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**Freedom of Information Act, Journalists and the Fight against Corruption in South-East, Nigeria**

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**ABSTRACT**

This study examined the level of use of Nigeria's Freedom of Information Act in the fight against corruption among practicing journalists in South East, Nigeria. The study adopted survey research method. A total of 248 copies of questionnaire were distributed to registered journalists in the five States of the region. With simple percentage computation of the data generated, the study found that there is high level of awareness of the Freedom of Information Law among journalists in the area, but the level of its application in the fight against corruption is still low. It was also found that government and employers' extra judicial sanctions against courageous journalists who desire using the Act to track corrupt government officials and their accomplices constitute the greatest impediments to the use of the FOIA in the ongoing anti-corruption war. The study calls on the Nigerian Union of Journalists to form a united front, possibly liaise with civil societies and human right agencies and begin to apply the FOIA in the fight against corruption in the country.

**Key words:** Freedom of Information Act, Journalists, Corruption, Nigeria.

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**INTRODUCTION**

The Transparency International has since 1995 continued to rate Nigeria among the bottom five (5) nations in its annual corruption perception Index [CPI] (Sowumi, Olatokun, Salako and Usifoh 2010)[1]. This means that Nigeria is among the highest corrupt nations in the world. In the opinion of Odicha (2013)[2], corruption in Nigeria has not only become endemic but is gradually becoming an acceptable way of life. Lamenting this lingering ugly trend, Onwe (2013)[3], recalls that existence of corruption was one of the reasons adduced for the hitherto military juntas in the nation which had started with the take-over of power by Major Chukwuma Kaduna Nzeogwu and colleagues in 1966. Egede (2012)[4], cited in Sambe (2012)[5] contends that corruption is found in every facet of human life-private or public-it percolates

through the vertical and horizontal structure of the Nigerian society. For now, Nigeria's under-development has been traced to corrupt tendencies and the greed among the few privileged persons and their cronies. Sowumi (2010)[1] et al stated that corruption has currently become the greatest challenge to Nigerian leaders and citizens, and it threatens to undermine the country's effective governance and fiscal management. This implies that corruption is largely responsible for perpetual collapse of infrastructure and institutions and remains the cause of endemic poverty in Nigeria.

Asemah(2012)[7] points out that one of the three- point Agenda of President Muhamadu Buhari led APC Government is the fight against corruption. This, he attributed to the large -scale corrupt practices in Nigeria and the fight has resulted to the arrest, prosecutions and incarcerations of many high profile Nigerians including politicians, security Chiefs, bank executives and justices of the supreme and High courts. Sowumi (2010) [1] et al similarly emphasized that successive governments in Nigeria have put in place various anti-corruption measures and strategies. According to them, the anti-corruption measures included:

- Ethical re-orientation campaign of Alhaji Shehu Shagari's second Republic
- War Against Indiscipline (WAI) of Muhamadu Buhari and Tunde Idiagbon regime
- War Against Indiscipline and Corruption (WAIC) of Gen. Ibrahim Badamosi Babangida regime.
- Probe panels, commissions of enquiry and Tribunal (Failed Banks tribunals)
- Advanced Free Fraud and fraud related offences act of 1995
- ICPC 2000, EFCC and Money Laundry Act of 2003 to complement the zero tolerance for corruption crusade of Obasanjo's administration. Despite all these they maintained that corruption has been on the increase in Nigeria.

Traditionally, the press is saddled with the onerous responsibility of providing the watchdog service to the society. As such, the Nigerian press has always been called upon to rise to the challenge of fighting corruption in the country. How creditably the nation's press has born this responsibility has always been subject of heated debate among various scholars and development experts. However, Baran and (2003)[8] notes that it is not in doubt that the press is a critical element of Nigeria's anti-corruption programme. According to him, it has played a dual role of raising public awareness about corruption, its causes, consequences and possible remedies and as well investigates and report incidences of corruption among others.

