

Spitting on a Blood Document: An Analysis of Nigerian Journalists Perception and Implementation of the Freedom of Information Act

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ABSTRACT

This work is on Nigerian journalists' perception of the implementation of 2011 Freedom of Information Act in the South East Nigeria. The researchers adopted survey research method in which questionnaire and oral interview were used as the means of data collection. A sample size of 237 was drawn from a total population of 580 using Taro Yamane formula. The data generated through the administration of questionnaire were presented and analyzed using tables and simple percentages. The qualitative data generated through the oral interview were also presented. At the end, the researchers discussed the results gotten from the tables and oral interview in line with the research questions and it revealed that, the Nigerian journalists do not have a detailed understanding of the content of the FOI Act. It also revealed that the Nigerian journalists do not see FOI Act as an important legal document that has the capacity to strengthen investigative journalism in Nigeria. This study also revealed that the Nigerian journalists do not see the Act as capable of granting them protection in their day to day activities. Finally, the study as well revealed that access to information in Nigeria has not increased as a result of the FOI Act. Based on this, it was recommended among others things that sensitization workshops on FOI Act should be organized by the NUJ of different states from time to time to enable them (journalists) embrace the provisions of this Act for a proper implementation. This will go a long way for a better kick-off on the implementation of the Act.

INTRODUCTION

The journey for the enactment of a legal framework to guarantee the freedom of the press to source information from any quarter without fear or let down came to an end with the signing of the freedom of Information Bill (FOIB) into law by President Goodluck Jonathan on the 28th of May, 2011. The Bill which has now become a law is to among other things make public records and information more freely available, provide for public access to public records and information, and protect public records and information to the extent consistent with public interest and the protection of personal privacy, public officers from adverse consequences for disclosing certain kinds of official information without authorization and establish procedures for the achievement of those purposes.

This struggle for freedom of information and the press is as old as the history of the press itself. From the time of repressive and authoritarian regimes in 16th and 17th century England, to the Marxist-Leninist ideologies, to the era of libertarianism occasioned by the independence of the United States. The government saw the enormous power wielded by the press and either sought to chain it, manipulate it or free it to perform their roles to the society. Underscoring the importance of the press was Edmund Burke who coined the term, Fourth Estate: To Burke, a social architecture, the press occupies a monumental seat, no inferior to the first three Estates: the Lords Spiritual, the Lords Temporal and the Commons. In British tradition at that time, the two 'Loried' groups constituted the upper chamber of parliament, while the commons were in the lower chamber. According to Burke, "there were three Estates in parliament: but in the reporter's gallery yonder, there sat a fourth Estate more important than they all." Okafor (2010, p.18 -24).

During this time, wrote Okey Ndibe of Daily Sun as cited in Okon (2011, p.11 – 12), "the press rose to the challenge of providing more intense coverage of the deliberations of the House of Commons. The press was going to bridge the gulf between the people and their legislators, with the added collateral advantage of vitalizing

democracy, enhancing transparency and increasing the quotient of public expectations and political accountability”

It is important to note that the first victory the press achieved in this herculean struggle was by the declaration in the First Amendment of the American constitution that “Congress shall make no law abridging the freedom of expression and the press”. Thomas Jefferson in 1787 as cited in Kalu (2003, p.15) gave this more impetus while commenting on the necessity of a free press. He stated inter alia:

The basis of our government being the opinion of the people, the very first objective should be to keep that right, and were it left for me to decide whether we should have a government without newspapers or newspapers without a government. I should not hesitate a moment to prefer the later.

In Nigeria, freedom of information was proposed in the context of international affirmation of the rights of citizens of every country to access information held by public bodies as fundamental human right. Virtually every international body of which Nigeria is a member, including the United Nations, the Commonwealth and the African Union, now imposes an obligation on its member states to adopt laws which grant their citizens a right of access to public records and documents.

Article IV of the Declaration of principles of freedom of expression in Africa, issued by the African Commission on Human and peoples’ Rights and endorsed by the Assembly of Heads of States and Government of African Union (AU) held that. “Public bodies hold information not for themselves but as custodians of the public good and everyone has a right to access this information”.

Articles 10 and 13 of the United Nations Convention against Corruption and Article 9, of AU convention on preventing and combating corruption, mandate all member states, including Nigeria, to adopt legislative measures to give effective public access to information.

Specifically, Resolution 59(1) of the United Nations General Assembly adopted on December 14, 1946, constitutes the pivot of freedom of information. The Resolution declared that “freedom of information is a fundamental human right and the touchstone of all freedoms to which the United Nation is consecrated”.

Nigeria has joined about 75 other countries around the world that now have freedom of information laws. It is hoped therefore that the law will enhance Nigeria’s standing in the comity of nations, assist the country in complying with its international obligations under these and other instruments and will go a long way in helping to reverse the international image of Nigeria as a country where corruption is an integral part of State policy.

The journey for FOI in Nigeria started as far back as 1993 when the Media Rights Agenda (MRA), Civil Liberties Organization (CLO) and the Nigerian Union of Journalists (NUJ) held numerous workshops in this regard. A draft Bill was produced by the MRA in 1994, ‘the Access to Official Information Net’. According to the MRA, this draft became the predecessor of the FOIB. With the return to democracy, the Bill resurfaced in 1999 when Hon. Jerry Ugokwe introduced it to the house. The Bill was not passed by both chambers. In 2003, four members of the House of Representatives had re-introduced the bill. They are Abike Dabiri, Meseko, Depo Onyedokun, and Emeka Ihedioha (incumbent Deputy Speaker), all journalists. The victory they scored when the Bill was passed turned out to be momentary when president Obasanjo refused to assent to the Bill, claiming that its title was wrong. The Bill was returned back to the floor of the House, another tortuous journey of the legislative process was resumed and in November 14, 2007, it was referred to the committee of whole. Since then, efforts to consider the Bill at the committee proved abortive. In fact, one of the sections of the Bill culminated into a free for all fight on June 3, 2008.

These journalists never relented. They were later joined by more than 150 Civil Society Organizations and professional bodies. They pressurized the House so much that at a time it was as if the Bill alone was going to solve all Nigeria’s problems. Hon Ndume in Owete and Oham (2008, p.13) even accused the media of behaving as if it was their Bill. “I think it is important for the media to get it clear that the Bill is not a media Bill, so to say. The impression being created by the press is that this is a media Bill. This assertion by Hon. Ndume created problem on the floor of the House”

The Bill after a very long and rough journey was finally passed on the 24th of May 2011 by both chambers of the parliament (the Senate and the Federal House of Representatives) and on the 28th of May 2011, president Goodluck Jonathan gave assent to the Bill.

