

# PRESS FREEDOM, A SINE QUA NON FOR GOOD GOVERNANCE? NIGERIA EXPERIENCE

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**Abstract:** Within the context of the frequency of its occurrence in recent times, it is not out of place to observe that the expression “good governance” is beginning to take on a conceptual character. Although it could defy a straightforward meaning, like the proverbial elephant however, it is easy to identify. Guobadia, D.A (2000). *The Legislature and good governance under the 1999 Constitution*, 43. Concepts have their ways of emerging in a people’s consciousness and, taken as one, the notion of good governance in contemporary Nigeria has, no doubt been conditioned by the vagaries and vicissitudes of our national life. The geo-political entity called ‘Nigeria’ has over the years, precisely since the nation’s independence been groping for panacea to the socio-economic problems facing her. The successive governments for the past 50 years since Nigeria’s independence have, in their attempt to bring succour to their subjects, appears to have plunged the nation into abyss of poverty and despondency. This unpleasant situation Nigeria has found herself among the comity of nations is a major concern, not only for the government but also the governed who bear the brunt of the consequences of the action or inaction of the former. In 1960, Nigeria gained independence with pomp and pageantry, great hope and expectations which ushered her into the 1<sup>st</sup> Republic.

**Keywords:** Human resources, Press freedom, governance, Transparency.

## I. INTRODUCTION

The coup d’etat of 1966 put an end to the 1<sup>st</sup> Republic after the military toppled the civilian government led by Sir Abubakar Tafawa Balewa, who was then the Prime Minister. It is instructive to note that not much was achieved by the Abubakar Tafawa Balewa- led government before it was toppled and the hope of the citizens began to wane. According to Guobadia, D. A

(2000). *The Legislature and good governance under the 1999 Constitution*, 43.

*Succeeding governments (particularly of military type), have tended to seek to justify their emergence and/or policies on the basis of the perceived failure of their predecessors to promote good governance. These governments have, in turn, been criticised by the populace for their rather dismal performances in that regard.*

It is an understatement to assert that the standard of living of average Nigerian has reached an abysmal level particularly, with the absence of basic amenities which make life worth living for people, while it is getting worse by the day irrespective of the type of government in place. It is instructive to note that in the recent times, all fingers appear to be pointing in the direction of “bad-leadership” syndrome as being the bane of good governance in Nigeria.

If, therefore good governance is recognized as an ideal then it becomes important to understand how the first concept, that is ‘Press Freedom’ will help the nation to achieve this ideal.

At different times in the history of Nigeria, since Independence different measures were adopted to stem the tide of disillusionment among her citizenry which was largely borne out of decline in socio-economic and cultural growth of the people, growth in human resources and advancement in technological development which the industrialized and developed nations have in abundance.

Such measures include divers economic policies like the Structural Adjustment Programme introduced during the Military regime of General M. Buhari (Rtd) (1983-1985) establishment of different agencies to either serve as watch-dog to government parastatals or performing over-sight functions to ensure compliance with laid down regulations on probity and accountability, for example, the Due

Process Office established by Chief Olusegun Obasanjo administration (1999-2007).

However, it is observed that all the measures put in place and strategies adopted so far have failed to yield the much-needed transformation of Nigeria and her people. The search for panacea to the 'bad-leadership' syndrome in Nigeria has led to the novel 'discovery' of the potency of the often-neglected roles of the Media/Press; otherwise referred to as the "fourth estate of realm".

## II. GOOD-GOVERNANCE: ITS MEANING AND SCOPE

The term good governance has for a long time had a somewhat obscure dictionary existence, it points to a general area of common interest that hardly carries a specific meaning in the political science discipline. Like other concepts in its categories, its intrinsic open-ended quality, vagueness, and inherent lack of specificity have tended to generate a good deal of searching and debate as to what its proper meaning is or should be, prompting multiple efforts to appropriate it and define it in particular ways. Ademola Azeez, Contesting "Good Governance" in Nigeria: *Legitimacy and Accountability Perspectives* (229), 217.

Governance generally refers to the means of achieving directions, control and coordination of wholly and partially autonomous individuals or organizations on behalf of interests to which they jointly contribute.

