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LEGAL AND ETHICAL PERSPECTIVES TO JOURNALISM PRACTICE IN NIGERIA: ISSUES AND CHALLENGES

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Abstract

The agitation for marginalization among some ethnic and to some extent, religious groups in Nigeria has become a common trend in recent times. These agitations have taken the dimension of majority-minority divides, depending on who is in power. The media is largely to blame for this divide because of the manner in which law and ethics of media practice have been negated in reporting issues of national interest. The paper through both doctrinal and empirical research, analyses the imperative of strict adherence to law and ethics of journalism as well as their enforcement in order to foster national peace and unity. The paper finds that poor training and lack of enforcement of relevant laws and ethics of the professional are responsible for the proliferation of fake news and other unprofessional conducts that are threatening the peace and unity of Nigeria. It is therefore recommended that there is the need for regulatory agencies in the media, such as the Nigeria Press Council and the Nigeria Broadcasting Commission to be alive to their responsibilities by sanctioning individual journalists and media houses and that have exhibited the habit of contravening the laws guiding the profession.

1.1 Introduction

It is never in doubt in Nigeria, that the media (often described as the fourth estate of the Realm), have at one time or the other come under criticisms from some section of the country on the manner in which they report certain issues. At some point, Southern media were criticized by northerners and their leaders for being biased towards reporting issues that related to the north. The story is the same if one comes to northern Nigeria, where some minorities accused the 'Hausa-Fulani – dominated' New Nigerian Newspapers and Radio Nigeria (F.R.C.N) Kaduna, for marginalizing them in their programmes and reportage. This is in spite of the fact that the two media were purposely established to protect the interest of northern region and its people, irrespective of gender, tribe, religion, tradition or culture. These allegations, though may not be wholly true; they may also not be totally baseless. One fundamental question that requires an answer, is what is the reason for adopting the majority – minority divide in reporting issues in the Nigerian media?

The paper analyses the manner of reporting news stories in the Nigerian media, which is riddled with fake news and bias in negation of the relevant media laws and ethics that sometimes lead to majority – minority divide. The paper also assesses the reason for the flagrant non adherence to the laws and ethics the media profession as well as the loopholes in the regulatory frameworks for journalism practice in Nigeria, such as the Nigeria Press Council Act and the Nigeria Broadcasting Commission Act, which gives room for unprofessional practice among journalists and other media practitioners in Nigeria.

1.2 Brief History on the Evolution of the Nigerian Media

There may be no sufficient time and space to discuss in details, the historical evolution of the Nigerian Mass Media. It is however, pertinent to discuss it peripherally, because of its relevance on the topic of discussion at this conference. Journalism practice started in Nigeria with the establishment of the first Nigeria's indigenous newspaper, which was a Yoruba language Newspaper, the *Iwe Irohin ARa Egba ati Yoruba* (Newspaper for Egba People and Yoruba).[1] The Newspaper which was established in Abeokuta by Reverend Henry Townsend, had its first edition at News Stand in Lagos on 3rd December, 1859.[2] Subsequently, other Newspapers emerged, and they had contributed immensely

[1] Ajibade O, Contribution of Religious Publications to the Development of Nigerian Journalism: Past, Present and Future. In: Akinfeleye R.A and innocent E.O. (ed.) (2003). Issues in Nigerian Media History: 1900-2000 A.D. Malthouse Press, Lagos, pp.1-9

[2] Ibid.

to the struggle for Nigeria's Independence. These include the Daily Times, established in 1926, the West African Pilot established in 1936[3] and the Nigerian Tribune established in 1949 among others. After Independence, Newspapers such as the New Nigerian Newspaper,[4] also followed suit to protect the interest of the northern Nigeria.

In view of the increasing need for a mouthpiece for the defunct regional governments and their people, the Western Regional Government established a Radio station in 1959, while Eastern and Northern Regional governments followed the trend in 1960 and 1962 respectively.[5] Subsequently, Nigeria saw the proliferation of both privately and state-owned broadcast and print media located in various states of the federation.