In a similar vein, Sowumi, (2010)[1] reports that Government project that involves huge sum of money to the public are monitored and reported by both print and electronic media. They asserted that the press on noticing any mismanagement of resources during and after the completion of such projects reports it mostly in Newspapers with different front-page Headlines. They maintained that the press also ensures that such a misdemeanor is not only reported but are given the necessary follow -up. Dunu and Ugbo (2014)[9] further adds that the press remains critical and significant to the success story of EFCC in Nigeria. Sowumi (2009)[1], cited in Sowumi (2010)[1], however states that the consistence of the mass media in the fight against corruption led to the uncovering of the 1.3 Trillion Naira Power and Aviation probe, and the eventual prosecution of those indicted in the Nigeria Port Authorities (NPA) probe that culminated in the 25- year jail sentence of the Board Chairman, Chief Olabode George, and others. The media they continued reported the alleged impropriety by the Ministry of Housing and Urban Development in the sale of Government Houses in Lagos and the subsequent cancellation of the allocations by the president. Nonetheless, the Nigerian press before the advent of the Freedom of Information Act (FOIA) in 2011 had always given excuses that it required enabling law to bite more and achieve further intensification in the fight against corruption in Nigeria.

The excuses of the press had among others included denial of access to some official information by the Official Secret Act of 1962 that prohibits the transmission, reproduction and retention of classified matters by unauthorized persons. The press complained that the Act suppressed and frustrated the mass media in carrying out the constitutional duty of holding the governments responsible and accountable to the people (Osa-Oghogho, 2015)[10]. This culture of secrecy according to Uwujaren (2014)[11] provided a perfect environment for corruption to thrive, made transparency difficult to achieve and corruption to blossom. However, the signing into law the Freedom of Information Bill (FOIB) on 28th may, 2011 according received ' too many jubilations and praises by individuals, groups and associations whose personal and collective activities are directly and indirectly affected by the Act'(Onwe 2013)[3]. The Act which in the view of Uwujaren (2014)[11], made public records and information available in the public domain is believed by Osa-Oghogho (2015)[10], to be the much awaited 'corruption-killer' and the promoter of transparency in Governance in the country. Expatiating further, Osa-oghogho (p.32) noted that FOIA is a vital tool to ensure democracy and responsible governance in Nigeria. Igwe (2015)[12] agrees that the Act is a weapon

for openness and transparency in the conduct of public affairs, while Uwujaren (2014)[11] opines that the Act provided the power of citizens to seek information and the opportunity to seek redress in the event of denial.

Inspite all these applauds and jubilation, Igwe (2015)[12], laments that even with the presence of the FOIA which has provided Nigerians and media the right to receive any information and document from any agency, the culture of secrecy still prevails in the civil service, either as a result of ignorance or willful negligence. Osa-Oghogho (2015)[10] shares in the lamentation when he noted that sadly, four years down the line, the FOIA has been grossly under utilized. According to him, the Nigerian press seems to care less about the existence of the Act which is a veritable tool for investigative Journalism. 'They are far from being the fourth estate of the realm. Most Nigerian Journalists have rather embraced the practice of feeding bottle journalism where they are fed with stories, quotes and gossips. There is little or no culture of investigative journalism[10].

Against this background, the ambition of this study is to examine the extent to which the Freedom of Information of Act (FOIA) has been deployed by the press as an instrument for fighting corruption in Nigeria.

### STATEMENT OF THE PROBLEM

The Freedom of Information Act (FOIA) came into existence in Nigeria six years ago. The Law recorded its first victory through a judgment delivered by the Federal High Court in Abuja in June 25, 2012 when the court ordered the Nigerian Parliament to disclose information on the detailed earnings of members of the National Assembly. The Central Bank of Nigeria (CBN) was ordered by a High Court Judge to among other things, release information about asset forfeited by the four Managing Directors of the defunct Oceanic Bank. The case was instituted by a body called Progressive Shareholders Association of Nigeria, (ICIR, 2014).

Today, a number of High Court judgments upholding many of the provisions of the FOIA abound in the nation's judicial records, however, the fact that the majority of those who have so far dragged defaulting persons, government bodies and agencies to court asking for the full implementation of the Act are neither journalists nor the Nigerian Union of Journalists (NUJ), became a serious issue of concern to the researcher. For instances, it was Civil Liberty Organisation (CLO) that instituted a case in which Justice D. V. Agishi ordered the Enugu State Hon. Commissioner for Health to provide records and documents on the contract for the building of a Diagnostic Centre located at the old Trade Fair Complex, Abakaliki

road. In Lagos State, it was a non-governmental organization called Social- Economic Accountability Project (SERAP) that brought a case against Lagos, Imo, Rivers, Delta, and other concerned States on amount of money raised and received from Nigeria Capital Market through public offers or private placement. Moreso, an organisation called Public and Private Development Centre Ltd dragged Power Holding Company of Nigeria, the Hon. Anthony General of the Federation demanding unhindered access to procurement plan and NEEDS Assessment documents.

