



The **Constitution**

A JOURNAL OF CONSTITUTIONAL DEVELOPMENT

TOPICS:

**REMAPPING THE NATION:
NATIONAL BOUNDARIES AND NORMATIVE BOUNDS**
Adebayo Williams

**NIGERIA AND A PEOPLE'S CONSTITUTION: THE
IMPERATIVE OF DEMOCRACY AND CHANGE**
A. O. Okon.

**THE IMPACT OF PRESS STRUGGLES IN THE EMERGING
DEMOCRACY: AN EVALUATION**
Jacob Olufemi Fatile

**THE RELEVANCE OR OTHERWISE OF CUSTOMARY
COURTS OF APPEAL IN NIGERIA LEGAL SYSTEM**
O. K. Edu

THE LIMITS OF SOVEREIGNTY AND DIPLOMATIC IMMUNITY
Chike B. Okosa

**MARRIAGE CULTURAL PRACTICES, HIV/AIDS AND SOCIO-ECONOMIC
DEVELOPMENT IN AFRICA: THE YORUBA EXAMPLE**
Dayo Akanmu

THE CUBAN REVOLUTION AND AFRICA: A RETROSPECT
P. F. Adebayo

**DIDACTIC MATERIAL
THE PARIS PRINCIPLE**

**Published by
Centre for Constitutionalism and Demilitarisation
(CENCOD)**

**© 2004 Centre for Constitutionalism and
Demilitarisation. (CENCOD)**

ISSN 1595-5753

**All Rights Reserved Except with the Prior Permission
of the Publishers**

Printed in Nigeria by:

Panaf Press

26, Ogungbamila Street,
Akoka, Bariga,
Lagos.

E-mail: olapanaf@yahoo.com

CONTENTS

REMAPPING THE NATION: NATIONAL BOUNDARIES AND NORMATIVE BOUNDS <i>Adebayo Williams</i>	1
NIGERIA AND A PEOPLE'S CONSTITUTION: THE IMPERATIVE OF DEMOCRACY AND CHANGE <i>A. O. Okon</i>	11
THE IMPACT OF PRESS STRUGGLES IN THE EMERGING DEMOCRACY: AN EVALUATION <i>Jacob Olufemi Fatile</i>	37
THE RELEVANCE OR OTHERWISE OF CUSTOMARY COURTS OF APPEAL IN NIGERIAN LEGAL SYSTEM <i>O.K. Edu</i>	73
THE LIMITS OF SOVEREIGN AND DIPLOMATIC IMMUNITY <i>Chike B. Okosa</i>	88
MARRIAGE CULTURAL PRACTICES, HIV/AIDS AND SOCIO-ECONOMIC DEVELOPMENT IN AFRICA: THE YORUBA EXAMPLE <i>Dayo Akanmu</i>	94
DIDACTIC MATERIAL	120

THE IMPACT OF PRESS STRUGGLES IN THE EMERGING DEMOCRACY: AN EVALUATION

Jacob Olufemi Fatile

ABSTRACT

In an attempt to evaluate the impact of press struggles in the emerging democracy in Nigeria, the paper observes that beside the Parliament, the next indicator that the society is under democracy is its press. The press has been generally recognized as one of the main pillars of democracy, that is why it has been given definite role in the constitution to monitor the governance and hold the government accountable to the people. Not only that, Nigerians today are even more conscious than ever before of what their democratic rights are. They are now so deeply involved in the democratic process acting as principal actors rather than mere spectators, all due to the activities of the press or mass media.

The paper reviews untold numbers of democracy activists in the forefront of the struggle against military junta that were jailed and

tortured to death. Extra judicial killings have become a common and acceptable practice for authorities to eliminate the opposition democratic movement. These atrocities took place to the absence of independent and free media.

Also, the paper argues that information like water, is difficult to darn. Although impeded, it will always find a way to continue to flow. The military regimes for several years may have succeeded in systematically obstructing information, but it could not keep it under control for too long. As a watch dog and the Fourth Estate of the Realm, the Nigerian Press should enjoy unrestricted freedom and access to information in order to objectively use its activities as useful engines for social change, cultural enhancement, economic development and democratization.

Jacob Olufemi Fatile, is in the Department of Public Administration, Faculty of Management Sciences, Lagos State University, Ojo, Lagos

INTRODUCTION

The press over the years has been in the vanguard of increasing intelligibility of messages among the diverse ethnic groups in small and big society of the World. That the world has been reduced to a global village is as a result of the diverse contributions of the press (Shuaibu, 2000). In modern times, the press plays a very vital role of disseminating information to the public, thereby enabling the public to term their views and opinions on events around them. The press also provides an appropriate avenue for individuals to disseminate their views on public matters "The provision on freedom of expression would lose much of its meaning if individual views and opinions could not be freely broadcast or printed and circulated.

Not only that, the press provides an avenue to reach out beyond one's immediate environment and to the world at large. Indeed, the press is one of the bullwhackers of democracy - because a country with a free press is most able to provide opportunity for ventilation of ideas required for national development (Modoux, 2000:29). In a democracy, the press functions as a watchdog that checkmates the abuse of power. It also instructs, educates and entertains. A responsible government is one that enhances and upholds the right and

the freedom of the citizen. Freedom of expression is an essential ingredient to human development, and it is inseparably connected to the freedom to hold opinion and to receive and impart ideas and information without interference (Olugboji, 1977). Countries with grown democratic practices like Switzerland, USA, Britain, France etc. had appreciated the existence of the press in bringing about democracy. Thus the press can be regarded as the bedrock: foundation of all democracies.

The press is supposed to be the mirror of the nation, reflecting opinions, moderating and shaping them. No good government minimizes the importance and contributions of the press to its well being and that of the governed. In fact, the responsibility of the press in a democracy is first and foremost to the people. The public may conveniently be described as the fifth estate of the realm. Without the people, there would be no executive, no legislature, no judiciary and there would be no press worth its name.

The Nigerian press is the continent's most prolific and vociferous, setting the standards for media practitioners throughout the region. With over 147 behind it, the Nigerian press has witnessed remarkable changes in the size and composition of its practitioners

in the range of institutional structures, in its image as well as its power and influence. Going by its influencing and unflagging struggles for freedom, and the formidable influence which it has exercised on political, social, cultural and intellectual life, the Nigerian press has made some unique contributions to the development of Nigeria.

Long before independence, the Nigerian press made itself available as a major instrument for socio-political changes in the various protectorates and colonies. The emergence of the Nigerian state is, to a large extent, the result of the struggles of both the nationalist movements and the vibrant press. Ever since, press freedom has increasingly been considered as a positive instrument of development in the country.

According to Anyanwu (1999) "all over the world, a strong feature of a responsible and responsive government is its ability to enable the citizens and interested individuals know the happenings in government and society. This is because information is not just a necessity it is an essential part of good governance". Unfortunately, since October 1, 1960 in Nigeria, there is hardly any law that encourages press freedom and freedom of expression particularly freedom of information. The reason is because the mechanism for public participation is not just available.

This situation is however not helped by military incursion into the life of Nigeria, as military government reigned for 29 years out of 44 years of independence. It is noteworthy, however, that the committee on Fundamental Rights and Directive Principles of State policy and press freedom in the 1994/95 military sponsored National Constitutional Conference, submitted that an unfettered press is germane to the enthronement of a functioning democracy where rule of Law and the due process will reign supreme.

STATEMENT OF PROBLEM

Human beings desire freedom, but all around us freedom is restricted and obstructed. In Nigeria, freedom has come in trickles, while the fight to obtain as much of it as possible has sometimes led to loss of lives. Today, the fight continues as the country's political leaders continue to withhold freedom from the people.