Statement of Problem

Over the years in Nigeria, (from military to civilian transition), the power tussle between the press and the government has been on the need for the press to be allowed to implement its constitutionally given right of making government officials transparent, responsible and accountable to the people as the watchdog of the society. While the government on the other hand always employs avenues to muzzle the press.

As a result of this power tussle, the press in Nigeria which lacks constitutional protection is usually seen on the hard hitting side of suffering extra-judicial killings, detention, police arrests, harassments, intimidations, and unjustifiable proscription of media houses. This to a very large extent has instilled fears in the minds of Nigerian journalists.

Now that the long Debated FOI Bill has been signed into law and the Official Secret Act removed, what then is the fate of implementing a standard journalistic practice in Nigeria?

Some legal experts and observers have, however, contended that the presence of the exemption clauses in sections 11, 12, 14, 15, 16, and 17 in the Act serve as threats to the freedom guaranteed by other sections. They further argued that the Act is like a devil's gift which gives with the right hand and withdraws with the left.

It is against this background that the researcher is interested in finding out the opinions of the journalists in South-Eastern Nigeria concerning the implementation of the Act.

Research Questions

- ❖ Do Nigerian Journalists have a detailed understanding of the contents of the FOI Act?
- ❖ Do Nigerian journalists see the FOI Act as a legal document that has the capacity to strengthen investigative journalism?
- ❖ Does the Act grant protection to practicing journalist in Nigeria?
- ❖ Has the access to information in Nigeria increased as a result of the FOI Act?

LITERATURE REVIEW

An Overview of Press Freedom in Nigeria

Freedom of the press is usually defined as the right to communicate ideas, opinions, experiences, cultures, etc through the printed word or electronic media. It is the right to access information, press free from government control; and a situation where the confidentiality of source is guaranteed.

It is the bulwark of society' (Nnamdi Azikiwe), 'an organic necessity' (Walter Lippeman) in (Ogbuoshi, 2005, p.18).

It means the right to help in the enlightenment of every Nigerian by providing him/her with the days intelligence in an open marketplace of ideas without any overt or covert systematic means of applying censorship, pressure or any form of inhibition on the part of both Federal and State governments, institutions, organizations and individuals within the country; within the laws of libel, defamation and obscenity' (Ndolo, 2006, p.223).

Dennis (1984, p.63), sees press freedom "as one of those noble expressions that slide easily off our lips but are not always fully committed to our reasoning faculty".

The freedom of the press and the recognition of the fundamental human rights of the individual, including his freedom of thought and expression are two basic characteristic hallmarks of a democratic society. Of these two, the freedom of the press is far and away more important because it is a basic freedom; it is also a protector and guarantor of all other human liberties. (Ohombawu, 1969, p.74). Etukudo (1993, p.85) sees press freedom from the constitutional provisions of various countries. "A reporter does not need to be a lawyer to report the news. However, the reporter should know enough about the legal aspects of news dissemination to safely report and disseminate information". But some journalists in Nigeria have argued fervently that freedom as provided in the relevant sections of the Nigerian constitution is not press freedom but that of every Nigerian and that the press only exercises the freedom by virtue of its assumed positions as trustee of people's liberty.

Over the years, the concept of press freedom in Nigeria has not had a clear-cut operational guidelines and definition. There has not been agreement on what freedom of the press should be within the context of Nigeria's administrative experiment. This has led to an acrimonious relationship between the press and the government on the one hand, and the members of the public on the other. This has led to a general outburst against the press in the past, which also encouraged the government (before now) to enforce stringent measures against the press. Unfortunately, this has led to extra-judicial murders, detentions, harassments of journalists as well as proscriptions of media houses. Undauntedly, the press has continued with its vibrant, venomous and firebrand kind of operation.

In 1988, at the Constituent Assembly (C.A) set up to fashion a new constitution for Nigeria, agitations for freedom of the press received several knocks from members of the Assembly. For instance Nse Andrew Umoren, a member of the Assembly from Akwa-Ibom State said he was going to go along with press freedom but added that the press has a lot of immature sensational reporters. He cited a case of how the press reported members' misgivings about allocation of accommodation to them. Another member of the Assembly, Fred Ekiyegha, from Rivers State was ambivalent on the issue of press freedom. He asked if the freedom was not going to be abused. He recalled that from 1973-1975, the Nigerian press painted General Gowon as a saint sent down from heaven to rule Nigeria, but when he was overthrown, the same press painted him as a devil. (Osisioma, 2011, p.55 - 57).

Chief Emeka Odumegwu Ojukwu, the Ikemba Nnewi, in a report once said what he got was “an unfair deal when he granted an interview to the African Guardian in November 1986”. The experience, according to the Ikemba, made him resolve not to talk to the Nigerian press. On the other hand, the press in Nigeria has been the victim of repressive regimes especially between 1985-1999 (under Generals Buhari, Babangida and Abacha), (Okoro, 2010, p.14).

The Buhari/Idiagbon regimes made good their threat to introduce stiff legislations against the press by promulgating Decree 4 of 1984. This legislated against the publication of materials found to embarrass government and its officials irrespective of the authenticity of such information. The Decree took retroactive effect which saw to the incarceration of Nduka Irabor and Tunde Thompson of the Guardian Newspaper for twelve months. Their offence was to have published reports on diplomatic postings. Minere Amakiri had his hair shaved and horse whipped for publishing an embarrassing story in the Nigeria Observer during the birthday celebration of the then Governor of Rivers State, Alfred Diete Spiff, (Njoku, 2010, p.84).

It was under General Babangida that Dele Giwa was letter bombed in August, 1986. The same regime promulgated Decree 105 of 1993 entitled Armed Forces Decree. Despite its military orientation, Decree No 105 affects the media practitioners; hence four journalists were jailed 15 years each in 1995 under section 40 of the Nigerian criminal code Act, and the provisions of the Decree. They are Chris Anyanwu (publisher, Sunday magazine); Kunle Ajibade (editor, the News); George Mba (Asst. Editor, Tell); and Ben Charles Obi (editor weekend Classique). They were charged for ‘accessory after the fact to treason’ following stories published by their magazines early in 1995 on an alleged coup plot to topple the government of General Sani Abacha. (Ogbuoshi, 2005, p.92).

