

Intrigue of Press Freedom and Journalistic Apprehension in Nigeria

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ABSTRACT

Press freedom means absolute freedom of journalist and media houses to report news to the general public without any form of resistance or hostility from the government and general public,' this study seeks to find out if press freedom is achievable or not. The study adopts survey research method. Interview schedule is the instrument used to gather data for this study. Participants for this study are selected from Osun and Oyo States through convenient sampling method. This study concludes that press freedom is achievable in Nigeria and the whole world at large, provided that the government will enforce the "Freedom of Information (FOI) Law" and also respect the same, moreover, security measures should be put in place to ensure the protection of lives of the journalists in the line of the duties.

Keywords: *Press freedom, journalist, media houses, report, news*

INTRODUCTION

Freedom of the press is usually defined as the right to communicate ideas, opinions and information without government restraint. A deeply held value in America and most of the world these days, press freedom is also guaranteed by law in the free press clause of the First Amendment to the Constitution of the United States which states that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for redress of grievances. A central purpose of freedom of the press is to encourage the existence of an educated and informed electorate that can make decisions about public affairs. From early times forward, freedom of the press simply meant the absence of government licensing of printing and publishing. Later it came to mean no prior restraint of publication. This is the idea that publication censorship is out of bounds. But freedom of the press is really a much broader construction that it immediately appears to be. It is truly Freedom of Expression more broadly than the First Amendment guarantees and this amazes and perplexes people in other countries who have no such explicit law. The First Amendment has protected unpopular speech and

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communication such as cross burning and other hate messages, unfair political statements, some pornography, libel that is not malicious, and the publication of stolen government documents. The test is always one of whether there is public benefit or a clear public interest in the free flow of information, regardless of whether it is necessarily accurate, fair or sensible. In no other country is there such a dramatic mandate of freedom, though citizens in other countries often greatly admire this aspect of the American system, whereas their leaders often assuredly do not.

The United States assures freedom of expression is not vague or overload so that government cannot act arbitrarily or capriciously. This is an old doctrine with modern applications as was demonstrated when the Congress acted to prevent indecent material on the Internet, only to see that legislation struck down by the Supreme Court which saw a more generalized danger to freedom of speech and press in these restrictions. Freedom of the press is said to assure satisfaction of society's need for a maximum flow of information and opinion and the individual's right for self-fulfillment. Freedom of the press is also a promoter of other rights. In America, a free press is regarded as central to the functioning of democratic government and a free citizenry. Of course, freedom of the press also means protection from arbitrary and despotic control.

There is much continuing debate about the essential nature of this concept of freedom, what it actually means, to whom it extends, whether it is an individual or institutional right-that is, does freedom of the press belong to every citizen or only to those organizations that constitute the press, such as newspapers, television stations, and even internet web site? In large part, the contemporary interpretation of freedom of the press depends on legally sanctioned definitions of such terms as congress, no law, and press. Press once meant only the print media, but in an age of broadcast and computer technology, the concept of the press has been greatly expanded to include various electronic media, motion pictures, recorded music, and of course, the internet (Everette and Merrill, 2002).

At one university, a campus newspaper censors controversial and opposing reparations for slavery and shuts down a student newspaper's web site. At another, students are under fire for printing an allegedly racist column. Passions run high in both cases, with profound disagreements on both sides. Words like censorship and freedom fly back and forth, yet everyone involved in these controversies will say they are staunch advocates of freedom of speech and press, an idea that surfaces daily in many communities and nations the world over. This is why this study sets to discover if the freedom of the press is real or it is just a fantasy. The following questions were posed to guide the study.

- i Is press freedom really achievable in Nigeria and the world at large?
- ii Can press freedom be absolutely free for the press to publish information without any form of acrimony from the government?
- iii Can press freedom have any positive impact on democratic system of government?
- iv Should there be press freedom; can the safety of journalists be guaranteed?
- v How can government check the unethical journalism practices and abuse of press freedom rights?

