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CHAPTER TWELVE

FREEDOM OF INFORMATION ACT AND THE QUEST FOR SUSTAINABLE DEVELOPMENT IN NIGERIA

Dele Odunlami

Introduction

The euphoria that characterized the eventual presidential assent given to the Freedom of Information Act in 2011 in Nigeria had barely settled when the mass media, civil society groups, including lawyers and activists started facing impediments in their bid to invoke the law to enable them to have access to vital information on issues of public interest. Prior to this time, expectations were high from stakeholders on the assumed benefits of the FoIA to press freedom and transparent governance. Though not exclusively a mass media law, the FoIA was seen as instrumental to the attainment of sustainable development through an open, free society and democratic ethos. Nine years after, how have the mass media fared in the use and applications of the provisions of this vital law? To what extent have the much-touted benefits of the Freedom of Information Act impacted on the investigative journalism skills of practitioners towards realizing the goals of transparency on the one hand and sustainable development on the other for the largest black African nation? These and more were the issues examined in this paper. The methodology was library research and documentary analyses. The paper concludes that mere legislations without the requisite democratic ethos and open attitude to information management by leaders of social and governmental hierarchies might defeat the essence and goals of sustainable development and the cherished values of the Freedom of Information Act in Nigeria.

Background issues

Before it was promulgated and granted assent by former Nigerian President, Goodluck Jonathan in 2011, expectations were high that the Freedom of Information Act (FoIA) was the needed elixir for an open and transparent society and governance in Nigeria. With four years in existence the impact of the Access to Information Law appears not to have been felt in any significant way in the polity and the Nigerian public sphere. The FoIA, contrary to fears by politicians who

initially opposed its enactment, is not exclusively a press or media law. At least this much had been clarified when lawmakers including the erstwhile President Olusegun Obasanjo had been reluctant to give the law a chance during his first and second tenure in office. However, much of the excitements that heralded the eventual approval of the FoIA are fast waning in the country barely four years into its application as efforts to invoke the law at critical points in order to access crucial information of public concerns often meet with brick walls from government and public office holders. There is therefore a growing fear a palpable one at that that should this trend of evasiveness and deliberate red herrings by government and its officials in respect of the application of the Access to Information law continue, the nation's aspirations of attaining the 17 global sustainable development goals (SDGs) may be another mirage.

According to GH Bruntland of the World's Commission on Environment and Development, sustainable development is that “development that meets the needs and aspirations of the present generation without compromising the ability of future generations to meet their needs”. The United Nations, through its many summits, has put in place a template and policy framework to ensure a global understanding and unlimited adoption of the principles and objectives of sustainable development (Omorogbe & Kingsley, 2008,p.64).

At the global level while continentally the New Partnership for Africa's Development (NEPAD) inaugurated by African leaders in 2001, is Africa's version of the global template for achieving this goal. In practical terms, and particularly in the context of less developed and developing economies however, the sustainability of any development effort is determined by how much food and other basic necessities of life such effort provides for the survival, welfare and social well-being of the people.

Corruption, the world over, is a major antithesis of sustainable development. Studies have shown especially in media scholarship that there is a negative relationship between press freedom and corruption on the one hand, and that there is always a positive correlation between press freedom, transparent governance and sustainable development on the other (Becker and Vlad, 2009; Guseva, Nakaa, Novel, Pekkala, Souberou and Stouli,2008; Hallin and Mancini,2004;Gunaratne, 2002). The role of the press or the mass media in engendering accountability through an open and transparent society has always received world-wide acknowledgement. It is also established fact that when there is transparency and inclusive governance as championed in the SDGs, poverty and hunger would be mitigated if not eliminated. Besides, the propensity to accomplish other sustainable development goals like quality education, reduced inequality, peace, justice and strong institutions (i.e goals 4, 10 and 16) become enhanced through the effective watchdog role of the mass media.