According to Ogbuoshi (2005, p.53), he opined that “when General Sani Abacha came to power as the Head of State in November 1993, one of his first major fatherly acts was to reopen the media organizations proscribed four months earlier by General Babangida’s regime. Ironically, in 1994, General Abacha followed a 27 year old tradition of the military bans on newspapers. This time the Concord, the Punch and the Guardian groups fell victims when their premises were sealed up and all their publications proscribed by Decree”.

On March 2, 1993, Security Agents stormed the Premises of the News magazine and seized about 30,000 copies of the week’s edition. The cover story was titled: “Revealed, Babangida’s Methods and Tactics”. On May, 1993, 50,000 copies of the magazine were seized by security personnel. The edition’s cover story was titled: Transition: 21 Traps Against Handover” (Okoronkwo, 2009, p.133 - 137).

On August 26, 1994 two journalists of the American Cable News Network (CNN), were abducted from Nigeria. The reporters, according to a statement by the United States Information Service, (USIS) “were accosted by the Police and State Security Agents at the lobby of their hotel and forced, without their belongings, into a car... the reporters had broken to law and were informed of no charge against them...,” the statement added. On September 23, 2003 as was quoted in Okoro (2004:93), Cyril Mbah of the Monitor, was barred from entering the state House. President Olusegun Obasanjo’s government once again demonstrated its disdain for freedom of expression and the press as well as the rule of law with the recent attacks on journalists and the closure of Insider Magazine’s office by men of the State Security Service (SSS) on September 2, 2004. The confiscated valuable documents and about 15,000 copies of the magazine because of the lead story titled. Aso Rock Ohaneze face-off: Condemn Biafra Now: No Ohanaze”.

The most disturbing aspect of this intimidation of media practitioners is that the perpetrators act with impunity and are rarely punished for the violent actions.

Freedom of Information Legislations

Freedom of information legislation comprises laws that guarantee access to data held by the state or private bodies. They establish a “right-to-know” legal process by which requests may be made for government-held information, to be received freely or at minimal cost, barring standard exceptions. Also variously referred to as *open records* or (especially in the United States) sunshine laws, governments are also typically bound by a duty to publish and promote openness. In many countries, there are constitutional guarantees for the right of access to information, but usually these are unused if specific support legislation does not exist.

Over 85 countries around the world have implemented some form of such legislation. Sweden’s Freedom of the Press Act of 1766 is the oldest in the world. Most freedom of information laws exclude the private sector from their jurisdiction. Information held by the private sector cannot be accessed as a legal right. This limitation entails serious implications because the private sector is performing many functions which were previously the domain of the public sector. That of Nigeria is supreme of both the state and private bodies. Other countries are working towards introducing such laws, and many countries with national legislation have local laws. For example, all states of the United States have laws governing access to public documents of state and local taxing entities, in addition to that country’s freedom of information Act which governs records management of documents in the possession of the federal government.

A related concept is open meetings legislation, which allows access to government meetings, not just to the records of them. In many countries, privacy or data protection laws may be part of the freedom of information legislation; the concepts are often closely tied together in political discourse. A basic principle behind most freedom of information legislation is that the burden of proof falls on the body asked for information, not the person asking for it. The person making the request does not usually have to give an explanation for their actions, but if the information is not disclosed a valid reason has to be given.

Legislations in other Countries; an empirical study

Australia

In Australia, the Freedom of information Act 1982 was passed at the federal level in 1982, applying to all “ministries, departments and public authorities” of the commonwealth. (Karl, 2011, p.78 - 79).

Canada

In Canada, the Access to Information Act allows citizens to demand records from federal bodies. The Act came into force in 1983, under the Pierre Tudeau government, permitting Canadians to retrieve information from government files, establishing what information could be accessed, mandating timelines for response. This is enforced by the Information Commissioner of Canada. There is also a complementary Privacy Act that was introduced in 1983. The purpose of the Privacy Act is to extend the present laws of Canada that protect the privacy of individuals with respect to personal information about themselves held by a federal government institution and that provide individuals with a right of access to that information. It is a Crown copyright. Complaints for possible violations of the Act may be reported to the Privacy Commissioner of Canada. Canadian access to information laws distinguish between accesses to records generally and access to records that contain personal information about the person making the request. Subject to exceptions, individuals have a right of access to records that contain their own personal information under the Privacy Act but the general public does not have a right of access to records that contain personal information about others under the access to information Act. Each province and territory in Canada has its own access to information legislation. In many cases, this is also the provincial public sector privacy legislation. From 1989 to 2008, requests made to the federal government were catalogued in the Coordination of Access to Information Requests System. A 393 page report released in September 2008, sponsored by several Canadian newspaper groups, compares Canada’s Access to Information Act to the FOI laws of the provinces and of 68 other nations: Fallen. In 2009, The Walrus (magazine) published a detailed history of FOI in Canada. (Luke, 2011, p.17 - 19).

Germany

In Germany, the Federal government passed a freedom of information law on September 5, 2005. The law grants each person an unconditional right to access official federal information. No legal, commercial, or any other kind of justification is necessary. Nine of the sixteen Bundeslander – Berlin, Brandenburg, Nordrhein-Westfalen, Schleswig-Holstein, Hamburg, Bremen, Mecklenburg-Vorpommern, Saarland and Thuringen – have approved individual “information freiheitsgesetze” (Freedom of Information laws). (Kenneth, 2010, p.19).

South Africa

South Africa passed the promotion of Access to Information Act on 2 February 2000. It is intended “to give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights”; the right of access to privately held information is an interesting feature, as most freedom of information laws only cover governmental bodies. See promotion of access to information act for more information (Mayor, 2010, p.22).

United Kingdom

The Freedom of Information Act 2000 (2000 c. 36) is the implementation of freedom of information legislation in the United Kingdom on a national level, with the exception of Scottish bodies, which are covered by the Freedom of Information (Scotland) Act 2002. Environmental information is covered by further legislation environmental information regulations 2004. Tony Blair, the UK Prime Minister who introduced the Freedom of Information Act, later expressed regret over the Act, claiming that the Act impeded the ability of officials to deliberate” with a reasonable level of confidentiality”. (John, 2011, p.17).

United States

The Freedom of Information Act (FOIA) is a federal freedom of information law that allows for the full or partial disclosure of previously unreleased information and documents controlled by the United States Government. The Act defines agency records subject to disclosure, outlines mandatory disclosure procedures and grants nine exemptions to the statute. It was signed into law by President Lyndon B. Johnson on July 4, 1966

(Public Law 89-554, 80 Stat. 383; Amended 1996, 2002, 2007), and went into effect the following year, (Hagin, 2009, p.11).