Freedom of Information Defined

Freedom of information can be defined as the right to access information and free expression of opinion. It means having access to files, or to information in any form in order to know what government is up to (Ademola, 2003). Freedom of information entails not only allowing access to government documents in whatever form they happen to exist but also opening up the meetings of governments, their advisory bodies and client groups to public scrutiny. United Nations universal Declaration of human rights of 1948 gave credence to this in its article 19 where it states emphatically that everyone has the right to freedom of opinion and expression to include freedom to hold opinions without interference and to seek, receive and impart ideas through any media and regardless of frontiers. Section 39 of the 1999 Constitution provides that every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference. Without prejudice to the generality of subsection (1) of this section, every person shall be entitled to establish and operate any medium for the dissemination of information, ideas and opinions. As a practical reality, communication must take place on the basis that the conditions constituting communicative competence are true. If not, communication in any meaningful sense of the word would be impossible (Federal Republic of Nigeria, 1999). The 'ideal speech situation' is one whereby all participants must be given the same opportunity to debate and justify according to reasoned argument without external pressure and domination (Ademola, 2000).

The Imperatives of Freedom of Information

In this age of globalization, there is hardly anything as influential as information (Akanni, 2006). Hence, there is need for free flow of information. There can be little doubt that our capacity as human beings to acquire, use and store information is essential for our survival. At a practical level, disasters are avoided, accidents prevented and sustenance provided by our use of information. We have reached a point in the country's history where we need and deserve to have a freedom of information act so as to expand public access to information of public interest. Nigerians have been denied access to information for a very long time. This was occasioned by the years of military dictatorships. The press, believed to be a harbinger of information was not given the free hand to operate. Information needs to be readily available and not subject to rules, obstacles and obstruction that hinder its flow because it is a prerequisite to the satisfaction of social needs like liberty, democracy and egalitarianism, and of personal needs ranging from physical safety and well-being to self-fulfillment.

In the bid to still carry out their legitimate functions as the watchdogs of the society; many journalists resorted to guerrilla journalism. This was a notable departure in the state-media relations and involved a hit and run operative style, in which journalists, operating from hide outs continued to publish critical journals in defiance to the state (Olukotun, 2000). As a result, lots of them paid dearly for it. Some were killed, jailed, brutalized and various media houses closed down. The principal media institution involved on a sustained basis in this strategy were Tell magazine, News magazine (which also published Tempo

magazine, a tabloid) as well as a pirate Radio, at first called, The freedom Frequency Radio, later renamed Radio Kudirat. The background phase of the media began in the terminal year of president Babangida in office, and became pronounced during the years when it became impossible for opposition media to operate in a conventional way. The then military government headed by Major General Muhammadu Buhari deliberately promulgated Decree 2 of 1982 which says in part that, 'if the Chief of Staff supreme headquarters is satisfied that any person is or has contributed to the economic adversity of the nation, or in the preparation or instigation of such acts ,and that by reason therefore it is necessary to exercise control over him, he may by order in writing direct that person be detained in civil prison or police station or such other place specified by him' (Olukotun, 2000). The Decree with its ominously vague definition of what constitutes an offence was backed up by yet another decree entitled public officers (protection against false publications) Decree No. 4 of 1984. This decree makes it an offence for media to air or publish any report which embarrasses the government or any of its officials. For instance, two journalists, Tunde Thompson and Nduka Irabor of the Guardian under this decree were arrested, jailed and their newspaper heavily fined because of a report on diplomatic postings which government considered embarrassing but which was later found to be true (Olukotun, 2000).

This study is lending a voice to that of the advocates of FOI that this must change for the country to move forward. Information is necessary to make sensible choices or wise judgments. This is because moral and ethical evaluation depends upon information acquired through our own and our predecessors' experience. It is believed that the test of a democracy is the degree of liberty, the people have to express themselves freely in speaking, writing and publishing. The 17th and 18th centuries leaders of thoughts in both America and Europe are of the opinion that for a man to make right decisions, he needed to have access to a free flow of information. This condition was considered a good basis for making informed decisions (Egbon, 1995). Besides, it was considered that freedom is essential to an individual's self-realization and development.

