AWARENESS AND USAGE OF THE FREEDOM OF INFORMATION ACT BY JOURNALISTS IN KANOSTATE

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ABSTRACT

The paper examines the provision of Freedom of Information Act (FOIA) in the context of national security, it level of awareness and usage among press in Kano State. Security is the basic requirement of all living organisms, as such, it is observed that the survival or self-preservation is the first law of nature. This is because the security of a citizen is tied to the security of his nation of origin. In this sense, national security becomes an important concern in the life of a person, group or nation. The paper found out that freedom of Information Act contains more sections which deny access to public information than those that give access, and that press in Kano State are aware of the Act. However, the few journalists who applied for access to the public documents were denied access, which is problem to national security. The paper argues that ignorance on the part of some journalists and bureaucracy on the part of managers of public information are factors that are affecting the workability of the Act in the State. The paper recommends some useful hints on the provisions and effective usage of the Act by press in order to improve the practice of investigative journalism in the state, and at the same time enhance the nation security.

Introduction

Security is the basic requirement of all living organisms, as such, it is observed that the survival or self preservation is the first law of nature. This is because the security of a citizen is tied to the security of his nation of origin. In line with this, Ujomu (2003) says national security becomes an important concern in the life of a person, group, or nation.

According to Brown (1982) the anxiety over the security for a nation is as old as the nation-state itself, while Brennan in (Kazir 2010) says people benefit from the idea that the fundamental issue in this anxiety over national security is national survival. It is important to note here that the national security is not just all about survival. As rightly observed by Ujomu (2003), there is also the focus on the attainment of peace and progress of individuals, groups and the society.

Kazir (2010) observed that, at times bad government, endemic corruption, and official resource wastage, as well as retrogressive official policies, may deny citizens and groups in a society of these highly valued peace and progress. In such situations, internal and external forces especially the press and other democratic associations of the civil society often arise to challenge their existence, as well as the sources of their existence which most of the time is government.

The kind of situation could generate what Amuwo (2000) describes as government's intense concern for regime and personal security which becomes interpreted and upheld as national security. Once this posture occurs, the press and other democratic organs of civil society often become clear targets of government's oppressive policies and actions.

The government presents the press as threats to national security, and the defence and security agents perceive and treat them as such. Yet, both the press and the one hand, and the security agents on the other hand, are equal stakeholders, and partners in progress as far as the national security is concerned.

Therefore, the freedom of the press is an essential ingredient for democracy; the law governing the press in democratic countries are those which only seek to protect the fundamental rights of individuals and ensure the maintenance of peace and order. There is hardly any nation in the world where there is no press law, though in most developing nations, the press does not enjoy a high degree of freedom. This is due to the fact that, the ruling elites are always passing obnoxious laws which seek to protect the selfish interest of those in power (Momoh, 2002).
However, press laws are legislations made by government in power at the federal, state and local government levels to regulate the activities of the press in their countries. In Nigeria, the freedom of information bill has gained approval by the National Assembly and assented by President Goodluck Jonathan, and thus becomes a law in 2011. The concern of this paper is how free is the 2011 Freedom of Information Act, and how the press in Kano State have been able to utilize the Act effectively.

Although, the Act is to make public records and information more freely available, provide for public access to public records and information, project public records and information to the extent of consistent with the public interest and the protection of personal privacy. It also protects serving public officers from adverse consequences for disclosing certain kinds of official information without authorization, and establishes procedures for the achievement of those purposes and related purposes thereof.

The freedom of Information Act made it clear on how information records can be obtained, such as rights to access records, application for access to records due to refusal by head of government to public institutions to disclose records. The Act also spelled out ways of getting access torecords by courts, materials exempted and documents under security classification.

According to Ogbuokiri (2011) after observing the document by many Nigerians, they identified certain deficiencies with it. Hence, a professional body; the Public Administration and Management Development Institute (PAMDI) organized a national conference in Abuja with the theme, “Freedom of information Act 2011 and fight against corruption and corporate fraud in governance”.

The impact of the Act will not rest with the civil society groups alone. The public is entitled to the truth, and only correct information can form the basis for sound journalism and ensure the confidence of the people. It is hope with the FOIA the press is now better equipped to hold public officers accountable to the people and for the job they do. As the fourth estate of the realm, the effect on journalism will undoubtedly have a spiral effect on the entire society for the benefit of all.

