freedom is limited in the overall interest of the society. It is contradictory to discover that the same constitution which guarantees press freedom takes away the same freedom it gives to media men. The 1999 constitution for instance, has given conditions for expression of freedom.

Section 39 (3) of the 1999 constitution states as follows: Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society: (a) For the purpose of preventing the disclosure of information received in confidence, maintaining the authority and independence of courts or regulating telephony, wireless broadcasting, television or the exhibition of cinematograph film; or(b) Imposing restrictions upon persons holding office under the Government of the Federation or members of the Nigeria Police Force or other Government security services or agencies established by law.

The section that affects the media is section 39 which guarantees freedom of expression and freedom to own, establish and operate a medium for imparting information, ideas and opinions to those who are willing to receive them. The media must therefore look at the various laws that have been promulgated in the interest of defense, public order, public morality or public health, and for the protection of the reputation of others, and must also have an insight in Criminal Code to point to the extent which the polity has gone in protecting itself against interests that may be opposed to public good.

The same Press Freedom is limited with following laws:(a) Treason and certain other offences in (Secs 37-49)and (b) Sedition and the importation of seditious or undesirable publications in (Secs 50-60). These include power to prohibit importation of publication of false news with the intent to cause fear and alarm to public; and defamation of persons exercising sovereign authority over state offences against the Executive or Legislation. Unlawful assemblies especially which deals with provoking breach of the peace by offensive publication, Offences against the administration of law and justice, and against public authority) especially dealing with disclosure of official secrets, Corruption and abuse of office). These provisions have been reinforced with the setting up of the Economic and Financial Crime Commission. There are also provisions for punishing offences against public morality and public health. The greatest danger the media face today is coping with the protection which the laws give to those whose reputation has been called to question. Many media houses do not fully appreciate the cost which neglect of this protection can cause the organization in terms of payment of damages.

CONCEPT ANALYSIS, DEFINITIONS AND EXPLANATIONS

Concept of Press Freedom:

Freedom is the right or ability to think, act, speak or write without interference. Press freedom is the ability of the mass media to operate without the interference of the government. We are regarded as the apostles of the masses, the voice to the voiceless, the watchdog, the interpreters of news, the opinion molders, the pace-setters and the mouthpiece of new and current information. Unfortunately, from times past till now in the twenty –first century, the press have been victims of suppression, restriction and caution on and about various issues due to the suppression –power of press censorship. The press is the people involved in the news- gathering business generally. Or all the people in gathering and reporting of the news, especially journalists and including Public relations practitioners so on.

Censorship is the suppression or restriction of all or part of anything considered offensive or as a threat to security. It could also be seen as the supervision and control of information and ideas that are circulated among the people within a society. In modern times, censorship refers to the examination of books, periodicals, plays, film, television and radio programmes, news reports and other communication media for the purpose of suppressing or altering parts thought to be offensive or objectionable. The questionable material may be considered immoral or obscene, heretical or blasphemous, seditious or treasonable, or injurious to the national security. Press censorship is therefore the suppression, restriction, supervision and control of information and ideas that are regarded as a threat to security.

The press played a lead role in chasing away the military leaders, although, many people died as many journalists lost their lives during the course of fighting for democracy in Nigeria. Press freedom is a fundamental human right that is necessary in every society. It is also pivotal towards enhancing democracy. It is when the public freely express themselves that the government can know their opinion and views about issues. Wilson (2005), on UN (1987); noted that human rights and fundamental freedom allow us to fully develop and use our human qualities, intelligence, talents and conscience to satisfy our spiritual and other needs.

Citing Curran (2005), Ciboh (2010:1), observed that the role of the press is to act as check on the state, that is, to monitor the state's activities. Furthermore, the media not only function to provide channel of communication between the government and the governed. It also serves as a medium of debate where people can identify problems, propose solutions and reach a compromise.

Benefits of Press Freedom:

Banistar (2006) in a global survey of access to government information laws enunciates some of the benefits of freedom of information as follows:

1. ***Democratic participation and understanding:*** Freedom of information (FOI) is essential for public participation. Democracy is based on the consent of the citizen that imposes the responsibility on government to

inform citizens about their activities on government and the recognition of their right to participate. The public is only able to participate in the democratic process when they have information about the activities and policies of the government. This also helps improve the confidence of the citizens in government.