Indeed, even such concept as 'freedom of the press', which is instantly recognized and respected in democratic countries, is still difficult to put into practice in Nigeria.

Even during times of relative easing of controls of the state media, as is the case now, journalists remain wary, for there is no telling just when a clampdown will be imposed on the media once more.

Experience has shown that once the new rulers become sufficiently strong, the press is put under pressure, intimidation and threat, and closure soon follow. That is what happened during the regimes of Presidents Sukarno and Suharto in Indonesia (Luwarsu, 1998: 85) and Buhari/Idiagbon, Ibrahim. Babangida and Sanni Abacha's regimes in Nigeria. In Nigeria no one is certain that President Olusegun Obasanjo will break the pattern set by his predecessors.

There is a relationship between the press and democracy. Beside the parliament, the next indicator that the society is under democracy is its press. Indeed, it has been said that you can measure the depth of a country's democracy by reading its newspaper. Without the press mediating public discussions, the people will lose their power to exercise the choices and freedom that distinguishes democracy from other forms of government. To put it mildly, nothing is so central to liberal democracy as a free press. The press determines on behalf of the people, whether a government is responsible and accountable.

Olukotun (2002:4) has observed that the role of the media in democratic struggles is often recognized but had been little studied. He explained that within the discipline of mass

communication emphasis tended to be laid in the African context on newsgathering, the status and role conception of media workers as well as changing communication policies. It is not surprising therefore that both disciplines of political science and mass communication were ill-prepared to theorize, explain or predict the ways in which the media catalyze or showdown democratization or indeed political change and social movements in general particularly when the third wave democratization broke out in Nigeria.

O' Donnel (1986) claimed that the seminar study of transitions in the Latin American context and a spate of books on the subject hardly paid attention to the media. Olukotun (2002) while explaining this trend among scholars specifically pointed out the failure of the renowned scholar, Okwudiba Nnoli, to discuss media in his edited book on Government and Politics in Africa. He therefore concluded that but for a few exceptions, the relationship between state, media and democratization has not been studied or theorized. In the same vein, Berger (1998:600) while writing on 'Media and Democracy' in southeast Asian states argued that while much has been written about media's development in the South there has been comparatively little about its democratic significance

The seeming non-performance of the various Nigerian Media as a result of the various obnoxious decrees and hostile physical acts of censorship has slowed down greatly the growth of a democratic society. The non-existence of enabling laws and environment has also denied most individuals the participation in the governance process. For instance, the press struggles have been hampered by series of obnoxious decrees and codes like the Official Secret Act, Criminal Code and Penal code. And significantly too, these mechanisms have continually threatened press freedom and freedom of expression, and by extension, the democratic development of Nigeria.

The arbitrary closure of media organizations, arrest, and detention and attacks of journalists by security agents coupled with the conducting of government business in secrecy, further deprived the press of its watch-dog roles. Even democratic government that was experimented once or twice would rather conduct the bulk of their business away from eye of the public, and substantiate reasons of public order, vocational security and public interest for their actions. Thus, the ability of a journalist or a concerned public to source information then depends on how well he is able to maintain and strengthen confidence with the civil servants. "The Official Secret Act, a legislation that has

adverse consequences on free and available information in Nigeria has not helped matters, so also is the criminal and penal code. Unfortunately, successive government including the civilian government has retained such an act" (Freedom of Information Legislation, 1999).

The erosion of this freedom has almost negated the concept of Fourth Estate of the Realm and its impact on the emerging democracy. It also tends to affect adversely the impact and inputs the people could make in the overall governance of the country. Considering the symbiotic relationship between freedom of expression and democratic development of any society, press struggles in Nigeria, in spite of the obstacles, have helped to shape the opinions of most Nigerians towards the birth of the present democracy.

According to Ojo (2001) Nigerian government officials are never tired to claim that the country's media is the freest in Africa, even during the heydays of military dictatorship. Of course, most Nigerians knew the bitter truth, which continues to subsist till date. The Nigerian press has never been free. Rather, Nigerian media practitioners have only managed to remain vibrant at the risk of incurring the displeasure of the power that be, whether military or civilian. The current administration of

President Olusegun Obasanjo administration is no exception.

The government and numerous Nigerians laid sundry obstacle and land mines on the way of the press in its efforts to build on the successes achieved in realizing the enthronement of democracy. The obstacles came in several ways, manners and facades. For instance, despite the May 29, 1999 return of power to civilian government headed by President Obasanjo, the Nigerian media operated under practically the same legal regime that existed during the years of military dictatorship of Generals Ibrahim Babangida, Sanni Abacha and Abdulsalam Abubakar.

The changes that occurred in the Nigerian Media environment of the new civilian administration, were only in terms of easing the hitherto hostile physical acts of censorship encouraged and perpetrated by the country's successive military regimes. It should be noted that these changes were not as a result of deliberate effort of present government of President Olusegun Obasanjo.

Theoretically, the Nigerian media enjoys the guarantee of freedom of expression and of the press as contained in the Nigerian Constitution, and a plethora of International Human

Right instruments to which Nigeria is a signatory. The Constitution, like its forebear, expressly guarantees freedom of expression as contained in sections 22 and 39, empowering the press and other agencies of the mass media to ".....uphold the responsibility and accountability of the government to the people". Section 39 (1) of the Constitution provides that: "Every person shall be entitled to freedom of expression, including freedom to hold opinion and to receive and impart ideas, information without interference" (Federal Constitution FRN, 1999).

As the watch dog of the government, the Nigerian media should enjoy unrestricted freedom and access to information in order to objectively use its activities as useful engines for the achievement of social change, cultural enhancement, economic development and democratization - all of which are badly needed in the present day Nigeria.

This study will therefore evaluate the issues that have been treated with less resolve in the past by government officials and policy makers especially. It will highlight issues germane to openness, accountability and transparency in government as well as how they affect the sustenance of democratic culture. Also, this study

administration. The paper was published for two years i.e. between 1863 and 1865 and its pagination varied between four and eight including a front page devoted to publishing adverts, notices and announcements, and inside pages devoted to local and overseas news as well as editorials on topical issues of the day. However, because of the pre-colonial stance of the *Anglo-African*, it did not enjoy the patronage of the nationalists. Consequently, it did not escape the financial problems which saw to its demise in 1865.

Some of the leading papers of the earliest periods include the *Lagos Times* (1880), *Lagos Observer* (1882), *Eagle and Lagos Critics* (1883), *Lagos Weekly Record* (1891), *Lagos standard* (1894), and *Nigerian chronicle* (1908). Other are the *Nigerian spectator* (1921), *Lagos Daily News* (1927), *The Comet* (1932) and *West African Pilot* (1937). The *West African Pilot* was founded by Dr. Nnamdi Azikiwe.

The Nigerian press took on the role of opposition to the government. Through its activities, it encouraged a sense of political and nationalist awareness and involvement by providing the medium of criticism of the authorities, spreading disaffection with aspects of official policies and programmes and coordinating of agitation. The

muscular patriotism of media practitioners during the anti-colonial struggles was manifested in their ability to stir mass revolts, rallies, protests, demonstration which eventually culminated in the country's independence in October, 1960. Thus, the colonial heritage of protest media has been invoked and updated from time to time in post colonial Nigeria, in the struggle against dictatorships, military and civilian.

Just as the colonial state sought to circumscribe the boundaries of discourse through censorship laws as well as through commercial support for pro-imperial media, the post-colonial state has sought, in changing contexts, to limit challenges to its hegemony by jailing opposition journalists or starving their media of advertising support and by co-opting influential journalist into their legitimizing framework (Olukotun, 2002).