1.3 Media as Watchdog of the Society

The responsibility of the media is generally to inform, educate and to entertain but this duty sometimes transcends these three traditional premises, especially where government is involved. The media has the duty to monitor, investigate and report the activities of government for the benefit of the governed. This is what brings us to the duty of the media as a "watchdog" of the society. Watchdog journalism is a form of journalism that seeks to increase transparency and accountability of politicians and other public figures and institutions; it is also a form of investigative journalism that often makes use of fact-checking, interviews and research to bring greater transparency to issues and events.[6] Watchdog journalism is more prominent during democracy where those in authority must run governments in a transparent manner so that the public should know what is going on in the government circle. If for any reason those in authority fail to be transparent it is the responsibility of the media as watchdog of the society, to investigate and inform the public on the true position of things. This role of the mass media as a watchdog is considered vital in a democracy for

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[3] Okoye I. The Evolution of Newspaper Editorial Writing in Nigerian Journalism. 1900-2000. In: Issues in Nigerian Media History: 1900-2000AD (2003) Akinfeleye R.A and Okoye I. Malthouse Press, Lagos pp.10-17.

[4] Alfa, K.A (2010). Broadcast Media and Development in Northern Nigeria (A Tribute to the Life and Times of Adamu Yusuf) Skill Concepts Ltd. Kaduna p.1

[5] If one takes for example, The Nigerian Tribune, is a Pan-Yoruba Newspaper. The same can be said of the defunct BCNN (Broadcasting Company of Northern Nigeria, which is now F.R.C.N. Kaduna, or even the New Nigerian Newspapers).

[6] *What is Watchdog Journalism; Definition, Examples, Effects on Democracy* (anonymous) (Jan. 2022), posted http://www.liberties.eu/en, retrieved on 06/03/2022

the purpose of monitoring the conduct of government officials.[7] Watchdog journalism plays a significant role in giving citizens an avenue to have accurate understanding of what is happening in their society as well as protects democracy on a day to day basis, calling out bad behaviour when it happens.[8] However, according to *Sheila,* the watchdog role of journalists operates differently in different societies depending on their cultural and political environment.[9] Despite this, the media (journalists inclusive), redefine its roles in response to both institutional and economic changes as well as the expectation of its audiences.[10] But to protect watchdog journalism and maximize its benefit to the society requires the professionalisation of the system through training, establishment of standard by organisations and its institutionalisation in newsrooms to ensure professionalism rather than partisanship.

1.4 Ethics for Media Practitioners (Journalsits/ Broadcasters)

The role of the media in any society is of great importance but the kind of media practitioners required for the development of the society are those that operate according to the rules of the profession. Every profession has its own ethics which constitutes the codes of conduct that set out standards of behavior for its members and regulate their actions.[12] These ethics infuses some dose of morality into the crude performance of members of a particular profession.[13] This therefore underscores the importance of ethical and professional conduct. Ethics according to Professor Geetali refers to the inner superintendent decent modalities, ideals, and opinions used to analyse or interpret a situation and then decide what the right way to behave is?[14] Geetali further describes media ethics as:

> the subdivision of real world actions and their moral consideration in the area of public, private and professional life, health, law, technology and leaderships dealing with morals and media standards…Ethical Communications help people in giving their fullest potential by emphasising values of

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[7] W. Franke , 'The Evolving Watchdog: The Media's Role in Government Ethics'. *Annals of American Academy of Political and Social Sciences*, (Jan. 1995) (587), (109-121) at 109

[8] Liberties.eu/en, op cit

[9] Sheila Coronei '*Media As Watchdog*', posted on http://www.comminiti.com/media, visited on 06/03/2022

[10] ibid

[11] jbid

[12] Ifedayo, Daramola '*Law and Ethics of Media practice*, op cit at 198

[13] ibid

[14] Geetali Tilak. 'The Study and Importance of Media Ethics', in: *International Journal of Disaster Recovery and Business Continuity*, (2020) (22) (1) (448-466), also available on http://www.reserachgate.Net/publications

> other individuals. Both parties in the communication exchange are reliable, appreciated and valued to have a positive communication. One cannot imagine a life without rules, values and ethics. The law and ethics are for everyone which includes individuals, business, society and media...The media and journalists are providing and inculcating information for the public welfare.[15]