Contemporary Concept of National Security
As highlighted by Kazir (2010) the new concept of national security today has moved beyond military variables which focused on building up defence and security manpower, and amassing

weapon system against internal or external threat, to embrace and encompass social, economic, cultural, political, environmental and even technological variables.

This became necessary because it became to scholars and practitioners that for a nation to be really secure, security must be seen from a holistic viewpoint. In this sense, bad press, bad laws, food scarcity, bad government, lack of transparency and public accountability, unemployment, hunger, poverty, etc. become critical elements in the security calculus of a nation, as threats.
Chris (2001) asserts that 'threats to national security can manifest in economic, political, and social forms'. McNamara warns further that coercive force alone cannot solve the problem of insecurity, especially in a society where poverty is. endemic. Therefore, it is based on that, the Palme Commission's Report in (Kazir, 2010) stated that a secure nation: is one that is free from both the fact and the threat of military attack and occupation, that preserve the health and safety of its citizens, and generally advances their economic well-being".

Buzan also in (Kazir, 2010) outlined five dimensions of the new concept of national security. They are military security, political security, economic security, societal security; and environmental security. Moreover, Nwolise (2002) extends the list to fifteen by introducing physical security, psychological security, spiritual security, technological security, national image security, territorial security, legal security, treasury security, people's power security, and global security.

From the above statement, it could be said that contemporary thinking on national security has gone beyond concentration on the military variable done. It has expanded to encompass in addition social, political, economic, environmental, technological, psychological, national image, and even spiritual aspects. It is crucial that political leaders or public office holders bear this new thinking of national security in mind especially when matters relate to the press.

Freedom of Information

Freedom of information is an essential ingredient of the democratic culture, the higher the degree allowed in any country, the greater the degree of democracy its citizens enjoy. It has been discussed by different scholars. Momoh (2010:81) is of the view that, "Freedom of information has to do with access to information. It is more; it is access of the press and public to information held by public bodies". The argument cannot be dented that all information which government and its institutions hold is public and should only be held in the interest of the public, not as it has been, in the interest of the government and its institutions. This could also be seen as; "rights of a citizen to be informed in writing, if a governmental agency holds certain information and requests its disclosure. If refused, he or she candemand to be given the cause of refusal in written" (Business Dictionary.com).

Freedom of information in a broader perspective as posited by Andrew (2005:128) 'is an extension of freedom of speech, a fundamental Human Right recognized in international law, which is today understood more generally as freedom of expression in any medium, be it orally, in written, print, through the internet or through Art forms'. This means that the protection of freedom of speech as a right includes not only the content, but also the means of expression. Freedom of information may also refer to the right to privacy in the context of the internet and

information technology. As with the right to freedom of expression, the right to privacy is a recognized Human Right and Freedom of information Act as an extension of this Act (Free net-online computing, IEEE.). Freedom of information also includes opposition to patents, copyrights, or intellectual property in general (Wikipedia). Considering the foregoing definitions, freedom of information could in summary be said to mean; freedom to seek, access and receive public information kept secret by the government and its agencies from the general public.
Freedom of information must be backed by an Act of parliament. This Act therefore, provides for the disclosure of information held by administrative agencies to the public, unless the document requested fall into one of the specific exemptions set forth in the status. The law is regarded as a great milestone because it guarantees the right of people to learn about the internal workings of government (Franklin, J. D. & Robert, F.B., 1986).

The world summit on the information society (WSIS) Declaration of principles adopted in 2003 reaffirms democracy and the university, indivisibility and interdependence of all Human Rights and fundamental freedoms. The Declaration makes specific reference to the importance of the right to freedom of expression for the "information society", Kleng, Mathias, Murray and Andrew, (2005) express this more vividly, thus:

> We reaffirm, as an essential foundation of the information society, and as outlined in Article 19 of the Universal Declaration of Human Right (UDHR), that, everyone has the right to freedom of opinion and expression; that this right includes freedom to hold opinion without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Communication is a fundamental social process. Everyone everywhere should have the opportunity to participate and no one should be excluded from the benefits the information society offers.

Historical Development of Freedom of Information

Freedom of information has a long history, the issue of a free press is never fully resolved, and will continue in varying patterns as its defenders, its reformers and its detractors exercise their own rights to speak and write freely, but the government having the right and resources of the state wants to put the press under check. (Okoye, 2007).

