

An Appraisal of Democracy and Press Freedom in Nigeria

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Abstract

Press freedom is an essential ingredient of the democratic culture. The higher the degree of press freedom allowed in any country, the higher the degree of democracy its citizens enjoy. This paper argues that there is a link between democracy and the extent of press freedom in any society but years of military rule had strongly hindered press freedom in Nigeria. The paper further argues that government across all eras be it colonial, military and democratic has been plagued with mistrust and hatred for the press. Successive governments churned out malicious press laws to emasculate the press which offer a potent and enduring platform for a healthy democracy. The paper concludes that obnoxious press laws by successive governments have hindered press freedom, and that despite the democratic rule in Nigeria today, some of these press laws still exist in our legal statutes that infringe on press freedom. The paper recommends that the atmosphere of military hangover which pervades in our environment should be completely eliminated, thus, all anti-press laws that have colonial or military rule history should be expunged from our laws to pave way for a democratic press that operates according to democratic tenets.

Key Words: Act, Amendment, Democracy, Press Freedom, Rule of Law and Obnoxious Laws

Introduction

Press freedom has always been an issue between those who run countries and those who live under their rule. Today, rulers are often uneasy with media coverage, whether that coverage be about wrong political decisions, about countries being dragged into war and destruction, or about corruption dragging economies into crises and causing social disintegration. There have been many leaders who have complained about the use of this freedom, acknowledging that it may create problems for them but also acknowledging its indispensable importance for a healthy government and society.

Freedom of press is an indispensable component of a democratic society. Respect for freedom of expression and the right of the public to express and receive information result to transparency and accountability of governments. Bruns (2008) maintains that, critical independence, democratic constructiveness and commercial viability are the cardinal principles of press organization. He further argues that governments have been using license and censorship to control the power of mass media and curtail its immense contribution and defense of fundamental human rights. As a fourth estate of the realm, the press holds the executive, legislature and judiciary accountable to the public by exercising functions of watchdog and surveillance. Ideally, media has three essential roles to play in democratization process and good governance: as a watchdog over the powerful, civic forum (for political debate) and agenda-setter (Norris, 2006). In this light, of these three basic functions of media, the first has been the most difficult to exercise in third world such as Africa, due to political manipulation, conglomerates and repression of journalists.

Historically, Nigerian press had kept changing direction from nationalism and a democratic culture to instrument of propaganda for the regional, ethnic and religious bigotry (Oyeleye, 2004). Democracy requires an active media to thrive. This is because the parameters that constitute good governance, which is a common feature of a vibrant civil rule, can be measured by the level of accountability, transparency and rule of law that exist in a country. Ordinarily, it is a difficult task for many governments to appraise itself whether it is doing well or not. Hence, the importance of the media in serving as the prism to review the performance of democratic rule parameters is ever relevant. An attempt to stifle the media in carrying out these functions would bring about dire consequences for good governance.

The press remains an indispensable component of democracy. In his speech on the 2008 world press freedom day, former American President George Bush emphasized importance of the role of the press and mentioned that press freedom was enshrined in the United States constitution. The provision of Press Freedom is enshrined in the 1999 Constitution of Nigeria as amended sections 39(1) which states: "Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference". Section 39(2) guarantees that, "...every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions." Section 22 gives the press the right to hold the government accountable to its citizens, it guarantees, "The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental

objectives contained in this chapter and uphold the responsibility and accountability of the Government to the people.”

The notion is that, independence of press from the state is an essential factor in the democratic environment in mediating between private domain and political elite in public sphere. Democracy has globally opened up spaces for sustenance of press organizations. In Africa, putting an end to dictatorial military governments and replaced by civilian administrations, media industry has witnessed crucial shifts and remarkable expansion of media pluralism (Karikari, 2004). However, Jacob (2002) argues that, democracy largely leans on effective communication system channelled through mass media.