2. **Making government bodies work better:** FOI laws also improve how government bodies work. Decisions that are known to be eventually made public are more likely to be based on objective and justifiable reasons. The knowledge, decisions and processes are open to scrutiny, under the FOI Act imposes a constant discipline on the public sector. FOI is considered a key tool in anti-corruption measures as reasons for awarding contracts and other financial transactions must be documented and justified.
3. **Redressing past harm:** FOI laws allow the society an victims of abuses including their families to learn what happened and understand the situation better be it a past or current event.
4. **Protecting other rights:** Freedom of information laws can improve the enforcement of many other economic and political rights

Impediments of Press Freedom in Nigeria:

Nigeria's constitution guarantees everyone the freedom to say, write or publish anything he likes provided it does not contain any blasphemous, defamatory, obscene or seditious words. But this constitutional guarantee may be overridden by military dictum under a State of Emergency Decree promulgated in 1966. The Federal Military Government was empowered by this decree to 'make unlimited laws it considers necessary or expedient without regard to the limitations imposed by other sections of the constitution.

Though the Nigeria constitution made provisions for freedom of expression, like Britain, Nigeria also had an Official Secrets Act, which was a way of limiting the freedom of the media. Media practitioners in Nigeria have had very turbulent times of gruesome killings, unfair arrests, assault even by security personnel who should be protecting the ordinary citizens, confiscation of equipment like cameras, etc.

However, apart from the colonial and post-independence periods, court trials of press offences in Nigeria have been on the decline, especially under the military regime. This is because journalists are rarely brought to court. Thus, while the government does not practice official censorship, fear of arrests and detention without trial has had the effect of 'inhibiting press freedom. In order to streamline the activities of the Nigerian press, the Federal military government promulgated the Nigerian Press Council Decree No. 31 of 1978. When the decree was announced, the Nigerian press opposed it vehemently. The press saw it as an attempt by the government to limit press freedom in Nigeria.

Mass communication policies in Nigeria have been inhibited by the constitutional and political instability that have existed in Nigeria since independence in 1960. Mass media policy in Nigeria has been a sensitive, undecided and unconcluded issue not only because of the diversity of the Nigerian society but also because of the failure of majority

of Nigerians and their leaders to visualize the role of their mass media in the development of Nigerian.

They have also been inhibited by the pattern of media ownership. Mass media policies in Nigeria were not federally directed but mainly in the hands of state governments until July 1975 when General Yakubu Gowon's administration was toppled, the federal government took over the ownership of Nigeria's broadcast media, the new Nigerian group of newspapers, and acquired 60 percent shares of the Daily Times. As a young nation with a multi-ethnic structure, Nigeria has experienced sporadic changes in political leadership. As a result, several laws have been made to directly or indirectly censor the Nigerian press.

Some stations in the country have been shut down because of certain reports and this shows that even with the passage of the FOL Bill to law, there are still restrictions. The foundation of Nigeria's economy was laid by the British colonial administration. The active participation of the government in the economy of Nigeria is traceable to colonial rule and economic policy. The British government centralized Nigeria's economy largely by putting government in-charge of all sectors of the country's development. After independence, Nigeria continued to pursue this kind of economic system.

Independent newspapers are few because the economy in Nigeria is predominantly government-controlled and the major newspapers are government subsidized. A group of individuals or an individual may not find it economically feasible to own a newspaper, partly because of the lack of capital and partly as a result of Nigeria's mass illiteracy which means low readership, hence economic loss to the publisher. Recently; a few individuals have established private newspapers which have good circulation. Private newspapers such as the National Concord, the Guardian, the Democrat, the Champion, Vanguard, etc., have provided the Nigerian newspaper reading public with the type of news items and entertainment generally absent in government-owned newspapers.

When private ownership of a nation's media is not possible because of cost, as in Nigeria, the government is bound to see itself as the sole disseminator of information. And when the government becomes actively involved in the ownership and operation of the media, the public becomes the target of political brainwashing. Because the media are supposed to check the excesses of the government, truth becomes hidden. As a result, the media become mere political tools used only to advance the wishes of the government.