With the ongoing stress on both constitutional and inherent rights of American citizens and the added assertion of government sub-service to the individual, some thought it was necessary for government information to be available to the public. However, due to the sensitivity of some government information and private interests, others believed that certain types of government information should remain secret. Therefore, congress attempted to enact a Freedom of Information Act in 1966 that would effectively deal with requests for government records, consistent with the belief that the people have the “right to know” about them. The Privacy Act of 1974 additionally covered government documents charting individuals, (Cole, 2010, p.31).

However, it is in the exemptions to solicitation of information under these acts that problems and discrepancies arise. The nine exemptions to the FOIA address issues of sensitivity and personal rights. They are (as listed in Title 5 of the United States Code, Section 552) (A) specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order; related solely to the internal personnel rules and practices of an agency; specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld; FOIA Exemption 3 Statutes trade secrets and commercial or financial information obtained from a person and privileged or confidential; inter-agency or intra-agency memoranda or letters which would not be available by law to a party than an agency in litigation with the agency; personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual; contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or geological and geophysical information and data, including maps, concerning wells, (Bright, 2009, p.41- 42).

Republic of Ireland

In Republic of Ireland, the freedom Act 1997 came into effect in April, 1998. The 1997 Act was subsequently surrounded by the Freedom of information (Amendment) Act 2003. The Act has led to a sea-charge in the relations between the citizens’ journalists, government departments and public bodies. There are very few restrictions on the information that can be made public.

Freedom of Information Act in Nigeria: A Critical Analysis

It is imperative to state here that with the signing into law the FOIB, Nigeria has become the 5th African nation that enacted this law after South Africa, Uganda, Angola, and Zimbabwe. Although these laws appear with varying degrees of internationally accepted standards on freedom of information. Zimbabwe is said to completely fall out of line with the basic tenets of FOI.

Other African countries like Ghana, Liberia, Sierra Leone, Algeria, Madagascar, Mozambique, Kenya etc are also at varying stages of enacting the Freedom of Information legislation.

The analogy above became necessary because of the argument in some quarters that the law is highly un-African. Others say that it does not provide the journalist enough freedom that will be adequate for the performance of his duties. An analysis of the content will help us find out the true position of things.

Section 1(I) of the Act states, ‘not withstanding anything contained in any other act, law or regulation, the right of any persons 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 however, described, is established. The Act says in (2) that such applicant “need not demonstrate specific interest in the information being applied for”. This section therefore provides a general right of access to information and public records to the Nigeria citizens (including the press). Without doubt ,this encourages the practices both investigative journalism and citizen journalism in Nigeria.

The FOIA in section 4 mandates individuals seeking information to make written requests giving sufficient details to the government institution. Section 10 of the Act states that “it shall be criminal offence punishable on conviction with one year imprisonment for any officer or head of any government of public institution to which this Act applies to willfully destroy any records kept in his custody or attempt to doctor or otherwise alter same before they are released to any person, entity or community applying for it”.

The contention is the term “offence... to willfully destroy” public officials can hide under this clause and still perpetuate this offence. A reporter once questioned what the fate of an official who ‘unwittingly left the power source on’ after work, only for the office to be razed by fire the following morning “how do you ascertain willingness in this”.

On the hand, section 5(1) provides that “where access to records is applied for under this act, the head of the government or public institution to which the application is made shall.. not later than 14 working days following the date of receipt of the application: (i) give written notice to the person who made the application as to whether or not access to the record or a part thereof will be given and (ii) if access is to be given, give the person who made the application access to the record or a part there of.” Many see this section of the Act as a triumph of civil society. The Act gives access on request to Nigerian citizens, foreigners, corporations and governments. It (the Act) is a disclosure Statute, meaning that it opens up documents in the government for release. And in the event of denial of access, section 7(5) states that “where a case of wrongful denial of access is established the defaulting officer or institution commits an offence and is liable on conviction of a fine of N500,000.

Bordering on the need to protect information concerning national security, defense, international relations, privacy rights, et al, the Exemption Clauses were created. These Clauses are contained in Sections 11, 12, 14, 15, 16, 17. The provisions have been subject of arguments, while some agree that exposure of information under these Clauses can be injurious to the country at large, others liken it to the ‘gift of the devil’ which he gives with the right hand and withdraws with the other. The exemption clauses, they argued, should be removed as it poses a threat to the freedom guaranteed by the other sections. The journalists as rational beings, being guided by the journalistic ethos should be able to determine the extent they can go in order to still remain socially responsible and relevant to society.

Of particular relevance to the media practitioner is section 16 (c) which guarantees the exemption of professional privileges guaranteed by law. Here the ‘confidentiality privilege of journalists is guaranteed. Earlier in this work we described press freedom as the one that guarantees the confidentiality of news sources. The shield law guarantees the anonymity of the source if he or she does not want to be mentioned. Section (20) also provides thus; any applicant who has been denied access to information or part thereof may apply to the court for a review of the matter within 30 days after the public institution denies or is deemed to have denied the application or within such further time as the court may either before or after the expiration of the 30 days fix of allow.

The problem with this section is that news is a perishable commodity and therefore should be served hot. Going by the provisions of section 5 which stipulates 14 days before an application can be assumed to have been denied, the 30 days fixed for hearing the application, the information would have been overtaken by events. Moreover after many struggles the information sought might not be worth it or worse still, the court may rule against the applicant.

Section 25 provides that the institution shall be compelled to disclose information or does not have reasonable grounds on which application is so denied or where public interest supersedes any other interest.

Section 27 (protection of public officers). This protects public officials who disclose official information to a third party without recourse to the provisions of the Criminal Code, Penal Code, the Official Secrets Act, or any other enactment. This is especially when the public official believes that there is a violation of any law, or mismanagement, gross waste of public funds, fraud and abuse of authority etc. this section provides that no civil or criminal proceedings shall lie against any person receiving the information or further disclosing it.

Access to public information has further been enhanced by the provisions of section 29. it states that each public institution shall submit to the Attorney General of the Federation a report of the preceding fiscal year. Accompanying this should be the total number of staff devoted to processing application for information, the total amount of fees collected to process such applications received and number processed number of applications received an number processed, number of applications still pending before the institution as of October 31st October of the preceding year; how many times they refused an application, the condition for doing so, the decision of the court on the matter and so on.