Healey and Robinson, (Healey, J. & Robinson, M. (1994). *Democracy, Governance and Economic Policy: sub-Saharan Africa in Comparative Perspective*. Nothingham: Russell Press Ltd. defined good governance as:

*A high level of organization effectiveness in relation to policy formulation and the policies actually pursued, especially in the conduct of economic policy and its contribution to growth, stability and public welfare.*

Also good governance depicts the exercise of power through a country's social and political institutions in which institutions represent the organizational rules and routines, formal laws, and informal norms that together shape the incentives of public policy-makers, overseers and providers of public services. Governance for Substance Human Development, AUNDP Policy Paper, UNDP (1997) 2-3. Global perspectives on Governance UBDP.<sup>1</sup>

<sup>1</sup> <http://Undp.Org/policy/default.htm>.

As the concept indicates, it would be difficult to identify all the indices of good governance.

However, for the purpose of our discourse, good governance will be evaluated in terms of *poverty*

*alleviation* and providing a *reasonable living standard* for the populace, guaranteeing the *security of life and property* of the people, the *maintenance of law and order* and the *provision of acceptable level of infrastructural development*.

Good governance is, among other things, participatory, transparent and accountable, effective and equitable. It ensures that political, social and economic priorities are based on broad consensus in society and that the voices of the poorest and the most vulnerable are heard in decision-making over the allocation of development resources. Abdellatif, A. M (2003) *Good Governance and its relationship to Democracy and Economic Development: Fighting Corruption and Safeguarding Integrity*, (GF3/WA/IV-3/51) 4-6

In its report, *Governance for Sustainable Human Development*, the UNDP acknowledge the following as core characteristics of good governance: Participation, Rule of Law, Transparency, Responsiveness, Consensus Orientation, Equity, Effectiveness and Efficiency, Accountability, Strategic Vision (Governance for Sustainable Human Development, AUNDP policy paper UNDP 1997, 2-3)<sup>2</sup>.

However, it is instructive to note that 'Leadership' plays a pivotal role in determining the kind of governance that may be in operation in a given geopolitical entity.

The kind of governance will largely depend on how the 'Leadership' is able to harness both human and natural resources available to the nation to better the life of the citizenry. Where an electoral system is inherently flawed with electoral malpractices, irregularities and outright rigging, with the attendant consequence of producing incompetent Office-holders, the over-all effect is bad-leadership, which oftentimes lack what it takes to take the nation to a greater height.

## III. NIGERIA EXPERIENCE

Nigeria became independent in 1960. Prior to this period, that is, the pre-independence era, the colonial masters were fully in charge of governance, either directly (as a colony) or indirectly (as a protectorate). During this era, not much assessments of the 'Leadership' style of the colonial masters were

<sup>2</sup><http://www.adb.org/Documants/polices/Governance/gov300.asp?p:polices>

undertaken since the pre-occupation of the Nigerians then, was to gain independence from the Imperial Majesty.

However, since independence, Nigeria was largely governed by different military administrations between 1966-1979 and 1984-1999. Under these regimes, the above highlighted characteristics of good governance were glaringly deficient in governance because personnel who then emerged as leaders were neither trained in the art of governance nor do they have the wherewithal, in terms of competence to govern the nation.

Moreso, given the process of their emergence in government, that is, through coup d'états, their competence or otherwise could not be assessed, particularly with their dictatorial tendency of not been accountable to anyone.

For instance, the ideal concept of separation of power among three organs of government was absent as the same set of people exercised both the executive and legislative powers while at the same time reduced the judiciary to a mere "rubber-stamp" organ of government by curtailing its powers and independence to adjudicate. Thus, to talk about good governance under those regimes will be a misnomer or at best an undue elastication of a term that will ill-fit dictatorial and absolute regimes.

Infact, some of these regimes were reputed to have institutionalized corruption and other vices in this nation. The military incursion into governance in Nigeria is an aberration which effects have left sour taste in the mouth of every Nigerian.