Against this backdrop, the question becomes how does the Nigerian Press perceive the use of FOIA in the fight against corruption in the five states of South-East, Nigeria? To what level are the South-Eastern, Nigeria based journalists using the FOIA in the fight against corrupt practices in the country? Answers to these questions are of utmost importance in view of the submission made by the chairman of Wole Soyinka Centre for Investigative Journalism, Prof. Ropo Sekoni that with FOIA, the quality of investigative reporting ought to have increased in Nigeria.

### **OBJECTIVES OF THE STUDY**

The paper seeks to:

- Evaluate the level of use of the FOIA by journalists in South-East, Nigeria in the fight against Corruption in the country.
- Ascertain how journalists in South-East, Nigeria perceive the use of the Act in the fight against corruption.
- Determine some of the major challenges hindering the utilisation of the Act in the fight against corruption by the journalists in South-Eastern, Nigeria.

### **RESEARCH QUESTIONS**

- What is the level of use of the FOIA by the journalists practicing in South-Eastern, Nigeria?
- What is the opinion of the South-Eastern Nigeria based journalists about the use of FOIA in the fight against corruption in the country?
- What are the major challenges hindering the use of the FOIA in the fight against corruption in Nigeria?

### **LITERATURE REVIEW**

#### **FREEDOM OF INFORMATION ACT (FOIA) IN NIGERIA: AN OVERVIEW**

Journalism according to Abone and Kur (2014)[6] is one of the social institutions that requires freedom to effectively function in the society. Nigeria press in the view of Eze (2012)[13] cited in Abone and Kur (2014)[6] has since the

birth of modern journalism in 1859 been struggling to achieve the needed freedom that would enable it discharge its social responsibilities creditably. With the advent of the FOIA which Osa-Oghogho (2015)[10] defines as a legislation that guarantees the right information within the public institutions to all Nigerians, regardless of age, class or occupation, the Nigerian masses believed that the press now has the lethal missile with which corruption will take its final exit from Nigeria. Omotayo (2012)[14], referred to the FOIA as the right which every citizen in a society is expected to possess in order to have access to information held by government institutions and officials private firms. It is the right of the people including journalists to have unfettered access to official documents and the activities of the government with a view to knowing the manner in which the affairs of their countries are being run [4].

Similarly, Onwe (2013)[3] stated that freedom of information laws attempt to assure the press access to (1) meetings of governmental bodies and document that are classified or are part of public officials files and reflect possible corrupt activities in government. There are two dimensions to the FOIA, while public officials owe the people 'political duty' of candour, government has a 'legal duty' to guarantee access to publicly held information (Eze 2012)[13]. The objective of the Act according to Igwe (2015)[12] is to 'make public records and information more freely available, provide public access to public records and information to the extent consistent with public interest and protection of personal privacy, protect serving public officials from adverse consequences of disclosing certain kinds of information without authorization and establish procedure for the achievement of the purpose and related matters". The FOIA simply makes the government accountable, open, transparent and responsive because nothing about its activities is hidden from the people [4].

Omotayo (2012)[14] opined that Nigeria is the 9<sup>th</sup> nation in Africa to enact the law. He mentioned other African countries which have similar Act to include: Sierra Leone, Niger, Angola, Cote d' Ivoire, Ethiopia, Guinea, Liberia, Rwanda, South Africa, Uganda and Zimbabwe. He stated that the freedom of information law combines the features of equivalent legislation in other countries that have the law and that it has thirty-two (32) sections. Eze (2012) [12] contends that the act gave every Nigerian a legal right of access to information records and documents held by government bodies and private bodies carrying out public functions. He added that it applies to all the tiers of government; Federal, State and Local Government.

Onwe (2013)[3] believes that the Act has given Nigerians the power and resources to “unearth facts, battle corruption and hold officials and institutions accountable. He however, highlighted the tenets of the Act as stipulated by Nnadi and Obot(2014)[15] to include:

- Guarantees access to information held by public institutions, irrespective of the form in which it is kept and is applicable to private institutions where they utilise public funds, perform public functions or provide public service.
- Requires all institutions to proactively disclose basic information about their structure and processes and mandates them to build the capacity of their staff to effectively implement and comply with the provisions of the Act.
- Provides protection to whistle blowers.
- Makes adequate provision for the information needs of illiterate and disabled applicants.
- Recognizes a range of legitimate exemptions and limitations to the public’s right to know, but it makes these exemptions subject to public interest test that is, in deserving cases, may override such exemptions.
- Creates reporting obligations on compliance with the law for all institutions affected by it. These reports are to be provided annually to the Federal Attorney General’s office, which will in turn make them available to both the National Assembly and the Nigerian public.
- Requires the Federal Attorney-General to oversee the effective implementation of the Act and report the execution of this duty to parliament annually.

