Evaluation of the Application of Freedom of Information Act among Journalists in Anambra State

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Abstract

The study examined the application of Freedom of Information Act among journalists in Anambra State. The study was premised on the need to ascertain the extent to which the Act has been implemented by journalists since its passing into law eight years ago. The study was anchored in the Libertarian Press Theory. Survey design was adopted for the study with the questionnaire as instrument for data collection while stratified sampling technique was applied to select a sample of 210 journalists out of a population of 462 registered members of the Nigerian Union of Journalists (NUJ) in Anambra State. However, analysis was based on 204 respondents who correctly responded to the questionnaire. Data were analyzed using the percentage and explanation building technique. The study findings showed that the FOI Act is not yet adequately applied in Anambra State because of the existence of some other contrasting laws in the country's constitution coupled with the nonchalant attitude of some journalists regarding the Act. The study recommended that journalists should embrace and apply the power which the Act bestows on them to deepen the fight against corruption which has been ravaging the Nigerian society. It also recommended that counter laws to the Act should be repelled so that access to information by all citizens can be possible.

Keywords: Act, application, Assessment, Bill, Freedom of Information, Journalism

INTRODUCTION

The Freedom of Information Act (FOIA) is an Act that gives a person, group, association or organisation the right to access information from Government Agencies, Parastatals, Federal Civil Service, Private and Public sector organisations providing public services, etc. (Odumodu, 2013). The purpose of the Act is to make public records and information more freely available, provide for public access to public records and information, protect public records and information to the extent consistent with the public interest and the protection of personal privacy, protect serving public officers, etc. The FOIA is necessary because information is essential for the functioning of modern societies especially democratic settings. Citizens reserve the right to know how they are being governed. The FOIA was passed by the National Assembly on 24th May 2011 and assented by President Goodluck Ebere Jonathan on May 28th 2011 to ensure openness and transparency in public governance (Nwoke, 2019). The underlying philosophy of freedom of information is that public servants which include journalists are custodians of public trust on behalf of a population who have a

right to know what they do. In particular FOIA promises to remove the aura of mystery and exclusion with which public servants cloak the ordinary operations of government and public institutions (Freedom of Information Act, 2011).

Over the years in Nigeria, journalists have been battling with access to certain information that are necessary to keep the public well informed about the happenings in the nation at large (Chike & Ezeh, 2019). Journalists serve as the watchdogs of society, and provide the needed information, education and socialization. As such journalists need to have unhindered access to relevant public information that will help them provide the necessary feedback and knowledge to the populace. In the views of Soeze (2015), journalism involves making people know the activities and dealings of government whether military or civilian. It also helps to feed the government back on the feelings and yearnings of the governed. To perform these functions effectively and efficiently, journalists need freedom to access information. Malayo (2012) notes that freedom of information is simply the right of the people to know the truth, compelling the disclosure of all government affairs and matters of public interest. The FOI Act builds on the presumption of openness by placing on those who wish to keep public information away from the people the onus of justifying why they have to do so.

The right to freedom of information has become a global issue found in several continental and international documents including the Article 19 of the Declaration of Human Right and African Charter on Human and People's Right. Thus Job (2011) describes this right as that which guarantees absolute freedom for all and sundry journalist inclusive, and accords the liberty for accessing information.

Inokoba (2014) notes that one fundamental way of ensuring democratic sustainability is through creating a platform for popular participation of the citizenry in the political process. One effective means of full and meaningful participation of the citizens in governance is through providing avenues that will enable them to have access to information about the day-to-day activities of the government. This underscores the importance of citizens' right to information in democratic consolidation as contained in the FOI Act. Thus, journalists need freedom of information to deliver their jobs effectively. Based on this importance of FOIA, one would expect that all citizens (including journalists) in all the states of the federation would have been effectively enjoying the provisions in the FOIA. However, contrary to expectations, the application of the FOIA is still a

far cry in most states including Anambra State. The researcher is of the view that if journalists in Anambra are given the enabling support and favourable platform to allow the application of FOIA in the state that there will be better governance and public trust from the governed. This is necessary because Chike and Eze (2019) state that poor citizens' participation in governance in Nigeria has paved way for the entrenchment of large-scale corruption and impunity, with little or no checks.