Thus, freedom has been considered a natural right, they are the most basic form of information. Without the application of these categories and intuition, we would be incapable of achieving judgment or making decisions. Freedom of information will increase the availability of public records of the country in order for citizens to participate more effectively in the making and administration of laws and policies and to promote accountability in government. Economically, freedom of information will enable even ordinary citizens with sufficient interests in any given economic issue to get information without hindrance, such information could go a long way to assisting the economy to grow and develop while the non-availability of same could also frustrate investors. As earlier noted, for democracy to thrive, there must be freedom of information, people, citizens and non-citizens alike must be free to request any information at any time without hindrance. With this, the press also would be able to perform its functions as the watch dog of the society more effectively. Also, corruption would be reduced to its barest minimum if not totally. This is because there would be no secrecy of whatsoever sort, since it encourages corruption. Though, the

freedom of information bill has been enacted into law, the reality of good governance is beginning to be evident in public domain. For instance, Lagos State Government led by Mr. Babatunde Raji Fashola, SAN, recently published a list of telephone numbers of the State's functionaries. In the same spirit, the government also made the telephone numbers of the senior officers of the State's police Command available to the public. The officers include the Commissioner of Police, Area Commanders as well as the Divisional Police Officers, DPOs. This, it published on page 58 of the Guardian on Monday, September 15th, 2008. According to the Lagos State government, the rationale behind this action is to promote security of lives and property as well as give members of the public easy access to security personnel in the State. This, to this study underscores the huge benefits that Nigerian citizenry stands to benefit from freedom of information when its is passed and enacted into law. This is because, free expression is crucial to actualizing the goals of sound public policies, human beings fulfillment of their potentials and maintaining the kind of community where people do not need to live in suspicion and distrust of one another.

Freedom of Information (FOI) and Democracy

Nigeria's democratic dispensation began in May, 1999 with the successful inauguration of a civilian administration headed by Chief Olusegun Obasanjo. One of the remarkable characteristics of the democratization on Nigerian was its total indifference to the character of the State (Olaitan, 2006). This is because democracy affords people the opportunity to exercise, to a large extent, certain fundamental rights and freedom especially the right to freedom of expression and access to information on how societal resources, both material and immaterial are being managed. Robert and Tufte (1973) opines that the people have the right to ask questions about policy initiatives and actions of their leaders to oblige the people information on how and why such policy initiatives and action came about.

In advanced democratic countries like United State of America, Germany, Britain, France and the likes, government try as much as possible to make information on fundamental political, social, scientific, economic and even technological decisions available to the citizenry. The essence of this is to keep the citizen abreast with the beneficial effects of such decisions as well as prepare their minds of the likely negative implications of the decisions. However, democracy is more than the institution of an electoral umpire and the formulation of political parties. It is equally more than politicians assuming office and running the affairs of the State. Democracy is a visible exercise and a form of government suitable for ensuring the protection of the basic rights. No other form of government has proved more resilient and suitable for the protection of these rights. The world have tried dictatorships in different coloration and discovered that the management of the people could not be adequately done unless the people themselves were part and parcel of the management.

The Question of Freedom and Fundamental Human Rights in Nigeria

The concept of freedom has become widely used and misused among individuals and groups in Nigeria. While some concerns for freedom are expressed in private spheres, other interests in it are publicly expressed. The movement for press freedom in Nigeria lies in the latter and such movement is theoretically geared towards protection of fundamental

human rights. In his remarks on a decade of democratization in Nigeria, Charles (2007) mentions the relevance and restrictions of freedom thus: “human freedom could no longer be taken for granted. Those who have, at one time or the other, lost their freedom or have been in bondage would better appreciate the indispensable character of freedom. As desirable as freedom is, it has to be regulated. The doctrine of the separation of power was designed to enhance human freedom by regulating relationships between the different departments of government –the legislature, the executive and the judiciary (Charles, 2007).