Hence it can be affirmed that good governance as an element of constitutional government is in its infancy in Nigeria constitutional history and development. Good governance has been acknowledge as the term that symbolizes the paradigm shift of the role of governments

The bitter truth is that the endemic problem of bad-leadership is not only associated with the military regimes, but it also rears its ugly head even in the democratic dispensation of the successive civilian regimes of President Shehu Shagari (1979-1983), Chief Olusegun Obasanjo (1999-2007) and also Alhaji Umar Yar'dua (now late) (2007-May, 2010).

The following factors are largely responsible for the reasons why Nigerians are yet to enjoy the dividends of its country fledging democracy.

#### IV. FLAWED ELECTORAL PROCESS

The elections in Nigeria are not only flawed but warped, the many political parties which are lacking in political ideologies and internal party democracy are dominated by people with ill-gotten wealth and

ex-military dictators. The political parties primary 'elections' are oftentimes selective, non-participatory and undemocratic, which in most cases result in the corruption of the leadership, loyalty to god-fathers and patrons, and consequently their indifferent attitude to the electorate and citizens in their style of governance.

The issues of legitimacy and representative nature of the leadership in the country, is reflected in their lack of accountability to the constitution, the political party and the electorates. Thus the root of corruption can be traced to the problem of leadership, thereby necessitating the call for the reform of the electoral and party systems. Oyelowo, O. "Constitutions, Good Governance and Corruption: *Challenges and Prospects for Nigeria*. 14.<sup>3</sup>

#### V. LACK OF ACCOUNTABILITY/CORRUPTION

Lack of accountability at any level of governance is usually the forerunner to corruption. The importance of accountability as a pivotal for good governance cannot be over-emphasised.

Accountability may be described as the responsibility of the political office holders and public officers operating at different levels of the major organs of government to the people they serve. In particular, it includes a willingness to submit to scrutiny appropriate to the office.

Until the coming into force of the Constitution of the Federal Republic of Nigeria (CFRN) 1999, most of the activities of the public officers and political office holders are shrouded in secrecy, particularly with the respect to their financial dealings and probity.

The first constitutional mechanism for assuring *transparency and accountability* is the power of investigation and control over public fund. The legislature's power to conduct investigation is associated with its power and control over public fund in part 3 of chapter V of the constitution. Under sections 88 and 128 of the 1999 constitution, the National and state Houses of Assembly respectively have power to investigate or direct that an investigation be conducted into: (a) Any matter or thing with respect to which it has power to make laws and (b) The conduct of affairs of any persons authority, ministry or government department charged, or intended to be charged, with the duty for- (i) executing or administering laws enacted by the national Assembly, and (ii) disbursing and administering moneys appropriated or to be appropriated by the National Assembly.

<sup>3</sup> <http://www.enelsyn.gr/papers/w16>

However, a strong limiting factor to the use of this legislative power is corruption, particularly where the culprits belong to the ruling party whose members populated the National Assembly.

*The Public Audit and Accounts Provisions* of the constitution are also important mechanism to promote accountability and good governance. Section 85 of the constitution provides that there shall be an Auditor-General of the Federation.

This appointment of the Auditor-General by the President on the recommendation of the Federal Civil Service Commission is subject to the confirmation of the senate. He has the power to conduct periodic checks of government statutory corporations, commissions, authorities, agencies including the persons and bodies established by Act of that National Assembly (Section 85(5)).

Another measure put in place by the 1999 constitution to ensure accountability and aid good governance is the provision relating to code of conduct.

Section 172 of the 1999 constitution obliges a person in the Public service of the federation to observe and conform with the code of conduct.

The fifth schedule to the constitution enumerates the code of conduct for public officers in Nigeria. The code includes evidence of conflict between personal interest and official duty, prohibition from receiving emolument from two public jobs, prohibition of engagement in private business, profession or trade while in full time public service, prohibition of maintaining foreign accounts by the President and his Vice, the Governors and their Deputies, Ministers, Commissioners, members of the National and State Houses of Assembly and such other Public Officers provided by law.