Governor Lugard for instance actively courted, funded and supported editors of pro-imperial newspapers such as the *Nigerian Pioneer*. In fact, Kitoyi (Publisher of the *Nigerian Pioneer*) and Lugard were close friends. However, newspapers like the *Weekly Record* which thrived from the close of 19th century to 1930's was a radical newspaper which was critical of the government.

Olatunji and Uyo (1996) observed that long before independence, press-government relations have been characterized by conflicts, as journalism has tended to give government a bad press, and later feeling confronted by a formidable rival, has often tended with repressive measures. The ancestral *Iwe-Irohin* was even a victim of this predicament. Its outspoken intervention on the side of the Egba in their disputes with the Colonial administration in Lagos in 1860's so annoyed the latter that it lodged a complaint with the imperial government in London. Several times in 1863, the Christ Missionary Society (CMS) authorities cautioned Rev. Townsend to exercise restraint. An alliance of European businessmen and somewhat conservative Nigerians founded the Daily Time in 1926 (Jose 1987). The Daily Times saw itself as a middle of the road publication in terms of hegemonic conflict, it was in the colonial period a conservative influence (Olutokun 2002 P. 26).

In 1932, the Comet was established by Duse Mohammed Ali, an Egyptian who settled in Nigeria. The comet was credited as being the first newspaper that tried to present objective news without any political bias – this was because Ali was an outsider. The comet, quickly gained a large readership and many other

newspapers that were established followed it example. The fact remains that the press influenced public opinion on a large scale and it is therefore ironic that the privately owned press that was credited for bringing about independence in 1960, was replaced by an almost completely government – owned press after independence.

The later colonial period witnessed an intensification of nationalist agitation, the increasing role of the Azikiwe chain of newspapers in the nationalist struggle, the rise of the party and regional presses from the Richards Constitution of 1946 onwards, with its tripartite morphology; the beginning of the broadcasting media with the setting up of a British Broadcasting corporation (BBC) relay station in 1932, as well as the increasing professionalisation of journalism. It is therefore appropriate to argue that the media were the main agents through which the struggles for independence was waged and the enthronement of democracy in Nigeria achieved. The Nigeria's foremost nationalists; Dr. Nnamdi Azikwe, Chief Obafemi Awolowo, Anthony Enahoro and M.C.K. Ajuluchukwu, to mention a few, used their newspapers as veritable tools for fighting against and dethrone colonialism and for establishment of independent democratic Nigeria.

in 1960, the mass media 's attitude changed from encouraging nationalism and trying to establish national identity to reinforcing tribal sectional and ethnic loyalties. The press in the North, East and West would articulate their own ethnic interests. By 1973, the government owned press had lost a lot of support as a result of this, because it ignored the fact that its audience was national and therefore certain degree of objectivity were necessary, especially when dealing with controversial issues in times of crisis. Hence, the public realized that it was been taken for a ride. It is also ironic that the press brought an end to colonial rule, by creating a strong sense of nationalism, was instrumental in destroying it. However, the practice of perpetuating these parochial interests ceased almost immediately after the civil war (Maja et.al, 1995). Besides, notwithstanding the polarization of the media into geo-ethnic rivals in the years immediately after independence, they were united in challenging the Newspaper (Amendment) Act of 1964.

Commenting on the role of the media in Nigeria's first republic, Diamond (1988:84-85) pointed out that:

the press was the most potent institution supporting democratic freedom. There is tradition of hard hitting, fearless and independent journalism which has carried over from the colonial

days, when the press was the spearhead of journalism. Though most papers are intensely partisan, they have several times agreed with each other and opposed the authorities that sought to restrict freedom of the press or individuals.

The second republic (1979 –83) was marked by a high level of new newspapers, as well as brave editorial opinion. This in turn, brought about a high level of political participation. The press was recognized for upholding the basic objectives of the constitution, as well as holding the government accountable to the people, but no constitutional changes were made to allow the press to do this without any government interference. Newspapers were opened for the sole purpose of providing a platform for certain political views and were used as tools by those people with political ambitions (Ibid).

When the military took over in 1983, Buhari was open about interfering with the press who had several years earlier implicated him in fraud and corruption. Not much changed when Babangida took over in 1985. The Babangida government as the crisis of democratization intensified, invested heavily at home and abroad, in laundering its image and putting out its story. Olukotun (2002:97) noted that

it tried to circumscribe the discourse regime by persecuting outspoken oppositional media, while co-opting influential journalists and opinion leaders into a neo-corporatist framework under a national unity banner. In 1986, Dele Giwa, Editor in-chief of the *Newswatch* magazine was assassinated. Giwa was remoured to have been working on a story implicating Babangida and his wife in drug smuggling, when he was killed by a parcel bomb in his home. This was the first such incident in Nigeria's press history.

The Chief Ernest Shonekan-led Interim National Government faced vociferous opposition from the militant section of the media and an aroused civil society. There is no greater contradiction of an ethnic perspective of media resurgence in these years, than the fact that the same allegedly Yoruba dominated media largely championed the fall from office of Chief Shonekan, a Yoruba technocrat. Had ethnicity been the issue or the cardinal reason for media agitation, so-called Yoruba media would have condoned the government of Shonekan. It is important to note that Shonekan had promised to repeal anti-press Decrees 2, 29 and 48 and other ones promulgated in the dying days of Babangida's regime but he was overthrown in a bloodless coup led by General Sani Abacha before he could redeem or fulfill his promise.

Thus, the period from 1993 to 1999 witnessed an intensification of hegemonic contestation between an increasingly repressive and militarized state and an aroused civil opposition championed by a section of the media. Faced with growing opposition from a section of the media and human rights groups, the state intensified incorporationist strategies by purging state-owned media in order to ensure that they were compliant. When Abacha took over, the downward spiral continued, but when Abubakar took the reigns of power, a faint glimmer of hope began to shine through the dark clouds of one of the worst periods of oppression that the Nigerian media had even been up against. In January 1994, a team of state security and police officials seized 50,000 copies of the *Tell* edition of that week entitled "The Return of Tyranny: Abacha bares his fangs" (Ibid P. 120). And between January and March several Journalists were detained for brief periods in connection with their publications. These included the editor of *Razor magazine*, Mr. Moshood Fayemiro and Tony Irolade over a story predicting a coup detat, the publisher of *Hot line* Alhaji Sanni Kontangora as well as Alex Kabba of the *News / Tempo* (NUJ, 1994). With the election of Chief Obasanjo to govern Nigeria under a new democratic dispensation that glimmer of hope is getting brighter.

There is no doubt in the fact that newspapers, magazines and the electronic media in Nigeria operate in fear of prosecution and fear of seizure of their publication by an intolerant regime. Vendors too are incarcerated for displaying on the news stands copies of such publication, many journalists resorted to operating from suit cases, moving from one location to the other to avoid being picked up by security operatives in their homes and offices.

Over the years especially during the military regimes there were thousands of incidents of violations of press freedom and freedom of expression. Notwithstanding, the Nigerian press has recorded important milestones that mark the evolution and transformation of techniques, policies values and goals. There were the era of the *Iwe-Irohin*, *Lagos weekly Record*, *West African Pilot*, *Daily Times*, *The Guardian* and *Newswatch* that were a flagship of the industry at one time or the other and which inspired new directions.

THEORETICAL FRAMEWORK AND LITERATURE REVIEW.

The aim of this section is to dwell extensively on the various contribution of analysts and Political Scientists on the effect of press struggles in an emerging democracy.

