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APPRAISAL OF THE USAGE OF FREEDOM OF INFORMATION ACT IN NIGERIA

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CHAPTER THREE

APPRAISAL OF THE USAGE OF FREEDOM OF INFORMATION ACT IN NIGERIA

Kola I. Adesina, Jamiu Folarin, Bolanle Ismail & Nureni A. Bakenne,

Introduction

Sections 22 and 39 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) lay the foundation for the freedom of speech and expression. Just as the First Amendment to the US constitution (1791) stating that "Congress shall make no law ... abridging the freedom of speech or of the press" (Potter, 2006, p. 2; McQuail, 2010, p. 169). These provisions of the constitution is the basis for Press Freedom in which the mass media, journalists and other media workers rely on to carry out their duty as the Fourth Estate of the Realm. McQuail (2010, p. 169) however says "reformed constitutions in many other countries have referred to a right guaranteed to citizens." Bello, Adejola and Folarin (2012, p. 206) observe that over the years, these sections of the constitutions empowered the media to make the government accountable to the people. According to Odunlami (2015, p. 76), preference was given to this "because studies have often established a correlational link between an open and transparent society with unhindered access to information and development."

In exercising its power as enshrined in the constitution, the institution of the mass media encountered constraints, due to some provisions of the same constitutions, legislations and other factors. To be more specific, journalists for examples required unhindered access to public information to carry out their role as watch dog over the Executive and Legislature. However, laws such as the Official Secret Act, the Criminal Code, the Evidence Act, the Statistics Act, the Public Complaints Commission Act and Sedition law hindered them from carrying out this role. In fact, the members of the public are also kept in the dark about the operations of these arms of government and their activities unnecessarily shrouded in secrecy. This culture of secrecy is against the letter and spirit of the Nigerian constitution and democratic principles. Realising the danger posed by this scenario to the Nigerian society; civil society organizations, media practitioners and other stakeholders advocated for the need for paradigm shift in such a way that

will allow members of the public including journalists to have unhindered access to public records and information.

There are arguments for and against special laws giving further power to journalists and the public to access public information. To the opponents, the existing laws are enough in such a way that will allow the citizens and journalists have access to public records. But to proponents, the existing laws were not adequate to enable unhindered access to government records and information. These efforts were noted by (Afolayan 2012, Ganiyu 2013, Odunlami 2015, Omotayo 2015). This advocacy gave birth to the enactment of the Freedom of Information Act in 2011. Eight years after the signing it into law, there are now concerns that the FoI Act has not fully achieved the purpose for which it was made. Not too long ago, Odunlami (2015, p. 69) expresses similar view:

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 goal of being listed among the developed nations of the world as enunciated in the Federal Government's Vision 20:20:20 may be another mirage.

It is on this background that this paper examines the usage of the Freedom of Information Act (FoIA) in Nigeria.

Libertarian and Social Responsibility Theories consideration in FoI Act

Out of the six Normative Theory of the Press, the Libertarian theory laid the solid foundation for what is today referred to as Freedom of the Press. The theory was propounded in the 16th century but refined in the 18th century with many countries adopting the principles in their constitutional frame work. It is one of the normative theories of the press popularised by Siebet, F.S., Peterson, T.B. and Shramm, W. in 1956 (Folarin 1998; Anaeto, Onabajo and Osifeso 2008, McQuail 2010). Otherwise known as the Free Press theory, the Libertarian theory advocates free market place of ideas, where in the words of John Milton, “if ideas were freely published, the best ones would win out.” The theory emphasises freedom to give and receive information without any hindrance, and the need for considerable degree of independence to the media organisations and their practitioners. McQuail (2010, p. 193) gives the main structural conditions for effective media freedom that support the basic assumptions of the libertarian theory

- absence of censorship, licensing or other controls by government so that there is an unhindered right to publish and disseminate news and opinions and no obligation to publish what one does not wish to;
- the equal right and possibility for citizens to have access to channels of expression and publication as well as access as receivers ('right to communicate');
- real independence from excessive control and interference by owners and outside political or economic interests;
- competitiveness of the system, with limits to media concentration and cross-ownership;
- freedom for news media to obtain information from relevant sources