From above one thing is fundamental, that the existence of ethics in the media profession makes information dished out to the public by the various media outfits acceptable to the audience. Therefore, where media practitioners decide to throw ethics to the dogs, there is every possibility that their teeming audience may not trust the information given by them. Some of the ethics required to be upheld by the media and journalists are as follows:

i) Double-check their sources of information
ii) Provide opportunity for those criticized on their media the right to reply
iii) Respect peoples' privacy, particularly, in times of grief, illness and shock
iv) Protect vulnerable people, especially, children
v) Avoid subterfuge, such as using hidden recording devices
vi) Detect and expose crimes, such as corruption
vii) Protect public health and safety.[16]

In addition to the above, the Nigeria Union of Journalists' Code of Ethics provides an elaborate code of conduct and professional ethics, which comprehensively itemizes conducts required of all journalists practising under its umbrella. The code requires journalists to be fair and accurate in their reporting, respect peoples' privacy, decency and avoid discrimination, respect the right of children, avoid plagiarism, protect public interest and promote corporate social responsibility.[17] Fundamentally, the code also made provision for tackling corruption (reward and gratification), among media practitioners. According to the code, a journalist should neither solicit nor accept bribe, gratification or patronage to suppress or publish information; demand payment for the publication of news inimical to the notion of news as a fair, accurate, unbiased and factual report of an event.[18]

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[15] Geetali Tilak, op cit, at 446
[16] *Media Law, Ethics and Regulation*, (anonymous), posted on http://www.bbc.co.uk/bitesize, accessed on 06/03/2022,
[17] http://www.nuj.org.ng, accessed on 08/03/2022
[18] ibid

Beautiful as the code of ethics for journalists looks, it is common knowledge that journalists in practice, do not adhere to the code, especially as it affects decency and gratification. The proliferation of advertisements by herbalists especially on private media, to propagate sexuality, is a clear negation of the provision of the code on decency. Also, the "the brown envelope" syndrome is another instance of the negation of the provision of the code with respect to reward and gratification, detail of which is discussed later in the paper.

1.5 Laws Regulating Media Practice in Nigeria

In Nigeria there are three major legislations that regulate the activities of the media, which include the Constitution of the Federal republic of Nigeria[19], the Nigerian Press Council Act[20] and the Nigerian Broadcasting Commission (NBC), Act.[21]

1.5.1 The Media under the Constitution

The Constitution of the Federal Republic of Nigeria, 1999 (as amended) recognises the media, first as an agent of national development, and secondly, as an institution in Nigeria which enjoys the right to freedom of expression. As agent of national development, the constitution requires the media (including the press, television and radio and other agencies of the mass media), to uphold the fundamental objectives contained in chapter two as well as uphold the responsibility and accountability of the government to the people.[22] The obligation which the media has as an institution is required to perform under the constitution is enormous, equivalent to what is popularly known in public parlance as the "watchdog:, role, which comprises holding government accountable to the people. This obligation is further consolidated by the provision of Section 39 of the same constitution, which categorically provides for the right to freedom of expression and the press. The provision in addition to guaranteeing individuals the freedom to express themselves, also gives them the right to hold opinions, receive and impart ideas and information without interference.[23] In view of the fact that, one may not be able to express himself, especially in present day world without having the platform to do so, the constitution allows as part of the freedom of expression, the right to own,

[19] Constitution of the Federal republic of Nigeria, 1999, Cap C23, LFN 2004, hereinafter referred to as CFRN, 1999 (as amended)
[20] Nigeria Press Council Act, Cap N128, LFN 2004, hereinafter referred to as the NPC Act
[21] National Broadcasting Commission Act, Cap N11 (hereinafter referred to as the NBC Act)
[22] Section 22 CFRN 1999 (as amended)
[23] Section 39 (1), ibid

establish and operate any medium for the dissemination of information, ideas and opinions.[24] The media is therefore, allowed to operate under this second arm of the aforementioned provision. In other words, the mass media has the right to freedom of expression together with the generality of Nigerians'