The press, a generic term for the mass media, enjoys the universal accolade as the fourth estate of the realm of governance. By this appellation the mass media are conferred with the responsibility of the watch/guard dog of the society by providing a public sphere platform for x-raying society and cross-fertilization of ideas for agenda setting through debates including surveillance functions all aimed at ensuring transparent governance by holding the governor accountable to the governed. All of these goals are geared towards ensuring an all-round sustainable development for the society. As the oxygen of democracy and by extension development, the mass media through their traditional roles of reporting and interpreting news set agenda for government and societal preoccupations. This is aside from serving as both guard/watchdog over governmental and other powerful institutions of society.

In Nigeria, the press has had a rich history of vibrant advocacy for societal freedom and development spanning across one hundred and fifty years! However, in spite of this pedigree Nigeria's development index when measured from the modernization perspective or economic performance paradigm remains relatively poor irrespective of official claims as the largest economy on the African continent. Many factors have been adduced to this trend. The attempt in this paper is to examine the encumbrances in the way of the Nigerian press in their quest to open up the public space for transparent and accountable governance as a *sine qua non* of a real democratic engagement and sustainable development. This is more so as Sadeeq (2006 p.254) observes that: "mass media and democracy have been established to intertwine. They cannot be divorced from each other. To govern is to communicate. To democratize is to ensure free, unhindered flow of communication.

The Freedom of Information Law (FoIA) is fast becoming a declaration or enactment by democratic nations across the world. The Law seeks to make public records and information freely available for public access. In Nigeria FoIA protects public records and information to the extent consistent with the public interest and protection of personal privacy. It also protects serving public officers from adverse consequences for disclosing certain official information and establishes procedures for the achievement of the purposes of the law. The origin of the freedom of information laws of most countries, according to Dawodu (2016), can be traced to the action of a man named Anders Chydenius (a Finn) about 250 years ago. Chydenius fought for democracy, equality and respect for human rights under the principle of public access called "OFFENTLIGHETSPRINCIPEN", a situation that culminated into the promulgation of the Freedom of Information law in Sweden. Another country to have freedom of information as a constitutional provision before the 19th century was Columbia. By 1990, over 13 countries had freedom of information as part of their laws and by 2008, over 70 countries had adopted it globally. As at December 2015, more than 130 countries have the law in their constitutions.

The philosophy of this law also derives from the popular 1794 submission by the renown Chief Justice of England Lord Justice Eyre to the effect that:

...the power of communication of thoughts and opinion is the gift of God, and the freedom of it the source of science, the first fruits and the ultimate happiness of society; and therefore it seems to follow, that human laws ought not to impose, nay cannot interpose, or prevent the communication of sentiments and opinion in voluntary assemblies of men. (Oloyede, 2008 p.54)

Lord Justice Eyre's statement echoes the provision of Article 19 of the Universal Declaration of Human Rights which confirms every one's right to freedom of opinion and expression, including the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. The mass media are pathways or channels through which information are passed across to a large and heterogeneous audience simultaneously. They double as platforms or devices for moving messages across distance or time to accomplish the goals of mass communication.

For communication to transcend the rudimentary level of voice and gestures and conquer space and distance, it must involve the use or intervention of a medium. In the context of this paper, a medium or the media refer to the technology of transmitting information or messages to a large and dispersed audience. According to Straubhaar and LaRose (2000, p.14), the mass media denote one-to-many communication delivered through an electronic or mechanical channel. Before the advent of the Internet feedback from the audience was delayed but now it is instant

and often asynchronous. In the context of this paper, however, the mass media is applied as a metonym beyond channels of communication to include the class of professionals who work in media organisations especially for news gathering, processing and dissemination.

The next concept to be operationalized in this study is sustainable development. This concept has attracted a lot of theories and interrogations by experts in both classical and contemporary scholarships. For the Modernization theorists the concept of 'development' is conceived as the acquisition by the underdeveloped countries of the traits and characteristics of the developed countries. In other words, this is a materialist and quantitative assumption of development indices in terms of physical growth and other economic parameters such as the per capita income, Gross Domestic Product (GDP), industrialization, urbanization etc. This Western model of development has been criticized as a sort reductionist fallacy for its technical application of development merely as indices of technology and urbanization or the diffusion of cultural elements from the developed to the underdeveloped societies.

