

THE FOIA AND THE FIGHT AGAINST CORRUPTION IN NIGERIA: PERCEPTIONS AND CHALLENGES

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Abstract

The enactment of the Freedom of Information Act in May 2011 was a milestone for various reasons, especially the belief that it would promote Nigeria's anti-corruption fight. Twelve years after, it was not clear the Act had truly been used in the fight against corruption. The study, therefore, examined the FOIA and the fight against corruption in Nigeria using journalists in Birnin Kebbi, Kebbi State as population and area of study. The study was anchored on the libertarian (free press) media theory, the diffusion of innovation theory and the knowledge gap theory. The survey design was adopted. The population of the study comprised 74 identified registered journalists in NUJ in Birnin Kebbi, making the sample size 74. The findings revealed that the FOIA impacted positively to the anti-graft war, though journalists have knowledge of the Act yet such level of knowledge was low, lacking understanding of the nitty-gritty of the law. The study revealed that challenges of the FOIA on the fight against corruption included: difficulties in processing and retrieving information due to delays and bottlenecks by civil servants, costs of hiring lawyers, low knowledge of the Act by civil servants etc. The study therefore recommended among others that: orientation campaigns should be carried out by media owners and media organisations like Nigerian Union of Journalists (NUJ), Broadcasting Organisation of Nigeria (BON) and Newspapers Guild of Editors for their members on in dept knowledge and applicability of the FOIA.

Keywords: Freedom of Information Act, Corruption, Perceptions, Challenges, Press, Nigeria

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INTRODUCTION

The press and mass media thrive better in climes where there is freedom of speech and freedom of expression. Freedom of information is so important that the UN had to include it in Article 19 of the Human Rights Declaration of 1948 that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers" (United Nations, 2021). Since then many countries, Nigeria inclusive, have

domesticated most of the international laws contained in the 1948 UN General Assembly Universal Declaration of Human Rights. In Africa for instance, since 2004 till date, the countries with freedom of information (FOI) laws include Sierra Leone, Niger, Tunisia, Angola, Côte d'Ivoire, Ethiopia, Guinea, Liberia, Nigeria, Rwanda, South Africa, Uganda and Zimbabwe (Odinkalu & Kadiri, 2014). As resonant and welcoming that may have sound, freedom of speech and of the press has not been given its due prominence in these African countries. Agba, Ogri & Adomi (2018) aptly captured it that "Laudable as the declaration is said to be, the

media and citizens of many countries are yet to fully enjoy privileges provided by this law. It is also factual that even in countries where the FOI laws exist; different institutional setbacks seem to have stalled its effective application.” In Nigeria, these institutional setbacks include corruption.

Passed by both the Senate and the House of Representatives on 24 May, 2011, and signed into law on Saturday 28 May, 2011 by Dr. Goodluck Ebele Jonathan, the then president of Nigeria, the FOIA is noteworthy in the history of Nigeria media practice. Key to adoption of the FOIA was not just the drive for free press but also the rationale that the act would enhance the anti-corruption drive in the country. Yet eleven years after the adoption of FOIA, press freedom still remains elusive and it seems with the Act, much still has not been done in Nigeria's fight against corruption. Corruption is one of the most ubiquitous terms in Nigeria socio-political terrain. Corruption is generally believed as the bane of development and growth in the country. The United Nations Office on Drugs and Crimes (UNODC) Nigeria asserted that “Corruption remains a priority concern to the Nigerian Government and People. Corruption affects all aspects of public life, continues to undermine the social, economic and political development of the country and is a major obstacle to the achievement of the Sustainable Development Goals” (UNODC Nigeria, 2021).

STATEMENT OF THE PROBLEM

Corruption has eaten deep into the socio-cultural, socio-political and socio-economic fabrics of Nigeria. The level of decadence and corruption can be traced to the very foundation of the country. It is one of the most discussed themes on the country domestically or internationally. Importantly, governments and regimes have emerged and gone with different approaches to fighting corruption yet there have not been visible progress. Whatever policy/programme of government that is ant-graft or has similitude of ant-graft is given prominence. This was the case of emergence of the FOIA. Therefore, on 24th May, 2011 when the National Assembly passed the Freedom of Information Bill and on 28th May, 2011 when the then president, Dr Goodluck Ebele Jonathan assented to it, the whole country was agog as it received widespread commendation. The reasons for the excitement by many are not covert. Although previous Nigerian constitutions put up some appearances of freedom of speech, they inherently suppressed communication. For instance, the 1999 Constitution of the Federal Republic of Nigeria from the onset guaranteed “individuals the right to hold and express

opinion, but such provisions do not guarantee access to public information held by public institutions” (Agba, Ogri & Adomi, 2018).