The first freedom of information law in the world actually predates both the-American and French revolutions. In 1766, Sweden passed the freedom of the press Act, which legalized the publication of government documents and provided for public access to them. Sweden enjoyed an extended period of parliamentary rule from 1718 to 1772, and the new majority party in 1776 wanted to see the documents that the previous government had kept secret. Today, these rights are built into the Swedish constitution as well as various statuses, and the level of routine openness in Swedish government is probably the highest in the world (Gustaf, 1987: 35 - 54).
Two hundred years after Sweden, the United States passed its freedom of information Act, and for very similar reasons. The US Act we know today, with broad coverage and narrow exemptions and powerful court review of government decisions to withhold information, is actually an amended version of the 1966 Act, passed in 1974 by the democratic congress over the veto by the Republican president Gerald Ford (Herbert, 1999:1-69). American's constitution

is one of the clearest embodiments of the concept of freedom, Egbon (2001) expresses this view more vividly, thus: “What made the United States of America to be the most dynamic country and became the foremost super power in the world is the adequate freedom of expression been given and exercised”.

Most strikingly, is in the past two decades, countries like Japan, Bulgaria, Ireland, South Africa, Thailand, Britain, Finland, Australia. New Zealand, Israel etc. enacted formal status guaranteeing their citizens right to access government information. Today, about 45 countries boast formal laws guaranteeing the right to information. And although complete implementation is a reality in only a few, the response from the public has been overwhelming. The total request filed with the US government exceeded 2 million in 2001. In the week immediately after 2 April, 2001 when Japan began to implement its FOI law, citizens filed more than 4000 requests (Blanton, 2002). Today the FOIA in the US has become a model for reformers and ranks as the most heavily used access law in the world, hi 1999, 1,965,919 requests were filed by citizens, corporations, and foreigners (Blanton, 2002:4).

According to UNESCO, in 1990, only 13 countries had adopted national right to information laws whereas today, there are 70 of such laws adopted across the world with a further 20 - 30 of them under consideration in other countries (Momoh, 2010:81). There is more to passing freedom of information laws to establish openness across to information. The implementation of the laws relies on factors like the surrounding constitutional laws, the availability of resources for its implementation, how dynamic the citizens are reflected in the activities of NGOs, trade unions, professional bodies and a vibrant and focused press. (Kolawole, 2008).

As of 2006, 19 countries had freedom of information legislation that extended to government bodies and private bodies, nearly half of which had been enacted in the past ten years. Such legislation was pending in a further 50 countries (Mazhar, 2010).

In many countries, there are constitutional guarantees for the right of access to information, but usually these are unused if specific legislation to support them does not exist. The openness is reflected in the content of the legislation. Every government, ministry or department is required to document its activities, programmes and plans and update them regularly (Momoh 2010:82-83). There are still no go areas in freedom of information legislation. They include national security, records of individuals, materials for prosecution of offenders and trade secrets. Many are the laws that regulate access to information (Momoh 2010:83).

In Nigeria, access to information has been regulated by various laws, the most restrictive being the official secrets Act which makes it mandatory that uncles an authorized officer approves such informationto be released, it cannot be given out without the releasing officer being penalized (Momoh 2010: 84). Even being in possession of information classified is punishable by imprisonment of up to 14 years. But it is not as if the freedom of information Bill is opening everything government is doing to public access. No, what cannot be protected any longer by whatever law we have in the books today is any Act that violates the laws of the land that involves the mismanagement and gross waste of funds, fraud, and abuse of authority. If there is money laundering, which would in the past be classified information and punishable on disclosure without authorization, such information can be given and disseminated without

penalizing the officer who gave it or the person who received it. Protection is still given to a whole load of material listed in section 14 - 21 of the Act.

Press in the Promotion of National Security

The philosophy and objectives of Nigeria's National Communication Policy states; "to further at home and abroad those cardinal principles upon which our national and constitution are founded and which protect and enhance Nigeria's national interests and security in the international system".

Looking at the policy objectives for news coverage in the print media. It specifically states that: "the national interest of Nigeria shall in all circumstances, and at all times, guide the definition of news. Furthermore, the print media shall in their coverage of foreign events demonstrate due sensitivity to our aspiration as a people and our efforts to develop. The print media shall be used as a vehicle for national mobilization in support of policies and programmes aimed at improving the standard of living of Nigerians, raising the level of their consciousness and protection and defence of the national interest". (National Communication Commission, 2005).

Similarly, the policy objectives of the broadcast media are not different from those of the print media. The National Communication policy objectives lay greater emphasis on the broadcast media as a sensitive and potent area of national communication industry. Therefore, the press must practice self-regulation which is anchored on the code of ethics of the Nigerian press organization.