1.5.2 The Media under the Nigerian Press Council Act

The Nigeria Press Council Act is more or less the legislation which regulates the activities of both media organisations and practitioners. The NPC as part of its functions has the responsibility to enquire into complaints about the conduct of the press (which include print and electronic media), and the conduct of any person or organization in accordance with the powers given to it under the Act.[25] It also has the power to monitor the activities of the press with a view to ensuring compliance with the code of professional and ethical conduct of the Nigeria Union of Journalists.[26] The council also has a duty to foster the achievement and maintenance of high professional standards among media men and women.[27] In addition, the council is responsible for approving and ensuring compliance with the code of professional and ethical conduct made pursuant to Section 3(b) of the NPC Act.[28]

The Nigeria Press Council Act has undoubtedly made adequate provisions to ensure high standard of professional and ethical conduct among media practitioners and organisatiions, only that ensuring compliance with the provisions of the Act may not always be easy in view of the proliferation of private media organisations, who sometimes neglect the issue of professionalism and proper certification in recruiting their staff.

1.5.3 Registration and Certification of media practitioners by Nigeria Press Council

The Nigeria Press Council has the sole responsibility to register and to some extent, certify all practitioners before they start working with any media organisation in Nigeria. Section 19 of the Act provides the procedure for the registration of journalists in Nigeria as follows:

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[24] Section 39 (2) ibid
[25] Section Section 3 (a) NPC Act, ibid
[26] Section 3 (b) NPC Act, ibid. The Act under Section 9 (1) also has the power to cause the NUJ to provide a code of professional and ethical conduct which will guide journalists in the conduct of their activities
[27] Section 3 (e) NPC Act, ibid
[28] Section 9 (2) NPC Act, ibid

For anyone to qualify as a journalist he must be registered by the council and his registration shall be subject to the satisfaction of the following:

(a) He must have attended a course of study recognised by the council so acquired, with the cognate experience recognised by the council;
(b) The course was conducted in an institution so approved or partly approved at one such institution or partly at another or others;
(c) He holds a qualification so approved, or;
(d) he holds a certificate issued in pursuance of Section 24 of the Act;[29]

The Act is clear as to who should be qualified to practice as a journalist in Nigeria, which must be person that has acquired certain training in journalism in addition to any qualification he must have acquired. The council is, where it is satisfied that the person has acquired an approved training, empowered to certify a person before he qualifies to work as a journalist in Nigeria. By this, the council has the power to issue a certificate of experience to the person if he has acquired any certificate approved by the council, or has practical experience under supervision of one or more practising journalists for certain period prescribed by the council.[30]

The provision of the NPC Act with respect to registration and certification of all media practitioners is an encouraging one but the major drawback of the provision is that it has yet to come into effect as no such registration is taking place. Raising concern on the non-registration of journalists in Nigeria, a veteran broadcaster and Minister of Youth and Sports Development, Mr Tunde Dare re-stated the view that "journalism still remains an all-comers profession.[31] He therefore emphasised the need for a certification that will ensure that only qualified persons who are well grounded in the ethics of the profession are allowed to practice journalism.[32] There is a danger in allowing unqualified persons to practice journalism without control and respect for the ethics of the profession as such practitioners are capable of publishing fake news.[33] This therefore underscores the need for registration and certification, though some scholars and other analysts often argue that licensing and certification of journalists could be intrusive and pervasive ways that could be exploited to restrict the use of the media by the citizens who are guaranteed freedom of

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[29] Section 19 (1)(a-d), NPC Act
[30] Section 24 of the Act, ibid
[31] Tunde Dare '*Gaining Trust for the Media in the Fake news Era*, A Speech delivered at a programme, organized by International Journalists Knight Fellowship, available on http://www. Mediacarreerng.org, accessed on 07/03/2022
[32] ibid
[33] ibid

expression by the Constitution.[34] While this concern may be genuine, certification of all those who wants to parade themselves as journalists is imperative if the profession is to be accorded the respect it has possessed in other parts of the world just like other professions, such as medicine, nursing and law.

Emphasising on the need for registration for professionalism, the NPC Act also directs that only persons of good character are supposed to be registered as journalists in Nigeria, who must of course not have been convicted by a court of law in Nigeria or elsewhere and who must have been trained at an approved mass media institution.[35] Making registration mandatory is one sure way of dealing with quackery in the media industry which permeates the entire landscape of the profession. Registration will make sure only persons with the right qualification and character are engaged to practice journalism in Nigeria.