Coming on the heels of the Modernization theory at the height of the Marxist dialectics was the Underdevelopment or Development theory. This theory assumes and attributes the plight and underdevelopment of the third world to the exploitation of the international social and political exploits of the capitalist system. Summing up the Dependency school's position, Tehranian (1994) argued that the penetration of the less developed countries by the Western media has "exacerbated their conditions of social, economic, political, cultural dependency; undermined their national identity in favour of consumerism and internalized colonialism".

The Dependency school also contends that the Western media 'privileged the economic and cultural interests of urban and westernized elite against many rural populations.' This is apart from the fact that they (Western media) are seen to encourage, through global advertising, conspicuous consumption at the expense of social investments in education, health and infrastructure. Vocal as the dependency theorists appear, they are silent on any prescriptive formula or suggestion as to what use or roles the media are expected to play to ensure social participation of the grassroots in any country.

However, another theory of development the Communitarian / Basic Needs theory seems to provide a solution for the oversight by the Dependency theorists. The Communitarian / Basic Needs theory posits that the media should be employed as instruments for endogenous rather than exogenous development by focusing on traditional and modern media, horizontal rather than vertical communication channels. It also emphasizes the use of appropriate technology rather than costly and complex high technology. Odunlami (2005,p.89) observes that the most celebrated strength of the Communitarian/ Basic Needs theory of Development lies in its focus on rural rather than urban-based programming and the preservation of indigenous, cultural and national identity and pride.

In view of the various theoretical positions therefore, it is safe in the context of this study to conceive development as a synonym for progress of nation-states or societies using man and his conditions as the measure. This philosophy underscores Anaeto (2011,p. 188)" s position while citing Nigeria's Fourth National Development plan 1981-1985 that "a true development must mean the development of man the unfolding and realization of his creative potentials, enabling him to improve his material conditions of living through the use of resources available to him." The global challenge of development remains how to achieve a framework for a strong sustainable and balanced economic growth. And many studies have been conducted in this

regard. Fardoust, Kim and Sepulveda (2011,p.54) for instance, raise four basic issues to be addressed in new directions of research on development economics by the World bank. These include: understanding the role of states, markets and the private sector in promoting economic and structural transformation; knowing how to broaden access to economic opportunities to ensure rapid poverty reduction and human development; meeting new global challenges , many related to dealing with uninsured risks facing economies and people (e.g. the global financial crisis and climate change); and formulating a broader approach to assessing development effectiveness.

Citing a study of thirteen highly successful countries in the world in 2009 by The Growth Commission, the trio identified five striking points and similar characteristics of nations that grew at 7% rate for 25 years. The identified traits include: openness to the global economy; macroeconomic stability; high saving and investment rates; reliance on a functioning market system and credible leadership and good governance. The mass media no doubt have crucial roles to play especially in democratic societies towards the emergence of credible leaders and good governance. In many developing countries, corruption and bad governance feed off each other and the challenge of the mass media in these climes is how to wrestle societies from the predatory claws of politicians and leaders of the public sectors.

Theoretical Framework

A discussion on the principles and assumptions of Agenda- Setting and Development Media theories of the mass media is now imperative. The basic premise of the agenda-setting theory is that the media, consciously or unconsciously, create a definite image of reality. Fourie (2007, p.244) explains that the media as agenda setters, confront us on a daily basis with events which are, in the media's view, important. "Everyday", Fourie states, "the media release a list of topics (issues on which they focus) similar to the agenda of a meeting." In the course of doing this, the media omit certain events and issues as a matter of editorial discretion and gate-keeping, while placing emphasis on others, and in this process, the media thus establish a particular way for the people to think about reality.