The often-circumvented part of this code is paragraph 11 which provides for declaration of assets and accepting gifts or benefits in kind. It is instructive to note that the code of conduct Bureau is not under any obligation to make the outcome of assets declaration of any public officer public, while paragraph 3(c), part 1 of the Third Schedule did not help in any way since it requires any person interested in knowing the outcome of assets declaration of any public officer to comply with the laid down conditions prescribed by the National Assembly or as may be prescribed by it from time to time.

The establishment of *Due Process Office* by the administration of President Olusegun Obasanjo (1999-2007) is another measure towards frontally attacking financial recklessness and lack of accountability by public officers to the detriment of the general populace.

The *Due Process* postulates that laid down regulations must be fully complied with in award of contract and or disbursement of public funds.

However, it is a sad commentary to note that several measures put in place by successive governments in Nigeria to promote *good governance* have not yielded the desired result since the age-long endemic issue of corruption continues to neutralize these measures with its presence in every level of government that is, whether at the Federal, State and or Local Government.

The Transparency International describes *corruption* as "... one of the greatest challenges of the contemporary world".

It undermines good government, fundamentally distorts Public Policy, leads to the misallocation of resources, harms the private sector and private development and particularly hurts the poor<sup>4</sup>.

World Bank, (1997) Helping countries combat corruption. The World Bank however depicts corruption in more encompassing words as follows: *The abuse of public office for private gain when private agents actively offer bribes to circumvent public policies and processes for competitive advantage and profit. Public office can also be abused for personal benefit even if no bribery occurs, through patronage and nepotism, the theft of state assets or the diversion of the state revenue.*

A legal scholar describing corruption opined thus:

*... and the pursuit of power has blinded politicians whose disregard for values and decency in public life is match by greed and untamed ambition. Where service to the people should have been the chosen path, our politicians have adopted the way of parasites who thrive by living at the cost of others.*

*And to sustain themselves in power they have joined hands with Criminals and thugs and have even opened for them the doors of Political parties, state legislatures and, in some cases, of Parliament itself. It is not the quality of the debate that has simply suffered in these amongst bodies but their credibility and capacity to guard the rights of the people against encroachment by an executive not known for believing in the Principle of public accountability.* Srivastava, C. P (2001) *Corruption, India's enemy within*. Macmillan 9-10

The above assertion cannot be better described the parlous state of corruption in Nigeria.

On the issue of corruption, a public commentator lamenting the Nigerian situation noted:

<sup>4</sup>[www.transparency.org/speeches/percarteraddress.lit](http://www.transparency.org/speeches/percarteraddress.lit)  
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... for a long time, we have been operating plutocracy, that is, government of thieves by thieves and for thieves. And the entire society was enmeshed in these. It doesn't matter how long you go you will find givers and takers, obviously, we can't go on like this. Nigeria can never be a great country until corruption ceases to be an issue.

*There is corruption everywhere.* (Onosode, G. (2000) "National Concord" August 5)

It has been argued that there are no dearths of legislations to tackle the menace of corruption in Nigeria.

Infact, the democratic government of 1999-2007 appears to have adopted holistic approach to stem the growing tide of corruption in Nigeria particularly with the establishment of the anti-graft agencies like the Economic and Financial Crimes Commission (EFCC) and the Independence Corrupt Practices Commission (ICPC) which are saddled with the responsibility of detecting, investigating and prosecuting corrupt persons. To an extent, the activities of these anti-corruption agencies yielded positive results but sadly enough, their impacts are yet to have direct bearing on governance. The mode of appointments of the head of these agencies which is an exclusive preserve of the President and Commander in Chief (He is the symbol of the executive) have neutralized their independence.

The manifestations of corruption in Nigeria today include: contract inflation, upfront payment by politicians for electoral positions (cash and carry politics), unjust court judgements, sacking of corrupt judges, dismissal of police and military personnel, arrest of governors outside Nigeria, collection of bribes/gratification from civil populace, arrest and trial of a former Inspector-General of police and Governors by the Economic and Financial Crimes Commission, ostentations lifestyle of political office holders.

Corruptions, in both the public and private sectors have resulted in poverty and under-development which have left the citizens with hopelessness and helplessness.