Laws Limiting freedom of expression and the press:

According to Malemi (1999), in Nigeria, there are laws limiting the freedom of expression and the press include:

- The Constitution
- The Official Secrets Act
- Law Of Sedition, as provided in the criminal code act
- Defamation Law
- Law Of Contempt
- Obscene and Harmful Publication Laws

- Copyright Law
- Advertising Law and
- Other laws making specific provisions

Ethical Problems that Serve as Impediments to Press Freedom:

According to Ogumka(2015) identified some of these ethical problems such as follows:

Sycophancy: This is a situation whereby a medium continuously praises a particular person despite the person's ills or incompetence. This is common where such media are owned by individuals who derive some particular form of favor from such individual or government agency. We can derive example from the Abucha Era. It was a common phenomenon to read on newspapers of his achievements whereas he never did anything on ground. Sycophancy in journalism is unethical as it deprive the society of genuine reports. Their motive is to win favour.

Character Assassination: This is the act of portraying someone in a false light either by calling him or her names to ridicule him or her. Sometimes the accused can sue for mane damages but at the ling run, the damage has been done. This kind of ethical mess is found during election campaign

Confidentiality of source: According to the rules and code guiding the journalist profession, a journalist is not suppose to reveal the source of his information to anyone except it concerns national security. But sometimes our journalists go way out of line to disclose the soured of their information.

Invasion of privacy: Though the constitution of the federal republic of Nigeria has protection of individual code. But journalist still engages in the invasion of individual privacy even when information is not in the interest of the entire public. This is what is stipulated in the NUJ code of journalism practice. Journalist should respect the privacy of individuals and their families at all cost unless it affects public interest.

Inaccuracy: this is the haphazard report of news and stories which has the tendency of misleading the public. Well this has the tendency of reducing readership and credibility of the medium. Such issues and problems arise from the fact that most journalists do not verify their reports or information available to them before publishing it.

Lack of Fairness: This is a problem in journalism practice where the news is one sided i.e. not balanced in commendation to opinion about individuals or issues. Most journalists get carried away by their emotions which is very unethical in the practice of journalism.

Mechanism for maintenance ethical standards in mass communications: *To be unethical in journalism is to be abusive to the* profession powers of the mass media as the most potent tool of dissemination of ideas and information in the modern would. As gatekeepers in the process of mass communication, journalist has a lot of control over information and information sources. A concern for good conduct among journalist is one way of regulating their behavior and guarding against the abuse of the power of mass communication and creating responsible journalist.

Various mechanisms have been designed by both the press itself and other bodies for ensuring ethical behavior among journalist.

Regulatory Bodies:

The regulatory bodies are organizations set up to regulate the press or media, create rules and regulations and sanction the press when they go wrong. The press follows a certain code of conduct set by the press themselves. It is regarded as the ethics of the press. The ethics of the press was adopted in 1973 by the society of professional journalists. These ethics are called "**SIGMA DELTA CHI**". These ethics place certain restrictions on certain things the press are forbidden to do as it is not in rapport with the rules or ethics they set for themselves. Some of these regulatory bodies are;

- Nigerian Broadcasting Corporation [NBC]
- Nigerian Press Council [NPC]
- Broadcasting Organization of NIGERIA [BON]
- The press itself Nigerian Union of Journalists [NUJ]- 1955
- Nigerian Association of Women Journalists [NAWOJ] 1989
- Nigerian Guild of Editor [NGE]- 1962
- Newspapers Proprietors Association of Nigeria [NPAN] amongst others.