With the provisions of the above sections, it becomes almost impossible for public institutions to deny applications for access to official information. It is instructive also to note that the Clause “mandatory disclosure in public interest” overrides any other provisions made under the Exemption Clauses. The onus therefore, lies on

the journalist to prove what ‘the interest of the public is’ in this instance, the benefits of the exposure to society or the dangers of not doing so.

The Implementation of FOI Act in Nigeria: Fourteen Months After

The contents of the FOI Bill was pursued into an Act simply to change the nature of press freedom in Nigeria, enhance transparency, accountability and the responsibility of government to the people through the under listed foundational clauses as;

- ❖ Making public records and information more freely available
- ❖ Protecting public records and information to the extent consistent with public interest
- ❖ Protecting of personal privacy
- ❖ Protecting the public officers from any adverse consequences of disclosing certain kinds of official information without authorization, and to establish procedures for the achievement of these purposes.

Now that this long drawn battle has been signed into law, what then is the attitude of the concerned parties (the government and the journalists in Nigeria) towards its proper implementation? In Nigeria, the press of course is an ever ready institution constitutionally charged by section 22 of the 1999 constitution to uphold the fundamental objectives of enhancing the transparency, accountability and responsibility of the government to the people. But this discharge of responsibilities has always resulted to harassment, detention, murder and prescription of media houses. As a result of these, the Nigerian journalists minds are full of fear; and as such FOI Act’s implementation very slow.

According to the investigation carried out by Francis Okeke, Adelanwa Bamgboye, Turaki A. Hassan and Abduikadir Badsha Mukhtar of ‘Daily Trust newspaper under the title: **“FG not ready to implement FOI Act”**’ it was revealed that Federal Government, Ministries, department and agencies are yet to begin the implementation of the freedom of information Act after four months it was signed into law by president Good luck Jonathan

Speaking on the un-readiness of the Federal Government to implement FOI Act, Daily trust investigation gathered thus:

Also, ministries and agencies have yet to publisher a list of all documents in their possession as required by the law. They have not also designed specific officers to whom request for information under the FOI law should be channeled as provided in the Act.

Also, on the same note, the immigration spokesman, Joachin Olumbar, in his interactions with these journalists of the mentioned newspaper , said;

We are yet to see the document and we are yet to study the bill, but I will assure you that before the end of this month we will do that.

Moreover, in line with the federal government’s un-readiness to see the Act implemented, Daily trust’s interview with the Head of service of the Federation, Mr. Tokpe Ajakaiye, has the following to say about the implementation of the FOI Act:

For now enquires on that Act were referred to the justice ministry because it has to do with law and you know it is a new thing and it will take time to entrench. So, may be you will want to talk to the permanent secretary in the ministry of justice, he will brief you on what they are trying to do because it has to be standardized and they have to interpret the Act for the public service so that there will be standard and no misinterpretation. After that there will be enlightenment for all those concerned with the implementation.

Daily trust with the special adviser to the Attorney General of the federation, professor Peter Terkaa Akper also gathered thus:

The law itself is new, you will recall that it was signed into law in may. Most of the structures need to be put in place for the law to take a firm root are yet to take toot, we understand that there are still structural difficulties here and there, all these would be strengthened for the law to become fully operational.

As a result of these structural difficulties here and there, Organizations and highly placed individuals have just begun to organize some sensitization work-shops aimed at making ordinary citizens to have a better understanding of the provisions of the law and how to use it.

As a result of these also, a two day sensitization workshop with the help of foreign and common wealth office of United Kingdom was held at Kaduna between 20th and 27th January, 2012 by the Media Right Agenda. The workshop which was declared open by the Deputy British High commissioner, Mr. Lever to Nigeria was

aimed at bringing together representatives of civil society and grassroots organizations in the North East, North West and North central zones of the country. The objective of the workshop is to improve the understanding of civil society and grassroots organizations on the freedom of information Act and build their capacity to effectively make use of the Act to obtain information of interest to them or relevant to their work from various public institutions as well as monitor the effective implementation of the Law. Speaking on this occasion of this workshop aimed at enlightenment of the Nigerian citizens on the implementation of the Act, Mr. Lever said:

Having fought for 12 long years to get the freedom of information Act, civil society organizations should now exploit the law in ensuring good governance in Nigeria, adding that for Nigerians to have sustained a 12-year struggle to have the Act passed meant that they recognized its importance as something worth having.

Also, Mr. Lever describing himself as a “well wisher” for Nigeria, he argued that, “an effective implementation of the Freedom of information Act would give Nigeria an opportunity to make a potential huge leap to improve its global rating on democratic practices”.

Similarly, the British High commission spokesman Mr. Nouruzi in Abuja on Tuesday, January 31, 2012, organized a two day sanitization workshop on FOI Act implementation. In his enlightenment statement he called FOI Act “*Game changer for Nigeria*”. He further encouraged the long demoralized journalists in Nigeria not to be discouraged by any initial challenges they may be experiencing in the implementation of the Act, observing that although the united kingdom had been implementing its own Freedom of Information Act for many years now, it was still struggling with some issues relating to the Act. He further encouraged Nigeria journalists that change will not happen overnight but urged collaboration among media practitioners and civil society organization to make the implementation of the Act a reality.

He asked them to regularly use the Act to obtain information from public institutions about any issue of interest to them or which improves governance; to promote and publicize the Act so that most members of the Nigerian society would be familiar with its provisions and how to use it; and monitor the implementation of the Act to ensure that public institutions and other stakeholders are complying with their duties and obligations under the Act.

Also, in line with the implementation of the FOI Act, the Media rights Agenda (MRA) earlier in November 15, 2011 launched an application to enable phone users to download the entire freedom of information Act 2011 from its website to their handsets in an easy-to-navigate format; named *FOI App*. The Application was developed by paradigm initiative Nigerians (PIN) for Media rights Agenda with support from the United States Agency for International Development (USAID) through a grant from pact Nigeria. Announcing the release of the Application as a tool for the implementation of the FOI Act to all the citizens in Nigeria, the MRA’S Executive Director, Mr. Edetaen Ojo said:

With over 93 million active mobile telephone lines in Nigeria, we believe the FOI Apps is a powerful tool to help make the freedom of Information Act available to the vast majority of Nigeria at not cost and for them to always have the provisions of this important legislation constantly available at their finger tips.

However, efforts towards the implementation of the FOI Act have been on but on a very slow rate compared to the importance ever attached to the pursuit of this Act, and the benefits that this Act is out to bring to the Nigeria which is one of the internationally rated corrupt countries.