#### VI. CONSTITUTIONAL GUIDELINES FOR GOOD GOVERNANCE

One of the significant innovations of the constitution of the Federal Republic of Nigeria in 1979 was the inclusion of the chapter on Fundamental Objectives and Directive Principles of State Policy. The fundamental objectives are the "directive principles" laid down by the policies which are expected to be pursued in the efforts of the nation to realise the national ideals (Report of the Constitution Drafting Committee, 1978).

#### VII. FUNDAMENTAL OBJECTIVES AND DIRECTIVE PRINCIPLES OF STATE POLICY AS VEHICLE FOR GOOD GOVERNANCE.

One of the significant innovations of the constitution of the Federal Republic of Nigeria 1979 was the inclusion of the chapter on Fundamental Objectives and Directives of State Policy.

Presumably the same provisions, because of its apparent significance was introduced into the constitution of the Federal Republic of Nigeria, 1999.

The rationale for the provisions is that governments in the developing countries have tended to be preoccupied with power and its material perquisites with scant regard for political ideals as to how society can be organised and rule to the best advantage of all.

This rationale is of special relevance to the Nigerian polity whose cardinal features are the "heterogeneity of the society, the increasing gap between the rich and the poor, the growing cleavage between the social groupings all of which combine to confuse the nation and bedevil the concerted march to orderly progress. *Archbishop Olubunmi Okogie (Trustee of Roman Catholic Schools and others v. Attorney-General of Lagos State* (1981).

*The Chapter* (Chapter 11 of the constitution of Federal Republic of Nigeria, 1999). Fundamental Objectives and Directive Principles of State policy contains twelve sections, namely: Fundamental Obligations of the Government (Section 13); the Government and the people, Political Objectives (Section 14); Economic Objectives (Section 15); Social Objectives, (Section 16); Educational Objectives, (Section 17); Foreign Policy Objectives, (Section 18); Environmental Objectives, (Section 19); Directive on Nigerian Cultures, (Section 20); Obligation of the Mass Media, (Section 21); National Ethics, (Section 22); Duties of the citizens (Section 23).

A practical method of analysing the provisions by simply examining each provision, identifying their significance as well as problems of implementation under the present political economy an inefficient, underdeveloped and corruption-ridden free enterprise economy and undemocratic polity-in the country.

Section 13 of the constitution sets out the fundamental obligations of the government to the citizens thus:

*It shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers, to conform to, observe and apply the provisions of this chapter of the constitution.*

The relevance of chapter II of the constitution of the Federal Republic of Nigeria to the yearnings of the Nigerians from their leaders particularly as regards governance cannot be over-emphasized.

For instance, section 14 which provides for the security and welfare of the people as being the primary purpose of government underscores what the citizens of Nigeria, in a simple language classify as good governance as the absence of the aforesaid signifies bad-leadership syndrome often complained of by the people of Nigeria who desire the best of everything from their government, ranging from quality and affordable education to protection of lives and properties.

Section 16(1) provides that-

*The state shall within the context of the ideals and objectives for which provisions are made in this constitution: (a) harness the resources of the nation and promote national prosperity and an efficient, dynamic and self-reliant economy. (b) control the national economy in such a manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity (Emphasis supplied).*

While sub-section 2 (d) provides –

*That suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens.*

It must be pointed out that the combination of chapter II and IV (Constitution of Federal Republic of Nigeria 1999) which provide for the Fundamental Objectives and Directive Principles of state Policy and Fundamental Human Rights respectively provide a legal framework and guidelines for good governance in Nigeria.

However, it is unfortunate that notwithstanding the lofty ideals contained in the chapter II, its effects on good governance are yet to be seen since 1979 when it was first introduced into our constitutional framework.

The reason for the aforesaid stemmed from the fact that the provisions of the fundamental objectives and directive principles of state policy are not justiciable. Therefore, it would appear that the duty and responsibility of all organs of government “to conform, to observe and apply them” (Section 13 of the Constitution of the Federal Republic of Nigeria, 1999) is limited to the extent that the judiciary cannot enforce any of the provisions. Accordingly, the executive does not necessarily have to comply with any of the provisions unless and until the legislature has enacted specific laws for their enforcement.