Self-Regulatory Mechanism of the Press:

These are various sets of self rules which journalist have compiled themselves to guide them in the performance of their duties, it is enforced by them. The following are the self regulatory measures that have been adopted by the press itself to encourage responsible behavior are:

- A Code of Professional Ethics in Mass Communication
- Code of journalistic ethics for journalist
- Nigerian institute of public relations codes of ethics
- Ombudsperson

Relevance of Freedom of Information Act to Press Freedom in Nigeria, according to Open Society Justice Initiative are as follows:

- It guarantees the right of access to information held by institutions, irrespective of the form in which it is kept, and is applicable to private institutions where they utilize public funds perform public functions or provide public service
- It requires all institutions to proactively disclose basic information about their structure and processes and mandates them to build the capacity of their staff to effectively implement and comply with the provisions of the Act.
- It provides protection for whistle-blowers
- It makes adequate provision for the information needs of illiterates and disabled applicants
- It recognizes a range of legitimate exemptions and limitations on the public's right to know, but it makes these exemptions subject to a public interest test, such that may override such exemptions in deserving cases
- It creates reporting obligations on compliance with the law for all institutions affected by it.
- Requiring the Federal Attorney-General to oversee the effective implementation of the Act and report on execution of this duty to Parliament annually

The Role of the Press for National Development:

In order to achieve the important aim of assisting to give democratic participation 'meaning', the press must fulfill a number of roles according to NDU DI ELUMELU, which include the following:

- The Press is needed for continued process of education and enlightenment of the citizens. A scholar once stated that without an informed citizenry, democracy is a mere farce. It is the duty of the Press to ensure that voters are well informed and capable of participating actively in public life.
- The press serves as societal watchdog; it is the duty of the Press to subject politicians and governments to scrutiny and evaluation.
- The press serves as a voice of the voiceless, therefore, is the duty of the Press to express public feelings and provide a platform for exchange and dissemination of ideas.
- The investigative reporting ability of the press has the capacity to assist in building a culture of openness and disclosure, and this has forced the government officials to be more responsible in the management of public trust.
- The Press has the duty to keep citizens engaged in the business of governance by informing, educating and mobilizing the public.
- Is the responsibility of the Press to help build peace and social consensus without it, democracy would be greatly threatened.
- It is the duty of the Press to provide mechanisms for mediation and representations to warring groups so as to settle their differences peacefully.
- The Press is a veritable agent of nation building. Therefore, the Press should not be seen to fanning the flames of discord by promoting prejudices or distorting facts or supporting criminality which sometimes disguise itself as agitations.

Other areas where the press can play a democracy advocacy role include:

- Clean administration versus corruption and nepotism
- Appropriate use of public resources versus mismanagement and waste
- Proper policing and public safety versus public violence, particularly if meted out by the security or intelligence forces
- Economic and social development versus growing poverty and unemployment
- Generally increasing living standards versus glaring inequality and wealth disparities
- Responsive and public-oriented public services versus bloated and self-serving bureaucracies.
- Transparency, openness and accountability versus secrecy, neglect and repression

CONCLUSION

In order to achieve the important aim of assisting to give democratic participation 'meaning', the press must fulfill their professional roles. If the press is able to perform some or all of the roles set out in professional manner, it can act as a catalyst for democracy and development, helping to make public participation meaningful. The public supports a press that reports accurately and provide reliable news and

information about matters of public concern. As this, public support grows, governments come under public pressure to be more transparent and accountable, and to work with the press and not against it. As governments learn how to respond appropriately to press criticism, so the space for the media opens up and a positive cycle of more sophisticated government- press relations can ensue. In this way, the government sees the independent media as a key vehicle for communicating with the public about its programmes and actions.

RECOMMENDATIONS

The press in Africa needs new policies; not the western type policies, but African media policies that will reflect African values. The present western-type reporting system is increasingly creating bitterness between the press and government. Africans need the type of media which will be accessible to all remote areas of the continent.

The Press should avoid any invitation or temptation to play negative roles by instigating people against another or instigating the opposition party against the party in power otherwise the security of the country may be compromised and democracy may be threatened in the process.

The basis of the existence of press freedom in Nigeria should be the provision of basic needs for all Nigerians. Nigerian government and the Nigerian press should see themselves as partners whose main objective is to provide Nigerians with such basic needs as food, water, shelter, light, good roads and good education.

The mass media to serve as a tool for national consolidation, development, and authoritarian control... The reach of the mass media should be extended to rural areas for meaningful development

The press council should ensure that journalists operate within the professional dictates as it monitors and regulates the practice of the journalism profession, also in ensuring that journalists perform their social responsibility function effectively in Nigeria, through strict adherence to ethical standards of their profession. Lastly is better education for journalist which will enhance responsibility profession.

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