Prior to the emergence of the Freedom of Information (FOI) Act, almost all the information in the Nigerian public service was classified and the public was denied access to vital information about governance (Job, 2011). Section one of the Official Secrets Act (OSA) (1962), for instance, states that any person who transmits or obtains any classified information shall be guilty of an offense defined as a "Serious Act of Misconduct" and is criminally liable to dismissal and imprisonment for at least one year. In a similar vein, Civil Service Act (CSA) (1973) has a provision that relates to disclosure of official secret in Nigeria. The section 97 of the CSA Act stipulates that any officer who divulges classified information to an organization is guilty of misdemeanor and liable to imprisonment for two years (Job, 2011, p. 24). However, it is worthy of note that in Section 6 (a and b), the CSA Act provides that public records and information be made freely accessible so as to engender transparency and accountability in governance as well as promote good governance and other democratic values necessary for sustainable development. This view is corroborated by Afolayan (2012) who contends that anyone can make a request for information – without restrictions to age, nationality or place of living although information might be withheld to protect various interests which are allowed for by the Act.

Accordingly, Oduah (2015) observes that ever since the post-independence enactment in 1962 of the Official Secret Act, particularly to prevent the disclosure to the public of any material which government considers as classified matter (Okoye, 2007), to the coming into being of the 1999 constitution (particularly sections 22 and 39 that dwell on the rights, functions and freedom of the press) up to the recent final passing into law of the Freedom of Information Act in 2011, the question that most concerned citizens ask has been how the press (Journalists) has fared so far in terms of its freedom to operate in the Nigerian society. Are journalists in Nigeria and Anambra State in particular said to be operating in a free society where they do not get any oppositions or restrictions from government or its agencies in the discharge of their duties. How well have journalists enjoyed the freedom of information act in the state without hindrance? These questions are necessary because many journalists seem not to get access to

information on certain matters. In some cases they face opposition or hindrances from government agencies. Some journalists have suffered humiliation and intimidation in their quest for freedom of information. The issue is though the FOIA has been enacted since 2011, the extent of its application in Anambra State by journalists has not been very effective. There may be factors that are responsible. It is based on the issues raised in the background that the researcher is motivated to carry out this study to examine the application of freedom of information act among journalists in Anambra State, Nigeria.

STATEMENT OF THE PROBLEM

The Freedom of Information (FOI) Act has been viewed by many Nigerians, especially proponents of the law, as a step in the right direction towards freedom of information in Nigeria (Inokoba, 2014). Media professionals (journalists) seem to consider the FOI Act as an instrument that will boost people's participation in government programs and policy and also encourage accountability and probity in governance. However, despite this provision in the Act, many citizens including journalists in Anambra State seem not to be enjoying freedom of information. Many journalists do not seem to have access to the right information as at when due even when they demand same. There seems to be a problem with the application of the FOI Act in Anambra State. This seeming denial of freedom of information may have some ugly consequences on the citizens and governance at large. The researcher believes that there may be factors or issues that militate against effective application of the FOI Act in the study area. Now the problem of this study is to examine the extent of application of FOIA in Anambra State.

RESEARCH OBJECTIVES

This study is guided by the following specific objectives, which are to:

1. Ascertain how effective the application of Freedom of Information Act has been among journalists in Anambra State.
2. Examine the challenges facing the application of the Freedom of Information Act by NUJ members in Anambra State.
3. Suggest remedies to the challenges hindering effective application of the Freedom of Information Act in Anambra State.

RESEARCH QUESTIONS

The following research questions are posed for the study.

1. How well has the Freedom of Information Act been applied among journalists in Anambra State?

2. What are the challenges militating against effective implementation of the Freedom of
   Information Act by NUJ members in Anambra State?
3. What measures could be adopted to ameliorate the challenges hindering effective application of the Freedom of Information Act among journalists in Anambra State?