The non-justiciability of the ideals diminishes their relevance and importance in the constitution, inclusion of the principles in the oaths of allegiance notwithstanding. Infact, the President, Governors, Ministers/Special Advisers and all the members of the legislature swear to preserve the objectives but arguably not to implement them. Achievement of the ideals of these principles represents the best tenets of good governance that any nation may desire.

As ideals, they are ideal but do not go beyond that. However, as earlier noted, it cannot be denied that these principles set a parameter for the attainment of good governance. The political will and economic wherewithal to implement the objectives remain the challenge for the polity.

Unlike, in India, the Nigeria Judiciary does very little to enhance the value and welfare of the people by their rigidity in construing the provisions of chapter II particularly as it relates to its enforcement.

At least, a more flexible approach as being adopted in India from where it appears Nigeria copied the lofty ideals gives force to the directives and it is more desirable in any civilized nation.

However, there is no doubt that in contradistinction from what obtains in Nigeria and few other developing nations; countries like United States of America, United Kingdom, Canada and Australia are often referred to as ‘welfarist states’ because of their adherence and implementation of lofty ideals of being welfarist state, not only on papers but in practice.

It must, therefore be pointed out that a worthwhile development must tend towards social democracy with strong welfare components and be geared towards support for marginalised groups and classes.

Failure to enforce chapter II of the constitution, that is, the Fundamental Objectives and Directives Principles of State Policy arguably is an infraction on the much touted chapter IV which provides for the Fundamental Human Rights, which act both in principle and practice negate good governance.

As earlier noted, good governance can only be achieved where the political and public office holders imbibe the culture of accountability, transparency and openness, where the legal and judicial system work without undue interference from the executive and the legislative arms of government.

The bitter truth, however is that all the aforementioned attributes are lacking not only in the body-polity but also among different classes of political and public office holders as most of their financial dealings either fails to follow the due process or done in secrecy away from the prying eyes

of Nigerians. This obnoxious situations have continued unabated, even now with brazen impunity.

This calls for a paradigm shift and this it is observed could only take place where there is 'Free Press' whose primary duty is to expose every illegal, secret and anti-people acts with objectivity.

### VIII. PRESS FREEDOM AND GOOD GOVERNANCE

It is pertinent to note from the outset what Press Freedom means and its pivotal role of entrenching good governance in any civilized nation. The concept of liberty of the press freedom has long held the attention of jurists (Blackstone Commentaries on the Laws of England 151-152 T. Cooley (1872) 2<sup>nd</sup> Revised Edition).

Blackstone (1872) lays down the scope of the concept as follows:

*Liberty of the Press consists in laying no previous restraints upon publication and not in freedom from censure for criminal matters where published. Every man has the undoubted right to lay what sentiment he pleases before the public ..... to forbid that is to destroy the freedom of the press but if he publishes what is illegal or mischievous he must face the consequences of his own temerity .*

Freedom of expression otherwise garbed in the cloak of press freedom is a fundamental human right as stated in Article 19 of the United Nations Declaration of Human Rights.

Article 19 Provides that—

*Everyone has the right of freedom of opinion and expression, the right includes freedom to hold opinion without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.*

The combined effect of sections 22 and 39 of the constitution of the Federal Republic of Nigeria 1999 emphasized the freedom of the press, otherwise referred to as the 'freedom of expression and the press.'

Section 22 of the constitution provides that:

*The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this chapter and uphold the responsibility and accountability of the government to the people.*

While section 39 of the constitution also provides as follows: *Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.*

Sub-section 2 further provides inter alia that: *Without prejudice to the generality of subsection (1) of this section every person shall be entitled to own, establish and operate any Media for the dissemination of information, ideas and opinions.*

However, inspite of the constitutional provisions on the freedom of expression and the press, Press Freedom is still not guaranteed in Nigeria, notwithstanding the return to democratic government.

The issue of press freedom, leadership and good governance is a crucial issue for our times in term of corrupt-free society particularly as it engenders poverty in Nigeria. Sadly, it gets too little attention.

The importance of the role of the press in nation-building cannot be over-emphasized particularly through information dissemination on the activities of the political office-holders and other public officers.

