

Full Length Research Paper

The Nigerian journalists' knowledge, perception and use of the freedom of information (FOI) law in journalism practices

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Accepted 16 January, 2014

The imperativeness of the freedom to access information, express opinions and active participation in governance by the general public has been recognized by a good number of democratic governments across the globe; hence, the adoption and enactment of the Freedom of Information Act by such democratic governments (Nigeria inclusive). However, there seems to be gross under-utilization of this enormous power bestowed on the media (and on the journalists working in the media) as both the purveyors of public information and watchdog of the society. This study, therefore, undertakes an assessment of the Nigerian journalists' knowledge, perception and use of the FOI Law in the discharge of their (information) responsibility to the public. With respondents drawn from four Nigerian Union of Journalists (NUJ) chapels, precisely, Enugu and Anambra, Imo and Ebonyi South-East zone, this study employing survey research methodology, finds that the FOI law as it applies in principles is still not symmetrical with pragmatic access to information. This perhaps accounted for the ambivalent responses got from the respondents - all are aware of the law; some consent an improvement in access to information but ironically, greater majority have never made use of the law in the discharge of their journalistic responsibilities. The researchers, therefore, recommend that the different journalistic, media bodies and media right groups must deliberately plan and monitor workshops and conferences synergetically and must be willing to firmly support journalists who may be hindered by bureaucratic bottlenecks that may result in litigations.

Key words: FOI law, knowledge, perception.

INTRODUCTION

In 2011, the Nigerian Government signed the FOI Bill into law, thereby making Nigeria the ninth country in Africa and among the over 90 countries in the world to have passed this bill. The Act, according to Media Rights Agenda (2011), is indeed very explicit in its mission, which is simply to:

Make public records and information more freely available, provide for public access to public records and information, protect public records and information to the extent consistent with the public interest and the

protection of personal privacy, protect serving public officers from adverse consequences for disclosing certain kinds of official information without authorization and establish procedures for the achievement of those purposes and; for related matters.

Described as a legal instrument that would not only radicalize reportorial engagement of journalists, FOI Act, it has been argued, will foster a greater opportunity for investigative journalism, promoting the democratic process. The FOI Act has indeed created high

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expectations from the public concerning journalism practice in the country - expectations of truthful and adequate information from the media on all spheres of the society; a broader window of opportunity to practice unfettered journalism and a powerful investigative tool that empowers the media to hold public officers accountable to the people. However, these expectations become a reality only when the media practitioners put this powerful investigative tool to use. As Enonche (2012) observes 'Nigerians finally have vital tools to uncover facts, fight corruption and hold officials and institutions accountable'. Given the enabling power of the FOI instrument, the critical question now is: are the Nigerian journalists making use of this important tool? This supports the argument that 'a law is useless or ineffective if not put to use/operation'.

In the light of the foregoing, we argue that, for the FOI Act to meet the high expectations and achieve the objectives of ensuring a more open and transparent society as well as enthroning democracy and responsible governance in Nigeria, the media must move beyond the euphoria that accompanied the establishment of the FOI Law, to come to terms with the provisions of the Act and begin to harness some of the expectations therein through the appropriate utilization of the Act. The Executive Secretary, of the Nigerian Press Council (NPC), Mr. Bayo Atoyebi explained how the media can harvest the benefits of the FOI Act as he clarifies: 'by first understanding the law and making bold to use it and grow our reportage from speculative to the factual'. The media should use FOI Act request to assess the level of compliance with relevant laws including the Fiscal Responsibility Act, the Public Procurement Act (PPA, 2007), the Electoral Act (especially aspects of it dealing with political finance monitoring) among others. FOI Act can also be deployed by the media as a tool to carry out its oversight functions as envisaged by section 22 of the 1999 Constitution. In this way, FOI becomes an indispensable tool in the reporting of accountability and anti-corruption issues. The burning question is, do Nigerian journalists see and use the FOI Act as an investigative instrument to grow reportage from speculative to factual?

Beginning from mid 2012, training workshops were organized in different Geopolitical Zones in the country. The main objective was to familiarize the journalists with the essential elements of the FOI Act and how they can use the Act to conduct investigative reporting in the country. Having undergone these series of workshops and trainings in the use of the Act, it becomes pertinent then that we interrogate Nigerian journalists' knowledge, perception and use of the (FOI) law as an investigative tool in their day-to-day practices. This raises the concern of this paper as to whether the Nigerian journalists have adequately began to use the Act to protect the people's right to know, or to contest encroachment by government. Do the media understand their right under the FOI Act or even have a passing idea of how a request might be

framed? Several other questions begging for attention could be summed up as follows: Since the enactment of the law has there been a noticeable improvement in the way the job of journalism is being done in the country? Are there cases of more in-depth, investigative journalism being put in place? Are the Nigerian media ensuring that the Nigerian publics maximize the benefits of the act by taking the lead in approaching governmental agencies and organizations for information they need to do their work? These questions are germane to this study given the fact that the trend that seems to pervade the practice currently is still the popular parlance of 'business as usual' without any seeming significant change. Given the above perceptions and observations, this study interrogates whether and how the Nigerian journalist - at this dawn of 'unrestricted access so to 'seek and say' virtually any information - are rising up to the challenge of this new dawn in the Nigerian journalism practice.