As McQuail (2010,p.512) writes, the core idea of agenda-setting is that the news media indicate to the public what the main issues of the day are and this is reflected in what the public perceives as the main issues. Agenda-setting, according to Straubhaar & LaRose (2002), thus bestows political power on the media as the goals and intentions of media decision makers influence society. This is so because what people identify as issues depends largely on what the media include as news or entertainment. It is indeed true that the mass media, as some authorities have argued, may not always determine what we think about or what views to hold on certain issues, the fact remains that the media actually set agenda for public discourse by telling us what to think about or hold opinions on (Cohen, 1963: 13).

Butler (1998,p. 28) and Van Praag & Brants (1999, p.179-199) argue that the agenda-setting power of journalists during election times has more in their discretion to include or exclude information of political actors than in their independent selection of issues. McQuail (2010,p.515) identifies six basic hypotheses of Agenda-Setting. These include the fact that: Public debate is represented by a set of salient issues (an agenda for action); the agenda originates from public opinion and the proposals of political elites; competing interests seek to promote the salience of 'their ' issues; mass media news selects issues for more or less attention according to several pressures, especially those from interested elites, public opinion and real-world events; the outcome in media (relative degree of prominence of issues) both gives public recognition to

the current agenda and has further effects on opinion and the evaluation of the political scene and the fact that agenda effects are peripheral and short-term.

The development media theory as the second leg of the foundational anchorage of this study emerged in the 1980s and seeks to explain the normative behavior of the press in countries described and categorized as developing (Folarin, 2002). The major tenets of this theory, according to McQuail (1987,p.121), are that the media must accept and carry out positive development tasks in line with nationally established policy; the freedom of the media should be open to economic priorities and development needs of the society; media should give priority in their content to the national culture and language(s); media should give priority in news and information to links with other developing countries, which are close geographically, culturally or politically; journalists and other media workers have responsibilities as well as freedom in their information gathering and dissemination tasks; and in the interest of development ends, the state has a right to intervene in, or restrict, media operation; and devices of censorship, subsidy and direct control can be justified. These theories become apposite to this study because of the strategic and instrumental nature and role of the mass media to the development aspirations of the Nigerian nation.

Mass Media and Politics in Nigeria

The mass media, particularly the press, are often credited for their historical exploits towards the emergence of the Nigerian state. Brown and Schulze (1990) argue that a media organisation and its output are an active, social process and also a site of cultural struggle. The Nigerian media, by their historical evolution are not exceptions to this principle. Wilbur Schramm cited by Akinfeleye (2003, p. 25) acknowledges that:

The structure of communication (mass media) reflects the structure and development of any society. The size of communication, the volume of communication, the development of communication, the direction of communication, the objective of communication, the role of communication to the society - the ownership of instrument of communication (i.e. mass media),the audience of communication the transfer of the individual communication roles, the stretching out and multiplicity of society, the facilities, and the purposeful use and/or misuse of communication the content of communication networks at any given time reflects the value pattern of the society it serves. The pattern of communication network which determines who shares it with who reflects the homogeneity of the culture and geography within the society.

The mass media in Nigeria have at different epochs, made their marks as “the veritable instruments of social mobilization and co-operation, propagators of religious and desirable social and cultural values, as well as promoters of free enterprise (Momoh, 1995). Incidentally and ironically, the mass media have equally been blamed for the ethnicization of the Nigerian politics.

Agbaje (1992), Olayiwola (1991), Nnoli (1978), Chicks (1971) and Oso (2011) are some of the scholars who have documented incidences of the mass media's alleged implication in the ethnicization of the Nigerian politics. According to these scholars, in the cause of their agitations for nationalism and independence, the Nigerian media inadvertently became part of the national problem by immersing themselves in the vortex of partisan politics.