The above assumptions of the Libertarian theory as highlighted by McQuail (2010) show that the FoI Act will be a veritable instrument in the realization of a free press in Nigeria. In other words, the principles of the FoI Act are in tandem with the assumptions of the Libertarian theory which emphasizes freedom to send and receive information. Just as media freedom is the by-product of Libertarian system, FoI Act is an ingredient to freedom of the press. This will encourage freedom of expression by Nigerians on public and contemporary issues, giving every individual the right to search for truth.

The theory and the Act both guaranteed the free access of the media professionals and individuals to information in possession of public authorities in Nigeria. However, this theory has been criticized for providing the platform for abuse leading to the call for media professionals to be socially responsible in the discharge of their duties. McQuil (2010, p. 171) gives an insight into the report of a private commission of inquiry (Hutchins Commission) set up by publisher Henry Luce in 1942 and submitted its report in 1947 under the chairmanship of Robert Hutchins, Chancellor of Chicago University:

The 'theory of social responsibility' involved a view of media ownership as a form of public trust or stewardship, rather than as an unlimited private franchise. One of the members of the commission, William Hocking (1947: 169), wrote "Inseparable from the right of the press to be free has been the right of the people to have a free press. But the public interest has advanced beyond that point; it is now the right of the people to have *an adequate press*' And of the two rights, he added: 'it is the right of the public that now takes precedence'.

However, it seems that the "right of the public" has not taken precedence as the FoI Act has not been fully utilized in Nigeria, despite the fact that no known case of abusive use of the Act has been recorded.

Constitutional Provisions for Absolute or Relative Freedom of the Press

Freedom of the press according to McQuail (2010. P. 557) is a "fundamental principle of individual, political and human rights that guarantees in law the right of all citizens to publish without advance censorship or permission by authority, or fear of reprisal. McQuail noted that "the historical context of the struggle for press freedom was almost invariably one of antagonism between publication and some authority, first church and later government", (P. 169).

The third President of the United States, understand the importance of the media declaring that if he has the option to choose between a Government without the Press or the Press without the government. He would prefer the existence of the Press:

... since the basis of democracy was the opinion of the people, the very first objectives was to keep it right If it were left for me to decide whether we should have a government without the press or the press without the government, I should not hesitate a moment to choose the latter (Cited in Akinfeleye, 2005. P. 4)

Section 22 and 39 of the 1999 constitution of the Federal Republic of Nigeria (as amended) laid the foundation for the freedom of speech, expression and the press in the country. Section 22 of the 1999 constitution spell out the role of the media as an institution that will perform constitutional responsibility of making the government accountable:

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

the responsibility and accountability of the Government to the people.

However, section 39 (1) of the Nigeria's constitution gives a general definition of the concept of "Freedom of Speech" stating that "Every person shall be entitled to freedom of expression including freedom to hold opinions and to receive and impart ideas and information without interference".

The constitutional provisions however are erroneously believed to be exclusively meant for the journalists or mass media. However, these sections of the constitution gave the right of freedom of expression to the Nigerian citizens, journalists and the media institution inclusive. McQuail (2010: 168) gives this clarification noting that the freedom of the press was closely linked with the idea of freedom of the individual. He however made distinct comparison between the freedom of the press and freedom of expression:

We have to make a distinction between freedom of the media (or the press, as it is sometimes called) and freedom of expression, although sometimes the same thing is meant. Freedom of expression is much wider right. It refers to the substance or content of what is communicated (opinion, ideas, information, art, etc.) while the press refers to one main 'container', vehicle or means for enabling publication (p. 192-193).

Another approach to the debate on the issue of Press Freedom is that there is nowhere in the world that the media is absolutely free, what we have is relative or degree of freedom. It was argued that even in Libertarian media environment that hinged on the freedom of the expression (free market place of ideas); the editors, media owners, advertisers and journalists occupy the position of the communist party, in the Soviet-Communist media theory. They lord their ideas (overtly or covertly) on the masses in the exercise of their functions.. That was why McQuail (2010, p. 176) argues that the Libertarian theory "is vague about who has or benefits from the right to freedom. If it is the newspaper proprietor who has the right, what of the rights of editors, journalists and even the public?"