Through a lens of history: Journalists' experiences in the face of freedom of information acts

Journalists' age-long struggles for emancipation from restrictive and oppressive legislations have not been without unpleasant experiences and even extreme cases of martyrdom. Instances of oppressive measures against the press and journalists date as far back as the fifteenth century. Finkelstein (2012), in his *Report of the Independent Inquiry into the Media and Media Regulation*, observes that the restrictive measures on journalists and the press date as far back as 1476 when the newly-invented printing press came to England and revolutionized communication possibilities. The press then, faced lots of prosecutions for treason and seditious libel. These repressive legislations reigned supreme till the mid-18th century when the struggle for liberation became apparent (Keane, 1991; Curran, 2010), cited in Finkelstein (2012, pp.25-26). Democratic governments realized the need for liberty and enthronement of the 'Marketplace of Ideas'. Steyn (2000) buttressed this point with the assertion that 'Freedom of speech is the life blood of democracy'.

With the concept of democracy becoming the order of the day, (perhaps courtesy of the frantic efforts of the United Nations), many countries realizing the fact that information is key to strengthening government-citizen relations and a means of enthroning a transparent and accountable government, made deliberate efforts to implement Freedom of Information (FOI) laws (acts) - the legislation that empowers or enables the citizens of a country to demand free access to certain specified documents or information - to give the press freer hand to operate within the ambits of journalistic ethics. To this end, several countries have adopted various forms of the FOI Laws (or similar legislations) (Schenkelaars and Ahmad, 2004; Ojo, 2010). Schenkelaars and Ahmad

(2004) further observe that there was a sharp rise in the number of countries that adopted various forms of FOI legislations from 1980 to 2001, and that 80% of the Organisation for Economic Cooperation and Development (OECD) member countries now has legislation on this subject.

The presence of these legislations and the claims to democracy notwithstanding, journalists' experiences keep oscillating from favourable to awfully unpleasant. To this end, scholars have documented several cases of torture, maiming, detention, assassination et cetera, meted on the journalist world over (and which in most cases extended to their family members) (Ellick, 2007; Jallow, 2008; Same, 2008) (Dombo, n.d). The reports given by these scholars are particularly disturbing as these countries already have or had claimed to have 'functional' FOI Act enshrined in their constitutions.

The Nigerian situation was not far from those of other countries of the world. The editorial page of *The Punch Newspaper* (2008) has it that 'several cases of arrested journalists were reported in Nigeria even during democratic dispensations'. Generally, state restriction of freedom of expression and police brutality were regular threats to members of the press. Police raided editorial offices and arrested employees of press organizations including the *Daily Independent*, *The News*, and *The Observer* during the 1999-2003 democratic dispensation (*The Punch*, 2008; Onadipe, 2002, in Akinwale, 2010). The police action was said to be the result of press publications considered critical of the Nigerian government. As such, the power of the press to check government institutions was been curtailed... (Akinwale, 2010). Other accounts of repression in Nigeria are given by Ohiagu, (2010). Bush (2008) asserts that Nigeria, China, Cuba and Eritrea were among the countries with high prevalence of arrested and jailed journalists in 2007.

The list is inexhaustible. However, this paper did not dwell on this, as this is not the main focus of this study. The researchers deemed it necessary to undertake the cursory look on these harrowing experiences so that we could better appreciate the FOI law and why journalists must strive at all cost to imbibe the principles of the law and put them into maximum use.

Perhaps, prior to this time, the inaccessibility of information and the journalists' seeming non-performance could have been blamed on the Nigerian government's initial adamant position to the demands of the FOI Bill, but now that the FOI Law has been passed, the study interrogates why the law (save for a few cases of use) remains largely viable on paper rather than in practice. It is obvious from the foregoing analogies, that the crux of the matter herein is not a question of whether the FOI law exists, but how the journalists have been able to put this power conferred on them (by the law) into use. Consequently, to put the Nigerian FOI experience in context, this study explores Nigerian journalists' use and perception of the FOI as an investigative tool. In a nutshell, this

paper seeks to ascertain Nigerian journalists' familiarity and usage of the Act as an investigative journalistic tool in their day-to-day functions as purveyors of public information and watchdog of the society. In the light of the above arguments this study interrogates the following objectives:

- i. To ascertain the journalists' level of awareness of the FOI law and its contents.
- ii. To determine how knowledgeable these journalists are pertaining to the FOI law and its implications to their duties.
- iii. To ascertain their perception of the FOI law in relation to their job as purveyors of information.
- iv. To determine if they enjoy more access to information where hitherto they did not.
- v. To examine how they have been using this access to information to facilitate their jobs.