1.5.4 The Media under the Nigerian Broadcasting Commission Act and the NBC Code

The Nigerian Broadcasting Commission largely regulates the activities of broadcast media and to some extent journalists working under them.as part of its functions. The NBC is responsible for regulating ethical standards and technical excellence in public, private and commercial broadcast stations.[36] The Commission also establishes and determines a national broadcasting code as well as set standards with regards to contents and quality of materials for broadcasts[37] In addition, the NBC code made pursuant to Section 2(1)(h) of the NBC Act makes further provisions to make sure that media practitioners operate in a professional manner. This could be achieved through the recruitment and training of personnel, who at the point of entry into service shall possess at least, HND or its equivalent in broadcast-related fields.[38]

In all of these, both NPC Act and the NBC Code have left no one in doubt on their resolve to entrench professionalism, combat quackery and bad conduct by emphasising the need for certification and acquisition of requisite qualification. The frameworks are however, not unanimous as to the minimum qualification required by prospective media practitioners, to practice in the Nigerian media. While the NPC Act was not categorical on the qualification, the NBC Code set

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[34] ibid
[35] Section 19(3) (a) (c) and (d) NPC Act
[36] Section 2(1) (g) NBC Act, cap N11, ibid
[37] Section 2 (1) (h), ibid
[38] Article 6.3.4.6 NBC Code (4th Edition, 2006)

HND as the minimum qualification required for one to engage in media practice (broadcasting). This therefore, stresses the need for harmonisation of all legislations in order to have a uniform criteria.

1.6 The Role of the Media in a Democracy

Democracy is one platform that provides private ownership of media organizations, which also gives opportunity to various interest groups to use them as an avenue to promote their own interest. It is perhaps, this opportunity that has been responsible for the majority – minority divide in the Nigerian media. But it can be said without any fear of contradiction, that democracy, which is always termed as "government of the people, by the people and for the people", which is associated with freedom of expression, should not serve as an avenue for disunity, discontent, or acrimony, as can be gleaned from the preamble to the constitution of the Federal Republic of Nigeria,[39] which provides *inter alia*:

> We, the people of the Federal Republic of Nigeria, having firmly and solemnly resolved... to provide for a constitution for the purpose of promoting the good government and welfare of all persons in our country on the principles of freedom, Equality and Justice for the purpose of consolidating the unity of our people; do hereby make, enact and give to ourselves the following constitution.

The above excerpts, is in a way, a covenant between Nigerians, irrespective of tribe, gender, religion or geographical location, to live as a people, with equal rights and duties. The constitution does not envisage a situation where any Nigerian would be discriminated against under the guise of being a second class citizen. For this reason, the media, have been shouldered the duty of helping to realize the Fundamental Objectives and Directive Principles of State Policy by Section 22[40] of the Constitution, which provides:

> The Press,[41] 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

[39] 1999 (as amended).
[40] Ibid. See generally Chapter II of the 1999 Constitution.
[41] The press has now been accepted to include all media of mass communication such as radio, television, internet etc.

responsibility and accountability of the government to the people.

The objectives which the media are expected to uphold and protect as enunciated in the above section include, political[42], economic[43], social[44], Educational,[45] cultural[46] and National Ethics[47] objectives. In addition to the above constitutional role conferred on the media, there are other roles, which they are expected to play in a democracy which includes:

(i) To convey information to the people with a view to letting them know how the mandate they gave their representatives is being discharged.
(ii) To provide a forum through which the governed could react to government policies and activities;
(iii) To assist in the articulation and pursuit of national interest;
(iv) To monitor the performance of governments with a view to preventing their deviation from clearly stated objectives.
(v) To assist in setting an agenda of priorities in the social, cultural, political and economic development of the nation.
(vi) To function as an agent of modernization.
(vii) To provide informed criticisms on viable alternatives.[48]

It is however, worthy of note that the media can only perform the above functions when it is objective, balanced and professional in its reportage. Anything to the contrary, would lead sensationalism, and other unprofessional conducts.