According to Kazir (2010) such codes of ethics are not limited to our national media. For instance, the British Broadcasting Corporation (BBC) has certain code of ethics that governs the coverage of war. Toensure that coverage in fair and not too shocking, the BBC wilt not show pictures which are too gruesome. They do not show pictures of soldiers being injured or killed. There are certain standards in broadcasting which must be kept from the views of children and adult.

Press would have to learnto uphold the professional code of conduct. The problem is, as outlined earlier, how to preserve and defend press freedom and simultaneously insist on adherence to professional standards. They must act collectively by promoting the ideas of professional and responsible conflict reporting.

Moreover, the press has a positive task of fostering understanding not only between nations, but also between ethnic, religious and social groups within the nation. Hence, they should avoid sensational treatment to isolated incidents of violent clashes between ethnic and religious groups that may encourage such frequent clashes in different nations where there exist a fragile unity.

Methodology

The study adopts a mixed method approach in which both qualitative and quantitative methods were used. Two techniques of data collection were used; documentary analysis and cross sectional survey. The population of the study is the press that is working in Kano state. They work in government and private media organizations, as well as government ministries, agencies and parastatals. This research focuses on 840 practicing journalists in the state. They operate

under NTA Kano, ARTV 67, Arewa 24 channel, Arewa radio, Radio Kano, Freedom Radio, Express Radio, Pyramid Radio, Rahama Radio, Wazobia Radio, Cool FM, Africa Independent Television, Raypower FM, Ministry of Information and the correspondent chapel.

The study adopts the simple random sampling technique in gathering data. Hence, the sample drawn from the population is 168 respondents, which is 20% of the total population under study. In generating data for this study, the freedom of information Act, 2011 were analysed, and 168 copies of questionnaire was distributed to the respondents drawn from the population of study.
The data generated from the freedom of information Act, 2011 were analyzes using the qualitative method of documentary analysis, which warranted scanning through the document (Act) and made a qualitative analysis. Similarly, the data generated through questionnaire was quantitatively presented in tabular form for easy cross validation or comparison of data. Simple percentage was used in analyzing the data generated.

Data Presentation and Discussion of Findings
As mentioned earlier, the study used two different instruments in the collection of data, as such; the results were presented separately with analysis and major findings.

Documentary Analysis Right to access information
The Act in section l(b) indicated that every citizen is entitled to have access to any record under the control of government or public institution (sections 1 and 3, FOIA), provided he apply for and has no specific interest of the information being applied for. However, one has to analyze the right of access to record as there is no way one apply for information without having personal interest except if the candidate has been sent by his employer.

Application for access to a record
Application for access to record shall be made in writing by the person who made the application as to whether or not access to the record or a part thereof will be given. A total of 14 working days is required to get the information from the date applied (section 5). The fee paid is exclusive. A seven day extension of time may be given according to the Act (section 7).

Access to information is refused
Where access to information is refused by the government or public institution, it is expected that the person seeking the information need to be informed about the refusal and has the right to be reviewed by a court. Any notification of denial of any information for records shall set forth the names of each person responsible for the denial of application (section 8(ii)).

Refusal of disclosure of records
The Head of government or public institution may refuse to disclose any record that is sough for, provided such will not be injurious to the conduct of international affairs or defense of the Federal Republic of Nigeria. However, the court has the right to override the refusal. Some of the important information that head of the government or any publicinstitution may refuse disclosure according to section 14 of the Act includes information that will;

a) Interfere with law enforcement and investigation;
b) Interfere with administrative proceeding of government or public institution;
c) Preventing a person from fair trial;

d) Disclosure of a confidential source;
e) Information that will facilitate the commission of an offence.

Classified Documents

Classified documents are documents regarded as top secret, secret, confidential, staff confidential, and restricted documents. Such documents must be carefully handled by administrative managers under their custody. This is because the contents of such documents/records should not be disclosed to an unauthorized person. Such disclosure will cause embarrassment to the organization or even the nation. Administrative managers who are directly responsible for handling of such documents are to be trained and inducted to take or swear an "Oath of secrecy".

Questionnaire Results

This was done through tabulation of the data on frequency distribution and percentages. A total number of 168 copies of questionnaire were distributed among the journalists in Kano. 160 copies were completed and retrieved, while 8 copies were withheld during the fieldwork.

Table 1: Awareness of Freedom of Information Act among Respondents.