SIGNIFICANCE OF THE STUDY

Beyond being an addition to existing literature on Freedom of Information Act in Nigeria, the study will form a base to prospective researchers who may delve into similar areas. This research will create the needed sensitization among Journalists, Civil Society Organizations and researchers in order to intensify the advocacy on the need to implement the Act.

This research will also impact on issues regarding government/press relations, which have remained sensitive and of interest to the public. This study will be useful to broadcasters and other media practitioners in Nigeria and will help the public in appreciating the numerous roles of the press so as to enable them rise in defense of Freedom whenever it is threatened by excessive political power. This study will draw the attention of the government on the need to empower the press with unimpeded access to information of interest as a means of deepening the nation's democratic culture.

LITERATURE REVIEW

CONCEPTUAL DISCOURSE

Freedom of Information Act (FOIA)

Freedom of Information Act is a law that keeps citizens in the know about their government and gives Nigerians the right to access information from the government. Akpodiete (2015) writes that Freedom of Information Act comprises laws that guarantee access to data held by the state and established a "right-to-know" legal process by which request may be made for government held information, to be received freely at minimal cost, barring standard exceptions. Freedom of Information is also referred to as freedom to secret records of government. Akper (2015, p.3) sees Freedom of Information Act as "the one instrument that seeks to make public records and information freely available". It is a legally guaranteed right to access government information and make government duty bound to publish and promote openness to all her official

records and duties. The FOIA gives one the right to ask any public sector organization for recorded information they have on any subject matter.

Freedom of Information Act (FOIA) was signed into law by former President of Nigeria Goodluck Ebele Jonathan on 28 May 2011, aimed at providing the public access to records or information. Section 1(1) of the Act reads:
Notwithstanding anything contained in any other Act, Law or regulation, the right of any person to access or request information, whether or not contained in any written form, which is in the custody or possession of any public official, agency or institution howsoever described, is established. The Act is intended to: …make public records and information more freely available, provide for public access to public records and information, protect public records and information to the extent consistent with the public interest, and the protection of personal privacy, protect serving public officers from adverse consequences of disclosing certain kinds of official information without authorization and established procedures for the achievement of those purposes.
(p.56)

Freedom of Information Act (2011) also provides that through the Act, misappropriation, embezzlement and all sorts of malpractices in the process of public administration will be checked. Akor and Oko (2015) also state that the FOIA implies a change in the principle of the provision of government information from a 'need to know' basis to a 'right to know' basis adding that it implies a change from passive citizenship to active citizenship in government.

The FOI Act fundamentally includes the need for maximum disclosure of information, the obligation to publish information, promotion of open governance, limited scope of expectations, the process to facilitate access to information, open meetings, supremacy of the FOIA over other Laws that limit access to information, protection of whistle blowers and the bodies responsible for enforcing the Act (Mmadu, 2011; Akor & Oko, 2015). Freedom of information, specifically access to information in public domain, is a basic component of the right to freedom of expression and important to optimal functioning of a democracy. According to the Media Rights Agenda (2011), this Act
makes public records and information more freely available, provides for public access to public records and information, protects public records and information to the extent consistent with the public interest and the protection of personal privacy, protect serving public officers from adverse consequences for disclosing

certain kinds of official information without authorization and establish procedures for the achievement of those purposes and; for related matters.

Prior to the inception of the FOIA, Ekunno (2014) observes that Nigeria had (before now) regarded freedom of information as a luxury only practicable in the Western World and other established democracies noting that a culture of secrecy had become entrenched in Nigerian government and members of the public including the media are always denied access to official information, which in a democracy, they should be entitled to. This old system obviously negates democracy and slows down economic and social development as citizens are unable to participate effectively in the process of government, since they cannot make informed choices about who should govern them and to properly scrutinize officials to eschew corruption. Government also loses the benefit from public input which could ease or improve their decision. Citizens are also ill informed and resort to rumours and unconfirmed reports leaving everybody with the obvious dangers it portends for accurate and objective reporting by the media.