2.9 Theoretical Framework

According to Chukwuemeka (2002, p.64), a research work without a theoretical framework is like a building erected without a foundation”. This research work is therefore backed up by the *social responsibility media theory* of the press.

Social Responsibility Media Theory

This theory seeks to give certain social standards of operations to the journalists in the world. Before the end of the 19th century, most people in North America (United States) started seeing the excess freedom given to the press as dangerous to the corporate existence of the country. People’s privacies were violated, characters were defamed, and falsehood was on sale in the free marketplace of ideas among others. At this point, it became obvious that the freedom allowed should be checked. In 1947, the Robert Hutchins commission on Freedom of the press was set up in the United States to review the freedom of the society but the selfish needs of the few media owners. This commission came up with some recommendations which are today regarded as media laws.

Media laws are “Rules made by government for the regulation of the activities of mass media professionals so as to ensure correct conduct by them” (Okunna 1995 in Okoro (2004, p.65). The hallmark of the recommendation is that the media should be socially responsible at all times in discharge of their duties (Ndolo, 2006, p.221). This theory is in line with the provisions of this freedom of information Act gives

freedom(sections 1-10) with some measures of responsibilities which are expressed in the Act as exemption clauses – where the freedom of access to information of the journalists can be ignored on the account of public interest, privacy, public defense, public health and morality. This is simply to achieve a responsible press in a responsible society.

RESEARCH DESIGN AND METHODOLOGY

Research Design

In every research, especially in social sciences, the nature of a study determines the kind of research method to be adopted. In line with the above, survey research method was used in carrying out this study.

This method is appropriate because the study revolves around human affairs (Nigeria journalists), touching on their responses, opinions, attitudes, motivations and behaviours over the new freedom of information Act. Their manner of responses matter a lot in ascertaining the validity or otherwise of the hypotheses mentioned earlier in raised.

In conducting this study, attention was paid to the views of the Nigerian journalists in the earlier mentioned three states. In data collection, questionnaire and oral interview were used as primary source of data collection.

Population and sample Size

The population of study for this research work involved all the registered journalists in three south-eastern states in Nigeria. These states are Enugu, Ebonyi, Anambra state. According to the figure released by the Nigerian union of Journalist (NUJ) offices in these states, there are 580 registered journalists. Using Taro Yamene formula, a sample size of was drawn.

Measuring Instrument

The measuring instrument used by the researcher for this study was questionnaire. Going by the nature of this study, the questionnaire is very appropriate. In order to effectively test the variables, the researcher first designed a questionnaire that contained the demographic data of the respondents such as; Age, gender, marital status, education qualification/level and other questions that will effectively evaluate the responses of the journalists on the subject under study.

DATA PRESENTATION AND ANALYSIS

In this chapter, the statistical data collected from the respondents (journalists) are collated, classified and presented in the simplest form to make the key features of the study easily grasped, interpreted, and analyzed. This is presented in the form of tables, frequencies and percentages

Do you have a detailed understanding of the content of the FOI Act 2011?

Response	Frequency	Percentage
Yes	42	18.18%
Not quite	31	13.42%
No	158	68.4%
Total	231	100%

From the table above, 42 respondents representing 18.18% have a detailed understanding of the content of the Act, while 31 respondents representing 13.42% have no quite detailed understanding of the content of the FOI Act while 158 respondents representing 68.4% were respondents that have no detailed understanding of the content of the FOI Act.

Do you agree that the FOI Act is an important legal document that has the capacity to strengthen investigative journalism in Nigeria?

Response	Frequency	Percentage
Agreed	30	12.98%
Strongly Agreed	11	4.76%
Disagreed	157	67.96%
Strongly Disagreed	33	14.3%
Total	231	100%

From the table above, 30 respondents representing 12.98% of the Nigerian journalists agreed that the FOI Act is an important legal document that can strengthen investigative journalism in Nigeria. 11 respondents representing 4.76% of the Nigerian journalists strongly agreed that FOI Act is an important legal document that can strengthen investigative journalism in Nigeria. 157 respondents representing 67.96% of the Nigerian journalists disagreed that the FOI Act is an important legal document that can strengthen investigative journalism. Also, 33 respondents representing 14.3% of the Nigerian Journalists strongly disagreed that the FOI Act is an important legal document that can strengthen investigative journalism in Nigeria.

Does the Act grant protection to the practicing journalists?

Response	Frequency	Percentage
Yes	21	9.1%
No	144	62.3%
Don't know	66	28.6%
Total	231	100%

From the table above, 21 respondents representing 9.1% of the said Yes that the FOI Act grants protection to the practicing journalists. Again, 144 respondents representing 62.3% said that the FOI Act does not grant protection to the practicing journalists while 66 respondents representing 28.6% said that they don't know whether the Act grants protection or not.

With this Act, do you think that access to information has increased?

Response	Frequency	Percentage
Yes	17	7.4%
No	161	69.7%
Can't say	53	22.9%
Total	231	100%

In the table above, 17 respondents representing 7.4% said Yes that access to information has increased with the Act. However, 161 respondents representing 69.7% said No that access to information has not increased as a result of the FOI Act.

Have you relied on the provision of this Act to get information from any institution?

Response	Frequency	Percentage
Yes	7	3%
No	224	97%
Total	231	100%

From the table above, 7 respondents representing 3% said that they have relied on the provision of the Act to get information from institutions. However, 224 respondents representing 97% said No that they have not relied on the provision of the Act to get information from any institution.

Presentation of Qualitative Data Generated from Oral Interview

Note: only the salient points raised were captured. And to ensure that the identities of the interviewed journalists are not exposed, the names of these journalists were replaced with codes.

Journalist A.

Question: Do you know about FOI Act?

Ans: *Yes, I'm aware of the Act.*

Question: Have you seen and read the Act?

Ans: *yes, I even have a copy of the Act*

Question: Do you understand the contents of the Act?

Ans: *Of course, I understand the contents of the Act.*

Question: Talking about understanding, would you say you have a detailed understanding of the Act?

Ans: *That is a claim I would not admit. Sincerely, I don't have a detailed understanding of the FOI Act. I'm still studying the Act gradually.*

Question: Do you see the Act as legal document has the capacity to strengthen investigative journalism in Nigeria?