The power to ensure human freedom extends beyond the above mentioned institutions of governance. In a liberal democratic ideology, it is believed that power belongs to the people, usually the electorates, and this premise justifies the quest for press freedom through which individual’s right to self-expression can be recognized. The majority of Nigerians can express their satisfaction or dissatisfaction about a number of issues, particularly a wide gap between the elites and the general public. In his observation of this situation, Henry (2005) speculates that in the next decade, democratic resources will be deployed to avert the phenomenon of rising social discontent which is being fuelled by unjustifiable remuneration of political office holders. The freedom of the press cannot be ignored in this context. In his observation of the relevance of the press to socio-political history of Nigeria. Robert, Edward and Charles (2005) submit that Nigeria’s vibrant culture, its outspoken intellectuals, brave labour unions, civil society and media activists have given rise to hopes about a different Nigeria and a better Africa, newspapers and numerous publications decry corruption and bad leadership, and articulate the desire for a better State”. The above submission implies that the Nigerian society would improve under a regime that tolerates individual’s right to self-expression and by extension freedom of the press. Unfortunately, successive Nigerian governments have not lived up to expectations in this regard (Oyebode, 2010). Lack of public access to vital information can endanger democratization of society via corruption.

Gerhard (2006) cites several examples of how a tiny proportion of the Nigerian population has continued to benefit from the opaqueness and corruption that lack of public access to information engenders. He argues how only a few derive maximum benefits from the abundant resources of the State would remain unknown without freedom of information. Gerhard (2006) calls for a fundamental change in the Nigerian society through the full exercise of the civil and political rights such as press freedom, a key promise of liberal democracy, is in consonance with the Theory of Sociological Imagination. Many reasons and justifications proffered for the hostility of the ruling elite to the Freedom of Information Act can be amended. The main argument against the Act was that granting public access to information would jeopardize national security. In contrast, restriction of public access to information constitutes human rights abuse. Consistent with Birch and Wilson (1999) observation of marginalization of the masses in the distribution of national wealth, the Nigerian greedy politicians and their cronies opposed the Freedom of Information Act for over a decade, while socio-economic conditions of the majority of Nigerians have continued to deteriorate. A major outcome of this eventuality is expansion of the gap between the rich and the poor. The rate of wealth accumulation of the minority and the rate of mass

unemployment have reached astronomical proportions in Nigeria. Likewise, the gains of privatization have been concentrated in the hands of the privileged Nigerians, whereas the underprivileged Nigerians continue to wallow in abject poverty. Thus, adequate protection of the freedom of the press is urgently required to empower the Nigerian public towards participation in formulation and implementation of public policies. Adequate freedom of the press can guarantee people's involvement in government and such freedom can stimulate democratization of Nigeria. A number of controversies raised on the question of press freedom have been addressed in the passage of the Freedom of Information Bill (FOIB), which has become the Freedom of Information Law (FOIL)

Nigeria's 1999 Constitution

The Nigeria 1999 constitution is an improvement of that of 1979. Chapter 4, section 39 which borders on fundamental rights provides that every persons shall be entitled to freedom of expression, including freedom to hold expression and to receive and impart ideas and information without interference; without prejudice to the generality of subsection (1) of this section, every person shall be entitled to own, establish and operate any medium from the dissemination of information ,ideas and opinions, among others. Section 22 of it states that: 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 implication of this is that true freedom of expression is seen as a fundamental right, the experiences over the years is that Nigerians have not really enjoyed this right to its fullest. This, however, may not be unconnected to the fact that a lot of people are not aware of the existence of such right let alone knowing how to go about enjoying it (Arogundade (2012).

Freedom of Information Act in Nigeria

With the military system of government becoming unpopular throughout the world and democracy becoming the order of the day, there has been increasing acceptance of the importance of human rights and in particular of freedom of expression. For a country like Nigeria that had witnessed decades of military rule where press freedom was restricted, it came as a relief when the Freedom of Information Bill was signed into law. Virtually all government information in Nigeria is classified as top secret. Longe Ayode of Media Rights Agenda (MRA), a Lagos-based Non-Governmental Organization (NGO), says this veil of secrecy makes it difficult to get information from any State agency (Ayode, 2011). Plethora of laws prevent civil servants from divulging official facts and figures, notably the Official Secrets Act which makes it an offence not only for civil servants to give out government information but also for anyone to receive or reproduce such information. Further restrictions are contained in the Evidence Act, the Public Complaints Commission Act, the Statistics Act and the Criminal Code – amongst others. Adeleke (2011) says the idea behind these laws is to protect vital government information, but the level of secrecy is so ridiculous that some classified government files contain ordinary information like newspaper cuttings which are already in the public domain, so impenetrable is the veil of