A REVIEW OF LITERATURE

Freedom of information law: An overview

The modern concept of Freedom of Information (FOI) could be said to be the brainchild of the United Nations Universal Declaration of Human Right (UNDHR) as enshrined in article 19 of 1948 Declaration thus:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

FOI law since then has become a technical term that describes a particular class of legislation that defines and supports the rights of citizens to demand access to specified types of documents (Schenkelaars and Ahmad, 2004). Schenkelaars and Ahmad further maintain that 'access to information requires sound legislation, clear institutional mechanisms for its application, and independent oversight institutions and the judiciary for enforcement. It also depends on the citizens knowing and understanding their 'right to know'; and being willing and able to act upon it (2004).

Arnold (2005) delineates the concept of Freedom of information as:

An extension of freedom of speech, a fundamental human right recognized in international law, which is today understood more generally as freedom of expression in any medium, be it orally, in writing, print, through the Internet or through art forms. This means that the protection of freedom of speech as a right includes not only the content, but also the means of expression (Arnold, 2005).

The World Summit on the Information Society (WSIS) Declaration of Principles adopted in 2003 reaffirms democracy and the universality, indivisibility and interdependence of all human rights and fundamental freedoms. The Declaration also makes specific reference to the importance of the right to freedom of expression for the 'Information Society' in stating:

We reaffirm, as an essential foundation of the Information Society, and as outlined in Article 19 of the Universal Declaration of Human Rights that everyone has the right to freedom of opinion and expression; that this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Communication is a fundamental social process, a basic human need and the foundation of all social organization. It is central to the Information Society. Everyone, everywhere, should have the opportunity to participate and no one should be excluded from the benefits the Information Society offers (Klang and Murray, 2005).

Mendel (2005) contends that the right to access information is most commonly associated with a right to request and to receive documents..., equally important, particularly given recent technological advances, is the obligation on public bodies to actively publish information of key importance, thereby placing an obligation on public bodies to take specific measures to ensure a free flow of information to the public (Mendel, 2005).

Interestingly, a good number of countries across the globe have toed the trend of the United Nations Universal Declaration of Human Rights of 1948 (as stated earlier in this paper), although scholars have conflicting record as regards the exact number of countries that have adopted the FOI law (Mendel, 2005; Neuman, 2010; Organization for Security and Cooperation in Europe (OSCE), 2012). Also, the Commonwealth Law Ministers Meeting in Trinidad and Tobago, 1999, formulated and adopted the Commonwealth Freedom of Information law.

Also on the African scene, the African Commission on Human and Peoples' Rights, 2002, adopted the Principles on Freedom of Expression in Africa. This is encapsulated in Article 9 of the African Charter on Human and Peoples' Rights Freedom of Information. Nigeria, however, was not left out in the entire process. Hence, the quest for the adoption of FOI law eventually saw the light of the day on 28th May, 2011. Mendel (2005) captures the scenario thus:

Campaign on freedom of information has been active since early 1999, dating from the beginning of the post-Abacha era. Legislation has been put forward on various occasions since that time, with strong support from civil society groups. On 25 August 2004, the House of Representatives, the lower House of Parliament, passed the third reading of the Freedom of Access to Information Bill.

Suffice to say from the foregoing that Nigeria toed the trend of other democratic countries and eventually adopted the FOI Act after decades of struggle obviously because the Act has been globally acknowledged as a veritable investigative instrument with proven potential to revolutionize, revitalize and radicalize journalism practices and democratic processes in Nigeria.

The Precepts of Nigerian FOI Law

As stated previously, the National Assembly of the Federal Republic of Nigeria recognized the FOI law as:

An Act to make public records and information more freely available, provide for public access to public records and information, protect public records and information to the extent consistent with the public interest and the protection of personal privacy, protect serving public officers from adverse consequences of disclosing certain kinds of official information without authorization and establish procedures for the achievement of those purposes and; for related matters (FOIA, 2011).

The FOIA stipulates inter alia:

1 (i) Notwithstanding anything contained in any other Act, law or regulation, the right of any person 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 howsoever described, is established.

(ii) An applicant under this Act needs not demonstrate any specific interest in the information being applied for.

(iii) Any person entitled to the right to information under this Act shall have the right to institute proceedings in the Court to compel any public institution to comply with the provisions of this Act.

Prior to the passage of the FOI bill into law, access to information especially of Hybrid Public Authorities was no go areas for the journalists. People view some information as being sacred with the belief that it was not meant for public consumption. Journalists or media houses that had at one point in time exercised their rights on issues bordering on 'sacred information' have dearly paid for it. Afolayan (2012) notes that there have been cases of assault on journalists, arbitrary detention and mass confiscation of newspapers. For instance, in 1986 and 1995 the renowned journalists - Dele Giwa and Saro Wiwa - paid the ultimate price for being too daring in the face of corruption and injustice. Also in 2005, two newspaper offices - Daily Independent and The News - were ransacked after they had published stories about corrupt behaviour by the wife of the then president, Olusegun Obasanjo. In fact, Nigeria then had a corrupt, obdurate and highly secretive bureaucracy. Transparency and

accountability were strange bedfellows to then administrations.

However, Enonche (2012) sees light at the end of the tunnel for journalists. He maintains that the newly enacted Freedom of Information Act among others:

Guarantees the right of access to information held by public 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 services; Provides protection for whistleblowers.