According to Onwe (2013)[3], the struggle for the freedom of information and of the press started a very long time ago in Nigeria. Owuosi (2012)[16], simply notes that the evolution of the FOIA to a long journey. Eze (2012)[12] however noted that the idea was developed in Nigeria in 1993 by three different independent organizations; the Media Right Agenda (MRA), Civil Liberties Organization (CLO) and the Nigeria Union of Journalists (NUJ) with the purpose of establishing an access to government / official documents and information as a prerequisite to guaranteeing the freedom of expression.

The three partner organizations in the view of Onwe (2013)[3] consulted with the objective of determining the various interest groups who would be affected by the legislation, those who should have a right or standing to request information under the freedom of information regime and the circumstance they may be denied

those seeking them; what department or organs of government that would be responsible for releasing information and documents to those seeking them; and determining the agencies and arms of government to which the legislation would extend. The media right as a technical partner, he said was asked to draft the freedom of information law and in 1994 the Media Right's Agenda (MRA) legal directorate headed by Mr. Tunde Fagbohunlu came up with a draft bill entitled "Draft Access to Public Records and Official Information Act." The content of the draft according to Eze (2012)[12], was drawn substantially from the experiences of other countries operating the laws and based on consultations among the three organizations and suggestions made by practicing Nigerian journalists in questionnaire administered by media Right Agenda. He equally stated that the draft was subjected to further discussions, debates and series of review exercises that involved various stakeholders. One of the first of the exercises, he said was a two day technical workshop jointly organized by the three partner organizations on March 10 and 11, 1995 to examine and revise the draft with a view to accommodating the views of other interest groups, that would use the proposed legislation. He listed the participants in the workshop to include Human Rights Workers, Journalists, Lawyers, University lecturers and representative of National Broadcasting Commission and the Federal Ministry of Information.

Egede (2012)[4], submits that the then Freedom of Information Bill (FOIB) was first presented to the National Assembly in 1999 as a private bill by some journalists and media groups, including Media Rights Agenda (MRA), the Freedom of information coalition and other partners. He mentioned Hon. Abike Dabiri-Erewa, House of Representative member from Lagos state as the main sponsor of the bill and that the philosophy behind the sponsorship was to enable journalists have 'unrestricted access to information, to ensure transparent and accountable leadership in the country when passed into law. He cited Abati (2007) who states that though the bill was proposed to the National Assembly on December 9, 1999, it was passed by the House of Representatives in August 2004, not by the legislature that originated it but by its successor. And in November 2016, it was eventually passed by the senate. He however lamented that despite the harmonization and passage of the bill by the two chambers of the National Assembly, the bill suffered a set back in the executive arm as it refused to sign it into law. According to Open Society Justice Initiative (2011), President Olusegun Obasanjo vetoed the bill in 2007 and it returned to both chambers of the 6<sup>th</sup> National Assembly that same year. The bill was represented to the National Assembly in 2008 and the House of



Representatives considered and passed it and the senate did too (Abone and Hur 2014)[6]. The two arms of the National Assembly further harmonized their positions on the bill and passed the harmonized version of the bill on May 26, 2011 while President Goodluck Jonathan on May 28, 2011 signed it into law. Onwosi (2012)[16] stated that the Act spent 17years after the first draft, 11 years in the National Assembly, 6 public hearings, 4 parliamentary sessions and one presidential veto.

### **NIGERIAN PRESS AND ANTI-CORRUPTION CRUSADE BEFORE THE ACT**

The press according to Uwajaren (2014)[11], is a critical element in Nigeria's anti-corruption war. It raises awareness about corruption, its causes, consequences and possible remedies and also investigates and report incidences of corruption (Sowunmi, *et al.*, 2010)[1]. They maintained that the involvement of the media in anti-corruption crusade cut across the public and private sector of the economy either directly or indirectly. They listed them to include public anti-corruption initiatives; the ICPC, EFCC, Code of Conduct Bureau (CCB), office of the Ombudsman, Budget monitoring and price intelligence unit. They lamented that despite all these measures corruption continued unabated with its adverse effect manifesting on the economy.