secrecy that government departments withhold information from each other under the guise of official secrets legislation. There are also instances where civil servants refuse to give the National Assembly documentation after being asked to do so. The result of this is that journalists are denied access to information that is critical for accurate reporting, and unraveling the web of corruption in Nigeria. These issues motivated Edetaen Ojo along with other relevant NGOs to initiate the bill that has become Freedom of information Act.

Historically, the Freedom of Information Bill in Nigeria could be traced back to 1993 during the regime of General Sani Abacha in which transparent government was not the order of the day. Edetaen Ojo, head Media Rights Agenda (MRA), a young organization for the defense of free expression rights, Civil Liberties Organization (CLO), and the Nigerian Union of Journalists (NUJ), Lagos branch spearheaded the drafting of Freedom of Information Bill (FIB). The draft went through several reviews before it was presented to Former President Olusegun Obasanjo in early June 1999, with the hope that the FIB would be forwarded to the National Assembly as an executive measure. He declined, advising MRA instead to do so if they wished. The bill was then submitted to the National Assembly in 1999, as advised by Olusegun Obasanjo but the legislature's four-year term passed without the bill being voted on.

The bill was re-submitted after the present National Assembly was inaugurated a few years ago, it scaled through both the lower and upper chamber of the National Assembly and the harmonized version was passed by both Chambers on May 26, 2011. It was conveyed to former President Goodluck Jonathan on May 27, 2011 and he signed it on May 28, same year. So far only two States in Nigeria (namely Ekiti and Lagos States) have adopted the Freedom of Information Acts at State level but they have extended the response date at State level from 7 days to 14 days (Ayode, 2011). Prior to signing this bill to 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 have at one point in time exercise their rights on issues bordering on "sacred information" have dearly paid for it. There have been cases of assault on journalists, arbitrary detention and mass confiscation of newspapers. It is hoped that adequate and correct information will start to be made public with the passage of FIB.

The newly enacted Freedom of Information Act according to Ene (2012):

- i 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.
- ii 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,
- iii Provides protection for whistle blowers.
- iv Makes adequate provision for the information needs of illiterate and disabled applicants.

- v Recognizes a range of legitimate exemptions and limitations to the public’s right to know, but it makes these exemptions subject to a public interest test that, in deserving cases, may override such exemptions.
- vi 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 public.
- viii Requires the Federal Attorney-General to oversee the effective implementation of the Act and report on execution of this duty to Parliament annually.

With the new law, Ene further remarks that “Nigerians finally have vital tools to uncover facts, fight corruption and hold officials and institutions accountable” (Enonche, 2012). The new law will profoundly change how government works in Nigeria.

METHOD

Survey research method was adopted for this study. Participants were selected from some media houses in two States, Osun and Oyo through convenience sampling method. These media houses are NTA Ibadan, BCOS, Galaxy T.V, NTA Osogbo, OSBC, and Gold FM. Survey research method was adapted because it will give opportunity for sampling large numbers of people in which, their responses can be generalized. A total of 200 journalists was randomly selected from the aforementioned media. The sample size was also stratified to accommodate both male and female in those chosen media. The research instrument was a comprehensive interview schedule. It consisted of both open and close ended questions related to the objectives of the study. The questions elicited information on press freedom and the media owner. Frequency table was used to present the data collected while simple percentage was used to analyse the data.

