

Constraints on Mass Media Policies in Nigeria

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Abstract

This paper discusses some of the constraints on efforts to formulate comprehensive mass media policies in Nigeria. It reviews the constitutional and political environment of the mass media and journalistic practice in Nigeria and identifies legal, economic, historical, linguistic and cultural factors which impede the development of the mass media and constrain their performance. It argues that antagonisms between politicians and journalists have led to government nationalization and control of the mass media thus marginalizing the role of journalists as watchdogs on government conduct of public affairs. It calls for a redefinition of the role of the media in Nigeria more in accord with its history, culture and aspirations and away from the present western mode which only fans conflicts between the government and the mass media. That is the direction an appropriate mass media policy for Nigeria should take.

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Contraintes des Politiques des Médias au Nigéria

Résumé

Cet article analyse quelques unes des contraintes auxquelles les efforts pour formuler des politiques globales sur les masses médias au Nigéria font face. Il passe en revue l'environnement constitutionnel et politique des masses médias et la pratique journalistique au Nigéria. Il poursuit en identifiant les facteurs légaux, économiques, historiques, linguistiques et culturels qui font obstacle et contreignent la performance des masses médias. Il argumente que l'antagonisme entre les politiciens et les journalistes ont conduit à la nationalisation et contrôle des masses médias par le gouvernement, et partant, la marginalisation du rôle des journalistes comme observateurs de la conduite du gouvernement et des affaires publiques. Il fait appel à une redéfinition du rôle des médias au Nigéria qui conforme à culture, son histoire, et ses aspirations, et qui s'écarte du model occidental actuel qui ne fait qi'attiser des conflits entre le gouvernement et les masses médias. Telle est l'orientation appropriée que la politique des masses médias au Nigéria devrait prendre.

Overview of Nigeria's Mass Media Policies

Mass media policy in Nigeria has been a sensitive, undecided and unconcluded issue not only because of the diversity of the Nigerian society but also because of the failure of majority of Nigerians and their leaders to visualize the role of their mass media in the development of Nigeria (*West Africa*, 1977; *Africa Currents*, 1975; Smart, 1975). Evidence for this lack of knowledge of what media should do for a developing Nigeria is found in Nigeria's 1979 constitution. The original draft failed to define the role of Nigeria media and guarantee their freedom during the post military regime (Mgbejume, 1976).

But after opposition from the Nigerian press and other Nigerians, a vague amendment to the draft constitution was made to protect the freedom of the press during the civilian regime (*West Africa*, 1977:408). 'It is felt that right to freedom of expression is one of the most basic rights in any democratic society and it should be a right to which every Nigerian should be entitled whether or not he is employed by the press' (*Africa*, 1977:46)

The inconsistency in formulating mass media policies in Nigeria is also revealed in the statement of Alhaji Jose, former chairman and managing director of the *Daily Times* and now the chairman of Nigerian Television Authority. Jose distinguished between the colonial African press which was a tool for winning African independence and the post-independence press which he said should be directed toward construction and national development. He also said that 'African press today could not use the strategy and weapons used against colonial governments . . . (because) such sensational front-page stories could create inter-tribal disturbances or violent demonstrations' (*West Africa*, 1975:405).

Group Captain Samson Emeka Omerua, a one-time Federal Minister of Information, also confirmed this statement when he said in October 1984 during the silver jubilee celebration of television in Nigeria that the Nigerian press was only known for bringing down governments. He said the press in Nigeria has been antagonistic to the governments in power since the colonial era. Avoiding the creation of ethnic disturbances has been one of the most common warnings and reasons why several Nigerian leaders, both at state and federal levels, have threatened Nigerian journalists with arrests and detentions without trial.

Mass media policies in Nigeria were not federally directed but mainly in the hands of state governments until July 1975 when General Yakubu Gowon's administration was toppled (Oreh, 1976:150). In 1975, the federal government took over the ownership of Nigeria's broadcast media, the *New Nigerian* group of newspapers, and acquired 60 percent shares of the *Daily Times* (ARB, 1975:3729).