Ans: *I don't see the Act as having the capacity to strengthen investigative journalism. In fact, I see the Act as giving freedom with one hand and taking it back with the other hand. I want to refer you to the exemption clauses. These clauses are like what I called foot soldiers that many would use to frustrate the real intentions of the Act. For instance, when someone wants to deny you information, he/she may just employ one or two of the exemption clauses to frustrate your access to such information.*

Question: From your understanding of the Act, do you think it grants protection to practicing journalists in Nigeria?

Ans: *In my opinion, I will say the Act does not grant protection to practicing journalists in the country. My reason is based on the cardinal fact that the Nigerian environment is a very hostile environment where lawlessness thrives. Nigerians are always in a habit of flouting the laws of the land without recognizing the need to obey those laws. So, for me the FOI Act is just another law that has come to face disobedience by Nigerians.*

Question: Looking at access to information, would you say the Act has helped to increase such access?

Ans: *No, access to information has not even increased since the passage and signing of the Act. It still all the same.*

Journalist B

Question: Do you know about the FOI Act?

Ans: *Yes, I know about the Act*

Question: Have you seen and read the Act?

Ans: *I have seen and as well gone through the Act.*

Question: Do you understand the contents of the Act?

Ans: *Yes, I do. As a practicing journalist, I need to understand the contents of the Act because it will aid my operations.*

Question: Would you say you have a detailed understanding of the Act?

Ans: *Although I have gone through the Act from the first page to the end, I can't say I have a detailed understanding of the Act. Right now, I am taking a more critical look at it. I think by the time I'm done, I can boast of having a detailed understanding of the Act.*

Question: Do you see the Act as legal document capable of strengthening investigative journalism in Nigeria?

Ans: *No, I do not see it as capable of giving a boost to investigative journalism. I may agree that the overall intention of the Act is genuine but the public or users as a result of their corrupt nature will want to use the exemption clauses to deny people relevant information that may expose them.*

Question: From your understanding of the Act, do you think it grants protection to practicing journalists in Nigeria?

Ans: *It will be a fallacy to assert here that it grants protection to the practicing journalists. Let me first of all let you know that this is not an Act for the journalists. It is an Act for the people. The people (the public) are the focus of the Act and not the journalists. Having this in mind, I will state here that the Act only protects information concerning national security, international relations, privacy, privacy rights and the public officers. You can refer to sections 11, 12, 14, 15, 16 and 17.*

Question: Looking at access to information, would you say the Act has helped to has increased such access?

Ans: *We need to effectively enforce the Act to achieve increase in access of information but for now, nothing has changed.*

Journalist C

Question: Do you know about the FOI Act?

Ans: *Yes, I do know that the bill was signed into law sometime in May 2011.*

Question: Have you seen and read the Act?

Ans: *Yes, I made a photocopy of the Act from one of my colleagues. So, I have been using it to get myself acquainted with the Act.*

Question: Do you understand the contents of the Act?

Ans: *Of course, I have a knowledge of the contents of the Act. Just like I told you earlier, I got a photocopy from my friend that I have been using. So, I understand the Act or do you want me to start analyzing them?*

Question: Talking about understanding the Act, would you say you have detailed knowledge of the Act?

Ans: *I must be sincere with you having a detailed understanding of the Act is what I'm yet to actualize. But I hope to get there soon because I'm seriously doing a critical analysis of the Act.*

Question: Do you see the Act as a legal document capable of strengthening investigative journalism in Nigeria?

Ans: *The Act cannot be seen as capable of strengthening investigative journalism in Nigeria. Investigative journalism demands a great deal of freedom. How would such demand be met when people use the exemption clauses in the Act to deny the public relevant information.*

Question: From your understanding of the Act, do you think it grants protection to practicing journalists in Nigeria?

Ans: *There are technicalities in the Act which I think should be reviewed. However, I must say the Act does not grant protection to practicing journalists in the country. We must not forget the fact that the Act is not specifically for journalists. So, there is no section saying or talking about protecting journalists. Again, we must not also lose sight of the fact that Nigeria has weak institutions that cannot enforce most of the provisions of the Act. So you see, even if you claim the Act grants protection to journalists, enforcing such protection is a task that is likely*

unattainable. Let us first of all strengthen our institutions, then other things will easily fall in place.

Question: Looking at access to information, would you say the Act helps to has increase such access?

Ans: *No, the Act is yet to aid access to information. The non effective implementation of the provisions of the Act is what is causing this situation. So, the Act needs to be well implemented for it to engender increase in the access to information.*

A Conclusive Discussion of the Results In line with the Research Questions

Research Question 1:

Do Nigerian journalists have a detailed understanding of the contents of the FOI Act? From the responses of the journalist in table 4.1.11, the Nigerian journalists do not have a detailed understanding of the contents of FOI Act?

For instance, 158 journalists with the greatest percentage of 68.4 responded 'No' while 42 responded 'yes' and 31 responded 'not quite'.

Also, in line with this result is the responses giving by the three interviewed journalists. For instance, Journalist 'A' said; *sincerely, I don't have a detailed understanding of the FOI Act. I'm still studying the Act gradually.* Journalist 'B' inline with this result responded thus; *although I have gone through the Act from the first page to the end, I can't say I have a detailed understanding of the Act. Right now, I am taking a more critical look at it. I think by the time I'm done, I can boast of having a detailed understanding of the Act.* In the same way also Journalist 'C' responded thus; *I must be sincere with you having a detailed understanding of the Act is what I'm yet to actualize. But I hope to get there soon because I'm seriously doing a critical analysis of the Act.*

Research question 2

Do Nigerian Journalists see FOI Act as a legal documents that has the capacity to strength investigative journalism?

From the responses of the journalists in table 4.1.15 the Nigerian journalists do not see the FOI Act as a legal document that has the capacity to strengthen investigative journalism in Nigeria?

For instance 157 journalists with the greatest percentage of 67.96 responded 'disagreed' in the table 4.1.15 when 30 responded 'agreed' 11 'strongly agreed' and 33 'strongly disagreed'. Also, of good supports to this result are the responses of the three interviewed journalists form the states under study. For instance Journalist 'A' responded thus; *I don't see the Act as having the capacity to strengthen investigative journalism. In fact, I see the Act as giving freedom with one hand and taking it back with the other hand. I want to refer you to the exemption clauses. These clauses are like what I called foot soldiers that many would use to frustrate the real intentions of the Act. For instance, when someone wants to deny you information, he/she may just employ one or two of the exemption clauses to frustrate your access to such information.* Journalist 'B' in a support responded thus; *No, I do not see it as capable of giving a boost to investigative journalism. I may agree that the overall intention of the Act is genuine but the public or users as a result of their corrupt nature will want to use the exemption clauses to deny people relevant information that may expose them.* And Journalist 'C' summarized it when he responded thus; *The Act cannot be seen as capable of strengthening investigative journalism in Nigeria. Investigative journalism demands a great deal of freedom. How would such demand be met when people use the exemption clauses in the Act to deny the public relevant information.*

Research Question 3

Does the Act grant protection to the practicing journalist in Nigeria?