RESULTS AND DISCUSSION

Table 1 indicates that 110 respondents agreed that press freedom is achievable in Nigeria and the whole world at large, 80 respondents disagreed with the notion, while 10 respondents were uncertain about whether it is achievable or not. Table 2 indicates that 75 respondents agreed that press freedom can truly give absolute freedom of information publication to journalists without any form of resistance from the government, 122 respondents disagreed with the notion, while 3 respondents were uncertain about whether it can or not. The table 3 indicates that 152 respondents agreed that press freedom can have positive impact on democratic system of government, 44 respondents disagreed with the notion, while 4 respondents were uncertain about whether it can or not. Table 4 indicates that 85 respondents agreed that if there is press freedom, the safety of journalists can be guaranteed, 62 respondents disagreed with the notion, while 53 respondents were uncertain about whether it can or not. The table 5 indicates that 112 respondents agreed that government can check the unethical journalist practice and abuse of press freedom rights

by creating a law that forbids the abuse of press rights, 53 respondents agreed that government can check the unethical journalism practice and abuse of press freedom rights by making an official agreement with media houses to curb the abuse of press freedom right, 35 respondents agreed that government can check the unethical journalism practice and abuse of press freedom rights by giving operations of media houses close monitoring, while 8 respondents gave no comment.

The principal finding of this study is that press freedom will give journalists and media houses the right to publish information without restrictions, however, this does not give total assurance that there will be no form of any resistance or interference from the government; even if press freedom is achieved, journalist are expected to operate in an ethical manner within the confinement of their rights, else, government will have the right to take legal proceedings against such individual or media houses. News that exposes sensitive information especially the wrong deeds of the government will surely trigger strong resistance from the government; in such a situation press freedom may experience some levels of restriction, government may impose some limitations on the freedom of publication of such information on the ground that it will undermine the administration of the government in power.

Democratic system of government allows people to choose their leaders by vote; press freedom will enable people to have access to information about their elected leaders and their administrations. The responsibility of a journalist is to provide people with news concerning the occurrences in their environments and around the world, to enable them have access to timely and updated information, but when journalists are no longer safe by virtue of their profession then is press freedom not really a freedom. Risk of resistance from the government and hostility from the general public constitute the major challenges being faced by the journalists, a typical example of such is the case of Dele Giwa; a renown Nigerian journalist who was murdered on October 19, 1986.

Table 1: Is press freedom achievable in Nigeria?

Responses	No of Respondents	Percentage
Agree	110	55
Disagree	80	40
Undecided	10	5
Total	200	100

Source: Survey, 2014

Table 2: Can press freedom truly give absolute freedom of information publication to journalists without any form of resistance from the government?

Responses	No of Respondents	Percentage
Agree	75	37.5
Disagree	122	61
Undecided	3	1.5
Total	200	100

Source: Survey, 2014

Table 3: Can press freedom have any positive impact on democratic system of government?

Responses	No of Respondents	Percentage
Agree	152	76
Disagree	44	22
Undecided	4	2
Total	200	100

Source: Survey, 2014

Table 4: Should there be press freedom; can the safety of journalists be guaranteed?

Responses	No of Respondents	Percentage
Agree	85	42.5
Disagree	62	31
Undecided	53	26.5
Total	200	100

Source: Survey, 2014

Table 5: How can government check the unethical journalism practice and abuse of press freedom rights?

Responses	No of Respondents	Percentage
Create a law that forbids the abuse of press rights	112	56
Make an official agreement with media houses to curb the abuse of press freedom right	53	26.5
give operations of media houses close monitoring	35	17.5
Total	200	100

Source: Survey, 2014

CONCLUDING REMARKS

This study examines the Intrigue of Press Freedom and Journalistic Apprehension in Nigeria, with a view to ascertain whether press freedom can be absolutely free for the press to publish information without any form of acrimony from the government. There is much continuing debate about the essential nature of this concept of freedom, what it actually means, to whom it extends, whether it is an individual or institutional right-that is, does freedom of the press belong to every citizen or only to those organizations that constitute the press, such as newspapers, television stations, and even internet web site. In large part, the contemporary interpretation of freedom of the press depends on legally sanctioned definitions of such terms as congress, no law, and press. Based on the findings of this study, press freedom is achievable in Nigeria and the whole world at large. However, freedom of press can be achieved if only the government can enforced the Freedom of Information (FOI) Act and also respect the same. Security measures should also be put in place to ensure the maximum protection of journalists' lives.

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