Oso and Akanni (2016,p.163) however opine that whether during the colonial period or under the military, many Nigerians credit the press for its role in the country's political and democratic process. The authors note that the tradition of a highly voluble and political press which, in the main, mirrors the cantankerous nature of Nigerian politicians continues till today adding that the Nigerian press does not just mirror the character of the Nigerian society and the events happening in it, it is an active participant. The character and nature of the Nigerian media, notwithstanding, Oso and Akanni remain convinced that the mass media in their various forms, including the digital media, have provided the public space for actors in the civil and political society to ventilate their views, discuss national issues and intervene in the policy process.

Today in the Fourth Republic, in spite of the legal and constitutional insistence that all political parties must be national in their organization, and membership recruitment, and the death of party-owned newspapers, Nigerians still perceive the main newspapers as regional in orientation (Oso 2011). As Oso posits, a good number of the Nigerian media still operate today as political instruments of the dominant factions of the ruling elite whose claim to leadership is largely based in ethnic affiliations. Examples abound in *The Compass* and *Westerner* owned by Gbenga Daniel of Ogun State, *The Nation*, *The Nation*, *Life*, *Radio* and *TV Continental*- all owned by Senator Bola Tinubu, former Governor of Lagos State, and *The Sun* by Orji Kalu (former Abia State Governor), *This Day* by Nduka Obaigbena, a South-South business man and politician. Against the backdrop of the ethnic and political cleavages of the mass media operations, in the country, media content, especially news, becomes a value-laden commodity, and “the mass media both old and new, often serve as ventriloquists of the unruly debates and ethnic cacophony that are the hallmarks of Nigerian politics”.(Oso &Akanni,2016,p.164). As Karl Marx once noted, every news item served on the menu of the mass media becomes a potent ideological product. The Nigerian situation may not be an exemption.

FoIA and the Quest for Sustainable Development

The mass media, as studies have established, are the lubricant needed to oil the wheel of democracy in all climes and societies. Through them citizens are provided the platform for the natural evolution of public opinion, societal integration and consensus-building through open and unhindered contestation of ideas and viewpoints. However, this assumption is only feasible in open societies that have dismantled what Oloyede (2008) describes as the culture of silence and secrecy. Lack of openness and transparent governance make it difficult for the press to hold the governor accountable to the governed thus providing the launch-pad for the endemic corruption that has been the bane of many less developed and developing economies of the world. In Africa, especially Nigeria, many anti-press decrees and laws still exist which tend to confuse professional ethical demands of confidentiality of sources in journalism with restricted access to basic information. Such laws include the Official Secret Act, the Evidence Act, the Statistics Act, the Public Complaints Commission Act etc. all of which prohibit civil and public servants from releasing information to the press and the public at large. This trend continuously waters down the quality of usable data and information in many news stories and investigative reports thus compelling journalists to rely on hearsays and unverified rumours in the pretext of anonymous sources.

The often cited excuse for these anti-media laws is the protection of 'vital' government information in the 'nation's interest' but citizens know better. Writing on this trend, Adeleke (2011) notes that the level of secrecy is so ridiculous that some classified government files contain ordinary information like newspaper cuttings which are already in public domain. According to Adeleke, so pervasive is this trend that even government agencies refuse to share information on sensitive national issues with civil servants refusing to give the National

Assembly documentation needed for deliberations in their oversight functions. This development provided the impetus for agitations and the mobilization of efforts for the enactment of the Freedom of Information Act. However, after four years of promulgation, the much expected freedom or right of access to information by journalists and other stakeholders alike in Nigeria remains elusive as the following analyses shall soon reveal. It is indeed not yet *Uhuru!*