In Nigeria, the right as noted by McQuail (2010) is more pronounced among the drivers of the media institution. These include the media owners, reporters, editors, advertisers and other media workers. However, the advent of the internet and social media platforms has disrupted this tradition. Is it correct to submit that the actual power given to "Every person" as contained in section 39 (1) of the 1999 constitution (as amended) is now being explored by the citizens unlike what was in operation before the era of Web 2.0? There is therefore need further to interrogate this and provide answers to this question by researchers.

Understanding the Freedom of Information Law

An Act to make public records and information more freely available, provide for public access to public records and information, protect public records and information to the extent consistent with the public interest and the protection of personal privacy, protect serving public officers from adverse consequences of disclosing certain kinds of official information without authorization and establish procedures for the achievement of those purposes and; for related matters. (FoIA, 2011)

In his explanation of the concept of the Freedom of Information, McQuail (2010: 557) notes that it has a “broad meaning that covers all aspects of public expression and transmission of, and access to, all manner of content... In a narrow sense it usually refers to public rights of access to information of public interest or relevance held by various kinds of authority or official agency.”

Watson and Hill (2015: 109) observe that the “right of access by citizens to information of public interest is enshrined in legislation in many countries. As Odunlami (2015: 70) further noted that the Freedom of Information Law (FoIA) which seeks to make public records and information freely available for public access is now popular declaration or enactment by democratic nations across the world. He further traced the evolution of the law:

The philosophy of this law derives from the popular 1794 submission by the renowned 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.

FoIA also known as the “public right to know” seeks to give the media personnel and citizens in Nigeria the right to free access to public information. However, it was erroneously believed that the law is only meant for journalists. Ganiyu (2013. p.2) further makes clarification on this, explaining that “In a country where FoIA is in operation, anyone can make a request for information, there are no restrictions on your age, nationality, or where you live.”

History of enactment of FoI Act in Nigeria

Ganiyu (2013:1) notes that the FoI Act came as a relief to the restriction of press freedom especially during the decades of military rule in Nigeria; with Odunlami (2015, p. 70) adding that the Act “protects public records and information to the extent consistent with the public interest and protection of personal privacy.” He added that it also protects serving public officers from any adverse consequences for disclosing certain official information and establishes procedures for the achievement of the purposes of the law.

Tracing the history of the FoI Act, Afolayan (2012) recalls that its birth date back 1993 during the regime of General Sanni Abacha which was known for suppressing the freedom of the press. The organisations that spearheaded that drafting of the Freedom of Information Bill (FoIB) include Media Right Agenda (MRA), Civil Liberties Organisation (CLO) and the Nigerian Union of Journalists (NUJ), Lagos branch.

The draft bill according to Afolayan (2012) went through several reviews before it was presented to former president Olusegun Obasanjo in early June 1999 with expectation that the former president would forward it to the National Assembly as an executive bill. Obasanjo declined but advised the stakeholders to submit the bill as a private member bill. The bill was then submitted to the National Assembly in the same year. The National Assembly however failed to pass the bill into law during its four years.

The bill was re-submitted to the National Assembly and scaled through the lower and upper chambers. The harmonized version of the bill was passed by both chambers on May 26, 2011. It was conveyed to the then president Goodluck Jonathan on May 27, and he signed it on May 28, 2011 (Afolayan, 2012).

The Act according to Nwodu, Sunday, and Onwubere (n.d: 56-57) the FoIB was enacted into law in 2011 to serve the following core purposes' as contained in the preface to the act:

- Provide unhindered public access to public records and or information;
- Protect public records and information to the extent consistent with national interest;
- Protect individual right to privacy;
- Protect serving public officers from adverse consequences for disclosing certain official information;
- Establish procedures for the achievement of those purposes and related purposes therefore.

