

# Reportorial Activism and Nigerian Journalism after the Enactment of Freedom of Information Act

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## Abstract

Investigated is how the enactment in May 2011 of Nigeria's Freedom of Information Act has, since then, impacted Nigerian journalism. Typical documentary and spoken data were tapped, analysed and discussed. Analysis and discussion found Nigeria's FOIA to be as properly crafted as meets international standards. Analysis and discussion also demonstrate that Nigerian journalists' inability so far to take advantage of the FOIA to sharpen their journalistic activism results from the intimidation which job insecurity poses. In that light, conclusion hypothesizes that FOIA might not sharpen journalistic activism in countries/economies where journalists' awareness of their shaky economic status is acute.

**Keywords:** Reportorial Activism, Nigerian Journalism, Freedom of Information Act

## Introduction

Irrespective of time and space, one suspicion has continued to unsettle the ruling class. The belief that anarchy will reign where freedom of expression is not restrained has always alarmed the hegemonic class. The fear of freedom of expression started when Emperors began contaminating Christianity, despite Bible's disapproval (John 15:19; John 14:30; 1<sup>st</sup> John 5:19; John 6:14-15), with temporal powers (Cairns, 1981). For instance, Thomas Hobbes' "The Leviathan" – that infamous but seminal tirade against freedom of speech – was inspired after the feudal lords of modern-day Germany – "The Reichstag" – were cajoled by the Roman Catholic Church to rise against a social system where freedom of expression reigned (Kunczik, 1995, p. 16).

The censorship edict issued by the Catholic Church in 1482 triggered the global wave of mistrust that characterizes the relationship between world rulers and the media. By 1487, the Pope had decreed that no one would be allowed to publish anything without prior scrutiny by the "Roman Curia (the Papal Court) or its representatives" (Kunczik, 1995, p. 16). It went without saying that the schism which freed Great Britain from Papal yoke was inspired by the hatred the British had for the anti-free-speech disposition of Catholicism (Cairns, 1981). The Leveler Party in Britain was among the chief advocates for freedom of speech (Kunczik, 1995). John Milton was the most cerebral amongst British freedom of expression orators. In his "Areopagitia" John Milton regaled those who cared with riveting treatise on why freedom of expression must be nurtured by all (Kunczik, 1995, p. 17). But because of Catholicism's overwhelming influence on feudal Europe and because also of the omnipotent influence that feudal Europe wielded on the rest of humanity, the move to constrain freedom of expression eventually gained resilient roots all over the world. The root against freedom of speech drew nutrient from human beings' predilection towards misfeasance (Marx Weber as cited in Pember, 2001).

There is a symbiosis between the disdain for freedom of expression and secrecy. The prevalence of ambiguity and evasiveness in the utterances of politicians could be put down to politicians' hatred of frankness (Hahn, 1997, p. 105f). Politicians' hatred of frankness is a universal pathology. The United States is the bastion of liberty – more so, that of the right to freedom of expression. Yet when President Lyndon Johnson was to attend a ceremony on 4<sup>th</sup> July 1966 where he was to sign America's Freedom of Information Act into law, reports had it that he was dragged to the occasion kicking and screaming against what he was about to do (Freedom of Information in Ireland 2003). In an address to National Security Archive on 9 December 2005, Bill Moyers, a former White House Press Secretary noted that President Johnson enacted the appalling drama despite his earlier blandishments to the effect that "...with deep sense of pride the United States is an open society in which people's right to know is cherished and guarded" (Freedom of Information in Ireland, 2003).