1.7 Majority- Minority Divide in Reporting Issues in the Nigerian Media

The majority – minotory 'syndrome' in the Nigerian media is a common thing. What may however be added is that the media, has never been one hundred percent objective anywhere in the world, though they claim to be so. The BBC's coverage of Libyan uprising which deposed Mu'ammar Gaddhafi and Aljazeera's coverage of the Iranian Presidential election in 2010, are typical examples of how the media cover events that affect the interest of the owners.

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[42] Section 15 of the Constitution.
[43] Provided under section 16 of the constitution.
[44] Provided under section 17 of the constitution.
[45] Provided under section 18 of the constitution.
[46] Under Section 11.
[47] Under Section 23.
[48] See generally, Oseni T. The Press in a Democracy – Some Suggested Issues. Paper presented at Farm House Dialogue, Between 15th – 17th March, 1991, Organized by African Leadership Forum (posted on Africa Leadership. Org. visited on 15/06/2012).

This is a clear manifestation of the popular saying that whoever pays the piper dictates the tune.

Media organizations, often hide under the guise of House or Editorial policy to suppress some information and sometime over blow some that are perceived to be inimical to the interest of the owners. A former, Executive Director of Radio Nigeria (FRCN), Kaduna, Alhaji Haliliu Ahmed Gesto, once said; ... when the station (Radio Nigeria Kaduna), took off it was decided that what we do, we would do for the north and the people of the north.[49] The words of Halilu Getso, did no more than re-echoed the words of the founders of the station. It is in fact, interesting to say that the main motive behind establishing FRCN Kaduna (which was then known as BCNN)[50], was to change the perceived negative picture of the Northern Region portrayed by the then Southern Media, especially by the Lagos Studio of the NBC. One of the letters written to the NBC by the Northern Regional Government at the time reads in part:

> The Northern Regional government wishes to express its serious concern about the presentation of news from the Lagos Studio of the Nigeria Broadcasting Corporation. Despite its continued representations to the NBC about handling of news items concerning the Northern Regional Government in which facts favourable to the Northern Region are omitted, while those damaging to the north are given considerable prominence, the NBC have continued to present unbalanced news programmes from their Lagos studio.[51]

The above excerpt is a clear indication that majority – minority divide in the Nigerian media is something common and is not new. Another author, Reverend Father Kukah[52] is one person who brought to the fore, the syndrome of Majority – Minority reporting in the Nigerian media Reverend Father Kukah had reservation in which the New Nigerian Newspapers and Radio Nigeria, Kaduna were used to attract attention and sympathy from the federal government. He also explained how northern minorities, had their fair share of unbalanced treatment in both the New Nigerian Newspaper and FRCN Kaduna, especially in the area

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[49] Kukah, M.H. (1994) Religion, Politics and Power in Northern Nigeria – Spectrum Book Ltd., Ibadan, p.88

[50] Broadcasting Company of Northern Nigeria.

[51] Quoted in Osagie E. Kano in the Eyes of Southern Nigeria: A view from Across the Niger: In: Naniya T.M. and Bello .I.I. (ed.) (2005). Reporting Kano in Peace and Crisis Times. Kano State government Printer, pp.33-60.

[52] Kukah, M.H. (1994) Ibid at p.67. Chapter Three of this book is titled: '*The Media as Instruments of Northern Hegemony.* The New Nigerian Newspaper Ltd and the FRCN (Kaduna).

of appointment into the office of Managing Directors of the two media houses[53], which at the time were restricted to the 'hegemonic' Hausa-Fulanis. Father Kukah gave example of two Minorities, who were appointed at certain points to head one of the organizations, one from Kwara and the other from Southern Kaduna State.[54] To this respected gentleman, the two appointments were made because the appointees had influential people in government who insisted that they be given the positions, not on the basis of merits, even though they were qualified.

A Southern journalist once admitted at a workshop that, expressing anti-north, views in their newspapers guaranteed them ready readership in their area.[55] Also, a one-time editor of the Sokoto Community Concord narrated his experience where, he wrote an editorial comment on the composition of the Karibi Whyte Commission of inquiry into the 1987 Kafanchan Religious Crisis, but the editorial was never published because as he admitted, it did not go down well with his superiors.[56] The foregoing explanation has confirmed the majority – minority divide in reporting issues in the Nigerian media, the cause of which shall now be discussed, which is largely due to non–compliance of the laws and ethics guiding journalism profession.