There are 32 sections in the Act which centered on the rights of access to record, the procedure for making requests for information, circumstances under which request can be granted or refused, exemptions, judicial review and the attorney general's oversight responsibility. (FoIA, 2011)

Afolayan (2012) however observes that out of the 6 States, only Ekiti and Lagos State as at 2012 have domesticated the Act at their respective States. They however extended the response date at the State level from seven days to 14 days.

Benefits of Freedom of Information Act

The FoI Act plays important role in the society especially countries ravaged by corruption. According to Ganiyu (2013. P. 31), if the Act is properly utilized, it will promote transparency and accessibility, arguing that "For instance, when Government Officials know that nothing is secret, there will be less corruption in the system."

The FoI Act is also expected to serve as lubricant to the Fourth Estate of the Realm role of the mass media. It will enable media practitioners and the Nigerians better access to public records and information. This Act is also expected to further promote the Freedom of expression and the press. The implementation of the act is also a litmus test whether the people are truly part of the governance of the country. It therefore guarantee the fully participation of the citizens and guaranteed the "Public Right to Know." Free access to public information is one of the principles and cornerstone of democracy; this can be further enhanced with the full implementation of FoI Act. The Act is also expected to promote egalitarian society as the citizen will have confidence and faith in the government and public institutions. Where there is lack or inadequate information, rumour and misinformation will be the order of the day. But with full implementation of the FoI Act, the business of fake news and hoaxes will liquidate.

McQuail (2010, p. 193) gives the benefits of media freedom as including: systematic and independent public scrutiny of those in power and an adequate supply of reliable information about their activities (this refers to the 'watchdog' or critical role of the press); stimulation of an active and informed democratic system and social life; opportunities to express ideas, beliefs and views about the world; continued renewal and change of culture and society; and increase in the amount and variety of freedom available

Challenges confronting full implementation of FoI Act in Nigeria

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. (Odunlami, 2015: 69)

It took 18 years (1993 to 2011) of advocacy before the FoI bill could be passed into law. On May 28, 2019, it was exactly seven years when former president Goodluck Jonathan signed the bill into law. How has the FoI Act fared in its implementation? Is the scenario painted by Odunlami (2015) still existing?

It must be noted that the advocacy for the passage of the bill into law was due to what Oloyede (2008) as cited by Odunlami (2015: 73) describes as “the culture of silence and secrecy” in which the business of governance was being carried in Nigeria. The media professionals were constrained by different factors to make the government accountable. Legal framework such as Official Secret Act, Criminal Code and Sedition law stand as stumbling blocks in the way of whoever intends to seek public records and information. This according to Nwodu, Sunday, and Onwubere (n.d: 56) makes it unclear under the law “where the government right to conserve certain information to itself end and where public rights to know what those in government (that are hold in public trust) are doing or fail to do begins.”

Ganiyu (2013, p. 3) paints the scenario of the media environment prior to the signing of the FoI bill into law:

...access to information especially at Hybrid public Authorities was no go area for the journalists. People view some information as being sacred with the belief that it was not meant for public consumption. Journalists or media houses that have at one point in time exercise their rights on issue bordering on “sacred information” have dearly paid for it. There have been cases of assault on journalists, arbitrary detention and mass confiscation of newspapers.

Nzemeke (2013) observes that “despite the celebrations that greeted its signing into law, government and private business in the country are still shrouded in secrecy. Bureaucratic and other factors such as the official secret acts used by government officials make it difficult for journalists and other members of the society to access information when they need it, thereby undermining the significance of FoIA.”

Similarly, stakeholders at the workshop held in Lagos in 2013 to mark the World Press Freedom Day lamented how difficult it has remained in obtaining public information in Nigeria despite the existence of the FoI Act (Nzemeke, 2013).