Agba, Ogri & Adomi (2018) observed that Section 22 and Section 39 of the 1999 Constitution of the Federal Republic of Nigeria provided for freedom of expression and the press yet there was no extant law guaranteeing free access to public information and records. From 1999 when the 4th Republic (Nigerian present-day democracy) began, people felt the system of government was the best avenue for enactment of a FOIA. Thus, the urge and push for a freedom of information act was exacerbated yet various attempts to ensure the bill passed failed until 2011. That was even coupled with perception that such law would add momentum to the anti-graft war. Far from it. From 28th May, 2021 (when the FOIA was passed and assented) till date (about twelve years now), the level of corruption cannot be outright said to have dwindled in Nigeria. Transparency International's corruption perceptions index for Nigeria was 2.4 (over 10) and ranking the 143rd on the rung of 183 countries in 2011 (Transparency International, 2011). In 2020 the country ranked the 149th and scored 25 per cent. These data imply that corruption has not reduced despite the adoption of the FOIA in the country. Does that also imply that the FOIA has not made any impact on the fight against corruption in the country? What are the perceptions about the FOIA and the fight against corruption? What are the challenges of employing the FOIA in the fight against corruption?

These are the key questions the study intended to unravel. The study therefore, sought to examine the impact of the FOIA on the fight against corruption, perceptions and challenges as perceived by journalists in Birnin Kebbi.

OBJECTIVES OF THE STUDY

The objectives were to:

1. Evaluate the impact made in the fight against corruption through the application of FOIA in Nigeria.
2. Investigate journalists' perceptions on the fight against corruption through the application of FOIA in Nigeria.
3. Unravel the challenges in the use of the FOIA on the fight against corruption in Nigeria.

RESEARCH QUESTIONS

The following research questions guided the study.

1. What impact has been made in the fight

- against corruption through the application of FOIA in Nigeria?
2. What are journalists' perceptions on the fight against corruption through the application of FOIA in Nigeria?
 3. What are challenges in the use of the FOIA on the fight against corruption in Nigeria?

REVIEW OF RELATED LITERATURE AND EMPIRICAL REVIEW

The Nigerian FOIA

Freedom of Information Act (FOIA) 2011 is part of Laws of the Federation of Nigeria. The Freedom of Information Bill became an act after it was passed by both the Senate and the House of Representatives on 24th May, 2011, and assented to by the then president, Dr Goodluck Ebere Jonathan on 28th May, 2011. The explanatory note asserted thus:

This Act makes public records and information more freely available, provided 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 for disclosing certain kinds of official information without authorization and establish procedures for the achievement of those purposes (FOIA, 2011).

Recall that before 1999, Nigeria had suffered decades of military rule where freedom of information was restricted. Virtually all government information in the country was classified as top secret during the military era. Ajibade (2016) asserted that "a plethora of laws prevents civil servants from divulging official facts and figures, notably the Official Secrets Act which makes it an offence not only for civil servants to give out government information but also for anyone to receive or reproduce such information." More restrictions were contained in the Evidence Act, the Public Complaints Commission Act, the Statistics Act and the Criminal Code, amongst others (Ajibade, 2016). Although the justification for these press and freedom of information laws before the enactment of the FOIA 2011 was to protect major government documents and information. But then, the level of secrecy was so much that they actually hindered or became anti-freedom of information. What was known as the FOI movement that led to the enactment of the FOIA originated as a

citizen-led demand and was for the most part led by ordinary Nigerians who were resilient in their desires and pursuits for freedom of information in the country. The movement can be traced to the Sani Abacha regime in 1993.