It is unfortunate however that the press which ideally is tasked to promote democratic principles and to help individual form their opinions in a rational way resorts to protect elite interest at the disadvantage of larger society. Lack of press freedom therefore inevitably becomes a problem of democracy (Akinwale, 2006). Despite the inauguration of democratic rule and the passage of Freedom of Information Bill (FOIB), freedom of the press in the present day Nigeria is questionable. Citizens in nominal democratic societies lacking complete free press may likely become victims to violence. In many countries, police brutality is meted out on members of the press including journalists and editors who observe professionalism and do not succumb to government to influence public opinion. Nigeria, China, Cuba and Eritrea were among the countries with high rate of arrested and incarcerated journalists. This paper thus appraises the level of democracy and press freedom in Nigeria.

Conceptual Clarification

Democracy

Democracy according to Abraham Lincoln is government of the people, for the people and by the people. In other words, democracy is a system of government that bases its legitimacy on the participation of the people. It is also seen as government by the people; a form of government in which the supremepower is vested in the people and exercised directly by them or by their elected agents under a free electoral system. Kaplan (2005) argues that democracy is a process through which people confer with each other to secure food, shelter, land, water and peace for their mutual benefits. As a set of practices associated with the rule of law and wide spread participation in administering that law, democracies have developed across the globe over the years.

He further argues that democracy is created in varying degrees to meet the following goals:

- i. To able participation either directly or through elections
- ii. To avoid tyranny by rulers
- iii. To promote open and fair competition for power on the basis of popular vote
- iv. To ensure accountability to the people

Press Freedom

Freedom of the press or freedom of the media is the principle that communication and expression through various media, including printed and electronic media, especially published materials, should be considered a right to be exercised freely. Such freedom implies the absence of interference from an overreaching state; its preservation may be sought through constitutional or other legal protections.

Agee, Ault & Emery (1979, p.29) define press freedom as “freedom to print without prior restraint”. This implies that press freedom is the liberty given to a journalist to be free to write without fear or favour. A Journalist has the ability to burrow into the ills of the society thereby making the public aware of happening in their environment. It is vital for the mass media institution to be entrusted with the accountability of observation of the environment through the presentation and analysis of the happenings in society.

Sambe and Ikoni (2004, p.11), argues that “press freedom focuses its attention on the unrestrained liberty to write or publish information for the consumption of the public”. The implication is that, press freedom, being one of the crucial society’s freedoms, is the right of the press to publish any information that is not clearly forbidden by the law. It suggests that the mass media institution must be entrusted with the responsibility of surveillance of the environment through the presentation and analysis of the happenings in society. Indeed, it is difficult to imagine a modern society without the press.

Press freedom is also the liberty given to the journalist to write without fear or favour. Oberiri (2017) describes press freedom as the right to print without prior restraint. This implies that press freedom is the right to report facts honestly and faithfully even if they prove inconvenient or embarrassing to someone. Press freedom or freedom of the press as it used interchangeably also presuppose that press should be free to report and analyse on issues without censorship or intimidation. Ameh (2018) argues that press freedom is

the right of the press to publish without being subjected to intimidation, threats, molestation or blackmail. This definition is enhanced by Okoye's (2008) submission that press freedom is the liberty to gather, hold, express and disseminate information and opinions without official or unofficial restrictions via written and unwritten laws and actions. This implies that press freedom deals with unrestricted liberty to write or publish information for consumption of the public.

Theoretical Framework

Libertarian Theory

This is one of the "normative theories of press" The libertarian theory came in when democracy arrived (i.e. when people had the right to vote), this theory is adopted in England after 1688 and in U.S and it is influential elsewhere in the world.

In the libertarian theory, control is only exercised when the media impinge on the rights of others for example, publishing libelous reports, committing treason, endangering national security. Ownership is private with editorial self-determination (autonomy). Siebert et al (1956) pointed out that "Libertarian theory is an idea of free expression from any authority". The media have been entrusted to discharge certain public interest functions to a democratic society and by, conferring trust, society is entitled to judge. Borrowing a clue from Keane (1991), he explains that the right to free publication has been viewed as an essential instrument for achieving democracy and a precondition of its adequate practice, especially as means for holding those who have power accountable. Freedom of publication is necessary if critical and alternative voices are to be heard.