Critics have maintained that the viability of the FOI laws and citizens' access to information is contingent upon several factors. These include among others: how bureaucracy and citizenship are conceived. In African nations, additional hindrances include the fragility of post-colonial state formations, cultural and ethnic diversity, violent conflict and inadequate economic and social infrastructure. Demand-driven state compliance with the requirements of transparency and freedom of information is therefore rare (Neuman and Calland, 2007). They explain further:

A government's implementation of an Access to Information (ATI) law is often related to their original motivation for supporting it, and the way in which the law was passed. Where the law was passed as part of an integrated policy or to meet civil society demand, progress has been good. However, where the law was passed to satisfy conditions of loans from international donors, commitment has been questionable (Neuman and Calland, 2007).

In most countries, government documents are categorized into classifications including 'Secret', 'Top Secret' and 'Confidential' and under such circumstances, the courts usually have no recognized jurisdiction under existing law to require or compel even limited access to state information. To this end, the activist group *Media Rights Agenda* posits that a veil of secrecy surrounds the conduct of government affairs. Officials of government do not only routinely deny citizens, whom they supposedly serve, explanations for actions undertaken on their behalf, they also block citizens' access to even the most mundane of publicly held information (Ackerman and Sandoval-Ballesteros, 2010).

Little wonder some critics have cautioned that access to information does not necessarily lead to greater citizen participation, state accountability and state responsiveness. Rather, (especially) in many developing countries, there are real structural and political barriers which hinder both the capacity and incentives of governments to produce information, and the ability of citizens to claim their right to information and to use it to demand better governance and public services (Daruwala and Nayak, 2007). One of these barriers as identified by different

studies is the inability of journalists to put effectively the FOI instrument into use, and the complicated processes involved in the usage of the Act.

Coronel (2012) in the study titled *Measuring Openness: A Survey of Transparency Ratings and the Prospects for a Global Index*, listed the findings from the studies conducted by different media bodies and transparency groups (amongst others) (Media Rights Agenda (MRA), 2008-2010). The findings point to the fact that public institutions were mostly unwilling to release information even in the face of the FOI Act. This study will lend credence to the efficacy or otherwise of the FOI laws by examining the correlation between the empirical evidence found in the study above and the present Nigerian situation in the face of the FOI law. Furthermore, Darch and Underwood (2010) in their paper *Struggles for Freedom of Information in Africa*, state that the advance of information rights in Africa has been limited but low-key activity indicates that some awareness exists. This study will seek to ascertain if similar awareness exist in Nigeria.

Nigeria was also one of the countries surveyed by the *Open Society Justice Initiative* and reported in 2006. Predictably, in the absence of any freedom of information legislation and given the powerful tradition of bureaucratic secrecy, the results were not encouraging (Ackerman and Sandoval-Ballesteros, 2010). If this was the case when the FOI bill was yet to be signed into law, it is our expectation that there would be a remarkable improvement with the present legislations pertaining to freedom of access to information, bearing in mind the aims and objectives of the Act.

Empirical evidence as already stated indicate that in a number of countries of the world, there appears to be a significant low access to information by the citizens of such countries especially the African countries, even with the FOI Act in these places. The journalists on their part appear to be silent or perhaps not knowledgeable enough as regards the contents of the FOI law and/or its implications to their duties to the public. Although Mendel (2005) notes that 'Freedom of the press should not be regarded simply as the freedom of journalists, editors or proprietors alone to report and comment, rather, it should be regarded as the embodiment of the public's right to know and to participate in the free flow of information'; the remark portends even greater responsibilities for the journalists. As have been argued by different school of thoughts access to information via the FOI Act represents both a right and a responsibility for the journalists. It provides the media with a valuable tool to meet its responsibilities as it offers independent access to government information. FIO in principles is ultimately beneficial for journalists as part of their broader democratic and accountability role.

Available literature seems to indicate that FOI Act has not been adequately utilized by journalists to protect the people's right to know or to contest encroachment by

government, in most African countries (Bildstein, 2004; Akinwale, 2010; Coronel, 2012); it is important to determine whether such findings would be made in Nigeria and why. Robert Hazell, director of the Constitution Unit, posits that 'The media is the conduit through which most of the public learn about FOI' (<http://www.ucl.ac.uk/constitution-unit/foidp/>).

Consequently, the journalists have whole gamut of roles to play in sensitizing and galvanizing the citizenries to become active participants in their own governance; to question government activities and non-activities; take decisions in choosing their leaders and representatives; demand access to certain specified documents, etc. But can all these be feasible if the informants (journalists) are not by themselves knowledgeable and informed on the principles and contents of the FOI Law? This issue amongst others will be looked into in line with the postulations of the social responsibility theory upon which this study is anchored (Christians, 2004).