In the wake of the take-over of some 90 per cent of Nigeria's mass media of communications (*West Africa*, 1977), the Federal Government said that it wanted to ascertain that (a) 'The newspapers . . . (made) constructive criticisms in their comments, but it was hoped that they too would see it necessary to serve the

national interest and that they and other Nigerian news media would take into consideration, at all times, in their reportage and commentary, the sensitivities of the Nigerian community and (b) the broadcast media were taken over 'so as to prevent proliferation of the networks at the expense of the taxpayer's money, (and) to effectively participate in the country's mass media to supplement its giant programmes in educating the masses' (*Daily Times*, Nov. 10, 1975).

Nigerian mass media policies have been directed mainly toward the unification of the country, and to a lesser degree, toward the education of the masses. Thus, the present leaders have often said that they do not necessarily see themselves as censors of the Nigerian press: 'All we are doing is to harness our limited resources of capital and manpower to our best advantage and if we can establish a credible and meaningful television network to the benefit of the people, ... we are doing the right thing' (*ibid*). Although the Federal Nigerian government has laid down these broad policies and invested a large sum of money to improve the quality of the nation's mass media, it is still argued that the government 'does not have a clear-cut policy' for its media (*West Africa*, 1977:408). This weakness is revealed in the statement that it is not the duty of the Nigerian government to formulate ideologies for Nigeria, rather 'Nigerians can flirt with any ideology of their choosing' (*ibid*).

Now the question remains whether Nigerian journalists would be allowed to flirt with Nigerian ideologies as seen by them? That there are ideologies for the Nigerian media is one fact and it is another for the Nigerian government, with its vision of using the media to achieve national goals in its own way without a conflict of interests. This is where constraints on mass media policies in Nigeria begin. There are constraints posed by opposing interests on the part of Nigerian leaders and on the part of the militant Nigerian press. There are also constraints created by neocolonialism, the civil war and the post-civil war eras.

This paper discusses the constraints on mass media policies in Nigeria. The first section focuses on constitutional and political constraints; the second on economic and international constraints; and the final section deals with the constraints posed by education and ethnicity.

Constitutional and Political Constraints

Mass communication policies in Nigeria have been inhibited by the constitutional and political instability that have existed in Nigeria since independence in 1960. They have also been inhibited by the pattern of media ownership. As a young nation with a multi-ethnic structure, Nigeria has experienced sporadic changes in political leadership. As a result, several laws have been made to directly or indirectly censor the Nigerian press.

This section traces how the constitution of Nigeria restrains press freedom in the country and discusses the political structure and how the frequent changes of political leadership of the nation affect the country's mass media of communica-

tion. It also examines the constraints brought about by the pattern of media ownership which is tied to the politics of Nigeria.

Constitutional Constraints

Nigeria's constitution guarantees everyone the freedom to say, write or publish anything he likes provided it does not contain any blasphemous, defamatory, obscene or seditious words. But this constitutional guarantee may be overridden by military dictum under a State of Emergency Decree promulgated in 1966. The Federal Military Government was empowered by this decree to 'make unlimited laws it considers necessary or expedient without regard to the limitations imposed by other sections of the constitution' (IPI, 1974). However, apart from the colonial and post-independence periods, court trials of press offences in Nigeria have been on the decline, especially under the military regime. This is because journalists are rarely brought to court. Thus, while the government does not practice official censorship, fear of arrests and detention without trial have had the effect of inhibiting press freedom.

English Laws Applied to Nigeria

During the early years of newspaper publication in Nigeria no formal legal measures were taken to regulate newspapers. Offences by newspapers were redressed through the application of the laws of the United Kingdom, but with some modifications. In 1863, after the cession of Lagos Colony to Britain (1861), English laws became applicable to Lagos Territory by Ordinance No. 3 Section 1, which stated: 'All laws and Statutes which were in force within the realm of England on 1st January, 1863, not being inconsistent with any Ordinance, shall be deemed and taken to be in force in this Colony and shall be applied in the administration of justice, so far as local circumstances will permit' (Coker, 1968). As the British consolidated themselves in Nigeria, they passed more stringent press laws. From 1863 onward newspapers increased in number; sales and readership also increased. Until 1954, when a federal form of government was formally introduced in Nigeria, the press law of 1903 guided newspaper publications (Oyinbo, 1971).