Right of Access to Government Information

With the Freedom of Information Act in operation, Ogbondah (2013) writes on its importance:

The need for the law arises because the 1999 Constitution of Nigeria does not guarantee the press and members of the public the right to access to government-held information. As a result of the absence of this type of law, a reasonable volume of public affairs is conducted in secrecy. Government records and documents belong to the people; these members of the public should be entitled to have access to their property? This legislation springs from one of our most essential principles. A Democracy works best when the people have all the information that the security of the nation permits. No one should be able to pull curtains of secrecy around decisions, which can be revealed without injury to the public interest. (p.128)

Similarly, Yalaju (2015, pp.261-262) corroborates the position of Ogbondah when he avers that:

A popular government without popular information or means of acquiring it is but a prologue to a farce or tragedy or perhaps both. .... In the draft it is safe to hypothesize that the drafters intended partly to provide the citizenry access to information. This is to be expected if it were to shape enlightened society about how its citizens are to be governed. The citizenry is therefore expected to have access to information that would enable them to evaluate the performance of the government.

From the foregoing, the right of access to government information is rather crucial as the constitution itself guarantees the enlightenment of the public and, particularly, the media. Obviously, government records and documents belong to the people and if transparency is enthroned, they should know how things are being done. However, Amadi (2014) regrets that

Freedom of Information Act in Nigeria is still a pawn in the political chessboard of Nigerian politicians… Such legislation in Nigeria may not be farfetched… such a powerful pro-media pro-people legislation will constitute an effective check on their venality… anything that takes off this veil can burst corruption in Nigeria. And that is why politician will continue to back at it. (p.64)

However, in defense of the government, it could be inferred that government that wants to keep secret of their performance would not want the passage of the Freedom of Information Act. Sawant (2014) avers that it appears that out of 117 democratic countries, only 12 countries have a legislation ensuring access to government-held information, explaining that if the media is to discharge its functions in democracy properly, it must have access to all authentic information from the primary sources, except the people themselves do not find interest in it. Democracy ensures Freedom of Information and with Nigeria practising democracy and the FOIA in place, it is expected that government grants the people the needed access to information.

Implications of Freedom of Information Act

Contrary to some opinions and speculations, the Freedom of Information Act is not meant to witch-hunt government and public officials, but to engender an open system of governance in the interest of all. In the views of Devasher (2016, p.16), "Freedom of Information Law can bolster the effectiveness of development and poverty alleviation strategies". This is because access to information makes government more responsible and responsive to the needs and demands of the ordinary people as it increases public participation since they can easily engage government officials and parliamentary representatives making for national

stability. Implementation of FOIA will increase public trust in the political system, by establishing a two-way information flow between citizens and the State as advocated by Devasher (2016, p.1) who contends that "such dialogue can combat feelings of exclusion, fear and victimization and reduce the risk of agitation as a result of perceived marginalization."

The FOI Act would ordinarily encourage the oversight function of the legislature, improve record-keeping in public institutions, promote efficiency in public institutions and support the realization of the economic reform agenda of the Federal Government as provided for in the National Economic Empowerment and Development Strategy (NEEDS) document. The FOIA will give citizens a greater sense of belonging and enhance the anti-corruption fight and legislations of the Federal Government (including the prohibition and punishment of Bribery Act; the Code of Conduct Bureau Act; the Independent Corrupt Practice and Other Related Offence Act, 2000; the Economic and Financial Crimes Commission Act, etc.).

Inhibitions to Implementation of the FOIA

There are some caveats in the application of access to information regarding the FOIA. According to Ogbuokiri (2011), there are more exemption sections and clauses than sections that grant access to Information. This means that some mischievous public officers can apply these sections for the negative reasons. Ogboukiri (2011) adds that only sections 1 and 3 grant access to information; but as many as ten sections (sections 7, 11, 12, 14, 15, 16, 17, 18, 19 and 26) are meant to deny the public access to information. This leaves the FOIA with several cogs in the wheel including socio political constraints. Collins (2017, p.33) notes that "A right of access of officially held information would inevitably enhance good governance, transparency, accountability and people's participation in government, but the great fear of the government lies in the criticism of their secret fraud as characterized in their dark deeds." This is a major setback to implementation and operation of the FOIA.