Numerous definitions have been given to the word press. We shall look at some of these definitions and the various theories relevant to the study. Ibrahim (2002) defined the press "as that social institution responsible for the dissemination of information, making commentaries, setting the agenda for public discourse and acting as a watchdog of the society over its representatives in the course of executing their mandate". The imperative in the above definition is that the press is a social institution or arrangement by a people to pass and receive messages, stating their views and as well as discuss topical issues of the day and curbing the excesses of the government.

Also, Mamora (2001) described the press as people who are trained and must have acquired quality knowledge about how to report happenings; political, religious and some other kinds of news without any bias. They are expected to air the view of the masses, to really know how the nation has been governed in times past and to know how to surge the nation forward.

Berger (1998:600) described democracy as participation by means of real electoral choice in matters of government. It can refer too, to significant participation in the media, by right of stakeholders like journalists or

members of the public. Since the periods of ancient Athens when democracy was characterized by three distinguished features (supreme power was vested in ekklesia, the assembly of citizens freedom of speech, and the making of all political offices open to all citizens) three basic model of democracy have emerged viz: direct or participatory democracy, liberal or representative democracy and Marxist or peoples democracy. Considering the features of these models, liberal democracy has emerged as the dominant and relevant to this study. Liberal democracy as a model views democracy as a system of rule embracing elected officials who undertake to represent the interest and views of citizens within the framework of "rule of law".

Anifowoshe and Enemuoh (1999) explained that the doctrine of rule of law is intimately bound with the practice of democracy. There can be no democracy without the rule of law and vice versa (Sagay, 1996). Nwongo (1988) observed that the absence of democracy in Africa for much of the last three decades encouraged lack of accountability.

Amuta (1999) opined that the media is an indispensable facilitator of democracy and that in Nigeria they have been the greatest contributor to the

return of democracy in Nigeria. Here Amuta's proposition is based on the promises that the media via the collection and dissemination of information have no small way contributed to Nigeria's return to democratic rule after several years of military dictatorial rule in the country. For instance, it was as a result of the publication and outcry of the media that made the seat of government during the administration of General Babangida to be as hot as hell that he handed over to Shonekan who was perceived as the Yoruba stooge that could take rightful position of Bashorun M.K.O. Abiola who was adjudged as the winner of June, 12, 1993 election in the country. In addition to this fact, it was the challenge of the press to Buhari's Decree 4 that really undermined the legitimacy of that dictatorship. And by the same token, it was the attacks of the press that hurt the Abacha's regime most.

Hegemony theory is very useful to a study of state media relations both in the advanced capitalist countries where most of the debates have taken place, as well as in Africa (Olukotun, 2002). Hegemony theory is gradually coming up to replace the Marxist theory which is gradually becoming unpopular with the collapse of the Soviet Union around 1990 to 1991 and its failure to adequately theorize the domestic

dimension of Africa's political economy (Ibid P.6). The theory was first explicitly formulated by the Italian radical thinker and Marxist, Antonio Gramsci in his Prison Notes (Gramsci, 1971). Gramsci formulation of hegemony theory was extended and carried forward by such scholars as Althusser (1971) Jürgen Habermas (1976) Ralph Milliband (1993).

Louis Althusser (1971:135) observed that hegemony involves both the coercive or repressive power of the state in the shape of the security and military infrastructure; as well as ideological component maintained by what he called "Ideological state Apparatuses (ISA). These Ideological Apparatuses according to Olukotun (2002) are elaborated as the way in which hegemony is reproduced through such agencies as culture, communication, education, law, politics, religion and family. Althusser's work on this score has been criticized for granting very little autonomy to civil society in that its various agencies are thoroughly permeated by the state and therefore underestimates the extent to which these "apparatuses are centers of counter hegemonic resistance to the state and dominant ideology (Rossamond P.88).

Jürgen Habermas (1976) also contributed to the reformulation of

hegemony theory. Habermas posits a deliberative democracy in which civil society through the auspices of communicative power can exercise better control on policy-making. Although Habermas facts and norms have been criticised for apologizing for or excusing many liberal democracy failings, (Cook, 2001:150) the book and his earlier theorization of the public sphere to generate debate as to the extent to which the media constitute a genuine "public sphere" in Habermas terms, rather than the handmaiden of organized business groups or of monopoly capital.

Ralph Milliband's influential study of hegemony offers concrete empirical proof of the ways in which the state manages the media by citing the example of Western Germany in the 1970's where the chancellor has a secret fund of 13 million Deutch mark for the purpose of supporting government friendly newspapers (Ralph Milliband, 1973 P. 162). Recently a number of scholars working with the hegemony theory tradition have combined the key insights of the theory with those of discourse analyses to analyze, how oppressed groups and classes construct resistance to domination sometimes through the use of alternative media forms (Thilven Reddy, 2000).

Pertinent to this study is the creation by civil society of an alternative media to contest the domination and repression of civil society by the military state (Ibid). The best illustration of an alternative media during Nigeria's democratic struggles, were the underground journal of the military years as well as a pirate radio station which were employed to delegitimise the military state, in the face of repression and terror tactics (Olukotun, 2002).

Of the dominant theoretical perspectives or models that have been very useful in analyzing the role of the press are the four theories of the press, the sociology of news paradigm, and development journalism which applies more to the press in developing countries like Nigeria (Agee et.al, 1982). The theories of the press formulated by Frey Siebert, Theodore Peterson and Willbur Schram have four prototypes. These include Authoritarian theory of the press, the Libertarian theory, Communist theory and Social Responsibility theory (Ibid). Momoh (1999) however identified four theories which include the libertarian theory, the Authoritarian theory, the social responsibility theory and pragmatic theory.

Agee et. al. (1982) claimed that the Authoritarian theory of the press posit that government has a monopoly of

wisdom, and it only knows the truth. The press under this theory is supposed to serve the purpose of the government, or that of the power that be, and shall do so at the pleasure of those in authority also shall grant them license, and withdraw it when the press is not doing their bidding. Thus, the theory believes that the press, like all forces must be controlled; rigidly controlled otherwise it will destroy itself and society. In addition, this theory of the press believes that there is no such thing as absolute freedom i.e the press like other institution must operate within such laws as must make it supportive of the society which the authoritarian theorists see as ultimately represented by the government in power. Therefore, the press milieu must support the government and it is in this sense that it is said to be rightly the Fourth Estate of the realm. The press here must work within the framework provided by the government. It must not report contrary to the government of the day but paint a good picture of the government.

Momoh (1999) sees the Libertarian theory of press as the epitome and ardent as well as perpetual promoter of freedom i.e. free speech, free thoughts, free movement and free choice. The press in this view must support and uphold democracy in any form and always prefer it to and promote it against dictatorship or authoritarian rule. Thus,

the press is unlimited in the dissemination of information for the people to be fully aware of the government constituted by them for the purpose of accountability of public office holders and removing all form of dictatorship. Agee et.al (1982) added that the theory postulates a free market place of ideals where truth and falsehood contend presuming that truth will ultimately triumph. The purpose of the press here is to serve as a watchdog over government to which the press does not differ.

The third prototype is the communist theory which conceives the press as being part and parcel of the government in every respect. This kind of press systems existed in the communist countries.

The last prototypes of the four theories of the press is most relevant to this paper. According to Agee et.al. (1982), the social responsibility theory has the following functions:

- (1) Serving the political system of providing information, discussion and debate on public affairs.
- (2) Enlightening the public so as to make it capable of self-government.
- (3) Safe-guarding the right of the individuals by serving as a watch dog against government.
- (4) Servicing the economic system primarily by bringing together the

buyer and sellers of goods and services through the medium of advertising.