From the responses of the journalists in table 4.1.16 Act does not grant protection to the practicing journalist in Nigeria.

For instance, 144 journalists with the greatest percentage of 62.3 responded 'No' when 66 responded 'Don't know' and 21 responded 'yes'. Also, the interview responses of the three interviewed journalists revealed the same support to this result. For instance, Journalist 'A' in his support responded thus; *in my opinion, I will say the Act does not grant protection to practicing journalists in the country. My reason is based on the cardinal fact that the Nigerian environment is a very hostile environment where lawlessness thrives. Nigerians are always in a habit of flouting the laws of the land without recognizing the need to obey those laws. So, for me the FOI Act is just another law that has come to face disobedience by Nigerians.* Journalist 'B' also responded thus; *it will be a fallacy to assert here that it grants protection to the practicing journalists. Let me first of all let you know that this is not an Act for the journalists. It is an Act for the people. The people (the public) is the focus of the Act and not the journalists. Having this in mind, I will state here that the Act only protects information concerning national security, international relations, privacy, privacy rights and the public officers. You can refer to sections 11, 12, 14, 15, 16 and 17.* Journalists 'C' concluded this result by responded thus; *there are technicalities in the Act which I think should be reviewed. However, I must say the Act does not grant protection to practicing journalists in the country. We must not forget the fact that the Act is not specifically for journalists. So, there is no section saying or talking about protecting journalists.*

Again, we must not also lose sight of the fact that Nigeria has weak institutions that cannot enforce most of the provisions of the Act. So you see, even if you claim the Act grants protection to journalists, enforcing such protection is a task that is likely unattainable. Let us first of all strengthen our institutions, then other things will easily fall in place.

Research Question 4

Has the access to information in Nigeria, increased as a result of the FOI Act?

From the responses of the journalists in table 4.1.17, access to information in Nigeria has not increased as a result of the FOI Act. For instance, 161 journalists representing 69.7 percent responded 'No', while 53 responded 'cant say' while 17 responded 'yes'. The responses of the three journalists in the oral interview session are also of strong supports to this result. For instance, Journalist 'A' responded; *No, access to information has not even increased since the passage and signing of the Act. It still all the same.* Journalist 'B' in support also responded; *we need to effectively enforce the Act to achieve increase in access of information but for now, nothing has changed.* And Journalist 'C' summarized it when he responded; *No, the Act is yet to aid access to information. The non effective implementation of the provisions of the Act is what is causing this situation. So, the Act needs to be well implemented for it to engender increase in the access to information.*

SUMMARY OF FINDINGS

This study which used survey research method to find out the "Nigerian journalists' perception on the implementation of the 2011 Freedom of Information Act, among others revealed the following:

- ❖ That the Nigerian Journalists do not have a detailed understanding of the contents of the FOI Act.
- ❖ That the Nigerian journalists do not see the FOI Act as an important legal document that has the capacity to strengthen investigative journalism in Nigeria.
- ❖ That the Nigerian journalists do not see the FOI Act as capable of granting them the needed protection in their day to day activities.
- ❖ That access to information in Nigeria has not increased as a result of the FOI Act.

Conclusions

From the results of the researcher's empirical findings, it is obvious that the Nigerian Journalists' perception on the implementation of this Act cannot be equated to the enduring spirit behind the pursuit of this Act by the Media Rights Agenda, Civil Society Groups and the Nigerian Union of journalists. Some structural difficulties like lack of proper orientation and sensitization (workshops) by the government agencies, ministries and departments on the contents and importance of the Act are the brain behind it. Even the majority of the Nigerian journalists are not fully aware of the contents of this Act and that is why its implementation is taking the slowest velocity. But with unity of action of the governments and the NUJ, Nigerian society can be better informed about the Act for a better implementation capable of achieving transparency, accountability and responsibility of the governments to the Nigerian citizens through granting them the access to information and public records. By so doing, standard journalistic practice will be achieved in Nigeria, just as it is in United States, UK, Germany, Israel, South Africa where this Freedom of Information Act has been implemented.

Recommendations

- Following the results obtained from this study. The following recommendations are made.
- ❖ From the findings of this study, it is obvious that the majority of the Nigerian journalists do not have a detailed understanding of the contents of the FOI Act. To this effect, the researcher recommends that sensitization workshops on FOI Act should be organized by the NUJ of different states for the practicing journalists in the states from time to time to enable them embrace the provisions of this Act, and the end of each workshop should be wrapped up with a critical aptitude test on the Act .
 - ❖ As important as the knowledge of Act is to the practicing journalists, there should be an aptitude test by the media organizations (print and broadcast) on the Act as a criterion for employing journalists to work with any media outfit. These will grant the journalists the better knowledge for the proper implementation of the Act.
 - ❖ Also, from the second finding, it is clear that the Nigerian journalists do not see the FOI Act as legal document that has the capacity to strengthen investigative journalism in Nigeria. In this respect, the researcher recommends that the exemption clauses in some sections of the Act should be reviewed with some clear definitions so that the freedom of access to information and public records will not be denied of the journalists unnecessarily in the name that a matter is or is not in the interest of the national security, defense ,public interest etc. This will help the reasonable members of the society who had been cut short of access to information to investigate issues without fear or favour.
 - ❖ Also, it has been observed from the result of this study that the Nigerian journalists do not see the FOI Act as capable of granting the needed protection to the practicing journalists in Nigeria. In this regard, the researcher recommends that the NUJ and other human right organizations like Media Rights

Agenda (MRA), Civil Society Organizations (CLO) should push for the amendment of this Act through National Assembly to institute a legal framework capable of giving the citizens including the media persons the periscope to operate without fear or favour.

- ❖ Again, from the researcher's results, access to information in Nigerian has not increased as a result of the FOI Act. The researcher in this regard recommends that government at all levels should tackle whatever structural difficulties hindering the implementation of this Act by agencies, departments and ministries and order for its immediate implementation through instituting a monitoring team that will monitor how this Act is being implemented by the people concerned.

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