In the first place, when the FoIA eventually received the presidential assent in May 2011 after eleven years of agitations, many politicians, governors and public officials clung to the excitements of the prevailing public opinion to hail and endorse the decision. But no sooner did the euphoria abate than Nigerians began to witness the pretentious disposition of government to the law. Federal Government Ministries, Departments and Agencies (MDAs) including states rebuffed at will attempts by Non-Governmental Organizations, individuals and the mass media to invoke the provisions of the law to extract information for public use. For instance, a former Minister of Aviation, Mrs. Stella Oduah was indicted of fraud in the purchase two bullet-proof cars estimated at 255 million Naira. Popular and senior Lagos lawyer, Mr. Femi Falana, relying on the powers of the FoIA requested details of the transactions from the Nigerian Civil Aviation Authority (NCAA) for which the agency declined. Mr Falana made similar attempts to obtain information on the humongous donations made by some government agencies to the election campaigns of former President Goodluck Jonathan to the coffers of the People's Democratic Party (PDP) in violation of Constitutional provisions and the approval limits prescribed by the Independent Electoral Commission in the 2015 elections also to no avail.

Other instances of these impunities and apparent disregard for the FoIA in Nigeria include the turning down of the following requests by media houses, individuals and affected agencies. Ojo (2016,p.82-84) chronicles the efforts and frustrations of a few Nigerian media, *Daily Trust* and *Premium Times* and the *New Nigerian* in their bids to invoke the provisions of the FoIA to obtain information from public institutions. According to Ojo, beginning from December 2011 which was seven months after the presidential assent to the FoIA, the *Daily Trust*, a Nigerian national daily based in Kaduna, northern Nigeria wrote at least 12 requests for information to 11 government ministries, departments and agencies asking for a variety of information but ***only five of them responded, although none of them granted access to the information requested.*** The others simply ignored the newspaper's requests.

Such ministries and agencies from which the requests were sought include : the State House, Abuja; the Office of the National Security Adviser; the Office of the Attorney general of the Federation(the number one law enforcement officer of the country!); the Ecological Funds Office, the Public Complaints Commission, PCC; the Code of Conduct Bureau (CCB); the Office of the Inspector General of Police; the Federal Civil Service Commission; the Nigerian National Petroleum Corporation(NNPC); the Nigerian Prison Service , including the National Assembly that mid-wived the law!

Also similar requests were made, according to Ojo (2016) by the *Premium Times* in 2015 to the Central Bank of Nigeria (CBN) for data on deposits and withdrawals from the Excess Crude Account, including revenues from oil and gas exports to no avail. Within this period, there were also requests by a Non - Governmental Organization, the Socio-Economic Rights Accountability Project (SERAP), concerning the details of transactions of certain individuals alleged to be funding terrorism at the Central Bank of Nigeria. SERAP also through the FOIA sought information on the campaign funding of the two leading parties in Nigeria during the 2015 elections, the All Progressive Congress (APC) and the Peoples' Democratic Party (PDP) , all of which met with brick walls. Others requests include that by Activist Lawyer, Femi Falana to

make the Federal Road Maintenance Agency (FERMA) to provide information on the five percent fuel levy collected by the agency on every litre of petrol and diesel sold at the pump since 2007; litigation by the Legal Defence and Assistance Project Limited against the Attorneys General and Commissioners of Finance of Lagos, Imo, Rivers, Abia, Akwa Ibom and Delta States on bonds and details of amounts raised from the Capital Market through public offer or private placement between 2007 and 2011 including how the amounts were disbursed and their beneficiaries; Civil Liberties Organization (CLO)'s South East Coordinator, Olu Omotayo's request that the Enugu State Health Commissioner, George Eze should disclose records and documents in respect of contracts awarded for the building and completion of a Diagnostics Centre constructed at the Old Trade Fair Complex, Abakaliki road; and SERAP's request from the Lagos State Government on information about a \$90 million loan obtained from the World Bank to improve on education infrastructure in the state among other unreported cases across the country among many others.

It is also ironic that many state governments that had played to the gallery by hailing the enactment of the FoIA were the first to make a volte face as soon as the powers of this law were invoked by the public and the mass media to beam the searchlight of investigations into their activities and spending. For instance, in the last two instances cited above, the applicability of the FoIA became contentious as the affected states, including many others, ostensibly argued that the law is not enforceable in their domains since it has not been domesticated by their respective state assemblies. Consequently, this legal dimension is not only distracting focus from the goals of the FoIA but is melodramatically shifting the contestations on the access to information to the courts with different rulings and contradictory judgments.