In the account of Odinkalu (2011), the Media Rights Agenda (MRA), an organisation for the defense of free expression rights, led by Edetaen Ojo provided the spark. Edetaen worked with other individuals, Civil Liberties Organisation (CLO) and the Nigerian Union of Journalists (NUJ) in Lagos. The individuals who joined and participated in the FOI movement included Chidi Odinkalu, who provided the background synthesis of FOI laws from around the world, and a framework for the drafting; Tunde Fagbohunlu, now a SAN who did the first draft; Edet Abdul Oroh, then executive director of CLO, and Eze Anaba, who later became deputy editor of Vanguard (Odinkalu, 2011). In 1999 Nigeria embraced democracy again with Olusegun Obasanjo as the president, the MRA requested that he (Obasanjo) "transmit the draft FOI bill to the National Assembly as an executive measure. He declined, advising MRA instead to do so if they wished" (Odinkalu, 2011). The team further presented the draft bill to the National Assembly after it had been rejected by the president, "but the legislature's four-year term passed without the bill being voted on. The bill was re-submitted few years after the inauguration of the 6th National Assembly, it scaled through both in the lower and upper chambers and the harmonised version was passed by both Chambers on May 26, 2011" (Ajibade, 2016). Goodluck Jonathan received the passed bill on May 27, signing it into law the following day.

Corruption in Nigeria

Corruption involves the process something is changed from its original ways to ones that are considered erroneous or debased. According to Khan (1996) cited by David (2006), corruption is "any act which deviates from the rules of conduct, including normative values, governing the actions of someone in a position of authority or trust, whether in the private or public domain, because of private regarding motives, (that is nonpublic or general) such as wealth, power, status etc." Corruption can be seen as an act of dishonesty or fraudulence by people, especially those in power. Transparency International (2021) aptly put "Corruption erodes trust, weakens democracy, hampers economic development and further exacerbates inequality, poverty, social division and the environmental crisis." Corruption can take various forms, which behaviours like: public servants demanding or taking money or favours in exchange for services, politicians misusing public money or granting

public jobs or contracts to their sponsors, friends and families, and corporations, bribing officials to get lucrative deals; and it can happen anywhere like in business, government, the courts, the media, and in civil society, as well as across all sectors from health and education to infrastructure and sports (Transparency International, 2021). UNODC (2021) succinctly described corruption thus:

Corruption is a complex social, political and economic phenomenon that affects all countries. Corruption undermines democratic institutions, slows economic development and contributes to governmental instability. Corruption attacks the foundation of democratic institutions by distorting electoral processes, perverting the rule of law and creating bureaucratic quagmires whose only reason for existing is the soliciting of bribes. Economic development is stunted because foreign direct investment is discouraged and small businesses within the country often find it impossible to overcome the "start-up costs" required because of corruption.

The foregoing definitions of corruption imply that most or all corrupt acts are motivated by the craving to abuse the use of one's office or position in quest for personal and private aggrandizements. These may or may not be in form of material; may or may not be in violation of existing rules or norms. That is, corruption can exist and take place when no law is breached. The definitions have provided a lucid explanation and definition of corruption. It is however important to provide a relationship between Nigeria and corruption. In December 2019, the United Nations Office for Drugs and Crimes (UNODC) published a report on a study it made, "Corruption in Nigeria: patterns and trends Second survey on corruption as experienced by the population." The 112-page document established that the fight against corruption in the country remained a constant priority for President Muhammadu Buhari since its inception in 2015. The same thing can be said of previous governments. What perhaps matters is corruption being drastically reduced. For instance, during successive military regimes, each government that came on board usually had one way or the other to showcase how corruption was being fought against. Most military government that came in through coup d'état announced that they came into government to eradicate corruption of the previous and toppled

government. The situation was similar in this democratic dispensation.

From the days of Olusegun Obasanjo to Muhammadu Buhari's, the anti-corruption narrative is similar. However, it is important to note that measures taken during this fourth republic were more visible than those taken during the military eras. David (2006) noted that President Obasanjo made corruption a key campaign slogan, promising that if elected he would not recognise any 'sacred cow' in his anti-graft war. To some extent, he kept to that campaign promise. For example, he "presented to the National Assembly, the 'Prohibition and Punishment of Bribery and Other Related offences Bill', exactly six weeks after he took office" (David, 2006). It is noteworthy that was the first bill under the Fourth Republic. The Bill was eventually passed into law on 13th June, 2002, paving way for the inauguration of an anti-graft body, *The Independent Corrupt Practices and Other Related Offences Commission (ICPC)* to spearhead its declared war against corruption by President Olusegun Obasanjo on 29 September, 2000. About four years later, the same government inaugurated the Economic and Financial Crimes Commission (EFCC). The EFCC Act, passed by the National Assembly on 23 March, 2004 and given assent by the president on 4 June, 2004, provides for the establishment of the Economic and Financial Crimes Commission charged with the responsibility for the enforcement of all economic and financial crimes laws, among other things. The foregoing implies that some efforts have been put in place to check corruption by the Nigerian government and people.