Theoretical framework: social responsibility theory

The Social Responsibility theory takes the stance that the social roles of the press - of enlightening the people, promoting the democratic process, safeguarding the liberties of the individual, etc. should take precedence over its role of servicing the economic system (Oloyede, 2005). Also one of the obligations of the press under the social responsibility theory as spelt out by the Hutchins Commission (1947) is: providing 'full access to the day's intelligence'. Consequently, the choice of this theory is informed by the fact that the FOI law is not an exclusive reserve of the Journalists rather it extends to the rights of the general public to access any information that is of interest to them, principally through the media. The media, therefore, owes a duty to the public - to sensitive and galvanize them to fully utilize the principles of the FOI law. It is in line with this that Robert Hazell clearly points out that 'the media is the conduit through which most of the public learn about FOI', this by implication suggests that the public have the right to or are expected to have access to information, particularly through the media in democratic governments.

Although this theory falls short in the areas of expressing over confidence on the media and media operators in meeting their responsibilities using the 'self-righting' process and overly underestimated the power of profit-orientation and competition in driving the media to selfish ends; the theory is adjudged most suitable for this study given the intents of this study. One of which is ascertaining how the legislations on freedom to access information have perceptibly enhanced journalism practices in Nigeria, in satisfying the public's information needs. The social responsibility theory recognizes the media's right to scrutinize and criticize the government and other institutions but not without responsibility to

preserve democracy by properly informing the public. The media and media operators are not free to do as they will; they are obligated to respond to society's needs.

The theory, therefore, challenges the journalists to strive at all times to keep the public informed (among other duties) within the ambits of the journalistic code of ethics and legislations. It is against this backdrop that this study seeks answer to the following questions:

- i. How knowledgeable are the Nigerian journalists pertaining to the FOI law and its implications to their responsibilities?
- ii. What are their perceptions of the FOI law in relation to their job as purveyors of information?
- iii. Has the FOI law made any significant impact on the Nigerian journalists in accessing and disseminating information? In other words, has the FOI perceptibly improved journalism practice in Nigeria?
- iv. Do they enjoy more access to information where hitherto they did not?
- v. How have they been using this access to information to facilitate their jobs?

METHODOLOGY

This study adopts a combined approach to explore the critical questions and other discourses raised in the reviewed literature. Hence, the survey research methodology was used while employing in-depth interview to follow up the critical issues arising from the answers given in the questionnaire. The population of this study comprises journalists in Nigeria with the sample size drawn from four Nigerian Union of Journalists' (NUJ) Chapels in Enugu, Anambra, Ebonyi and Owerri states, all in the Southeastern zone of Nigeria, the choice of which is informed by the chapels' propinquity. The total number of registered journalists in these four chapels was 180 and they constituted the sample size for the study.

Analysis of data

From the total of 180 questionnaires that were distributed to respondents from the four NUJ Chapels, in Southeastern Nigeria, 136 questionnaires were validly returned and analyzed accordingly. Data generated from these responses are presented using the major themes explored in this study.

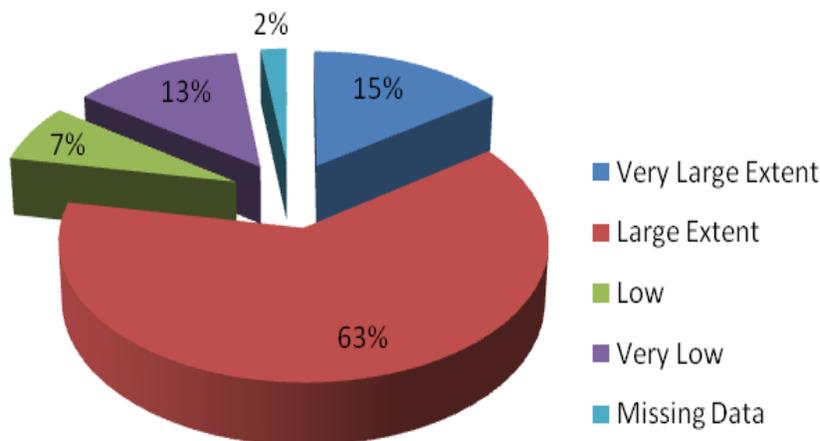
The demographic profile of the respondents

The researchers explored the demographic profiles of the respondents. The results show that 70.6% are males while 29.4% are females. Findings also show that all the respondents are between the ages of 26-30 years (26.5%) and 31 years and above (73.5%); and that all have acquired one form of tertiary education's qualifications or the other with the least qualification being OND. 33.8% of the respondents have Masters Degree, HND/OND (40.4%) and other tertiary qualifications at 22.1%. The data above suggest that most of the journalists are adult males with tertiary qualifications (Table 1).

These data show the percentage distribution of respondents' awareness and knowledge of FOI Act. The Nigerian journalists surveyed showed high level of awareness of the FOI Law, as all the

Table 1. Respondents' awareness and knowledge of FOI law.

	Awareness of FOI Law	Knowledge of the contents of FOI Law
Yes	100%	74%
No	-	26%
Total	100% (n = 136)	100% (n=136)

**Figure 1.** Respondents' level of understanding of FOI principles.**Table 2.** Respondents' perception and use of FOI law.