Indeed, the libertarian theory of the press summarizes what the press should be, as the words of Jeremy Bentham and John Stuart Mill as cited in McQuail (2003), "the realization of Bentham's principle of the 'greatest good for the greatest number' requires that government be guided by the wishes of the citizens, which have to be freely expressed. Mill (in *On Liberty*) argued that the progress and welfare depended on free circulation of ideas by means of which truth and utility would be maximized. The libertarian theory is relevant here since freedom of the press is concerned with the liberty of press to function effectively.

Review of Related Literature

Democracy and Press Freedom Around the World

Freedom of the press in the United States is legally protected by the First Amendment to the United States Constitution. This amendment is generally understood to prevent the government from interfering with the distribution of information and opinions. Nevertheless, freedom of the press in the United States is subject to certain restrictions, such as defamation law, a lack of protection for whistle blowers, barriers to information access and constraints caused by public hostility to journalists (Ameh,2008).

International agencies rank the United States behind most other Western nations for press freedom, but ahead of most Asian, African and South American countries. The First Amendment permits information, ideas and opinions without interference, constraint or prosecution by the government (McConnell and Michael , 2013).It was adopted on December 15, 1791, as one of the ten amendments that constitute the Bill of Rights. In 2018, the U.S. ranked 45th in the *Reporters without borders Press Freedom Index*. This is an overall measure of freedom available to the press, including a range of factors including government censorship, control over journalistic access, and whistle blower protections. The U.S.'s ranking fell from 20th in 2010 to 49th in 2015, before recovering to 41st in 2016. It fell in 2018 with an increasing hostility to journalists associated with rhetoric by President Donald Trump.

Freedom House, a US-based independent watchdog organization, ranked the United States 30th out of 197 countries in press freedom in 2014. Its report praised the constitutional protections given American journalists and criticized authorities for placing undue limits on investigative reporting in the name of national security. Freedom House gives countries a score out of 100, with 0 as the most free and 100 the least free. The score is broken down into three separately-weighted categories: legal (out of 30), political (out of 40) and economic (out of 30). The United States scored 6, 10, and 5, respectively, that year for a cumulative score of 21.

The West African nation of Ghana has the continent's best atmosphere for media personnel, a report by the *Reporters Without Borders* (RSF) has said. The 2018 World Press Freedom Index published on Wednesday showed that Ghana dethroned Namibia who were tops in 2017. Ghana placed 23rd on the 180 country list, sandwiched between Samoa and Latvia on 22nd and 24th respectively. Completing the top three slots for Africa

were Namibia in 26th and South Africa in 28th slot. At the bottom of the ranking was Eritrea at 179th, Africa's worst placement. Others in the not free bracket were Sudan, Egypt, Burundi, Equatorial Guinea, Djibouti and Somalia.

The ranking published annually by RSF since 2002, the World Press Freedom Index measures the level of media freedom in 180 countries, including the level of pluralism, media independence, and respect for the safety and freedom of journalists. The 2018 Index takes account of violations that took place between January 1st and December 31st 2017. General elections were held in December 2016 without major incidents or media freedom violations. Ghana is regarded as one of the most democratic countries in Africa and Chapter 12 of its 1992 constitution guarantees media pluralism and independence. But only a very small number of media outlets provide good news coverage. A third of the media are owned by the state or by businessmen linked to the government. The lack of transparency that characterizes the media industry is compounded by a flawed regulatory system that tends to limit the freedom to inform. Thanks to extensive use of mobile phones, a great deal of news and information circulates online. Criminal code provisions penalizing "false news" are sometimes abused in order to harass journalists. But journalists are rarely arrested or imprisoned.

Democracy and Press Freedom in Nigeria

There is a link between democracy and the extent of press freedom in any society (Ameh, 2018). Years of military rule in Nigeria had strongly hindered press freedom in Nigeria. After decades of struggle against militarism by virtually all segments of the articulate publics, especially the press, the military reluctantly ceded power to civilians on May 29, 1999. It was a momentous occasion as the mantle of leadership fell on Olusegun Obasanjo, a retired army general and former military head of state.