The press in Nigeria like every other country informs and educates the populace on government programmes and policies, on erring institution and member of the public- private or government employee, (Oberiri, 2016)[17]. As a result of the effectiveness of the press in anti-corruption crusade according to Sowunmi *et al.*, (2010)[1], successive government in Nigeria promulgated decrees to frustrate and censor and muzzle the press and suppress the masses. These decrees were:

- Prohibition of newspaper circulation Decree of 1967
- Newspapers public official reporting act, 1976
- Public officers protection against false publication decree No 4, 1985
- Detention of persons, Decree No 2, 1985 (as amended)
- The treasonable offences Decree No 35 of 1993
- The Newspaper Registration Decree 43 of 1993.
- The Newspaper (proscription and prohibition from circulation Decree 48 of 1993).
- Proscribed Nigeria Newspaper Decrees 6,7, and 8 of 1994

- Decree 84 which succeeded in rolling - up - defamation, sedition and proscription laws-all in one was the harshest Decree ever promulgated by the military in Nigeria.

However, the press in Nigeria in the view of Sownmi *et al.*, (2010)[1] was not totally deterred and cowed. Its reportage, despite the harsh governmental policies and decrees, exposed corruption activities. Such media reports according to them were:

- Nigerian Tribune served as a whistle blower when it reported that the former speaker of the House of Representatives, Hon. Oladimeji Bankole in 2009 said that N200 million had been released as part payment for the Adatan-Asero (Abeokuta) road dualisation, being handled by the Federal Road maintenance Agency (FERMA)
- Nigerian Compass newspaper reported the embezzlement of N16 billion by some officers of Nigeria Custom Service in one year. The disclosure shocked the House committee on customs that later investigated the matter.
- This Day Newspaper also in 2009 reported the award of contract on LNG to Halliburton, a US construction firm by the Nigerian government in which the firm won the contract after giving \$180 million bribes to top Nigerian politicians and government officials including those of the NNPC.
- Cellular News 2009 reported that a court in Munich found siemens guilty of bribing officials in Nigeria and two other countries for lucrative contracts for telecommunications equipment. The October 4 ruling named four former Nigerian telecommunications ministers as well as other officials in Nigeria, Libya and Russia as recipients of 77 bribes totaling EUR 12 million or \$17.5m.
- The deportation of Vaswani brothers from United Arab Emirate from Nigeria in 2009 was as a result of the Guardian Editorial and opinion of Wednesday April 29, 2009 that in 2003, the government of former President Olusegun Obasanjo drove them out of the country for alleged criminal conspiracy and economic fraud.
- Economist 2002 reported how strong multinationals side- stepped law against bribery, the shell chart shows no reported cases in 2000 of "bribes offered and / or paid by shell company employees directly or indirectly.
- The press revealed the N1.3 trillion power and aviation scandal which led to the power and aviation probes.
- The Nigerian Port Authority (NPA) probe report submitted in 2004 indicting close allies of the past civilian administration was not an exception as the

consistence of the media led to the eventual prosecution of the people indicted in the probe which resulted to the 25 years imprisonment of Chief Olabode George, the Board Chairman alongside other members.

#### **RELEVANCE OF THE ACT ON THE FIGHT AGAINST CORRUPTION IN NIGERIA**

Omotayo (2012)[14] states the major highlights of the FOIA act 2011 to include:

- Any Nigerian can apply for access to public records and information and that an applicant can sue the agency that refuses to release information.
- It is premised on the need for more transparency in public affairs; section 2 for instance, directs public institutions to provide for public scrutiny a detailed description of their corporate profiles, programmes and functions of each division, lists of all classes of records under their control and related manuals used in administering the institution's programmes.
- Section 3(3) makes adequate provision for the information needs of illiterate and disabled applicants.

Omotayo (2012)[14] observes further that Act supersedes the Official Secret Act gives Nigerians the vital tool to hold public institutions accountable', (p.43). The act also ensures democracy and responsible governance. This is because it will curb executive, judicial and legislative recklessness. He therefore called for effective implementation of the Act in Nigeria to bring openness, transparency and good governance in our embattled nation. Contributing, Onwe (2013)[3] stated that the benefit of the freedom of information is of two folds: first, it grants freedom to the press to thoroughly perform their duties as watchdogs since there is rapid access to information, second, the right extends to all citizens generally who have the need to any official information privately and act on same without relying on the press, considering this premise, Egede (2012)[4] discussed the relevance of the freedom of information Act which he likened to that of security which is strategic for sustainable development to include; one, the Act empowers media professionals to have unrestricted access to information, including 'secret', classified or official documents. As a result, the difficulties associated with investigative journalism are mitigated and journalists are bound to be more objective and accurate in their reportage. Two, the act enables Nigerians to have access to the so-called official information which would otherwise have been denied them. This eliminates unnecessary official secrecy and protects an official seeking the information from adverse consequences flowing from such disclosure. Three, the law imposes