There are some of the constitutional challenges of complying with the FOIA apart from contentions with culture of poor record keeping/maintenance and retrieval, capacity challenges, frustrating and time consuming bureaucracy as well as widespread corruption and the high level of ignorance among the work force in the public sector (Esimokha, 2014).

FOIA and Journalism Practice in Nigeria

The media in any setting requires unimpeded access to government-held information if it must function effectively which enhances the ethics and practice.

Ethics and morals of the media compels them to be honest, sincere, and critical and give basic allegiance to society. Although journalists are not the greatest users of such public information as they make up only 10% to 20% of those making the request, most requests are from individuals who are seeking information relevant to their daily lives, such as schools or development (Banisher, 2017). Insinuations are that the FOIA is a media Act purported to empower the press so as to increase their terrorisms. Abike Dabiri-Erewa – a member of the House of Representative and one of the co-sponsors of the FOI bill in Nigeria – explains, in an interview with Daily Independence (2016), that the media is just one aspect of the society that would benefit; adding that in American government which we often make allusions to, students, researchers and private organizations use it more than the media. It is trite to observe that in any given society, the role of the media is distinct and enormous. As the watchdog of the society, the media should comment and constructively criticize all individuals and institutions whose activities impact public interest which justifies the fight for the free flow of information. Banisher (2017) notes that journalists requests under FOIA are often more detailed than those of the general public, particularly where these relate to in-depth investigation pieces or difficult questions on local or national decisions of considerable complexity. The author also informs that the "affirmative disclosure provisions are important to keep track of the activities of government bodies and to ensure that one type of media (such as government-owned or government controlled) is not given exclusive access to information while less favoured media are excluded.

The press performs a very important role as a means of mass communication media in the modern world. The purpose of the press is to keep in public spotlight every deliberation and decision that the government makes since everything the government does is for the interest of the people (Fadeyev, 2014). Continuing, Fadeyev observes that this constant spotlight will no doubt exert continuous pressure on the members of public office, but it is exactly this pressure that keeps their role as public representatives – fulfilling the interests of the public – above their role as private citizens – fulfilling personal interests.

If the mind of the general public is to take an integral part in political discourse which is a thing without which a democratic society cannot exist, it must be constantly directed there by the members of the press. Any proposed action or change by the government must be researched and examined in detail, with conversation and debate promoted around areas of import. Members of the public cannot sit still and be passive participants of their state, but must, for the state to

be a democracy, take an active role in asserting their will. The role of the press is to support this in two ways namely; to inform the public on what is being discussed, and the background to what is being discussed, and to promote conversation and debate around political issues so that no change or action may go through unnoticed, for such things, not being approved by the public, cannot with any certainty represent the will of the public. This role of the press is irrelevant in any political system other than a democracy because such systems need not represent the will of the people. For a democracy to be a true democracy, the people must be active participants in political discourse, and for this to happen, the press itself must be an active agent that brings this about. The role of the press is not to entertain or to educate, or even to merely inform. The main role of the press is to bring about real political discourse, every other thing is trivial (Nwoke, 2019).

Empirical Review

The 2012 study conducted by Malayo titled "An evaluative study on the Freedom of Information Act and Media Practice in Nigeria" sampled the opinion of 285 respondents on the level of awareness of the provision of the FOI Act. The entire respondents 285 representing100% indicated that they are aware of the FOI Act. But on whether the Act is effective in the journalism Practice 250 (87.72%) of the respondents agreed that the FOI Act will ensure effective journalism practice among journalists in Port Harcourt, 30 (10.53%) disagreed and 5 (1.75%) were undecided. Also on the challenges affecting the effective maximization of the FOI Act in Nigeria, data indicated that 165 (36.84%) of the respondents agreed that the constitution is the greatest challenge to the Act while 100 (35. 09%) and 40 (14.05%) of respondents said that both the government and the press serve as hindrances to the Act. The study found that the awareness of journalists on the FOI Act is very high, and that the major barrier to the effective maximization of the FOI Act in Nigeria is the continuous existence of some conflicting sections of the 1999 constitution of Nigeria. The study concludes that the FOI Act has the potency to enhance journalism practice in Nigeria.