On ascension of office, Obasanjo managed, at times unsuccessfully, to control his bad temper. Even though he spoke of the need for a free press, his disposition and body language did not always support his public statements. Unlike when he was military head of state, he managed to conceal his famed contempt for the local press. Under his watch, security agents had invaded the African Independent Television (AIT), a credible private outfit. After an eight-year tenure, Obasanjo handed over power in 2007 to Umaru Musa Yar'adua, a scion from Katsina, North Western Nigeria. Mild-mannered, quiet but effective, Yar'Adua's relationship with the press was generally all right, except probably

on one or two occasions when he lost control. On one instance, the highly credible Channels Television had aired a story about the failing health of the President and the intrigues associated with it. Yar'Adua did not find it funny as he reacted rather angrily. Yar'Adua, probably Nigeria's most honest president by admitting that the electoral process that brought him to power was flawed, eventually died in May 2010, just three years into his presidency.

According to Oberiri (2017), the relationship between President Goodluck Jonathan may be best described as that of cautious optimism. The president occasionally appreciates the role of an unfettered press but often over-reacts to seeming bad press. One of such occasions occurred in April 2013 when two reporters of the *Leadership* newspaper, Tony Amokeodo and Chibuzor Ukaibe were arrested, detained and later charged to court on charges of felony. In a swift reaction, just 72 hours after the journalists were arraigned in court, the Federal Government withdrew the charges against the reporters. It described as unnecessary the growing attack on free speech by soldiers in Abuja, Kaduna, Kano, Jos, Maiduguri, Ibadan, among other cities, claiming to be acting on 'orders'. In a statement, its President, Mr. Nduka Obaigbena decried the assault on freedom of expression through the stoppage of distribution of newspapers as inconsistent with the values of any democratic society and the constitution of the Federal Republic of Nigeria. It therefore called upon the military authorities to lift the siege immediately and call the soldiers to order.

Despite the strongly worded statement released on June 7, 2014, as partly reproduced above, the authorities seemed to have remained adamant, prompting another statement from a larger organisation, the Nigeria Press Organisation (NPO). In a June 13, 2014 statement, the organisation cited military spokesman, Major-General Chris Olukolade as explaining that the clampdown "followed intelligence report indicating movement of material with grave security implications across the country using the channel of newsprint related consignments". Unimpressed by the explanation, NPO insisted that "This development is opening a new chapter in the potential dangers being posed to the citizenry and the media: a clear violation of the right of free expression and press freedom and the right of the public to know". It is worthy to mention that Dr. Goodluck Jonathan accented to the Freedom of information bill in May, 2011 to enhance freedom of press in Nigeria.

President Muhammadu Buhari is exhibiting increasing intolerance for the freedom of the press, the country's security agencies have lately been attacking the media. In particular, the Nigeria Police Force is embroiled in a messy tango with an online newspaper, Premium Times. Special Anti-Robbery Squad officers detained three members of the organisation in Abuja. Popular governments draw their lifeblood from a free media. For the security agencies to turn on the media shows the apprehension in government ahead of the 2019 general election.

Fittingly, the assault on **Premium Times** attracted global condemnation, casting the Muhammadu Buhari administration in a bad light. Coincidentally, it occurred on the same day Yemi Osinbajo, then the acting President, ordered the Inspector-General of Police, Ibrahim Idris, to reform SARS over its gross human rights violations. **Premium Times** said the police lured three employees of the news outfit to their office, where officers allegedly assaulted the editor-in-chief, Mojeed Musikilu; and detained a reporter, Azeezat Adedigba. When officers finished with the duo, they descended on Samuel Ogundipe, their main target. Ogundipe had written a story about the invasion of the National Assembly on August 7th by State security service operatives, wherein he exposed the IG's preliminary report on the incident that had indicted Lawal Daura, then the director-general of the secret police. Brimming with impunity, SARS officers asked Ogundipe to disclose his source but he refused, just as every journalist worth his salt would. This provoked the officers. However, democracy thrives on the freedom of the press.