In Nigeria, for instance, an attempt by a member of the House of Representative to ensure that a bill which if passed to law will provide a right of access to public information or records kept by government, public institutions or private bodies carrying out public functions for citizens and non-citizens alike was twice thwarted by the Honourable Members of the House of Representatives.

Regrettably, a bill (Freedom of Information Bill) which if passed to law would promote accountability and good governance, by making the society more open was jettisoned.

In its editorial titled "The beleaguered FOI Bill", 'The Guardian Newspaper' (May 6, 2008) observed as follows: *It is obvious that the unacceptable level of graft in the polity is traceable directly to the ability and capacity of office holders and their accomplices to cover tracks by denying the public access to official records. Often it takes a probe such as the country has witnessed in the scandalous power sector to unravel corrupt practices which wreak untold havoc.*

Interestingly, after the FOI (Freedom of Information) bill brouhaha, another serious attempt was made to effectively silence the press particularly on the activities of the public/political office holders.

Recently, a bill which if passed into law will repeal the Nigeria Press Council Act 1992 and establish the Nigerian Press and Practice of Journalism Council was sponsored on the floor of the House of Representatives.

A group known as the Socio-Economic Rights and Accountability project (SERAP) in its reaction to the proposed bill petitioned the Special Rapporteur.

Freedom of Expression and Access to information in Africa of the African Commission on Human and Peoples' Right in Banjul, The Gambia wherein it stated among others that: *We are seriously concerned that if passed into law, the bill would contravene Nigeria's international legal obligations, including under the African Charter on Human and People's Rights, the International Covenant on Civil and Political Rights and the U.N convention is a signatory. The bill also directly violates section 22 of the 1999 Nigerian constitution, which requires the press to hold the government accountable to the people* ("The Guardian Newspaper" of Thursday, November 19, 2009).

The non-governmental organization went further to state that

*The implementation of the bill would undermine and limit the citizen's right of freedom of opinion and expression; including the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers...*

*The proposed bill is coming at a time when Nigeria has performed very poorly in the Transparency International obligations and Commitments.*

*Without Press Freedom, it is much easier for the Government to take away other Human Rights and to perpetrate official and large scale corruption* (Emphasis supplied).

The war against the press by the successive government in Nigeria is not limited to the enactment of anti-press laws but also vicious and violent attacks on the journalists for publishing what their 'victims' 'termed unfriendly reportage of events in the nation'.

In year 2009 alone, one of the states in the Northern part of Nigeria recorded scores of cases of threats, harassment and assaults on journalists, ("The Guardian Newspaper Thursday, September 17, 2009) while the numbers of seasoned media practitioners depreciated by not less than six deaths between January-April, 2010, among them was Mr. Bayo Ohu of the 'Guardian' Newspaper. They were all killed by assailants at different times and locations. The frightening and alarming rate at which members of the fourth estate of realm are being exterminated has necessitated a sharp reaction and criticism of the government by its members at different fora.

It is an understatement to state that press freedom was very close to politics as nothing could be more intrusive on politicians than a free press. There is nothing that could enfranchise people more than a free press particularly in Nigeria.

It helps to show the government, or remind it when necessary, where its true responsibilities lie. Ensuring free media in Nigeria is a priority which helps to entrench good governance.

A free press has to be understood as being a crucial key in the reduction of poverty, for development in both its social and economic aspects.

#### IX. COMPARATIVE STUDY

In developed countries like the United States, Canada and United Kingdom, just to mention but a few, there is high incidence of press freedom hence there is hardly any hiding place for corrupt public office holders and political leaders.

Another noticeable feature in these developed democracies is the presence of very potent legislations giving maximum support and enabling environment for unhindered information dissemination by the members of the fourth estate of realm.

For instance, the constitution of the United States (First Amendment, 969) provides that- *Congress shall make no law respecting an establishment or religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceable to assemble, and to petition the government for a redress of grievances..*

In the case of *Stromberg v. California* (1931), the Court voided a state law on grounds of its interference with free speech.

In Canada, the Canadian Charter of Rights and Freedoms (The Constitution Act 1867) guarantees some of the same rights, called "fundamental freedoms," that are protected by the United States Bill of Rights: freedom of conscience and religion, freedom of thought, beliefs, opinion and expression, including freedom of press; freedom of peaceful assembly; freedom of association.