- (5) Providing entertainment
- (6) Maintaining its own self-sufficiency so as to be free from the pressure of special interest.

Essentially, the above functions are no doubt suitable expansion of the original functional model produced by Harold Lasswell in 1948. According to that model, the functions of the press in any society are surveillance of the environment, correlation of the components of society in responding to the environment and transmission of social heritage (Ozolua, 2002).

The social responsibility theory sees the press as an institution like all others with a social duty to promote and contribute to the good governance of the society. The obligation of the press in this view is to the society at large and as a whole, and the press here must be responsible enough not only to playing its given assigned role but must foist a similar sense of responsibility on all segments, institutions and agents of the society. The press here is a watchdog or arbiter. Thus, the press is a trade off between or among all institutions that make up the society to forestall all lawlessness promote peace, stability and sense of responsibility among all member of the society (Momoh, 1999).

The Executive Chairman of Channels Television, John Momoh (1999) while delivering a paper at a workshop on Anti-corruption held in Lagos in 1999 titled "Combating Corruption in Nigeria: The Role of the mass media" agreed with Agee et.al. (1982) on the functions of social responsibility theory. He identified the following as the role of social responsibility theory of the press. The first tenet of the social responsibility theory states that to be considered useful, responsible and responsive in any society, the press as a social institution should service the political system by providing information, discussion and debate on public affairs. It must continue to practice more interpretative and investigative journalism. Secondly, the tenet of the theory require that the press should enlighten the citizenry so as to make it capable of self government. It must endeavour to continue to educate Nigerians on their basic right and the working governments on their duties and obligation to the state. The third tenet of the social responsibility theory posits that the press should safeguard the rights of the individual by serving as a watchdog over government the press must continue to expose corrupt officials whether in the civil service, Senate, House of Representatives, the Presidency plus the press itself. The fourth tenet requires the press to

service the economic system primarily by bringing buyer and sellers through the medium of advertising. The fifth tenet speaks on the obligation of the press to provide entertainment. The Sixth tenet of the social responsibility theory of the press states that the press should maintain itself-sufficiency so as to be free from pressures of special interest.

The pragmatic view which was identified by Momoh (Ibid) is not a theoretical view. It posits that the press mirrors the society and contains or reflects the view and actions of the society not itself. It is therefore not to be held accountable for whatever it reflects or shows up.

It is important to state at this juncture that the social responsibility theory is closely related to the development journalism perspective. The key message of the Development Journalism perspective or model is "that for any press system to be condemned, useful or irrelevant, it must identify with and contribute to the socio-economic development of the society or country in which it exists (Agee et. al, 1982). In other words, the press is expected to be a partner with government and other social institutions in achieving rural and national objectives in the country where it operates to be considered responsible. Even though development

journalism has been criticized by Western Scholars and other exponents of the free-flow of information as a mere excuse by journalists in developing countries to serve as lap-dogs (as opposed to watchdogs) of government, it is still accepted as useful press philosophy or model for journalists operating in developing countries. This explains why this model's focus is part of the analytical framework of this study.

But the sociology of news perspective that was popularized by communication experts like Bernard Roscho and Todd Hunt has been found to be useful tool for the understanding and assessing the work of the news media and press men in any society. It states that media outputs like news, articles, editorial and other journalists genres can be best understood and assessed as organizational processes and organizational Product. It seeks to explain why pressmen do what they do and how certain peculiar organisational (intra-media) constraints and external societal constraints can negatively affect the performance and outputs of the journalists in any country.

These theories and views will continue to contend in any society and one or any may gain supremacy at a particular time and go under at another. In reality however, it becomes distinctively clear

that there can be no democracy without a free press, and that the role of the press lies in the active promotion of democracy, free choice and good governance.

Nwabueze (1982) observed that the world over, the priority accorded to freedom of speech and the press is predicated on the strong belief that free discussion is indispensable to the discovery of political truth. Against this backdrop, while emphasizing the vital role and greater importance of freedom of speech and the

press have over other rights, he explained that "it is an established doctrine of the law of the constitution in United States that freedom of speech and the press have preferred status over all other rights, including indeed, the right to life and personal liberty".

Onyeoziri (2000) views the press as a facilitator of the people's effort to control their government. He explained that the press is saddled with the responsibility of informing the public about the sensitivities and anxieties of the citizenry. The press is the avenue of developing knowledge, power of citizen efficiency to compel government to be responsive to popular will.

Momoh (2000) argued that when positioned in the marketing/economic

concept of the monopoly situation, the perfect situation and the oligopoly situation, it becomes distinctly clear that there can be no democracy without a free press, and that the role of the press lies in the active promotion of democracy, free choice and good governance. Therefore, the press must be much tolerant with democracy and very critical of authoritarianism or such tendencies. If it must err, the press should err on the side of good governance and democracy always.

The role and effects of the press on democracy was summed up by Olanipekun (2000) thus:

It is the sacred duty of the press to promote and encourage the substances of our democracy and discourage any military or civilian coupist from taking over the government of Nigeria. The press should also take the lead in preaching and advocating sustenance of the rule of law which is sine qua non to a successful democratic dispensation. In order to bid farewell to lawlessness, the press has a burden duty to work in partnership with the Judiciary and the entire legal profession to enthrone the rule of law in the country, thereby fostering our nascent democracy.

In the same vein Onyeoziri (1999) while contributing to the weekly symposium. "The Media and Democracy" of the

Post Express Newspaper in his paper captioned "No media, No Democracy" he argued that "We behave as if all we need to achieve democracy is election. But if there is any one element that has crucially sustained our democracy, it is the media (Press)". Given the boldness shown by the Nigerian press in its reporting, many have undoubtedly ascertained it as the freest and envy of the African press despite the constant threats of Nigeria's military regimes.

It is important to stress that access to government information is essential for democracy to operate. This is not a secondary opinion or point. Christopher Simpson quoted by Powell III (1999) emphasized that the government has to be brought to understand that if it wishes to have a democratic system, it must be open (friendly and relates cordially well) to its own people. This is an absolute fundamental point.

The freedom to gather and produce news – assemble an information – gathering team, ask questions, demand answers, ferret out the truth, etc – is in itself an integral and important part of total freedom in society. But more so than most other institutions in society, the media also can spark other freedoms (Peter Eng, 1998:23)

Brave journalists who defied threats and censorship in order to cover protest

movements and expose abuses of the authorities played major roles in the watershed pro-democracy uprisings in the Philippines in 1986, Thailand in 1992, and Indonesia in 1998. Journalists are now perhaps the leading guardians of democracy in the Philippines and Thailand. In 1997, Thai newspapers helped to bring down an inept government and ensure the passage of a new democratic constitution. Chavalit Yong Chaiyudh, who was ousted as Prime Minister, called the English Language newspaper "*The Nation*" "my biggest enemy" (*Ibid.* P.25).

According to Eng. (1998), Thailand's experience shows the symbiotic relationship between the media and democratic constitution. He argued further that in Thailand and the Philippines, citizens think of press freedom as inseparable from democracy, and they will rise to defend it. They rely on the media not only for news as such, but for many other desires in life: to publicize their campaign against construction of a dam, get city officials to clear the garbage piling up on their streets, punish the store that sold them a faulty refrigerator, give them reliable data about their stocks.