Real News magazine reports that Abike Dabiri-Erewa, one of those who supported the bill during the debate at the National Assembly, said that journalists have failed to utilize the Act in the course of doing their jobs. Dabiri-Erewa explained the FoI Act is not only for journalists. The lawmakers said that the Act also has do with those involved in research, the civil society, it is not about being vindictive, it is about seeking information, it is to change the society. It is not the responsibility of the National Assembly to implement the Act. In similar vien, Professor Pat Utomi told participants at the workshop that the FoI Act has been under-utilised because the various groups of people who should be using it are not doing so (Nzemeke, 2013).

Stakeholders (academia, journalists and civil society groups) at the 2013 Wole Soyinka media lecture held in May, also expressed disappointment that the FoI Act is yet to be fully utilized to accomplish good governance and transparency. One of the speakers at the event, Biodun Jeyito, a

professor from Harvard University, United States attributed the under-utilisation of the Act to people's loss of faith that the FoI Act can address the monumental corruption and unaccountability on the part of government (Nzemeke, 2013).

One of the challenges in the usage of the FoI Act is the provision of the Act itself which “give and take” with observation that the Act has more exemption sections and clauses than the ones that really grant access to public information. This serves as potent instruments in the hands of unwilling civil and public servants to deny access to information. Such sections according to Afolayan (2012) include Sections 7, 11, 12, 14, 15, 16, 17, 18, 19 and 26) which gave conditions why the public can be deny access to information. While 10 sections of the FoI Act gave conditions under which it would be denied, only two sections (Sections 1 and 3) gave conditions when the public will be granted access to public information.

The existence of Official Secret Act, Evidence Act, Criminal Code, among other laws also serve as stumbling block to the implementation of the FoI Act. This provides opportunity for politicians and public officials to sabotage the implementation process especially if their personal interest is on the line. Nwodu, Sunday, and Onwubere (n.d, 57-58) raises similar concerned about sections 1, 2(3) and 3(6) of the Act which gives unlimited access to documents of government's agencies and institutions upon application as well as compel compliance through the court. They observed that the implication of the section is that it invalidates the Official Secrets Act; but wondered “how can any application or request for information based on this provision receive favourable consideration when there is no evidence that the repugnant Official Secret Act has been repealed?”

Also section 3 (3) is concerned with the nature of documents public institutions are allowed by the Act to publish. This according to Nwodu, Sunday, and Onwubere (n.d, 58) tends to underscore the very essence of freedom of information. They opined that the section should rather “emphasize conditions for responsible use of public information not to prescribe aspects of public information to be applied for and used.”

Section 13(1) under V of the Act which states that a public institution can deny an application for any information where the information sought:

Constitute an invasion of personal privacy under section 15 of this Act. However, where the interest of the public would be better served by having such record being made having such record being made available this exemption to disclose shall not apply (FoIA, 2011).

This section of the Act merely protects individual right to privacy without clear definition of when private life becomes newsworthy and of public interest. Even Section 15(1) 1 V which tried to spell out personal information which an applicant can be denied failed to draw a line between public life of celebrities and political office holders and their private life (Nwodu, Sunday, and Onwubere n.d, 60). Other challenges identified by Afolayan (2012) include: Poor culture of record keeping/maintenance and retrieval; Capacity challenge in many public institutions; Frustrating and time consuming bureaucracy in public services; Widespread corruption and the high level of ignorance among the workforce in public sector. Odunlami (2015, p. 74) put it more succinctly:

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 255million 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.

Odunlami (2015) further gives other instances of the efforts by individuals, lawyers and civil society groups which had been frustrated in using the FoIA to seek public information:

- the request by another NGO 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) ;
- another request 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;
- the application by the Daily Trust newspaper for details of the 2012 recruitment by the Nigerian National Petroleum Corporation;
- 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.

Odunlami (2015) also documents legal distractions set in the way of the implementation of the FoIA “melodramatically shifting the contestations on the access to information to the courts with different rulings and contradictory judgments”:

- 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.