Section 29 of the 1999 Constitution also guarantees this global tenet that underpins a robust democratic practice. But when journalists overstep their bounds, there are enough sanctions for libel and other infringements in the statutes. Therefore, Ogundipe's treatment by the police is unwarranted, a throwback to the pre-1999 days of military dictatorship. Perhaps, the police are after **Premium Times** for its damaging exposés on the perceived misdemeanours of this government. In October 2017, the newspaper authored a story on Abdulrasheed Maina, a former chairman of the Presidential Reform Task Team. Although Maina was dismissed from the Civil Service in 2015 for allegedly stealing pension funds, he was reinstated by the Buhari administration. He had been declared wanted by the Economic and Financial Crimes Commission, but upon being illegally reinstated, was promoted. **Premium Times** also broke the story of the alleged certificate scandal that the Finance Minister forged the National Youth Service Corps exemption certificate she presented when she won in a similar fashion, Jones Abiri, the publisher of **Weekly Source** (another online news medium), has just breathed the air of freedom after being detained by the SSS for the past two years. Although he is a publisher,

he was accused of being a militant and threatening oil companies based in the Niger Delta. These cases have been charged to court, which is what the SSS and police should have done in the first place. By detaining Abiri for two years, his rights have been grossly violated.as nominated for the post.

In a similar fashion, Jones Abiri, the publisher of **Weekly Source** (another online news medium), has just breathed the air of freedom after being detained by the SSS for the past two years. Although a publisher, he was accused of being a militant and threatening oil companies based in the Niger Delta. These cases have been charged to court, which is what the SSS and police should have done in the first place. By detaining Abiri for two years, his rights have been grossly violated.

The state of press freedom in Nigeria

Nigeria emerged from colonialism in 1960. While colonized, Nigerians suffered press freedom infractions from the colonial authorities. According to Momoh (2002, p.10) restrictive media laws could be said to have actually taken roots in 1903 with the enactment of Newspaper Ordinance of that year and the sedition Ordinance of 1909. As Momoh recalled, perhaps the most notorious press gag law was the 1917 Act. The author noted that “it brought together previous colonial laws”.

No doubt, these laws were put in place to curb the perceived “excesses” of the local press and sufficiently frighten them to desist from attacking the Colonial Administration. Tellingly, most of those draconian laws have remained in Nigeria’s law books because the new rulers who took over from the colonialists were not interested in abrogating them. Not unexpectedly, therefore, in 1964, this earlier Act was amended and has been the basis of anti-press laws in Nigeria. The first civilian administration under Tafawa Balewa, the Prime Minister enacted the law. If the civilian administration was not particularly media-friendly, it was even worse with the subsequent military administrations, each of them trying to outdo each other in an effort to put the media in its “rightful place”. In the United States of America, there is a stable democracy, anchored on freedom of the individual and the press. The first amendment to the American Constitution states inter alia that “Congress shall make no laws abridging the freedom of the press”. But in Nigeria, the writers of the constitution did not seem convinced that Nigerians deserved unconditional freedom, hence the frequent reasons to the word ‘provided’. Such punctuation or vitiation of the freedom of the press in Nigeria often provides opportunity for those in authority to take advantage.

The obnoxious laws in Nigeria's legal statute

Since Nigeria is signatory to the United Nations Charter that produced the Universal Declaration of Human Rights- Freedom of speech inclusive, one would expect that the Nigerian government as a respectable sovereign entity would do everything possible to uphold the right of her citizens (Ameh,2018). It is unfortunate that from the colonial epoch into the military regimes, there were a number of laws and decrees that were passed and enforced with a view to gag the press from checking the excesses of government. Such obnoxious and often draconian laws which have long been overtaken by changing times and socio-economic circumstances ought to have been expunged from the Nigerian legal statutes. Sadly, some of these laws have been retained to date. Below is a summary of some of these obnoxious press laws:

The law of sedition

According to Sambe and Ikoni (2011), the law of sedition is contained in the Criminal Code of Nigeria. The Criminal Code does not define sedition rather a seditious intention is defined. Over a wide span of sections, the Criminal Code provides for the offence of sedition and the treatment of an offender. Thus by virtue of section 50 of the Criminal Code and as it concerns press freedom, a seditious publication and seditious words refers to publications or words having a seditious intention. This implies that sedition is an organized incitement of rebellious or civil disorder against authority or the state.