Michael (2013) on "The Impact of Freedom of Information Act on Journalism Practice: A study of Journalism Practice in Uyo community" sampled a total number of 80 respondents on whether the government of Akwa Ibom (Uyo) encourages the FOI Act. 55 (68.75%) of the respondents agreed while 30 (37.5%) disagreed. Also, 77 (96.25%) respondents agreed that FOI Act gives journalists the right to receive, impact information and ideas, while 3 (3.75) disagreed.

Data also indicated that 50 (62.5%) of the respondents agreed that journalists can now probe, dig, pry for the purpose of obtaining information and opinion, and publish same without hindrance; 30 (37.5%) disagreed. The study concluded that though there are several constraints to the implementation of the FOI Act, it indeed has an impact on journalism practice.

Freedom of Information Act and Democratic Consolidation in Nigeria: Prospects and Challenges was a study by Inokoba (2014). The study was based on the premise that the right of members of the public to access information held by public institutions is a fundamental prerequisite for the enthronement of good governance and the consolidation of democratic norms and practices. Democracy depends on open government and the opportunity for people to participate actively, but this cannot effectively and meaningfully take place until citizens have legal and an unhindered access to public information. The author examined the Nigerian Freedom of Information Act (FOIA) and its potential to serve as a platform for the sustenance of the country's democratic experiment. The main argument of the study is that FOIA could serve as a framework for the empowerment of Nigerians by institutionalizing transparency and accountability as pillars of governance in Nigeria. To achieve this objective the study made use of secondary sources of data, especially internet information. In drawing its conclusion, the discourse argued that though the FOIA has the potential to strengthen the country's democracy, there are still formidable obstacles to the full implementation of the legislation on the right to know. And these challenges must be addressed in order for the FOIA to contribute to the process of democratic deepening in Nigeria.

An evaluative study of the Freedom of Information Act on Journalism practice in Nigeria was done by Apuke (2017). The study evaluated the Freedom of Information Act on Journalism practice in Nigeria with focus on journalists in Jalingo Metropolis. The study employed the quantitative survey design. The population was made up of Journalists in Jalingo Metropolis which are about 293. The researcher employed Taro Yamane's formula to sample 75 Journalists which formed the sample frame. Questionnaire was used as the instrument for data collection. Data gathered were analyzed with SPSS version 22 and results were presented descriptively. Findings revealed that Journalists in Jalingo metropolis are fully aware of the Freedom of Information Act. The study also revealed that although FoIA can aid journalism practices towards fair, balance, accurate and objective reporting, it has not created access to government-held information for journalists in Taraba State. The study recommended among other things that journalists should go beyond just being aware of the passage into law of the FoIA,

to be well acquainted with relevant provisions of the Act and insist on enjoying the access to information as provided by the FOIA.

THEORETICAL FRAMEWORK

The Libertarian theory of the Press

This study is anchored in the Libertarian theory of the press which emerged in Europe in the 17th century. According to its proponents (John Milton, John Locke, John Stuart Mill, and Thomas Jefferson), the theory rests on the 'self-rightening' principle. The theory advocates for a 'free market place of ideas' with the hope that good ideas will naturally 'sell' at the expense of the bad ones (Nwabueze, 2014). This implies that all forms of restrictions or limitations to freedom of expression are criticized as it opposes the authoritarian press theory which subjected the press to strict government regulations and restrictions. The authoritarian press was viewed as an agency of the state, expected to protect state's interest, requiring the press to act in accordance with the dictates of the state.