What is the proper relationship between democracy and the media? Is freedom of communication through newspapers,

radio and television a practical ideal at the end of the twentieth century? Do the new technologies such as telefaxes, satellite broadcasting and electronic mail enhance or hinder the process of democratization? These questions, long neglected in the social sciences, are today becoming topical (Keane, 1998: 524). In countries such as the United States, Italy, Poland and Britain a curious thing is happening. The old language of 'Liberty of the press' shaped by the ethos of private market competition, is making a grand return to the center stage of public debates about the future shape of the mass media.

THE PRESS AND THE CONSTITUTION

At independence, Nigeria retained the British colonial legal system. British legislation relating to the press were made in Nigeria on the basis that the nationalist press was an enemy that has to be watched very closely lest it did great harm (Nwankwo, et. al, 1993) Therefore the laws they made -The 1903 law, the Sedition Act of 1909 and the 1917 Newspapers ordinance are - all aimed at checking the presumed excesses of the nationalist press

The immediate antecedents of the 1909 law were the series of violent demonstrations presumably triggered by the publication of a pamphlet titled

“Governor Egerton and the Railway” by Herbert Macaulay which severely indicted the Governor. Equally interesting were the provisions of the criminal code ordinance of 1916. Several journalist were fined under this and other laws, which produced a climate of harassment, prosecution and intimidation (Omu, 1996 P. 15)

Although Nigeria started having constitution as far back as 1922, press freedom only became constitutionalized in Nigeria on the recommendations of the Minorities Commission of 1957 which was set up on the country’s independence to examine how the right and interest of minority groups could be preserved in the emergent independent nation. The commission prescribed the incorporation of a guarantee of fundamental rights, including the rights of free expression into the Nigerian Constitution. By the same token, section 24 of the 1960 constitutional basis of press freedom of independent Nigeria, became enshrined in the Independence Constitution. In line with Article 19 of the Universal declaration of Human Rights, Section 24 contained two subsection and provided as follows:

1. Every person shall be entitled to freedom of expression, including freedom to hold opinion and to receive and impart ideas and information without reference.

2. Nothing in this section shall invalidate any law that is reasonably justifiable in a democratic society.
 - (a) In the interest of defence, public safety, public order, public morality and public health or
 - (b) For the purpose of protecting rights, reputation and freedom of other persons.
 - (c) Imposing restriction upon persons holding office under the crown, members of the armed forces, or members of the police force.

This section was also repeated as section 25 in the 1963 constitution. With these provisions, it would be seen that whatever usefulness and importance we may want to ascribe to this provision has already been vitiated by sub section 2. In other words, what was granted with one hand was immediately taken away by the other.

After Independence in 1960, the colonial antecedent defined the attitude of the post independence government to the press. The press was viewed with suspicion and a spoiler and laws were enacted to restrict its access to information. This include the Official Secret Act of 1962, the Newspaper Amendment Act and other provisions relating to matters categorised as obscenity or relating to the security of the state. Government owned media was seen as government property instead of public property.

However, the 1979 constitution witnessed a very critical and comprehensive debate before it was put together and submitted to government by the 49-man Constitutional Drafting Committee. The constitution provided Nigerians a higher degree of press freedom in two respects. First, it created in chapter II Fundamental Objectives and Directive Principles of the state policy section 21, some obligations for the Nigerian Mass media which says:

The press, radio, television and other agencies of the mass media shall at all time be free to uphold the responsibility and accountability of the government to the people.

This section imposes an obligation on the media and this obligation should be the peg on which the freedom of the press should be hung. The second index of the relatively enlarged press freedom provision of the 1979 constitution is contained in section 36 subsection 2. The section repeated in subject (1) and (3) the freedom of expression provision of the 1960 and 1963 Constitutions subsection 2, the right to "own, establish and operate any medium for the dissemination of information, ideas and opinion on every Nigerian". The section says: "Every person be entitled to freedom of expression, including freedom to hold opinion and to receive and impart ideas

and information without interference...". However, the said Constitution does not give the press any protection towards the execution of its constitutional obligations.

The chapter 11, section 22 of the 1989 and 1999 constitutions of the Federal Republic of Nigeria stated categorically that the press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objective contained in this chapter and highlight the responsibility and accountability of the Government to the people. Hence, like the 1989 constitution, the 1999 constitution gave the responsibility of making government accountable to the people and this role was strengthened by S 38 and S. 39 of the 1989 and 1999 constitutions respectively which states that every person shall be entitled to freedom to hold opinions and to receive and impart ideas and information interference (1989 and 1999 Constitution FRN).

In spite of all these provisions, the Nigerian Constitution failed to guarantee to the Nigerian press a right to freely operate and carry out its role of watching of government. The problems of the mass media in Nigeria stem primarily from the government's refusal to shed its inherited colonial attitude by seeing the mass media as a partner in progress. This is what

accounts for the constitutional ambivalence towards the mass media which has to be resolved in favour of public interest for the press to make its full contributions to national development.

The only guarantee that press freedom will last is the sanctioning of society. After a certain level, it is very difficult for the press to develop if society does not develop along side it.

No amount of Constitutional or legal guarantees nor the presence of a strong journalists union will make press freedom, if this concept has not taken root among the people, (Eng, 1998).

Lukas Luwarso, Chairman of the Alliance of Independent Journalists (AIJ) in Indonesia, said in a speech at a November 1998 seminar for Southeast Asian Journalist in Bangkok "successive regimes in Indonesia", he said, "have shown slant regard for constitutional and other legal guarantees applying rule by law, instead of rule of law (Ibid). In post Suharto era, pressure on the media has come not only from the government, but also from those who claim to seek democracy. A society both respecting freedom of expression and able to stand up to the state is clearly a key to effective and guaranteed press freedom. In short, civil society must be developed.

THE PRESS AND THE STRUGGLES FOR DEMOCRACY IN NIGERIA

The Nigerian press constitute a visible watchdog of society, setting the appropriate political agenda for national development and serving as the legitimate conscience of the people, it is even more crucial in developing countries where the contradictions and challenge of nation building, social change, social pluralism democracy and economic development are most acute.

Thus, the most vital ingredients for growth and development in a sustainable democratic dispensation of the country today is nothing short of free, fair virile and dynamic press. To operate otherwise will be undermining the ideal of democracy. The higher the duty, the greater is said to be the responsibility and of course, the higher the expectation. Much is expected of the press; it is against this backdrop that much should be expected of them through rightful and discernible access to information by the government. This is what democracy and democratic press should be in a democratic environment.

A critical analysis of the Nigerian press has shown that it has not fared well in the various regimes it find itself (military or civilian) with the 141 years of its patchy but meritorious service to the

nation. Referred to as the Fourth Estate of the Realm, the media have come under criticisms as a troublemaker, and a destructive influence by institutions and at times by the very people they are protecting and fighting for. As a result the press has received knocks and condemnation from the ruling class.

The media, throughout our history have always been in the fore front of the struggle to establish democracy in our land. Going back even to the colonial times, it is an established fact that the media is the main agent with which our struggle for independence and by extension, the enthronement of democracy in Nigeria was achieved.

In a recent study by the World Bank of 60,000 individual poor people in over 60 countries, majority of them lack one thing, inability to be heard and to express themselves. In the report, the President of the World Bank, James Wolfensohn (2002) described the issue of press freedom and leadership as a crucial issue for our times in terms of freedom and democracy around the World. He claimed that "Sadly, it gets too little attention,..... this is clearly and irrefutably an issue that requires greater exposure and greater understanding. You surely didn't talk about press freedom, because press freedom was very close to politics. What could be more instructive on

politician than a free press? What is it that could enfranchise people more than a free press?" Freedom of the press is not a gloss, it is not an extra. It is absolutely at the core of equitable development. If you cannot enfranchise the poor people, if there is no searchlight on transparency, any speeches by international leaders or by World Bank are simply not effective (Ibid).