Sub-section (2) gives the meaning of a seditious intention as an intention:

- a. To bring into hatred or contempt or incite disaffection against the person of the President or the Governor of a State or Government of the Federation; or
- b. To incite the citizens or other inhabitants of Nigeria to contempt to procure the alteration otherwise than by lawful means, of any other matter in Nigeria as by Law established; or
- c. To raise discontent or disaffection amongst the citizens or other inhabitants of Nigeria; or
- d. To promote feelings of ill will and hostility between different classes of the publication of Nigeria.

The Nigerian Press Council Act

As Ciboh (2007), the Nigerian Press Council was set up to regulate the activities of the press in order to check any possible excesses. Section 3 of the Act that established the Council reads in part; The Council shall be charged with the duty of;

- a. Enquiring into complaints about the conduct of the press and the conduct of any person or organization towards the press and exercising in respect of the complaints of powers conferred upon it under this Act;
- a. Monitoring the activities of the press with a view to ensuring compliance with the Code of Professional and Ethical Conducts of the Nigerian Union of Journalists;
- b. Receiving application from, and documenting the Print Media and monitoring their performance to ensure that owners comply with the terms of the mission statements and objectives in liaison with the Newspapers Proprietors Association of Nigeria; These provisions indicate that the license to own and operate a newspaper medium as well as the activities of the newspaper are to be regulated by the Council.

The National Broadcasting Commission Act

The National Broadcasting Commission Act of 1992 which has been amended by the National Broadcasting Commission Amendment Act No.55 of 1999 is a Federal Legislation which sets out amongst other things to regulate and control the broadcasting industry and set policies with respect thereto. Section 1 of the Act establishes the National Broadcasting Commission (NBC), regulatory authority and section 2 lists the excessive powers of the Commission which in part reads thus; 2 (1) The Commission shall be responsible for:

- a. Advising the federal government generally on the implementation of the National Mass Communication Policy with particular reference to broadcasting
- b. Receiving, processing and considering applications for the ownership of radio and television stations including cable television services, direct satellite broadcast and any other medium of broadcasting
- c. Recommending applications through the Minister to the President, Commander in Chief of the Armed Forces for the grant of radio and television licenses;
- d. Regulating and controlling the broadcast industry. Section 2(2) prohibits transmission by cable, television, radio, satellite or any other medium of broadcast except in accordance with the Act. Furthermore, the Act provides for the procedure of obtaining licenses and the granting as well as terms of a license and of renewal thereof. The Commission is imbued with the power to enforce the National Broadcasting Code in pursuant to the Act.

The Official Secret Act

The Official Secret Act is a law enacted in 1962, but reviewed in 1990 which prevents the publication or disclosure to the public of any material which the government views or sees as confidential. It protects what government views as confidential records. Nwabueze (2014) in Ameh (2018, p10) argues that these confidential matters or materials are tagged “Classified” by the government meaning “Secret or Confidential” and as such must not be revealed. It further revealed that a classified matter is; Any information or anything which under any system or security classification, from time to time in use by any branch of government is not to be disclosed to the public, and which the disclosure to the public would be prejudicial to the security of Nigeria. It is important to note that the Official Secret Act serves as a check against the publication of highly confidential information or document that may weaken or limit the integrity of any government and by extension threaten the security of the state.

Further efforts of government to mitigate press freedom in Nigeria Proposed bill to regulate social media

As noted by Ameh (2008), the upper chamber of the National Assembly has set in motion the passage of a law to regulate what Nigerians do or post on social media, report has it. A report by a Nigerian National Daily states that the bill to pass the regulation into law has passed the first reading, while it has already been listened for a second reading. According to *DailyTrust*, the Chairman Senate Committee on ICT and Cybercrime, AbdulFatai Buhari who confirmed this while speaking this week on the side line of the 2018 Cyber security Conference in Abuja, said it has become imperative to regulate the use of social media in order to tackle the menace of hate speeches, fake news and false accusations on the platforms which are capable of distorting peace and unity in the country. Senator Buhari further noted that as the 2019 elections, which is eight months away beckons, it was important to deploy measures to curtail the activities of unscrupulous elements who hide behind the platforms to bring down perceived political enemies. He said this should not be allowed for national peace and that is why, a law to that effect is currently being mulled.