In 1961, the Federal Government of Nigeria passed the Federal Defamation Act. Under this Act, both libel and slander were actionable in law. Broadcast defamation was slander when addressed to the ear; and it was libel if read from a script. Libel had to be actionable *per se*. This meant that necessary damages did not have to be proved. On the other hand, slander was not actionable unless a proof of actual damages had been shown. For this, actual damages might mean 'someone losing his employment or other business contracts as a result of the slander.

There were also Children and Young Persons (Harmful Publication) Act of 1961, Emergency Powers Act of 1961, Seditious Meeting Act of 1961, and Official Secrets Act of 1962.

Another constitutional restraint on the mass media which is still in the law books includes the Defamatory and Offensive Publications Decree No. 44 of 1966.

However, in 1979 the Federal Military Government promulgated Decree No. 105 repealing certain decrees made between 1966 and 1979 which were not in consonance with the operation of democratic government. The two decrees repealed under Decree 105 were The Circulation of Newspapers Decree of 1966 and The Newspaper (Prohibition of Circulation) Decree of 1967.

The Federal Government passed the Newspaper Amendment Act in 1964. The Act replaced the Seditious Offences Ordinance passed by the British Government in 1909 'to deal with the newspapers whose activities were getting more and more on the nerves of the British Government' (Coker, 1968). Seditious intention was defined by the amendment as an intention aimed at arousing contempt and hatred against any public official or causing unrest among various groups in Nigeria.

Political instability which has existed in Nigeria since independence has placed constraints on the nation's mass media of communication. There have been six military coups in Nigeria since independence — two in 1966, one in 1975, another in 1976, one in 1983, and one in 1985. Nigeria, which has been a military government since 1966, returned to a civilian government in 1979. But after four years the civilian regime was toppled in December 1983.

The new military government also promulgated a decree to restrain the press. It came up with Decree No. 4 of 1984. The decree empowered the federal military government to prohibit the circulation of erring newspapers or revoke the licence of offending television or radio stations. It also stipulated a two-year jail term without the option of a fine for any person found guilty under its provisions. The decree was promulgated to protect public officers from false accusation. Under decree No. 4, two *Guardian Newspaper* men, Nduka Irabor and Tunde Thompson, were tried by a special military tribunal and imprisoned for one calendar year; the *Guardian Newspaper* itself was fined naira 50,000. The journalists were accused of publishing the new postings of ambassadors which the military government had not made public.

Press Council Decree

In order to streamline the activities of the Nigerian press, the federal military government promulgated the Nigerian Press Council Decree No. 31 of 1978. When the decree was announced, the Nigerian press opposed it vehemently. The press saw it as an attempt by the government to limit press freedom in Nigeria. Stated below are the aims and composition of the council.

Establishment of the council, etc. There shall be established a body to be known as the Nigerian Press Council (hereinafter referred to as 'the Council') which shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.

The Council shall be charged with the duty of:

(a) fostering the achievement and maintenance of the highest professional and commercial standards by the Nigerian press,

(b) reviewing developments likely to restrict the supply through the press of information of public interest and importance and advising on measures necessary to prevent or remedy such developments;

(c) preparing and enforcing a code of conduct for the guidance of the press and journalists in the performance of their duties; and

(d) inquiring into complaints about the conduct of the press and exercising control in respect of the complaints in accordance with powers conferred under this decree.

The Council shall consist of a Chairman who shall be a person of high intellectual and moral qualities, knowledgeable about the media and public affairs, and the following other members, that is to say:

(a) one representative of the Newspapers Proprietors Association of Nigeria;

(b) one representative of the Nigeria Guild of Editors;

(c) one representative of the Nigerian Union of Journalists;

(d) one representative of the Advertising Association of Nigeria;

(e) one representative of the Nigerian Institute of Public Relations;

(f) two representatives of educational institutions concerned with the training of journalists;

(h) three persons representing the general public one of whom shall be a woman; and

(i) two representatives of the Government of the Federation.