1.8 Restrictions on the Right to Freedom of Expression and the Press in Nigeria

The purpose of law in any society is to regulate the conduct of members of that society, without which, they may behave in a lawless manner. As a way of checking the excesses of Nigerians in the exercise, of their right to freedom of the press, drafters of the Nigerian Constitution Provided a clause in Section 45 as part of restrictions to the rights:? By the aforesaid section, the exercise of the right guaranteed under Section 39 by any person, can be limited or even derogated from so far as such exercise of the right, would amount to a threat to the interest of defence, public safety, public order, public morality or public health. Therefore, any exercise of the right which may culminate into causing

[53] Kukah M.H. Ibid, pp.85-86.

[54] He gave examples of the appointment of A.B. Ahmed as the Editor of NNN (daily), which he said was influenced by General Tunde Idiagbon and that of Tanko Kokwai as M.D. of the Company which was influenced by the then Kaduna State Miltiary Governor, Usman Mua'zu, who came from the same area with Kokwain.

[55] Yusuf B., Mass Media and National Development quoted in Ahmed G. Reporting Kano: Perspectives in the Era of Peace and Crisis. In Naniya T.M. and Bello I.I. (2005) Reporting Kano in Peace and Crisis Times op. cit. pp.61-80.

[56] Ahmed G. Ibid at p.71

disharmony, disunity or a breach of the peace in Nigeria, can be curtailed by virtue of Section 45. In this regard, writing things on the pages of Newspapers or radio waves, that portrays some section of Nigeria in bad light, may constitute a threat to the interest of defence, public safety and public order, hence it can be curtailed.

There are however, other laws, which restricts the right to freedom of expression, such as the laws of Sedition[57], defamation, Contempt of Court etc. as it was held in the case of *Bisi Onabanjo v Concord Press Ltd,*[58] that:

> The fundamental right to freedom of expression and to disseminate and import information is not a license to defame. It does not confer a right on the press to disparage the character of any public officer. No special privilege attaches to the position of a newspaper reporter or editor to defame anyone.

The above decision clearly puts beyond any doubt, that right to freedom of expression and the press is not absolute, and it can be derogated where someone exercises it extra judicially.

1.9 Factors Responsible for Unprofessional Conducts among Media Practitioners

Where professionalism has been thrown to the dogs certain clear consequences follow. First and foremost, low level of education, has been adjudged to be largely responsible for unprofessional conducts among Nigerian journalists, which include indiscipline, corruption etc. This paper however decides to discuss from other major ones, viz:

(a) Commercialization
(b) Self-Censorship
(c) Ownership and politicization.

1.9.1 Commercialization: Commercialization is an avenue through which media organizations, especially government – owned source revenue to complement government's funding to the organizations. This is normally done by selling programmes to make revenue to the organization. In the print- media, news is not normally sold; they generate funds through advertisement and advertorials. This is contrary to what is obtainable in organizations, such as FRCN Kaduna where

[57] Contained under Sections 51 of the Criminal Code Laws of Southern Nigeria Cap. And
[58] AB/63/1980 AB

political news and programme are wholly commercial. Programmes such as the 'Mandate' and 'Demokradiyya Adon Kasa', are political programmes that are highly commercialized. This undoubtedly, put rich politicians at an advantage, as they always have enough money to pay, to publicize their activities. This is one instance that promotes majority – minority divide.

1.9.2 Self-censorship

Censorship has been defined as the act of removing information that is considered to be negative. It is therefore the act of removing before publication, anything considered to be obscene, negative or unpleasant to the image of the person or organization that engages in the censorship.[59] Censorship at governmental level is not often, exercised or by those in authority in democratic settings; it is often exercised or put by government or owners, in charge of the media. In some cases, editors and programme producers censor themselves, by deciding on their own that certain news items or interviews would be against the interest of the owners, the medium, so they remove them. This is more typified in political era, where the government in power appoint only their boys to mann state- owned media organizations, who in turn protect the political interest of their masters, whether rationally or otherwise. Recently, the authors of this paper gathered that the federal government had ordered the stopping of the popular Hausa- Political programme, *'Demokradiya Adon Kasa'*, simply because issues relating to fuel subsidy were discussed by an opposition politician. The producer of the programme (political editor) was removed and also queried. This is highly unprofessional and undemocratic. This same scenario might have happened even if it were in a private medium, once the interest of the owner is touched.