From the First Republic to the present, the press has fought against human rights abuses and during military rule for the restoration of democracy. In the first republic the press through their agitations ensured that the civilians government repealed the "infamous Newspapers Act of 1964, which sought to restrict freedom of press (Enahoro, 2000). Thus, in the First Republic, the press was so determined to ensure the rule of law under a democratic system. In 1966, the military took over power and ruled continuously for 13 years. During the period, journalists were detained and some even has their heads shaven with broken bottles.

Infact, the Minere Amakiri's case was one of the most sensational crises faced by the Nigerian press during the military rule. Amakiri, a Portharcourt-based reporter of Nigerian observer, was given a clean hair-cut, stripped naked and given 24 stokes of the cane on his bare back. The Governor of Rivers state,

Alfred Diettee-Spiff was unhappy with Amakiri's story on teacher's strike that was looming in the state. In 1977, the Obasanjo government banned for two years, Chris Okotie's *News breed Magazine*. Ever since, it is one paper proscribed too many.

The Daily times, the country's main newspaper at that time was shut down for some time. But the media never gave up their strident advocacy for the restoration of democracy. It is important, therefore, to state that during the first military rule, 1966-1979, the newspaper worked earnestly for the enlightenment of the public (a function they almost neglected during the civilian era) and gave wide coverage to issues of national importance by setting up debate on a number of issues including the restoration of democratic rule, review of the constitution and creation of more states. The spirit of criticism and objective analysis of government programmes in the press persisted through these years.

During the second republic, the press continued their vibrant engagement with the handlers of the democratic system to the point that their persistent criticism of economic mismanagement and election rigging became the reason given by the military when they terminated that democratic interregnum (Ibid).

The Buhari regime that started 31 December 1983 was ultra-dictatorial. The press that operated under it must have been watchful. He had hardly taken office when he declared that he would tamper with the freedom of the press. The government came out with draconian Decree 4 which made even the publishing of truth not only a criminal act, but ensured that affected journalists were jailed. The regime did not welcome any question raised by the press on their plans to return the country to civil rule.

The Babangida's regime which came to power on August 27, 1985 was welcomed by the press because it promised press freedom among other things. In spite of Babangida's romance with the press and his rhetorics of human rights, it was not different from all other military dictators. The experience of the press generally during the regimes of Gen. Babangida and Abacha readily comes to our memory as the duo declared total assault on the press, particularly journalists, whom they owed, harassed, maltreated, brutalized, incarcerated and assassinated via bombs. The case of Dele Giwa, Editor-in -Chief of Newswatch magazine, Bagauda Kaitho, the Kaduna correspondent of the News Magazine who were dispatched to their early grave by the regimes respectively, cannot be

forgotten. Also incarcerated under Abacha's regime over a phantom coup plot were Chris Anyanwu, Niran Malaolu, George Mba and a host of others (Ogbonna, 2000:2)

The Nigeria press also went through a period described as: "Proscription era" when many newspaper houses were shut down to prevent the ruling clique from being bombarded by the truth. The repressive regimes of Babangida and his ideological soul-mate, Abacha, after the annulment of the first free and fair election won by Chief M.K.O. Abiola embarked on Vendetta mission on the press, opponents and perceived enemies fighting against the annulment and general injustices in the society (Ibid).

Between 1989 and 1997, "a total of 35 newspapers published by 12 media companies were either shut down or proscribed while nine news magazine published by six companies were also affected (Media Rights Monitor, 1997). Besides depriving millions of Nigerians of their right to receive information and idea without interference, such proscriptions or closures leave media houses and the journalists who work in them totally helpless and at the hands of the military.

Despite the hostility, the press continued unabated in its determined principled

and unrelenting opposition to the rampaging tyranny that enveloped the country during the military administrations, especially the Abacha junta, that could be described as worse than the 30-month civil war in which over one million people died. Since the death of Abacha and the enthronement of democratic governance in Nigeria in May 1999, the press has continued its primary role as a watchdog.

The experience of the Southeast Asian media is similar to that of Nigeria. For instance in Thailand the state has controlled all the broadcast media since their inception, but the print media always have been relatively free. In May 1992, the Thai television stations broadcast either lies or nothing at all when troops were shooting pro-democracy demonstrators in the streets. But the newspapers depicted all the bloodshed, fuelling public outrage that forced the military backed government to capitulate within days (Eng, 1993).

In the Philippines, the media opposed President Ferdinand Marcos right after the 1983 assassinations of opposition leader Benigno Aquino, jr. They did not wait for the government to give them the go-ahead to write what they wished. Even the government-controlled press turned against the government. By the time of the "People Power" revolution of 1986, the Philippines press had

already established power to be reckoned with (Ibid. P. 29)

A similar revolution took place in Indonesia 12 years later, but is still unfinished. Nevertheless, journalists there also made remarkable progress in a short time – but only because there, too, they persevered against the odds. After the Indonesian government closed three top news magazines in 1994, one of them, *Tempo*, immediately challenged the order in court. Two courts handed down unprecedented rulings against the government before the supreme court upheld the ban. Indonesian journalists, defying the requirements that all journalists belong to a government-sponsored group. The alliance published an underground magazine, *Independen* (Independent), until the authorities closed it and arrested members of the alliance. The alliance re-started the Magazine as *Suara Independen* (Independent Voice). The former editor of *Tempo*, Goenawan Mohammed, became a leading voice for free expression. Former *Tempo* Writers started a Website, *Tempo Interaktif*, which set standards for on-line reporting. Dozens of ex-*Tempo* writers took their independent brand of journalism with them to work at mainstream newspapers like the *Jakarta Post* and magazines like *D & R* and *Forum* (Ibid).

The military-ruled Burma, Eng. (1998:29) observed is one of the world's leading enemies of the free press. Officials recently ordered newspapers to print articles criticizing *Suu Kyi*. In communist-ruled Vietnam, a newspaper editor was jailed for a year for reporting on government corruption. But these kinds of blatant interference are relatively rare in the region. The greatest threat to media freedom is not censorship by governments, but self-censorship by journalists.

During the Suharto era, all publications in Indonesia were required to have publishing licences from the government. Afraid to lose that licence, journalists of the mainstream media refrained from criticizing the government. Thus, at one end were those who played it safe and wrote to please the power that be. At the other end were the few who pushed the line that divided what was acceptable from what was not. The latter include hundreds of unlicensed “alternative media” published by students, non-government organizations (NGOs) and other groups. They reported the abuse, corruption and cronyism of the state; anger at this and economic woes sent tens of thousands of people to the streets and ousted Suharto after 32 years in power. The Indonesia case was similar to what happened in Nigeria under General Ibrahim Babangida when

the regime was forced out of power and an Interim National Government was set up.

The role and relevance of the press in Nigeria could be seen in the areas of protecting the hard fought democracy, by exposing all government agencies that might want to derail the democratic process which the country had been enjoying. A vivid situation was when the press exposed the galvanizing of President Obasanjo with all the estacode which goes along with it and how this was eating deep into the revenue of the government. At the inception of the democratic re-birth, there was the case of Alhaji Salisu Buhari, the speaker of House of Representatives whose claim of age was lower than what the constitution stipulated for the office he then held and the press thoroughly researched and debunked his claims to have attended the University of Toronto.