President Johnson's blandishments are akin to that of the African National Congress (ANC) in South Africa. In its poorly disguised effort to enchain free speech with its much-condemned Protection of Information Bill, the ANC had speciously declared "there is no doubt that the media as an institution deserves and should be afforded the space to flourish as a critical platform for freedom of expression" (MTO & D, point 51, 2010). As reported by Amadi (2011), the blandishments quoted above were mere subtexts used to eclipse the ulterior

motive behind the push by the ANC to enact the Protection of Information Bill. A Canadian Information Commissioner in an Annual Report 2006-2007 gives insight regarding why power-holders embrace secrecy. According to the commissioner, governments of all political stripes find it a challenge to wield power (and keep power) without keeping secrets – or at least – without maintaining control over the timing and spin of information disclosure (Freedom of Information in Ireland, 2003). Leeuwen (2012, p. 69) concurs when she reported that “politicians often spin their political ideas and projects as part of their tactic to, firstly, remain in power and, secondly, enable themselves to continue to follow through their ideas under a manipulated consent of citizens.” In Nigeria, Abba-Aji, President Jonathan’s Special Assistant on National Assembly Matters, at the thick of the struggle to enact Nigeria’s Freedom of Information Act had opposed the push for the bill thus:

**...no government or organization would offer its official secret to members of the public or press. All public institutions have information that must be closely guarded for the benefit of peace, progress and development of society... every public officer including the President was under oath of secrecy... that is in the constitution and that is what this unpatriotic FOI Bill is trying to oust.**

(Ameh, Abioye and Olonilua (2011, p. 2).

### **Nigerian Journalism and its Battles**

The battles that Nigerian journalism has fought against secrecy have a history that is written with all imaginable dreadful things – including blood. The trail of blood in Nigeria’s journalism is well-documented. In that trail is the blood of the likes of the frontline journalist – Dele Giwa. Also in that trail is the blood of Tunde Oladepo, Bayo Ohu, Godwin Agbroko, Abayomi Ogundeji, Efenji Efenji and Sule Ugbakwu (Saduwa, Agbroko, and Foloria (2010, p. 55). As reported by Saduwa, Agbroko and Folarin, despite this spate of deaths, journalists like Olusola Fabiyi, Yusuf Alli, Chuks Okocha and Gbenga Aruleba had received death-threats after some buccaneers suspected that their journalistic activities contributed reasons for the removal of the immediate past Nigeria’s electoral commission boss.

The scenario captured by the story of Saduwa, Agbroko and Folarin as cited above fairly illustrates the danger of practicing journalism in Nigeria before the enactment in 24 May 2011, of Nigeria’s Freedom of Information Act. This scenario of danger is the reason Nigerian journalists and other stakeholders braved all odds in the drama that ushered in the Freedom of Information Act. Apart from Abba-Aji’s opposition, Nigeria’s Senate Committee on Information was a theatre of doublespeak in the drama that preceded the enactment of the bill. The arrow head of the drama of wits that preceded the passage of the bill in the Senate was Ayogu Eze – the Chairman of Senate Committee on Information. Eze’s initial reaction to the effort to enact the bill was initially adjudged laudatory when he declared:

**In the next two or three weeks we will pass the Freedom of Information Bill... as part of our commitment to promote transparency in governance and to show that those in government...should hold themselves accountable to Nigerians... if you have nothing to hide there is no need to be afraid of the bill...**

(Abati, 2008, p. 70)

Eze made the above comment before his committee reviewed the draft of the bill and came up with what was described as “a shameful and scandalous proposal designed to restrict access to information rather than promote it” (Abati, 2008, p. 70). Explaining why his committee came up with a scandalous review of the bill submitted to his committee, Ayogu Eze had rationalized that “we redesigned the bill with a lot of responsibility and some safeguards to ensure that nobody can use it to hold the country to ransom” (Abati, 2008, p. 70). His rationalization resonates with that of a member of his committee who in his resolve to water down the bill had enthused “it will be wrong to enact a law that will further empower journalists. It will mean that they will put guns to our heads as politicians. When they do not have a law on FOI, we know what we go through” (Abati, 2008, p. 70).

To be certain, the sections of the proposed bill that were watered down by Senate Committee on Information included the section intended to absolve a citizen seeking access to official information from seeking the permission of a state or a federal high court before making their request (Abati, 2008). The

amendment by the senate committee had reversed such a provision. Also reversed was the section designed to compel a public official to whom a disclosure requests is made to come up with an explanation on why/how the request succeeded and/or failed. The committee's review also removed the section intended to protect/encourage whistle-blowers (Abati, 2008).