Level of Awareness	**Frequency**	**Percentage (%)**
Yes	136	85
No	24	15
Total	**160**	**100**

Source: Field survey (2016)

Data as presented in table 1 above show that majority of respondents (136 or 85%) are aware of the freedom of information Act, 2011. This may be attributed to the fact that most of the respondents have been in the journalism profession for a long period of time.
;
It was important to determine the percentage of respondents that read the Act.

Table 2: Respondents' readership of the Act

Act Readership	**frequency**	**Percentage (%)**
Yes	68	42.5
No	60	37.5
Still reading	32	20
Total	**160**	**100**

Source: Field Survey (2016)

The above table show that 68 respondents representing 42.5% claimed to have read the Act, while 60 of them representing 37.5% have not read the Act. However; 32 respondents representing 20% say are currently reading the Act. To find out whether the Act provide access to public information, the respondents' responses were analyzed in table 3 below.

Table 3: Showing Whether the Act Provides Access to Public Information

Accessibility to Information	Frequency	Percentage (%)
Yes	76	47.5
No	60	37.5
No response	24	15
Total	**160**	**100**

Source: Field Survey (2016)

The data in the above table show that 76 respondents representing 47.5% agree that the Act provides access to public information, while 60 respondents representing 37.5% say the Act does not provide access to public information. 24 respondents representing 15% do not respondents to the question, possibly because they are not aware of the Act and at the same time read it. It was also important to determine whether the Act contains provisions that hinder access to public information.

Table 4: Showing Whether the Act contains provisions that Hinder Access to Public Information

Hindrance of access to information	Frequency	Percentage (%)
Yes	80	50
No	60	37.5
No response	20	12.5
Total	**160**	**100**

Source: Field Survey (2016)

Table 4 shows that half of the respondents maintain that the Act has provisions that hinder access to public information, while 37.5% are of the views that the Act has no provision hindering access to public information. Similarly, it was important to understand the usage level of the Act among the journalists in Kano.

Table 5: Showing Whether Respondents have applied for Access to Public Information in any Organization.

Apply for access to public information	Frequency	Percentage (%)
Yes	40	25
No	120	75
Total	**160**	**100**

Source: Field Survey (2016)

Data as presented in table 5 above show that majority of the respondents representing75% said they have never applied for access to public information, while only 25% has applied for access to certain public documents or information.

Moreover, out of the 40 respondents representing 25% who applied for public document in various organizations, only 4 respondents representing 10% were granted access to the information they applied for, 6 respondents representing 15% were denied access, and the

remaining 30 respondents representing 75% say bureaucracy is involved in the whole process. It could be said that the majority of those who applied for access to public information did not get it.

Conclusion and Recommendations

The study was able to unravel among other things that majority of the press in Kano State are aware of the Freedom of Information Act 2011, but only few among them have read and applied for access to public information which is not good for national security. This is because the public depend on press for sensitive information in order to make informed judgment. The paper also concluded that only sections l(b) and 3 provides freedom to access public information, 10 sections are meant to deny public information. The study also discovered that ignorance among press and managers of public document are also affecting the workability of the Act in Kano State.

It could also be concluded that the Freedom of Information Act 2011 is a veritable mechanism that can bring openness to the domain of governance and public administration in Kano State. This can only be achieved if some of the provisions of the Act which hinder access to public information are amended, public enlightenment programmes be organized and press and media managers of public and private parastatals be trained on information management, so as to improve the national security. The paper recommended that stakeholders, governments at all level, media owners and managers should organize workshops and seminars for press and the general public to enlighten them on the provision of the Act and how to use it in order to boost national security. The press at all times should be allowed to publish or broadcast what is professionally deems fit for public consumption without prior censorship.

One of the recommendations of the study is that, for Nigeria to improve it national security, both security personnel and the press can each regard themselves as patriots since they are both working for the uplift of the country using their various tools. Hence, there should be more efforts to enlighten each other to build mutual trust and confidence so that the relationship can grow. Moreover, while one cannot doubt the role of the media in shaping public opinion and in the process ensure that decision markers become accountable to the public, the fact cannot also be overstressed that the press in recent times in some areas have carried out their functions without due regard to national security.

It should be noted that, even in advanced democracies, despite the sophisticated level of the mass media, government still monitor and caution its media practitioners. Consequently, aligning with the view which states that, it is only stories of ethnic violence, religious mayhem, tribal conflicts that are pointed out in our newspapers and broadcast on our airwaves, while we downplay tourism potentials, attractive national heritage sites... There is little doubt that our country would be seen as crisis-ridden, and bound to violence in most capitals of the world.

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