sanctions on public officers who refuse to provide such information within a specific period. This ensures transparency and public accountability. It provides the people a true account of the goings - on in government and the society at large and acts as a watchdog of the peoples rights against government abuses. Four, the Act promotes responsible and exemplary leadership in the country. This is because it makes the reportage of their activities to be objective especially the ones that border on sharp practices such as corruption and deters others from committing the same in order not to smear their image. Lastly, it is a potent tool in the fight against corruption as it focused on the culture of openness, transparency and accountability to strengthen democracy, economic development, ensure good governance and rule of law.

Omotayo (2012)[14] adds that the successful use of the Act as earlier mentioned included, the judgment of the Federal High Court in Abuja on June 25, 2012 when the judge ordered the National Assembly to disclose information on the detailed earnings of members of the National Assembly which led to the publication of their salaries, emoluments and allowances paid to all members of the House of Representative and senators. Another one is the order of a judge to the Central Bank of Nigeria to release information about asset forfeited by a former managing Director of a defunct Bank in Nigeria. He commended the rulings of the courts and lamented that the cumbersome and time consuming process of dragging requests for information through the courts has a potentially negative effect on the utility of the information requested because of the time value of the information.

Osa-Oghogho (2015)[10] enumerates other obstacles that confront the effective implementation of the Act to among others include:

- Lack of understanding of government business in a democratic government.
- Lack of detailed or no knowledge about the Act.
- Misunderstanding about the Act and the role of government in the management and disclosure of information.
- Citizens role in gaining access to information held by government and its institutions.
- Omotayo (2012)[14], also discussed other challenges among others included:
  - Entrenched culture of secrecy of government information which has become part and parcel of both public servants and the citizens in Nigeria. A shift from this culture to that of openness, transparency

and accountability in government institutions has become the major challenge of the Act.

- Poor record keeping practices and infrastructure in most Nigerian government ministries, Departments and Agencies (MDAs). Information and records in most public institutions are manual based, paper based and tied up in bundles of stacks of files. Majority of the documents containing the information have been torn and eaten by insects and rodents as a result, the requested information may not be available within the statutory 7 days.
- Inadequate public knowledge of the FOIA. Ordinary Nigerians do not have fair knowledge of the law, the procedures and conditions outlined in them, the remedies available in the event of denial or access to information and the potential impact on people's life. This clearly presents a problem, as unsuspecting persons have fallen prey to profiteers and street vendors who print wrong versions of the Act for sale. Low literacy level of Nigerians is also accounting for this challenge.

Sambe (2012)[5], adds economic influence, exerted ownership interest and advertisement besides the desire to stay afloat and be financially buoyant as other major challenge to the use of the Act by the press to exposure corruption in Nigeria. He also contended that corruption exists within the structure of media organizations and in the way journalists carry out their reporting task. The practices he stated ranges from 'cheque book journalism' to 'news tailored to suit advertising or commercial needs. Secondly, journalists are mostly employees who are strongly influenced by those who own and control the media. Any affront from him can earn him a sack as has been in many cases in the Nigerian media scene. The influence of Newspaper ownership could affect the disposition of journalist and editorial crew towards the coverage and reporting of corruption.

Sambe (2012)'s[5] position is overwhelmingly supported by a number of empirical studies. For instance, Oberiri (2016)[17], in an evaluative study of the FOIA on journalism practice in Nigeria found that though journalists are aware about the Act but that it has not created access to government held information. Again, Dunu and Ugbo (2014)[9] in a study entitled 'the Nigerian Journalists' Knowledge, Perception and Use of the Freedom of Information Law in Journalism Practices' carried in four out of the five States of South- East, Nigeria found that FOIA is not leading to increased access government- held information and that greater majority

of their respondents had never used the Act in their journalism practice. Nnadi and Oboti (2014)[15], were not different in their own study which showed that the Act was not enforceable as a result of many factors. According to them, there are obvious cases of denial of access to information by both government and private officials whose actions are of significance to the public. However, the fight against corruption by the Mohammed Buhari led Federal Government has currently gained higher momentum and taken inspiring dimension which are capable of encouraging and rekindling press activism against corruption in Nigeria, the imperativeness this investigation titled, 'Freedom of Information Act, the Press and the Fight against Corruption in Nigeria'.