	Do journalists view the FOI Law as an investigative tool in news gathering?	Has FOI Law enhanced their access to information?	Do journalists utilize FOI law in discharging their duties?
Yes	82%	34%	15%
No	18%	66%	85%
Total	100% (n = 136)	100% (n=136)	100% (n=136)

respondents agree that they are aware of the existence of the Freedom of Information law. 100 per cent of them affirmed their awareness of the FOI Law, while only under two thirds (26%) indicated lack of knowledge of the FOI Act, an indication that awareness and knowledge of the FOI Act is high among the journalists (Figure 1).

To ascertain the level of knowledge of the Act, the respondents' level of understanding of the Act was also analyzed. The data in Figure 1 clearly indicate that the degree or extent of this awareness and understanding of the principles of the FOI law is high among the sampled journalists, considering that 78% of the respondents fully understand the principles of the Law, while 13% of them do not have such understanding even though they know the law exists. Similarly, 7% of the journalists showed low understanding of the FOI law. The analysis clearly demonstrates that majority of Nigerian journalists are knowledgeable about the precepts of the FOI Act (Table 2).

Since journalists' perception of the Act is of interest in this study, to ascertain whether their view of the Act affect their usage for reporting, we now sought their opinion of the Act as an investigative instrument for news gathering, and found out that slightly more than

three-fourths (82%) of the journalists see the Act as an investigative tool for journalism practice. Meanwhile, two thirds (66%) identify that the Act improves their access to information; this is against 34% who do not agree. Even though majority of the journalists view the Act as an investigative tool and also admit that it increases their access to information, more than three-fourth (85%), an overwhelming majority, indicated they have not been using the Act.

The data suggest that although all the journalists sampled are aware of the FOI Law and its potential to enhancing access to information, greater majority of the journalists have not made use of it as their responses indicated, in the discharge of their duties.

Next, we tried to compare the media situation now with what obtains in the past before the existence of the Act (Figure 2). This is to determine if there is any improvement or not. Slightly more than a half of the respondents (51%) were of the view that the situation of denial of access to information has improved compared to what obtained in the past, while 33% declared no improvement; 12% were undecided while 4% did not respond to the question. This data at first glance could be interpreted to mean improvement. But, a closer look will suggest indications to the contrary. A more critical examination will suggest ambivalence, an indication that clearly

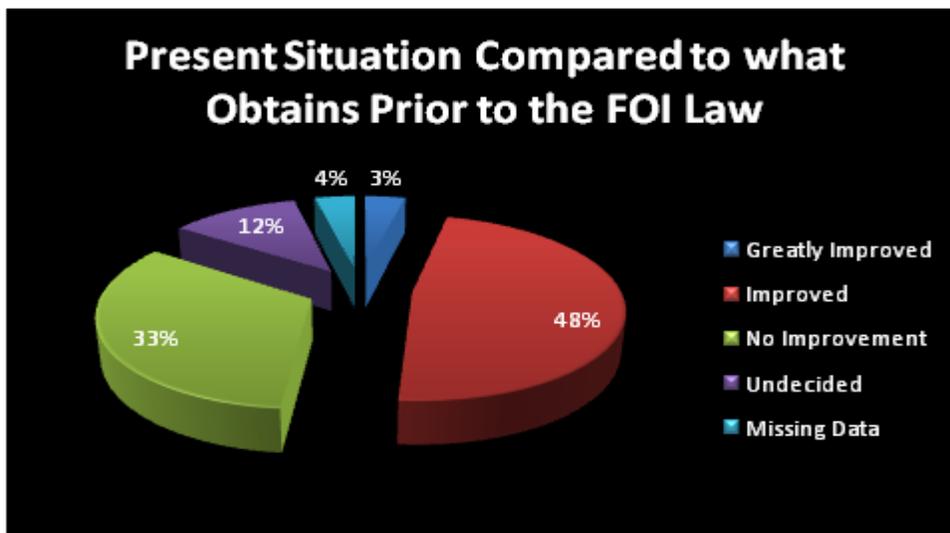


Figure 2. Present situation compared to what obtains prior to the FOI law.

Table 3. Challenges to the use of FOI law.

	Do principal parties comply with the principles of the law?	Are there challenges to the use of FOI law?
Yes	19%	85%
No	81%	15%
Total	100% (n = 136)	100% (n=136)

points to the fact that journalists are not capable of making the comparisons since they have not been using the act. The data go to support the earlier finding that indicates that Nigerian journalists are presently not making use of the act; therefore, they cannot adequately compare situations and make valid deductions.

Compliance with the principles of FOI law by all parties concerned and other challenges

The researchers went further to find out if all parties concerned comply with the principles of the FOI Law and to also determine whether there are challenges in the implementation of the law for journalists. The data from Table 3 show that (19%) are of the opinion that concerned parties comply, while a greater majority (81%) did not agree. Further, on the issue of challenges, three-fourth (85%) of the respondents indicate the existence of challenges in the use of the law, while 15% did not. Reading this data, one will be tempted to just say 'yes! Challenges exist' as countless studies have proven. In this case however, what comes through is the fact that majority that indicated the existence of challenges may as well be those that have found it difficult to use the Act in their day to day practice of journalism- that is, those journalists that have never used it. While, the small minority that may have used it going by these data did not encounter much challenges. Again, this goes further to show that majority of Nigerian journalists sampled have not applied the law as an investigate tool in their journalism profession. This is not surprising, when we recall the journalism culture of Nigeria has tended towards

'routine arm-chair reporting' instead of the more rigorous investigative journalism culture.