The impeachment by 81 to 11 votes on August 8, 2000 by National Assembly of Dr. Chuba Okadigbo as Senate President over allegation of corruption and misappropriation of funds, has a lot to do with media advocacy of a sanitized National Assembly. Okadigbo, it should be recalled, assumed office as Senate President on November 18, 1999, following the resignation of his

predecessor, Chief Evans Enwerem, in circumstances similar to that of Alhaji Salisu Buhari. The media's watchdog role of intently monitoring the proceedings and giving prominence to the allegations of irregularities, corruption and perfidy should be noted. Columnist and opinion writers condemned Okadigbo in strong terms calling on him to quit office:

Okadigbo allowed himself the indulgence of situation of his power and responsibility within the number of contracts he could award to himself and his cronies – it was even more tragic that the man would lie so blatantly to the probe panel – If by now somebody has not surrendered his 'medial deal'. (I did not say mace) then he should be told in clear terms that the market is over" (Adeniyi, 2000)

Okadigbo has to vacate his office, principally as a result of media advocacy. In the cases examined, we see the media providing information of a critical nature and shaping the discourse agenda in ways that deepen the quality and content of Nigeria's burgeoning democracy. The press struggles in Nigeria have helped to some extent in creating a nearly responsible democratic government.

CONCLUSION AND RECOMMENDATIONS

All over the world, the role of the press as the Fourth-Estate of the Realm is incontrovertible. Every autocracy needs the press just as democracy needs it. However the progressive motive of the press is often misinterpreted because of the ideological orientation of the state and its functionaries.

Nigeria has been at least through three situations; the colonial, the independence and the military. The anti-colonial press had one "enemy" the colonial government. Its role was to break the yoke of imperialism, the independence press is supposed to guide the new rulers, point out hurdles and direct their steps for the well-being of the citizens, the press in a military government had the role of fighting for democracy and the observance of human rights and freedom.

Now, as we read and play out the history of Nigeria's quest and fight for political freedom and democracy, we continue to see and experience the cardinal role, which the press had played, and which the press has continued to play in the struggle. And as we read the history, and as we follow events in the other parts of the world, we are constantly reminded that the press will remain a major army in our on-going battle to entrench democracy in Nigeria.

More importantly, the press is not just a fighting army; the press plays the critical and unique role of mobilizing and enlisting other soldiers in the battle. This latter role is considered a far more important role, especially in the context of present day Nigeria.

Unfortunately a critical review of press struggles in Nigeria reveals that the press-government relationship at all levels is unimpressive. Despite the hostile relationship exhibited by the government towards the press, the press continued unabated in their struggles against repressive decrees that turned most Nigerians into captives and self-exiles during the military administrations. This period in the views of most activists was worse than the 30-month civil war, and regarded as destructive, disastrous and wasted years. Indeed, the military has consequently slowed down the emergence of democracy in Nigeria having ruled 44 years out of the 42 years of nationhood.

Within their limitations, Olukotun (2002:218-219) argued that the protest media which influentially delegitimated military rule played an important role in the transition to democracy. First realizing what havoc military rule had wrought on the nation, they insisted that the transition should hold. Second, they broadened the debate on the elections to include issues of empowerment and

the long term prospects of democracy. Finally, they monitored and commented upon every aspects of the administration of the 1999 and 2003 elections in order to forewarn of possible hitches and roadblock that could stall the process.

The media, both print and electronic, paid meticulous attention to the role of the Independent National Electoral Commission (INEC), the electoral regime and the content of the transition from military to civilian in 1999 and from civilian to civilian in 2003. In these, it kept the authorities on their toes and prevented the programme from derailing or tolerating gross abuses that could delegitimise the entire exercise

In the current democratic surge in Africa including Nigeria, the media's role is becoming increasingly important. Free press will be able to provide the people a true account of events in government and the society at large and act as a watchdog of the people's right against government abuses. Abiola (1992) advises that "to maintain freedom of the press, the good editor must stand like a rock in the midst of this swirling conflicts of interests, Powers and influence refusing to twist and bend with the wind, but refusing to break because of inflexibility. His strength is his commitment to truth and objectivity, to investigate and inform his people as well as his government.

One good thing that the press has achieved in the last few years of democratic governance in our nation is the news reporting and general information dissemination arising from prevailing freedom of expression. Apart from that, the press still continues to trivialize the promotion of the nations dynamic culture in all ramifications. However, because of the prevailing democratic environment, news reporting has become more factual, reliable and objective; this is contrast to military era when pressmen failed to tell the truth for fear of being arrested, detained or even murdered. But this success is predicated more on the fact that there is freedom of the press and comments are made fearlessly on issues without the slightest notion that journalist or the press may be challenged or apprehended for daring to fell the truth.

In as much as Nigerian press is guaranteed the freedom of expression and of the press in the constitution, and other international human rights instruments which Nigeria is a signatory, government at all levels and its agencies must uphold these provisions. Fundamentally, the press in assuming rightful roles must fight doggedly for the exclusion of intimidating provisions limiting the performance of their duty from the constitution.

Restrictive laws on the press should be expunged from the nation's statute books. Specifically the Official Secret Act which has hindered the free flow of information to the press and the provisions of the Criminal and Penal codes on sedition and similar laws should be abolished. One of the more urgent aims that need to be accomplished as soon as possible is guarantee of freedom of the press that must be institutionalised in the form of legislation. The National Assembly should as a matter of urgency expedite action on the passage of Freedom of Information Bill, as information is not just a necessity but an essential part of good government. With the enactment of this bill, the people will be actively involved in decision-making; build confidence in government programmes; and above all, secure free flow of information and ideas essential to intelligent self-government.

Again, the proposed Press Council Act should take into account the criticisms of the Media Council Act by ensuring that all clauses restricting the free and independent journalism are not included in the new law. The recommendation above were collaborated by Professor Raph Akinfeleye while delivering an inaugural lecture recently at the University of Lagos. He made recommendations that could revolutionize the practice of journalism

in Nigeria. According to him "the federal government should accelerates the passage of amended version of the Nigerian Press Council Act so as to give the council the power to bite by sanctioning erring journalists". He also argued that "government should accelerate the passage of the Freedom of Information Bill now before the National Assembly" (Idara Sunday, 2003:4)

There is also need to take a second look at the Nigerian Broadcasting Commission Decree No 38 of 1992 which authorizes the ownership of private broadcasting station with a view to expunging from its text, the provision authorizing the Minister of Information to give directives to the commission. The commission should be made free from political manipulations, in order to permit independent and unhindered operation of privately licensed station.

To effectively play its role in the democratic process, the press should not beam its searchlight solely on a particular level or arm of government and gloss over the others, for it is the span and spread of its coverage that will determine its contribution to the growth and development of the democratization process in our country. It is important therefore to stress that the reality of the current democratic experience is that it may not lead the

nation anywhere except the media assist in building the key element to pure democracy such as popular participation and consensus building.

The press should stand its ground for what is happening in the political scene and because of the democratic environment that now surrounds Nigerian politics; there should be total press freedom to get information from wherever. Once a guarantee of press freedom has been attained, and then the next step would be to increase professionalism among journalists and consolidate solidarity among colleagues. This can be accomplished through the formation of a solid trade union. This is despite the fact that a trade union for journalists is somewhat of a novelty since journalism in Nigeria is viewed more as a profession than a

trade. But then the existence of strong and professional journalists' trade union may just be the thing that would enable journalists to help themselves in the face of various political and economic pressures, before they venture forth and help the public.

All told, press is gradually becoming more relevant as dictated by the new democratic setting, at least as far as news and current affairs reporting are concerned. But a lot still needs to be done with promotion of press freedom in the country. The winds of change are sweeping through Nigeria today, but it is yet unclear where they will take the country eventually. Freedom remains under threat, and it is the duty of the press and the rest of the civil society to see that it does not get blown away from their grasp.