### **The Problem and Objective of the Paper**

In societies where freedom of information law is couched in unambiguous language, transparency shines forth and illuminates crevices where mischief could be hatched and nurtured. More so, benefits accrue where freedom of information legislation is sincerely implemented. The lure of these benefits is what compels progressive citizens when they struggle for a frank enactment and sincere implementation of freedom of expression legislation. As noted in the preceding paragraphs, the challenge to enact a frank freedom of information act is as daunting as it is difficult to pull off a sincere implementation of such legislation.

In Nigeria, the outcome of Senate Committee's review of the draft which was eventually enacted in 24 May 2011 as Nigeria's Freedom of Information Act was described as "non-law" or a "dead legislation" (Abati, 2008, p. 70). In the paragraphs below, data are sourced, presented and discussed to ascertain how the passage of the bill has impacted journalism practice in Nigeria. If analysis and discussion indicate that there has been improvement in the "degree of freedom" with respect to "contents and diversity" (McQuail, 2010, p. 354) in the practice of journalism in Nigeria after the passage of the Freedom of Information Act, it would be concluded that Nigeria's Freedom of Information Act is not a dead law.

### **Methodology**

It warrants being stated that the data for this paper are made up of "spoken" and written "words" (King, 2002, p. 175; Meyers, 2002, pp. 153-162; Lindlof and Taylor, 2002, pp. 5, 18, 109, 122; Jaakowski and Wester, 1991, p. 61). A section of the data that is displayed in the form of spoken word came from a "focus group" (Kitzinger and Barbour, 1999, P. 4) interaction I had with practicing journalists. The written words are "critical" (Silverman, 2006, p. 308) or "typical" (Condit, 1991, p. 368) or "criterion" (Creswell, 2007, p. 128) sampled newspaper texts from leading Nigerian newspapers. Newspaper texts afford high data-value given the fact that the persons who produced the texts did so when they were not reckoning that their text would be used as data in this paper. This ignorance frees the newspaper texts I used from such contaminations as "dissimulation" (Lang and Lang, 1991, p. 202) or "subject/participants reactivity" (Lang and Lang, 1991, p. 195; McQuail, 2010, p. 360). The basis of choosing the texts is purposive. These texts were purposively sampled in the context of the notion that research data could be extracted from "those persons, places situations that provide the greatest opportunity to gather the most relevant data about the phenomena under investigation" (Strauss & Corbin, 1990, p. 181). To be noted also is the fact that textual/documentary data could be made up of "few selected features of a text/document" (Van Dijk, 2006, p. 99; Gillespie & Toynbee, 2006, p. 5; Fairclough, 2003, p. 6).

The choice of using words over figures as data in this paper identifies the method used as the qualitative method (Wainwright, 1997). Researchers subscribe to the "relativist" instead of the "realist" view of research when they choose the qualitative research method (Smith, 1996, p. 194. A realist view presses for the accuracy of claims made by independent sources; a relativist view strives for capturing of multiple voices and truth that exist in relation to a phenomenon (Smith, 1996; Ang, 2001, p. 187). When a researcher takes a relativist view in a research, what such view implicitly expresses is that the findings would align to a "version of reality in the face of competing versions" (Gill, 1996, pp. 143 & 151).

### **Method of Data Analysis**

The data analysis approach in this paper drew on both "researcher construction" and "subjective valuing" (Keyton, 2001, p. 70). These two approaches emphasize the use of subjective introspection in writing up what the author or researcher has gleaned from data. In using subjective insight, I "attributed a class of phenomenon to segments of the texts (Fielding & Lee, 1998, p. 41). This deconstruction approach lies in the notion that "subjectivity is advantageous and can be seen as virtuous and as the basis of researchers making a distinctive contribution that results from the unique configuration of their personal qualities joined to the data they have collected" (Peshkin as cited in Peredaryenko and Krauss, 2013, p. 1). Peshkin's view resonates with that of Roulston (2010, p. 120) who notes that "research is an explanation of subjectivities – those of the researcher and researched." The research report, according to her is a synthesis of the experiences of the researcher and the researched. The synthesis makes the research-report a biography of the experiences of both – not an autobiography of only the experiences and subjectivity of the researcher.