The Chairman shall be appointed by the Federal Executive Council on the recommendation of the Commissioner.

The composition of the Council would be eighteen and only four would be journalists. To form a quorum, only four members would be needed. The Nigerian Union of Journalists (N.U.J.) would not, under the Council, be allowed to either register or deregister members.

The N.U.J. objected to the terms of the decree emphasising that: (a) the decree does not give it the right to register its members under the council and (b) journalists are open to victimization, unjust trial and imprisonment.

The position of N.U.J. is understandable given the nonchalant attitude with which the Nigerian leadership treats journalists. With 18 members of the Council and only four forming a quorum, any erring Nigerian journalist could very easily be deregistered by a make-believe quorum formed by the government.

The Council would not recognize the N.U.J. as a trade union, but rather as a professional body. This means that the union cannot declare a trade dispute. Under the Council, Nigerian journalists would be required to disclose their sources of information in a very dangerous practice which could stifle free flow of information.

Another attempt to restrain the press was made in 1982 by the National Assembly with the passage of the Electoral Act in 1982. The Act was designed

to control government-owned media houses three months before and one month after the 1983 general election.

Although the Federal Government has not established any clear-cut policy for the Nigerian mass media, some of the unfriendly attitudes most political leaders in Nigeria have toward the nation's press have inhibited the freedom of the press. Before the federal government took over the ownership of *New Nigerian*, acquired 60 per cent shares of the *Daily Times* and became the sole owner of the nation's radio and television stations, each state government was using the press as a political weapon. The states were once very autonomous. The state political leaders saw the press as a tool for stabilizing their power and also exercising almost equally strong powers as the federal government.

Constraints Posed by Media Ownership

The Federal Government of Nigeria is the sole owner of *New Nigeria*, one of the nation's biggest newspapers. The government also controls 60 percent of the shares of the *Daily Times*. In its annual report on world press, the International Press Institute stated that Nigeria's reputation of having the freest press in Black Africa slipped a little as a result of the government takeover in September 1975 of the nation's largest newspaper group following the toppling of General Gowon's regime (IPI, 1975). Independent newspapers are few because the economy in Nigeria is predominantly government-controlled and the major newspapers are government subsidized. A group of individuals or an individual may not find it economically feasible to own a newspaper, partly because of the lack of capital and partly as a result of Nigeria's mass illiteracy which means low readership, hence economic loss to the publisher.

Centralized Economy

The foundation of Nigeria's economy was laid by the British colonial administration. The active participation of the government in the economy of Nigeria is traceable to colonial rule and economic policy. After World War II, it became necessary for the state to control Nigeria's economy in order to ensure an even distribution of development throughout the nation (Carney, 1961). The British government centralized Nigeria's economy largely by putting government in-charge of all sectors of the country's development. After independence, Nigeria continued to pursue this kind of economic system (Onyemelukwe, 1971).

Recently, a few individuals have established private newspapers which have good circulation. Private newspapers such as the *National Concord*, the *Guardian*, the *Democrat*, the *Champion*, *Vanguard*, etc., have provided the Nigerian newspaper reading public with the type of news items and entertainment generally absent in government-owned newspapers.

Although Nigeria is a major world producer of petroleum, the country is still poor. Her leaders have publicly acknowledged this fact. Because Nigerian leaders

are aware of their country's poverty, they do not attach much priority to the development of the nation's mass media. This is why programming for the broadcast media, especially television, has depended heavily on foreign material and equipment.

When private ownership of a nation's media is not possible because of cost, as in Nigeria, the government is bound to see itself as the sole disseminator of information. And when the government becomes actively involved in the ownership and operation of the media, the public becomes the target of political brainwashing. Because the media are supposed to check the excesses of the government, truth becomes hidden. As a result, the media become mere political tools used only to advance the wishes of the government.