### **THEORETICAL FRAMEWORK**

This study is anchored on the Social Responsibility Theory which according to Oberiri (2016)[17] as cited by Baran and Davis (2003)[8] canvasses for 'responsible reporting' and perceives media ownership and operations "as a form of public trust or stewardship rather than unlimited private franchise". In this theory, the media are expected to uphold the public trust or stewardship in their activities meaning that the media are supposed to be accountable to the people. And that the media should be employed in such a way to ensure and protect public interest. Oberiri (2016)[17] cited in Baran and Davis (2003)[5] captured the main principles of the social responsibility theory to include that: (1) The media have obligations to society and media ownership is public trust (2) the media should be free but self-regulated; (3) News media should be truthful, accurate, fair, objective and relevant; (4) media should follow agreed code of ethics and professional conduct; (5) under some circumstances, government may intervene to safeguard society.

As it is relevant to the aims of this study, the theory emanated from the moral philosophy "that is directed at protecting the small, the poor, the helpless and the under privileged against the ominous power and high handedness of the big, the rich, powerful and the very privileged. The interest is to examine the effectiveness of the FOIA and the press in the fight against corruption.

### **RESEARCH METHODOLOGY**

The study adopted survey research method. 258 Copies of questionnaire were distributed to journalists who were randomly sampled from the five states of South-East, Nigeria. Purposive sampling technique was adopted because the study targeted only NUJ registered journalists in each of the five states studied. At the end, a total of 242 copies were retrieved and used for the study. Data generated were analysed by means of percentage computation. This technique permits direct inferences from

the tabulated data and largely facilitates the comprehension of the findings made by the study.

## DATA PRESENTATION AND ANALYSIS

**Table 1: Educational Qualifications**

<i>Academic status</i>	<i>Frequency</i>	<i>Percentage (%)</i>
FSLC	0	0
SSCE	21	8.7
OND/NCE	73	30.2
HND/B.Sc	114	47.1
M.Sc and above	34	14
<b>Total</b>	<b>242</b>	<b>100</b>

Source: Field survey 2016

None of the respondents has First School Leaving Certificate. 21(8.7%) are holders of Senior Secondary School Certificate while 73(30.2%) had either OND or NCE. 114 (47.1%) are First degree or HND holders and the remaining 34 (14%) are holders of either Master or other higher degrees.

**Table 2: Respondents' Sex**

<i>Sex</i>	<i>Frequency</i>	<i>Percentage (%)</i>
<i>Male</i>	173	71.5
<i>Female</i>	69	28.5
<b>Total</b>	<b>242</b>	<b>100</b>

Source: Field survey 2016

Table 2 above revealed that 173 of the respondents representing 71.5% are males while 69 representing 28.5% are females.

**Table 3: Evaluating if journalists in South-East, Nigeria have used FOIA in their investigation of corruption cases**

<i>S/N</i>	<i>Respondents</i>	<i>Frequency</i>	<i>Percentage (%)</i>
1	Yes	12	5
2	Attempted but failed	28	11.6
3	No	138	57
4	Undecided	64	26.3
<b>Total</b>		<b>242</b>	<b>100</b>

Source: Field survey 2016

The above table shows that 12 (5%) of the 242 journalists in South-East, Nigeria have used the FOIA to get decrements which would have been impossible for them to get. 28 of them representing 11.6% applied for such documents and they were not given access to them and they did not seek redress in the court of law. Greater majority of 57% of them never used the FOIA in their practices, while, 26.3% declined comment on the question.

**Table 4: Research question One: Evaluating the level of use of the FOIA among journalists in South-East, Nigeria in tracking corruption**

	<i>Respondents</i>	<i>Frequency</i>	<i>Percentage (%)</i>
<b>1</b>	High	0	0
<b>2</b>	Moderate	8	3.3
<b>3</b>	Low	22	9.1
<b>4</b>	Very low	74	30.6
<b>5</b>	Extremely low	138	57
<b>Total</b>		<b>242</b>	<b>100</b>

Source: Field survey 2016

Table 3 shows that (5.8%) of the respondents say they always the use Act, 9 (17.3%) say they sometimes make use of it, 11(21.2%) say they do use the Act in a very little extent while 29(55.7%) do not use the Act at all.