**Text Box: FOI Act on a Balance**

S/N	Newspapers and Date of Publication	Textual Samples and Page
1.	<i>The Guardian</i> , 4 August 2013	<b>In a court ruling, his lordship, Justice Gabriel O. Kolawole of the Federal High Court in Abuja suggested that the freedom of Information Act, 2011 was somehow defective because it provides in section 1(2) that an applicant seeking information from a public institution should not be required to demonstrate his or her interest in that information and called on National Assembly to amend the law to restrict its application. P. 11.</b>
2.	<i>The Guardian</i> , 4 August, 2013	<b>On June 25, the Federal High Court in Abuja ordered the Clerk of the National Assembly to release to the Legal Defense and Assistance Project (LEDAP) within 14 days, details of the salaries, emoluments and allowances collected by national legislators between 2007 and 2011. P. 53.</b>

**Analytic Interpretation**

Before the enactment of Nigeria’s Freedom of Information Act on 24 May 2011, there were intrigues. When the review by Senate Committee on Information tinkered with the provisions in the draft submitted to it, many feared that what might emerge as Nigeria’s Freedom of Information Act would be so enervated that it might just be a “no-law” or a “dead law” (Abati, 2008, p. 70). To investigate such fear, analysis rifled through the data as displayed. The entailments of the two exemplars in the above Text Box were adjudged as demonstrating that the bill is not a dead law – at least, from the standpoint of its provisions and what the provisions have been used to achieve. This summation is grounded on what Justice Gabriel Kolawole wants the National Assembly to expunge from the bill. What Justice Kolawole wants the National Assembly to expunge is a defining component of Freedom of Information Act the world over.

The entailment of exemplar 2 of the Text Box demonstrates, on the other hand, that the provisions of Nigeria’s Freedom of Information Act have been invoked in a manner that facilitated access to information in a fashion that would have been otherwise without the bill. A sobering angle is that many of the bold steps inspired by Nigeria’s FOIA have so far been linked to only non-government agencies; none of such steps has come from a journalist or a media organization (Olumhense, 2013). The apparent apathy by journalists to take advantage of the bill to seek information from Nigeria’s opaque public domain became an issue of concern. Comments below are from a “typical sample” (Condit, 1991, p. 368) of some Nigerian journalists. I approached them to seek information regarding why journalists appear to have developed cold feet about taking advantage of the Freedom of Information Act to sharpen their reportorial activism.

**Nigeria is not like developed Western countries. In the developed Western countries there is social security; even there’s life insurance for a journalist. Where such safeguards are available, a journalist gets bold and invokes the provision of FOIA when they suspect that news source will not provide the information sought. But here in Nigeria, there’s no safeguard at all. So where do you expect a journalist who merely lives from hand to mouth to get the courage to challenge the omnipotent Nigerian bureaucracy? The FOIA is a good law but the prevailing socio-economic situation is not yet favorable for journalists to take advantage of it.**

*[Interview on 3 December 2013 with Rivers State  
 Chairman of Nigerian Union of Journalists: NUJ.]*

**...it’s a good law. But I don’t think it has changed how we report. Many journalists are not even aware that such law exists. When we held a sensitization workshop, journalists who suspected that money will not change hands refused to attend**

*[Interview on 3 December 2013 with Rivers State NUJ Secretary.]*

**Conclusion**

The provisions of Nigeria’s Freedom of Information Act are as valid as could possibly be found wherever such law has been enacted. The obvious apathy by journalists to take advantage of it has been attributed not only to ignorance of its potentials by journalist. The major reason Nigerian journalists have not been emboldened by the provisions of the Freedom of Information Act is the intimidation which their weak economic condition imposes. There is an implicit fear that getting too daring as a result of the Act could unleash

a backlash that might cost a journalist their work. And since there is no social security fallback, a journalist who loses their job because of overzealousness that is encouraged by the enactment of FOIA would suffer in isolation. What this implicates, more so in the light of data furnished by the focus group interaction, is that freedom of information legislation makes infinitesimal difference in the reportorial prowess of journalists who work in an environment where the dread of job security is acute.

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