International Constraints

The international constraints on mass communication policies in Nigeria are related to Nigeria's technical dependence on foreign equipment and assistance. Built-in economic and ideological biases almost inevitably infect even the most well-intentioned forms of bilateral aid (Head, 1974). Most of the aid is tied. The attitudes of donor nations limit options open to recipient countries. As a result, they become unwillingly loyal to their donors. It is also not far fetched to conclude that the donor countries will tend to dictate the method their aid should be used.

Dominating Nigeria's television programmes are foreign shows, especially those of the United States. Economic reasons have led to the extensive programming of foreign shows which are by far cheaper than local productions. The lack of capital to produce local programmes also explains why Nigeria is not on the list of the countries which produce films. Thus, Nigeria's media will continue to be foreign dominated unless her economy improves and her leaders give some priority to mass media as an aid to national development.

Education and Ethnic Constraints

Ethnicity and mass illiteracy are a part of the major problems facing Nigeria today. The cause of the Nigerian Civil War of 1967-70 was partly attributed to ethnocentrism. In the past Nigerians were known to be overly concerned with maintaining their ethnic loyalty to the detriment of nationalism (Post and Vickers, 1973). With well over 250 linguistic groups, Nigeria also faces the problem of mass illiteracy. Even if Nigerians were literate in their local languages, communicating with other linguistic groups would yet be another problem.

Constraints Posed by Illiteracy, Ignorance and Poverty

Illiteracy among a people with various cultural and ethnic backgrounds poses the problem of understanding one another. Misunderstanding and suspicion of each other's intention will be less likely between two people if they speak the same language. The frames of reference or fund of usable experience (Schramm and

Roberts, 1971) (shared experience) will be larger in a country where people speak one language and share common culture. But in Nigeria the literacy level is still low. Aware of Nigeria's mass illiteracy, the federal government initiated Universal Primary Education (UPE) for the whole nation in order to inculcate 'permanent literacy... and the ability to communicate effectively'. Because of Nigeria's low literacy level, the country's newspapers can only be read by a few educated elite.

Conclusion

Although there may not be a total constraint on Nigeria's media policies by any single factor discussed in this paper, the highly emphasized policies of using the media to build a united Nigeria and provide education for the Nigerian masses came as a result of Nigeria's past experiences. With a low literacy level of 30-35 percent, communication among Nigerians of various ethnic groups poses a problem of misunderstanding. Since the English language is Nigeria's official language, it will be a worthwhile venture to teach as many Nigerians as possible to understand, speak and write it.

But the problem of illiteracy will still remain if Nigerian mass media policy makers only see the present national nature of the country's mass media as the one way of achieving mass literacy. Notwithstanding existing constraints, there is a need to create more local media which will cater to community interests.

Although it is a concern among media scholars that the press should check the excesses of the government, this writer believes that the role of the press in Africa needs to be re-examined. The present western-influenced system of the African press does not seem to be operational in the African context. Mass media development in Africa has not only been painstakingly slow and erratic, but has also so followed the western media pattern that one wonders if African media will solely and continuously be for the elite who are a minority across the whole continent.

Press freedom in Africa, Nigeria in particular, should be viewed from the perspective of the citizenry. Press freedom in Nigeria should not be isolated from other aspects of national development. Nigerians are poor and most of them are illiterate and ignorant. And one would ask: What does press freedom mean to a poor, ignorant and illiterate Nigerian who hardly feeds once a day? What does press freedom mean to the rural Nigerian who has no radio or TV? The urban immigrant who lives in squalor will rather value a moderate shelter and a means of livelihood than press freedom and democracy.

The basis of the existence of press freedom in Nigeria should be the provision of basic needs for all Nigerians. It is baseless and meaningless to talk of press freedom in a multi-ethnic state such as Nigeria which can explode at any misconstrued piece of misinformation. Thus instead of fighting one another, the Nigerian government and the Nigerian press should see themselves as partners

whose main objective is to provide Nigerians with such basic needs as food, water, shelter, light, good roads and good education.

The press in Africa needs new policies; not the western type policies, but African media policies that will reflect African values. The present western-type reporting system is increasingly creating bitterness between the press and government. Africans need the type of media which will be accessible to all remote areas of the continent.

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