**Table 5: Research Question Two: The opinion of South-Eastern, Nigeria based journalists about their using FOIA to fight corruption in the country**

<i>S/N</i>	<i>Respondents</i>	<i>Frequency</i>	<i>Percentage (%)</i>
<b>1</b>	To a large extent, it is helping	0	0
<b>2</b>	It is moderately helping	8	3.3



<b>3</b>	It is rarely helping	138	57
<b>4</b>	It is not helping at all	74	30.6
<b>5</b>	Undecided	22	9.1
<b>Total</b>		<b>242</b>	<b>100</b>

Source: Field survey 2016

This table presents the disheartening picture of the reality on ground as much as the use of FOIA among journalists in South-East, Nigeria to fight corruption is concerned. None of them agreed the act is largely helping in the fight. 3.3% submitted that it is moderately helping. Greater majority comprising 57% of them maintained that the Act is rarely helping, while 30.6% agreed that is not helping at all. 9.1% of them are undecided.

**Table 6: Research Question Three: The major challenges hindering the use of the FOIA among the journalists in fighting corruption in South- East, Nigeria**

<i>S/N</i>	<i>Factors</i>	<i>Freq.</i>	<i>Percentage (%)</i>
<b>1</b>	Litigation is costly and takes time	25	10.3
<b>2</b>	Fear of extra judicial punishment by government	66	27.3
<b>3</b>	Fear of being sanctioned by the employer	72	29.8
<b>4</b>	Poor record keeping by govt and non govt officials	3	1.2
<b>5</b>	Ignorance among the journalists	0	0
<b>6</b>	Corruption among the journalists	6	2.5
<b>7</b>	Pressure and warnings from family members	37	15.3
<b>8</b>	Lack of encouragement by NUJ and Similar professional bodies	33	13.6
<b>Total</b>		<b>242</b>	<b>100</b>

Source: Field survey 2016

The table shows that employers in the media industry in Nigeria constitute the greatest threat to the use of FOIA by journalists to fight corruption in the country, 29.8% of the respondents made the submission. This was followed by fear of extra judicial punishment by the governments who are incidentally the prime suspects when it comes to corruption in the country (27.3%). Third in the ranking is pressure

from family members (15.3%) and lack of encouragement by NUJ cum similar professional bodies was ranked fourth (13.6%)

### DISCUSSION OF FINDINGS

The three major findings of the study are: there is extremely low level use of FOIA in fighting corruption by journalists in South-East, Nigeria, majority of the respondents (journalists) are of the opinion that FOIA is rarely helping them to fight corruption in Nigeria and that the three major impediments to the use of the Act in fighting corruption by the journalists included- fear of extra judicial punishment by the government, the fear of being sanctioned by the employer and pressure and warnings by family members and friends.

The implication of these findings as indicated in table 3 above is that 57% of the 242 journalists studied have not used the Act for the first time; this further implies low level of investigative journalism in Nigeria. Oberiri (2016)[17] had earlier held that investigative journalism is yet to be an effective antidote to corruption in Nigeria. Oberiri (2016)[17] did not differ when he maintained that though journalists in the country have the awareness and knowledge of FOIA, they are yet to use it to enhance their practice and that the Act is yet to create access to government- held information. Dunu and Ugbo also held that majority of the journalists studied have never used the Act in their practice and that the presence of the Act is not translating to increased access to government held information. Nnadi and Obot (2014)[15] concluded that the Act is not enforceable as there are still cases of denial of access to information. The crux of the matter is that government and employers in the Nigerian media industry (who in their majority depends on government contracts and advertising patronage) constitute the greatest impediments to the use of FOIA among journalists for fighting corruption in Nigeria.

### CONCLUSION

In conclusion, one may therefore say that as much as there are still high level of poverty, unemployment, poor remuneration of journalists and unholy connivance between government and private employers in directly and indirectly punishing courageous journalists, the FOIA can never be a veritable weapon for tracking corruption by the Nigerian Journalists.

### RECOMMENDATIONS

From the above conclusion, the study recommends that:

- NUJ as a professional body should constitute a standing committee whose duty shall be to receive from member cases of denied access to information. The committee shall negotiate beneficial agreement with other concerned bodies as NBA, CLO and ensure the prosecution of the defaulters of the Act. This will save individual journalists the burden of personal litigation, sanction from the employer and the government and all dreaded risks.
- Government officials, agents and statutory bodies should accord the Act the needed respect by being open at all times and desisting from using the culture of impunity as a defense to prevent journalists from having access to official records.
- Owners of media houses, both government and private owners should become more socially responsible to the society by encouraging their respective editors and journalists make use of the Act to boost investigative journalism and the war against corruption in Nigeria.

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