1.9.3 Ownership

This brings us to the issue of ownership. Ownership is what normally, brings about censorship. For example, the stoppage of the political programme at FRCN in Kaduna, was ordered by the owners. Therefore, ownership, sometimes leads to a lot of unethical conducts. The defunct Concord Newspaper provides a clear illustration of how ownership influences the operation of mass media, and how it sometimes, jeopardizes professionalism. Siddique,[60] elaborated on this in the following paragraph.

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[59] Akinfeleye, R.A. Press Freedom and Censorhsip in the Metamorphosis of the Nigerian Press Laws 1903-1984. In *Journalism and Society*, (1987) Boju Wade D. (ed) Evans Ltd. Ibadan pp.1-27)

[60] Siddique A.M 'Politics and the Media in Africa. For the Records Column pages 13-14, Daily Trust, Monday, February, 6, 2012

> ...the paper established to promote the interest of its founder and those of the political party he belonged to, the National Party of Nigeria. The paper was thus virulent in its attacks of the Unity Part of Nigeria led by Chief Obafemi Awolowo, which posed a political challenge to the former. But when Chief Abiola left the NPN in 1982 over the failure to take over the Chair of the NPN. From Chief Adisa Akinloye; as a prelude to a planned bid for the party's presidential ticket for the 1983 Presidential ticket for the 1983 Presidential election, the paper, dramatically changed its tune. The Concord and other outlets owned by Chief Abiola launched series of orchestrated, equally virulent attacks on the government of President Shehu Shagari and even openly encouraged the military to take over.

The above paragraph clearly confirms the saying; 'He who owned the piper must dictates the tune'. The scenario in fact, captures one of how instances of ownership affects the operation of the Mass media.

1.9.4 Politicization: Politics has to a large extent, made journalists, especially, those working in government media organizations into politicians. Employee of these organizations never dare use my news item or interview expressing opinions contrary to that of the ruling party in that state, where they do so, sometimes, they are expelled or have their salaries stopped. For fear of these, the employee most at times, prefer to 'dine with the devil', at the expense of ethics and professionalism.

1.10 Conclusion

On the foregoing, it can be seen that it is never in doubt that the majority-minority, dichotomy exists in the media reportage of event in Nigeria. This 'Vice', as stated has been with us, since independence, to date. The situation, is indeed, getting worse and worse, by the day. Lack of professionalism and non-adherence to the laws and ethics of journalism profession are largely responsible for the continuing existence of the vice in Nigeria, which has also been facilitated by the political class. It is the opinion of the authors of this paper, that there are in place, laws guiding the establishment and operation of the mass media in Nigeria. The ethics of the profession, are also there, but they are ignored by practitioners. It is for this reason that media practitioners use their

media to say and print all sort of things, without having in mind the ethics concerning accuracy, privacy, objectivity etc. Worse of it, there are agencies established by governments to regulate the activities of the media, such as the Nigeria Broadcasting Corporation (NBC), the Press Council of Nigeria, the Newspaper Proprietors Association of Nigeria, or even the N.U.J and Rattawu. But these organizations decide to fold their arms and watch practitioners flagrantly violate all the codes with immunity without invoking the necessary sanctions. It is therefore, time when these organs, must wake up from their slumber and live up to their responsibility to make sure media houses and practitioners play by the rules.

Media organizations must also make sure that only qualified personnel are engaged in the media as journalists while payment of salaries must also be prompt. The Nigeria Broadcasting Commission and the Nigeria Press Council must specifically make sure that all those engaged as practitioners in the media industry are paid good salary; and should not be condoning the on-going scenario where journalists are employed and given identity card as their 'meal ticket'. These regulatory bodies must also enforce the laws against violators of relevant media laws and ethics by sanctioning them in accordance with the law.