Proposed amendment of Nigerian press council bill

Renewed effort to curtail media freedom currently pending in the Senate comes in the form of the Nigerian Press Council Amendment Bill which is already at the public hearing stage. The Bill seeks to regulate journalism practice by establishing a statutory body to arbitrate between the media and members of the public. This is opposed to the insistence of media practitioners that self-regulation subject to the existing laws of the land is the best guarantee for media freedom in a democratic society (Ameh,2018).

As expected, stakeholder groups such as the Nigerian Press Organisation, NPO; the Newspaper Proprietors Association of Nigeria, NPAN; the Nigerian Guild of Editors, NGE; the Nigerian Union of Journalists, NUJ and the Broadcasting Organisations of Nigeria, BON, have risen against the bill, asking the Senate to drop it entirely. In the first place, the Bill is sub judice. A suit instituted by media interest groups against it is still pending at the Supreme Court. Secondly, this bill appears to be a subtle crossbreed of the obnoxious military decrees: the public officers (Protection Against False Information) Decree No. 4 of 1984 enacted under Head of State, Major-General Muhammadu Buhari, and the Newspapers Registration Decree No. 43 of 1993.

Incidentally, the former military ruler is now our elected President. These are totally at variance with the democratic culture which we won after a long, hard struggle led by the media. It is like taking a long leap back into the dark days when the military held our people hostage. We should be making steady progress towards more freedom and the promotion of open, democratic and accountable governance. We join other stakeholders to emphasize that this bill seeks to unduly criminalise aspects of media work which we find objectionable. There are enough existing laws which guarantee against excesses by media practitioners. Besides, media houses and journalists are bound by the ethics of the profession, and citizens who feel injured can always approach the courts for legal redress. We call on lawmakers at all levels to rein in their impulsive tendency to champion or condone draconian legislations to avoid exposing citizens to the executive excess of government. The Nigerian media have a long history of stiff resistance to efforts to curtail press freedom. We will always stand and uphold this noble legacy whenever the situation calls for it because it is in the overriding public

Campaign against fake news

Alhaji Lai Mohammed, minister of Information and Culture, has launched a National Campaign Against Fake News, calling the phenomenon a time bomb that can detonate with deadly consequences if left unchecked. He described fake news as a global epidemic that

could be worse than all the plagues that the world has recorded put together, a clear and present danger to global peace and security, and a threat to democracy (Ameh,2018) Furthermore, fake news phenomenon is capable of undermining confidence in the media, adding: “Once the people lose confidence in the media, the media and the society are in trouble.”

The essence of the campaign is to “sensitize all Nigerians to the dangers posed to the peace and security, and indeed the corporate existence of Nigeria by the phenomenon, and the fact that each and every Nigerian has a role to play in curtailing the spread of fake news”. The campaign will, however, not involve the use of coercion and censorship, but appealed to the media to lead the campaign, and to Nigerians not to share any news or message unless they can vouch for its source and authenticity.

Conclusion/Recommendations

From the forgoing, it is pertinent to conclude that the obnoxious press laws by successive military regimes has hindered press freedom and despite the democratic rule in Nigeria, some of these press laws still exist in our legal statutes that infringe on press freedom. Nigeria is signatory to the United Nations Charter that produced the Universal Declaration of Human Rights- Freedom of speech inclusive, one would expect that the Nigerian government as a respectable sovereign entity would do everything possible to uphold the right of her citizens. Unfortunately, however, from the colonial epoch into the military regimes, there were a number of laws and decrees that were passed and enforced with a view to gag the press from checking the excesses of government. Such obnoxious and often draconian laws which have long been overtaken by changing times and socio-economic circumstances ought to have been expunged from the Nigerian legal statutes. The paper thus recommends that:

- a. The atmosphere of military hangover which pervades in our environment should be completely eliminated, thus, all anti-press laws that have colonial or military rule history should be expunged from our laws to pave way for a democratic press that operates according to democratic tenets.
- b. The Nigerian press should be given the freedom to operate in line with the provisions of Freedom of Information Bill.
- c. Media practitioners be given the right of self-regulation subject to the existing laws of the land as guarantee for media freedom in a democratic society

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