To examine respondents further on the use of the Act, they were asked open-ended questions as a follow up. From the open-ended questions that the researchers used to prod the respondents further, the respondents attributed the seeming reluctance to the use of the FOI law to the following factors which they saw as challenges:

Respondent 1: some government officials despite the law still hoard information claiming that their bosses have not permitted them to release same. Also a lot of people especially those in government offices are yet to fully embrace the new law

Respondent 2: the FOI law has never made any change in getting information for effective journalism

Respondent 3: the challenges have to do with lack of adequate awareness and enforcement as most journalists are still very ignorant of the principles of the law.

Respondent 4: the problem of privacy laws and official secret acts still hinder adequate accessibility to information

Respondent 5: Inadequate enforcement-despite the bill being passed into law, it is not yet practicable. There is the need to equip information managers with information on how to address issues of non-compliance.

Respondent 6: Some journalist may use it as an opportunity to behave anyhow and some issues not meant to be public consumption may be tampered with.

Respondent 7: There is no cooperation at government level. This is reflected in the attitude of civil servants particularly to freedom of

information. Some civil servants and other educated elites sit on the information which they ought to dish out freely to the journalists for objective reporting.

Respondent 8: socio-cultural background and government bureaucracy is a major challenge. The government at all levels still disobey the laws of the land and we Nigerians are yet to fully embrace and imbibe the principle of democracy.

From the responses above, we could deduce that the problem boils down to the issue of non-compliance. The respondents further mentioned the civil servants, judiciary, gate-keepers/news makers, government, public and private institutions as not complying with the FOI law. It is therefore obvious from the list that all parties are directly involved and points to the fact that the law has not been fully implemented especially for the few journalists who have tendered one form of request or the other pursuant to the Act. This finding on non compliance by the government and other public institutions coincides with Coronel's (2012) observation that government and public institutions fail to comply with the principles of the FOI Act and that the few that eventually comply, either delay in the stipulated duration of compliance or comply after a long process of litigation.

The Right-to-Know group maintains that this dragging of requests for information through the long appeal process from the High Court all the way to the Supreme Court has a potentially negative effect on the utility of the information requested. On the other hand, some of the respondents mentioned lack of adequate knowledge on how to operate with the Act. This worrisome fact undermines the previous suggestion that non compliance by government and other public institutions are responsible for low usage of the Act by Nigerian journalists, although the possibility does exist. This particular finding supports and points to the near absent usage of the Act by the journalists. It also suggests widespread ignorance both on the side of the journalists and the general public of the FOI Act as a veritable, legal investigative tool at their disposal. This seems to be the precursor to the underutilization of the law. The Right to Know group in her 2012 review of the level of implementation of the FOI law posits that the value of a law can only be seen when it is tested. Again, a law can only be tested by citizens who are aware of their rights under the law.

DISCUSSION AND CONCLUSION

The findings derived from the study present no new discovery but rather reinforced previous research findings regarding the use of FOI Act by journalists in different countries (Bildstein, 2004; Neuman and Calland, 2007; Calland, 2010, cited in Coronel, 2012). The study has shown that Nigerian journalists understand and value the FOI Act as an investigative tool, as Darch and Underwood, (2010) also observed, but the Act is generally not often used by them. From the findings, it was apparent that Nigerian journalists seem not to have imbibed the culture of routine investigative journalism but rather still lean on speculative arm- chair reporting, which has continued to be the bane of journalism practice in Nigeria. The findings of the study suggest that the FOI Act is yet to create an impact in Nigerian journalism traditions. While in the past, journalists have had greater personal access to politicians and their aides as primary sources of information, the FOI should now substitute for such access, but going from what we found, that seemed

not to be the case; the FOI has not been adequately put to work by journalists. What seems to prevail regarding journalism practice is 'business as usual' without the Act making any notable difference. What this suggests, is that the use of investigative and analytical skills considered as the most critical for ensuring professionalism in journalism practice is still an area of serious challenge for the Nigerian journalists. It seems probable, that the Nigerian media's reluctance in the use of FOI Act among other factors stems from a preference for alternative sources or a hesitancy to undertake investigative journalism as opposed to speculative practice.