This theory is considered appropriate to this study because even though the Nigerian 1999 Constitution (as amended) upholds freedom of expression in section 39, the FOIA expands the scope of press freedom providing for limitless access to all kinds of information. This implies that official records and information that are vital in the fight against corruption which were shielded in bureaucratic secrecy and tagged 'classified information' should be made accessible; with the FOIA, such anti-press laws that adorn the law book should either be expunged or, where necessary, repelled so that the FOIA can be beneficial to the Nigerian society.

METHODOLOGY

This research adopted the survey design. The survey design allows the researcher to make generalisations on the entire population based on data collected from a representative portion of the population (Awotunde & Ugodulunwa, 2014).

The study population was 462 registered journalists in Anambra State based on 2021 data from the Anambra State chapter of the Nigerian Union of Journalists (NUJ). The sample for the study was 210 respondents (journalists) who were randomly selected out of the existing 462 registered journalists in Anambra State. The selection was done using the Krejcie and Morgan (1970) formula for choosing sample from finite populations. A four point scale questionnaire was used for data collection via face-to-face or personal contact method. The scale were strongly agree (SA), agree (A), disagree (D) and strongly disagree (SD). To

ensure validity of the questionnaire, experts' scrutiny was used. Two senior lecturers from Chukwuemeka Odumegwu Ojukwu University Igbariam Campus (Anambra State University) validated the instrument while a pilot study was carried out to ensure reliability which yielded a test-retest reliability of 0.76 indicative of high reliability. Data collected were analyzed using the percentage facilitated by the Statistical Package for Social Sciences (SPSS) 25.0 and presented using frequency tables. However, analysis of data was based on the 204 valid questionnaires out of the 210 used as sample. Responses from the four point options were dichotomized into two, namely Agreed (A) and disagreed (D) for easy understanding. Decisions were taken using the bench mark percentage of 50%.

RESULTS

Research Question One: How well has the Freedom of Information Act been applied among journalists in Anambra State?

Table 1: Application of Freedom of Information Act in Anambra State

S/no	Statement	Agreed (%)	Disagreed (%)
1.	Journalists in Anambra State are given leverage to provide information to citizens as at when due	69 (34)	135 (66)
2	They are allowed to provide accurate information to the public on issues of importance about governance.	65 (31.9)	139 (68.1)
3	The general public is given leverage to ask for clarification from journalists on any information received	46 (22.5)	158 (77.5)
4	Journalists are influenced to conceal some relevant information aside being economical with the truth due to fear of sanctions.	80 (39.2)	124 (60.8)

From data in table 1, it is clear that the Freedom of Information Act is not yet fully operational in the study region because all the items stated in Table 1 have affirmative responses below the benchmark of 50%. This means that a greater percentage of the respondents hold contrary views regarding the statement. It can then be concluded based on data in table 1 that the extent of implementation of the FOI Act in Anambra State is very low.

Research Question Two: What are the challenges militating against effective implementation of the Freedom of Information Act by NUJ members in Anambra State?

Table 2: Challenges Militating Against Effective Implementation of FOI Act in Anambra State

S/NO	STATEMENT	AGREED (%)	DISAGREED (%)
1.	Denial of access to information especially by the government agencies	184 (90.2%)	20 (9.8%)
2	Lack of financial support for journalists to carry out investigation for more detailed information	190 (93.1%)	14 (6.9%)
3.	The bid to keep official secrets Act, the Criminal Code and the Penal Code.	178 (87.3%)	26 (12.7)
4.	Poor professionalism in the practice of journalism	120 (58.8%)	84 (41.2%)
5.	Poor cooperation from the general public	110 (54.7%)	94 (45.3%)
6.	Government interference on media control on FOIA implementation	160 (78.4%)	44 (21.6%)

Evidences in Table 2 show that the lead challenge against effective application of FOIA are lack of financial support for journalists to carry out investigations (93.1%) and denial of access to information especially by the government agencies (90.2%), among others. All the items in Table 2 are valid as they all have affirmative responses above the bench mark of 50%.

Research Question Three: What measures could be adopted to ameliorate the challenges hindering effective application of the Freedom of Information Act among journalists in Anambra State?