For instance, a Federal High Court in Lagos presided over by Justice Okon Abang ruled that the FoIA was not binding on the 36 states of the Nigerian federation. Justice Abang's ruling contradicted the judgment of Justice S.A Akinteye of an Ibadan High Court (in a neighboring state of Oyo) which in 2014 ruled that the application of the FoIA was for the entire federation and therefore does not need to be domesticated by any state before taking effect in all states of the federation. A similar judgment was passed by Justice D.V Agishi of the Federal High Court in Enugu, Enugu State, in an FoIA matter between the Civil Liberties Organization, CLO, and the state Commissioner of Health.

The concern of this paper, like many concerned Nigerians, is that the FoIA, in spite of its laudable goals, may soon be rendered ineffective and moribund like some laws in the country. Governance in any democratic setting is a collective duty in which government is only one of the actors. The International Monetary Fund (IMF) sees governance as embracing all aspects of the way a country is governed, including its economic policies and regulatory framework (Omorogbe & Kingsley, *ibid*). The IMF has always observed a correlation between poor governance and corruption because of its conviction that an environment characterized by poor governance inevitably provides leverage and more incentives for corruption. This awareness informed IMF Board's directive to the Fund in 1996 to promote good governance in all aspects by ensuring the rule of law, improving the efficiency and accountability of the public sector, and tackling corruption, as essential elements of a framework within which economies can prosper.

The United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) identifies eight major components of Good Governance. These include: consensus, participation, rule of law, transparency, responsiveness, effectiveness/efficiency, equity/ inclusiveness, transparency and accountability. The mass media occupy a central stage in the quest to promote

good governance by ensuring accountability and transparency in government. Information is the basic raw material that the media need for meaningful investigative stories that could drive a nation towards openness, growth and sustainable development. Journalists all over the world work in the conviction that the public is entitled to the truth and that only correct information can form the basis for sound judgment. Therefore, wherever and whenever the mass media and other critical stakeholders in governance are prevented from having unrestricted access to crucial information needed to make informed decisions, the goal of development, whether at temporary or sustainable basis becomes elusive.

As Botchwey (2005) posits, the overriding goal of development is how to reduce poverty in a broader sense, including empowering poor people and ensuring their participation in decisions that affect their lives. According to Botchwey, “there is a pronounced sentiment in Africa that the state is so easily susceptible to capture for rent-seeking purposes that an expanded role for it merely creates space for corruption”. The dynamics for contestation for power in all democratic societies, according to the Ghanaian scholar, makes an incumbent government to break spending limits and manipulate the contract award system in order to gain political advantage for financial and political advantage. In Nigeria, the present economic crisis / financial insolvency in which many states are unable to pay workers' salaries can be attributed to this trend. The nation's media once noted for their vibrancy and investigative skills would have performed the watchdog role of early warning alert system to sensitize the people to this 'clear and present danger' if government and their officials had been more forthcoming with information to the mass media as required by the Freedom of Information Act. As it is, most states cannot perform the simplest of their responsibilities payment of workers' salaries without recourse to the Federal Government for bailout and all manners of bank loans! Add this to the recent revelations on the billions of dollars reportedly carted away into foreign accounts from the nation through crude oil thefts and massive corruption and the picture of the country's predicament on the development question appears complete.

The way forward

Experience has shown that even in developed countries the application and successful implementation of the Freedom of Information Law is never obtained on a platter of gold. Freedom, like most activists would say, is not normally freely given but demanded and usually fought for. As observed by the Centre for International Media Assistance (CIMA) in its 2013 report, “the Freedom of Information Law is like a muscle which only grows strong with use and atrophies with neglect”. Getting government to open up the public space of its own accord will not be easy. The challenge is for journalists to continuously test this law and explore all legal means and options to dismantle the walls of resistance built around it. Already the NGOs appear to be taking the lead in this regard probably because many of them are lawyers. The media and their professionals including academics should take a cue from this point. Compliance with the provisions of any progressive law like FoIA must be the collective goal of every right-thinking member of the society. Government must be compelled through increased advocacy and media salience to obey its own law.