It guarantees legal rights, such as the presumption of innocence, the right to life, liberty and security of the person, and security against unreasonable search and seizure.

The first section of the charter states that its guarantees are "subject only to such reasonable limits prescribe by law as can be demonstrably justified in a free and democratic society".

The position in the United Kingdom, in practice is not different from other developed countries. The United Kingdom's Human Rights Act provides for the freedom of expression and the press, while the courts are eager to enforce the said provisions.



The aforementioned nations are usually described as welfare states, whose resources are distributed in such a way that every citizens are well taken care of, while the press act as the 'watch dog'.

What is lacking in the Nigeria system of governance and by extension its leadership is the failure to note that the development of human resources is central to sustainable development. Worthwhile development must tend towards social democracy and free press, with strong welfare components geared towards support for marginalised group and classes. This calls for paradigm shift in the management of the nation's economy.

Putting people first is the global slogan for human development in the present times. People and their basic needs for food, water, shelter, healthcare, education and adequate transportation are the abiding priorities for engendering good governance.

#### X. CONCLUSION AND RECOMMENDATIONS

It is observed that without Press Freedom, it is much easier for the government to take away other Human Rights and to perpetrate official and large scale Corruption.

The upshot of this study is that political leaders and government in general in Nigeria should focus more on free press as a catalyst for engendering good governance in the nation.

Based on the findings of this study, the following recommendations are made: (i) A free press devoid of any government interference in its role of information dissemination should be encouraged and given enabling environment to operate (ii) Laws that will give life to freedom of expression and free press which will avail the press unhindered access to information relating to both public and private sectors financial activities should be enacted and enforced, (iii) The anti-graft agencies should be adequately funded and sufficiently immuned from the control and interference of the government, while its activities within and outside court-rooms should be given enormous publicity, (iv) Also, the members of the public in the nation must abhor culture that promotes profligacy and honour should only be bestowed on those whose means of livelihood are devoid of financial malpractices, and (v) Whistle blowing should be encouraged both in the private and public sector. What is whistle-blowing? It means the disclosure by organization members (former or current) of illegal, immoral or illegitimate practices under the control of their employers, to persons or organizations (example, anti-graft agencies) that may be able to effect action.

#### REFERENCES

- [1] Abdellatif, A. M (2003) – Good Governance and its relationship to Democracy and Economic Development (GF3/WA/IV/-3/51)
- [2] Ademola, A. Good Governance in Nigeria; Legitimacy and Accountability Perspectives (229) <http://www.krepublishers.com/02 - Journals/JSS/JSS>
- [3] AUNDP Policy Paper (1997) – Governance for Substance Human Development <http://magnet.undp.Org/policy/default.htm>.
- [4] Blackstone Commentaries on the Laws of England. T. Cooley (1872) 2<sup>nd</sup> Revised Edition.
- [5] Constitution of the Federal Republic of Nigeria (1999).
- [6] Freedom of Information Bill (2003)
- [7] Guobadia, D. A (2000) The Legislature and good governance under the 1999 constitution. – Journal of the Nigeria Institute of Advanced Legal Studies. Lagos, Ed. Ayua, I. A
- [8] Healey, J.; Robinson, M. (1994) Democracy, Governance and Economic Policy: Sub-Saharan Africa in Comparative Perspective. Nothingham; Russell Press Ltd.
- [9] National concord newspapers (2000) Edition of August, 5
- [10] Oyelowo, O. – Constitutions, Good Governance and Corruption: Challenges and Prospects for Nigeria. <http://www.enelsyn.gr/papers/w16>
- [11] Srivastava, C. P (2001) – Corruption, India's Enemy within MacMillan Publishers
- [12] The Constitution Acts 1867 (Canada)
- [13] The Guardian Newspaper (2008) Edition of May, 6
- [14] The Guardian Newspaper (2009) Edition of November, 19
- [15] The Guardian Newspaper (2009) Edition of September, 17
- [16] The Unites States Constitution (First Amendment)

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