Table3: Measures to Ameliorate the Challenges to Effective Application of Freedom of Information Act

S/no	Statement	Agreed (%)	Disagreed (%)
1.	The public needs to be enlightened about the provisions in the FOIA	163 (80.0)%	41 (20.0%)
2	Journalists in the state should be empowered by law to prosecute any persons infringing on their rights as provided by the FOIA	153 (75.0%)	51 (25.0%)
3	Relevant government agencies should be mandated to ensure compliance to the FOIA	149 (73.0%)	55 (27.0%)
4	The public and journalists should be protected by law against any form of molestation by any agency regarding their rights as contained in the FOIA	148 (72.0%)	56 (28.0)%

From Table 3, public enlightenment rated highest with 80% affirmative response followed by empowerment of journalists to prosecute (75%). All the items are valid since each of them has above 50% response.

DISCUSSION OF FINDINGS

Research question one is on the effectiveness of application of the Freedom of Information Act among Journalists in Anambra State. Findings reveal that application of the FOI Act is rather low among journalists. This result is not surprising because many journalists have been denied access to information in the study area on several occasions. That's why Nwoke (2019) contends that enactment into law of an act is not adequate. For the citizens to actually enjoy the provisions made requires far more than enactment; there is ought to be further drives to help them and other concerned stakeholders to know when they are infringing on people's basic rights. That is why it is necessary that government agencies be enlightened very well regarding the freedom of information act. This result is supported by Onwubere (2013) who observes that the Act "contains more exemptions on the very crucial areas of public interest than the general areas of need [which] is definitely not in favour of public interest. Also, it can be observed that it has no provisions specifically addressing the interest of journalists. This presupposes that there is more to be done in terms of implementation of the FOI Act in Anambra State.

Research question two dealt with the challenges hindering effective application of the Freedom of Information Act by Journalists in Anambra and data shows that

the major problems are with governments inability to give information freely as well as other existing laws which are considered obnoxious to the FOIA. This implies that non-compliance to the provisions of the Act by agencies of government requires government to review laws that are serving as impediments for the Act to become fully operational. Job (2011) corroborates this view when he states that for the FOI Act to become fully operational, government needs to review laws and call to order agencies or stakeholders that are serving as impediments. Finance was a critical issue as regards the application of FOIA in the study area. Money is needed for every venture; when there is paucity of funds, much cannot be achieved. Some journalists are not buoyant, hence to take legal action against any agencies infringing on their right to information may be an uphill task. Hence many of the journalists suffer in silence due to lack of finance.

The interest of research question three is on measures to ameliorate the challenges hindering effective application of FOIA in the study area. It was suggested that awareness should be created about the FOI Act, and that journalists in the state should be empowered by law to prosecute any persons infringing on their rights as provided by the FOIA. This is necessary because it is possible that many citizens are in the dark about the provision of the Act in the law. That is why Inokoba (2014) advises that all journalists should be wise and up and doing to know when someone is denying them their due right. Ignorance is a terrible situation and as such adequate awareness of the public about FOI Act is necessary if the act must be fully applied and citizens enjoy its provisions.

CONCLUSION

The basic intent of this research is to ascertain the extent to which the FOI Act has been implemented in Anambra State since its passage eight years ago by the President Goodluck Ebele Jonathan administration. From the results obtained, the level of implementation of the FOI Act is still low among journalists. The study also found that Official Secrets Act, Criminal Code and Penal code and lack of awareness on the Act impede the implementation of the Act and finally some of the remedies to the identified impediments include among others that the press should be given total freedom to operate. The study concludes therefore that the level of implementation of the FOI Act by journalists in Anambra State is low.

RECOMMENDATIONS

Based on the results obtained from the study, it is hereby recommended that:

1. Government should repeal unfavourable laws to enhance the free flow of Information.

2. Journalists should use the power bestowed on them by the Act to carry out their responsibilities in order to take the nation to a greater height by upholding accountability to the people.

3. A follow-up study to substantiate the effect which infringement on the press freedom exerts on national development should be conducted.
4. Campaigns should be carried out by journalists through the media to increase the level of awareness of the public about Freedom of Information Act.

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