Considering the fact that the FOI Act is still a recent development in the Nigerian media terrain, one will not be too surprised with the findings of this study. This notwithstanding, there is an urgent need for training and retaining of journalists on the use of the FOI Act before this prevailing low usage subsists and becomes a tradition. Lack of FOI Act usage tends to have a negative spiral effect on the investigative skills with the FOI Act if left unchecked. As is widely acknowledged, erosion of skills leads to a downward trend because unskilled journalists who attempt to use the Act on an infrequent basis will achieve less useful results from the FOI request than the few who use it frequently. On the other hand, if journalists become adequately educated about the FOI, the possibility exists that they will be encouraged to use it more and government and other public would be under greater pressure to be compliant and accountable. Again, if adequate sensitization and orientation were given to the public and private institutions concerning the provisions in section 2 (3) of the Act, there certainly will be a change in the way the Act was administered such that the institutions concerned proactively and willingly disclose information in a timely and less strenuous manner, then journalist would be more likely to use the FOI. More importantly, since most government, security outfits and other corporate bodies' (like NNPC) activities are still shrouded in secrecy probably because of the Official Secret Act, there is the need to streamline the principles of the Official Secret Act and other related Acts that attach one form of clause or the other to the usage of the FOI Act. This, as the Right-to-Know group in her 2013 communiqué also recommends, will give the journalists and the general public an unfettered access to information of public interest.

Also, the different media organizations and media right groups must deliberately plan and monitor workshops and conferences synergetically and must be willing to firmly support journalists who may be hindered by bureaucratic bottlenecks that may result in litigations. The Nigerian journalists as a matter of exigency must triple their efforts to ensure that this all-important instrument is judiciously utilized by all. Until these issues are addressed and changes made, the Freedom of Information Act and the journalists in Nigeria will remain but 'toothless bulldogs' and by extension continue to underutilize the

Act.

Since this study was conducted in the Southeastern part of Nigeria, the sample may not have captured all registered journalists in the country. However, the sample does contain the requisite elements through which generalizations could be made. We, therefore, recommend further investigation into the challenging situations pointed out by the journalists surveyed in comparison with what obtains in other zones of the country. This study has succeeded in revealing that in reality, the passing of the FOI Bill into Law does not suggest concomitant pragmatic access to information, perhaps due to the gross under-utilization by the journalists.

REFERENCES

- Afolayan A (2012). A Critical Analysis of Freedom of Information Act in Nigeria.
- Akinwale AA (2010). Repression of Press Freedom in Nigerian Democratic Dispensations. Council for the Development of Social Science Research in Africa. *Africa Dev.* 35(3):47-70.
- Arnold H (2005). Freedom of Expression. *Essentials Human Rights.* p.128.
- Bildstein KL (2004). Raptor migration in the Neotropics: Patterns, process, and consequences. *Ornitol. Neotrop.* 15:83-99.
- Bush GW (2008). 'Statement on World Press Freedom Day', *Weekly Compilation of Presidential Documents*, 5 May, 44(17):636-637.
- Christians C (2004). *Social Responsibility Worldwide*. Philadelphia: Lawrence Erlbaum Associates.
- Coronel S (2001). Fighting for the right to know. In: Coronel S (Ed.), *The right to know: Access to information in Southeast Asia*. Quezon City: PCIJ.
- Darch C, Underwood PG (2010). *Freedom of information and the developing world: the citizen, the State and models of openness*. Oxford: Chandos.
- Enonche E (2012). What to Expect from the Newly Signed Freedom of Information Bill. A Conference Paper delivered at the Media Rights Agenda (MRA) Workshop. Retrieved on 27th April 2013, from <http://www.allin.africamediaright.com>
- Finkelstein R (2012). Report of the Independent Inquiry into the Media and Media Regulation. ISBN: 978-0-642-75425-7 (DOC version).
- Freedom of Information Act (2011). Retrieved on 1st May, 2013, from <http://www.nassnig.org/nass2/acts.php>.
- Klang M, Murray A (2005). *Human Rights in the Digital Age*. U.S.A.: Routledge.
- Mendel T (2005). *Parliament and Access to Information: Working for Transparent Governance* Stock No.37247
- Ojo E (2010). Freedom of Information: Current Status, Challenges and Implications for News media. Retrieved on 1st May, 2013, from www.unesco.org/new/.../multimedia/.../wpfd2010_background.
- Oloyede IB (2005). Press Freedom: A Conceptual Analysis. *J. Soc. Sci.* 11(2):101-109.
- Organization for Security and Co-operation in Europe (2012). Comments on the Draft Law on Transparency, Access to Information and Good Governance of Spain.
- Right to Know Group (2012). Implementing the Nigerian Freedom of Information Law: the Journey so Far. Accessed on 5th July, 2013, from http://www.google.com.ng/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&ved=0CD4QFjAD&url=http%3A%2F%2Fr2knigeria.org%2Findex.php%2Fdownloads%2Ffoi-assessments-a-reports%2Fdoc_download%2F84-implementing-nigerias-foi-act-2011-the-journey-so-far&ei=Ep4qUvGIIMSa1AWN3IGgDQ&usq=AFQjCNHzSiIH-Zww8hIFr8MQZVNZL5xTw&bvm=bv.51773540,d.d2k.
- Schenkelaars F, Ahmad I (2004). *Transparency and Accountability in the Public Sector in the Arab Region*
- Steyn L (2000) Secretary of State for the Home Department, Ex parte Simms.
- United States of America (1947). Report of Press Freedom Commission (Hutchins Commission).