Also, a greater challenge and responsibility rests in the nation's judiciary to live up to its reputation as the last beacon of justice and democracy upholding its independence and enlist as an agent of positive change in the society rather than a conservative accomplice and defender of a retrogressive status quo. Sustainable development is about the people; hence, all the institutions of governance must enlist in the struggle to create the required enabling environment for open society and transparent and accountable government.

To resolve the confusion of contradictory rulings and judgments on the application of the FoIA across states of the Nigerian federation, it is onus on the National Assembly to approach the Supreme Court for a declaration that will confirm the superiority of national laws over and above other laws in any part of the country. Consequently, any ruling protecting or seeking to protect any government official from a valid national law should not be allowed to stand. Nigeria can also take a cue from the United States in 2009 when President Barrack Obama directed all federal agencies to set out guidelines for unobtrusive access to information. At the federal level, President, Muhammadu Buhari should give similar orders except in situations where public and national interest is at stake and such withdrawal is allowed by the FoI Act. Even at that, the affected public agency must explain why they withhold such information.

Besides, public awareness of the FoIA still appears very low. The mass media and other public spirited Non- Governmental Organisations need to intensify awareness campaigns and sensitizations on the provisions and benefits of this law in the polity. Workshops, seminars including current affairs programmes / features stories could be focused on the FoIA on constant basis to drive its message home to the generality of the populace.

Finally, positive behaviour and attitudinal change is crucial to any nation's developmental efforts. The effective application of a progressive law such as the FoIA requires the collective input and responsibility of all Nigerians. While journalists, by the demand of their professional calling, must intensify and sharpen their investigative skills as against the usual run-of-the-mill 'scenario-painting' news stuffs, all Nigerians must enlist in the vanguard to oversee government by asking the right questions from their leaders, jointly condemn anti-people/development postures and commend where necessary positive and patriotic gestures such as the current anti-corruption stance of the present regime in the country.

Conclusion

The attempt in this paper was to examine how the mass media have fared in their contribution towards Nigeria's quest for sustainable development through their newsgathering, processing and reportage of stories since the enactment of the Freedom of Information Act in Nigeria in 2011. A deep analysis of the issues and circumstances surrounding the requests to invoke the FoIA so far showed, expectedly, that government officials and public office holders do not have genuine commitment to abide by the provisions of the law in terms of assisting the media and individuals with information that is of public interest and vital to their understanding of public issues.

This trend is inimical to the sustainable development goals and the nation's objective to be among the developed countries by the year 2030. This is because studies have often established a correlational link between an open and transparent society with unhindered access to information and development. Equally, as this paper has shown, corruption is antithetical to development, while corruption and bad governance feed off each other. The antidote to bad governance and corruption is an open society where the mass media operate ethically without let or hindrance and vigilant journalists, as Protesse *et al* (1991) aver, "bring wrongdoing to public attention. An informed citizenry responds by demanding reforms from their elective representatives. Policy makers respond in turn by taking corrective action". We conclude by asserting that the task to make the FoIA work in a developing country like Nigeria requires the concerted and collective input of all and sundry while the mass media must take the lead to galvanize public opinion with the right advocacy to compel government and its officials to obey its own laws. In addition, the mass media must also in Jimoh (2015)'s words, "through

continuous sensitization, rise above hegemonic influence of political, ethnic and socio-economic forces”. Both the media and the citizens cannot afford to settle for less. As CIMA counseled, journalists and citizens alike, must continue to test the FoIA ,exploring all legal options to dismantle the walls of resistance built around it. It is only when this is done can the media be confident that it is indeed contributing its quota to sustainable development.

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