Selected Studies on FoIA

Saheed Ganiyu conducted a study in 2013 titled: **Evaluation of the Effectiveness of Freedom of Information Act (FoIA) in Nigerian Media Environment**. The research questions considered in the study include: How effective is FoIA in reshaping media practice in Nigeria?, How free is Nigerian press under the FoI law?, To what extent have Nigerian journalists made use of FoI Act in their day to day operations?, and What are the gains and challenges of FoI Act has brought about to the media profession in Nigeria? The study adopts the survey method with questionnaire as instrument of data collection obtained from 140 print and broadcast journalists in Ogun State. It also tested four hypotheses in relation with the research questions. The findings of the study shows that most of the Nigerian journalists particularly in Ogun State were aware of the signing of FoIB into law but have not been making use of the FoIA in the discharge of their duties. Also, the results of the study shows that the press is still not totally free even with the signing of FoIB into law. Ganiyu (2013) identifies some of the gains and problems the law has brought to media practice in Nigeria as including: relative freedom of the press, free access to classified information, availability of information to the public and lack of proper implementation, the sabotage of politicians, frustrating and time consuming bureaucracy bin public services. The study recommends eradication of clauses that made the FoI counter-productive, increase in public awareness about the Act, and the need to encourage Nigerian journalists to effectively utilise the FoIA in their day-to-day operations. Over four years after the study carried out by Ganiyu (2013) has there been any change in the research problems identified? This is where this new study will be relevant.

Ayodele Afolayan in 2012 also writes on the FoI Act which was titled: **A critical analysis of Information Act in Nigeria**. He examines the origin of FoI Act, its meaning, the prospect and challenges. The study by Afolayan (2012) has the following conclusion:

- That the FoI Act is expected to enable Nigerians to have access to public information held by government bodies. This is now recognized as fundamental human rights to which Nigerians are entitled to.
- With the FoI Act, the media is now better positioned to hold public officers accountable to the people. This is expected to have spiral effect on the entire society for the benefit of all.
- The success of implementation of the FoI Act is the co-responsibility of both the government {“supply side”) and the governed (“demand-side”). The demand-side which includes the citizens, civil society and community organizations, media and the private sector must take responsibility for using the law as well as monitoring government efforts. The study gives the following recommendations:
- FoI Act needs to be reviewed so that about 10 sections of the law which dwell on non-disclosure of information will be looked into.
- It advised that Federal government and its agencies should take steps to ensure that necessary regulations or procedure are put in place for the effective implementation of the Act.
- More campaigns need to be done to increase the level of awareness of the public about FoI Act.
- It must still be emphasized that it is the responsibility of all Nigerians to carry out the oversight function of ensuring compliance to the provision of the Act and not that of the National Assembly alone.

What this indicated is that researchers and communication scholars will continue to dig dip into the implementation of the FOIA especially in Nigeria.

Conclusion

The FoI Bill embryo was conceived in 1993 and it took 18 years before it could be delivered by the National Assembly. Eight years after the passage of the bill into law, has it achieved its objectives? If it took 18 years of struggle for the enactment of the FoI Act, must it take similar years before its full implementation? In the submissions of Odunlami (2015), Ganiyu (2013) and Afolayan (2012) the FoIB Act has not been fully utilized. Odunlami (2015: 69) expressed this assertion thus: “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 assessment of the implementation of the FoIA in the last eight years have not shown significant differences in what was operation in the first four years when former President Goodluck Jonathan signed the bill into law. In order to address this challenge of implementation; the Civil Society organisations, Nigerian Union of Journalists (NUJ), Nigerian Press Council (NPC), National Broadcasting Commission (NBC) and other stakeholders should institute a framework and institutional policy to assess the performance of Federal, State and Local Governments in Nigeria on Freedom of Expression and the Press. Such framework will include how the government is transparent through making public information available to the masses including the media who invoke the FoI Act. In addition, organisations in Nigeria that institute awards for journalists to promote investigative reporting should dedicate section of the award to Nigerians including journalists who have successfully invoke the FoI Act to seek public records and information thereby making government more accountable and transparent. Finally, there is need to adopt the approach recently used by the Federal Government in encouraging Whistle Blowers to expose corruption for the usage of the FoI Act. The Whistle blowers policy of the F.G complemented with the FoI Act will go a long way in exposing corruptions and guaranteed transparency and accountability in public life.

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