Corruption has been identified as one of the main spoilers of Nigeria. Despite all efforts put in place by various successive governments to nip the menace on the bud, corrupt seems to have pervaded the socio-cultural fabric of Nigeria. These efforts as reiterated above have not yielded the needed desires to eradicate or reduce corruption to the barest minimum. This was confirmed by Transparency International's corruption perceptions index for Nigeria, which was 2.4 (over 10) and ranking the 143rd on the rung of 183 countries in 2011 (Transparency International, 2011). In 2020 the country ranked the 149th and scored 25 per cent (Transparency International, 2020), making the level of corruption in Nigeria even worse than 2011. Identifying corrupt acts and practices in the country is not a rocket science. From the market place, one finds a measure/container for grains that have been compacted from the bottom to reduce the quantity and maximize more profits, to the roads where security operatives exploit commuters and to the average public offices and institutions where citizens have to pay bribe for services. David (2006) enumerated some

common manifestations of corruption in today's Nigeria, namely; inflation of contracts in return for huge kick-backs, fraud and falsifications of accounts and official records in the public service, forgery or falsifications of vital documents, ghost workers syndrome, examination malpractices, bribery, extortion and perversion of justices, especially among the police and judiciary etc.

The FOIA and Corruption: The Nexus

There is a nexus between the FOIA and corruption in Nigeria. Nexus, in this study, referred to the connections, relationships between the FOIA and corruption in the country. Corruption is a general phenomenon. Corruption exists in every nation of the world but with different levels of influence, effects and availability. Discussions based on literature review above showed that corruption exists in excess in Nigeria, making it dangerous for the country and its teeming population. The FOIA, on the other hand, is law enacted to ensure freedom of information and freedom of the press. From the explanatory note of the FOIA (2011), the following five objectives of the Act can be implicitly stated:

1. The FOIA creates room for public records and information to be more freely available for individuals and groups.
2. The FOIA provides access to public records and information.
3. The FOIA also protect public records and information to the extent consistent with public interest and protection of personal privacy.
4. The FOIA protects serving public officers from adverse consequences for disclosing certain kinds of official information without authorisation.
5. The FOIA establishes procedures for the achievement of those purposes.

Governments' information, by nature is shrouded in secrecy, encouraging corruption. Of course, "information is power" is a truism. When people lack access to relevant information they are depowered. They do not know when they are defrauded. Public servants on the other hand, might not do what is right because their operational activities would be kept secret. Ordinarily, the enactment of the FOIA should pave way for removal of bottlenecks, giving accessibility to retrieval of public information and reducing corruption somewhat. In Apuke's (2016) evaluative study on the FOIA on journalism practice in Nigeria, cited by Obayi, Anorue, Onyebuchi, Umeokeke & Etumnu (2021), "it was revealed that journalists

require enough freedom for them to work effectively in the society and that with Freedom of Information Act, information on government activities will become more freely available and provide the foundation for an open system of governance and consequently an open society." This implies that the FOIA exists to fight corruption. Escaleras, Lin & Register (2010) revealed in a study on freedom of information acts and public sector corruption that from data they analysed, FOI acts are significantly associated with rising levels of corruption. Escaleras et al disclosed that further investigation suggested the fact that the effectiveness of FOI acts depends on a country's institutional arrangements. This is another approval of FOIA's potency to fight corruption. Writing a review on the FOIA and the fight against corruption, Igwe (2015) averred that "The passage of the FOI Act remains a very commendable effort, but one wonders why its implementation remains a daunting challenge."

FOIAs all over the world are adjudged as instrument of anti-corruption. The successes and failures are not in the acts but the respective countries' application of the acts as well as their judicial system. For instance, only sixty out of hundreds of government parastatals and agencies have been able to set up compliance structures as prescribed by the law (Igwe, 2015). Igwe (2015) further explained that the demand for access to public information as human right was great, but it would take sometimes to stabilise. The Act within gives four days to public institutions to respond to FOI requests seeking access to information. Igwe (2015) noted that many agencies are not connected to the Internet or their servers are perpetually down. This can hamper the effectiveness of the FOIA in the country. Citizens, including members of the civil service, too need to be given adequate orientation and educated on the Act. All these will take some time to be effective. It must be clarified that the FOIA on itself cannot fight corruption. There are other variables that promote and inhibit the anti-graft war in the country. It is true the FOIA will promote freedom of information, a basic tenet of a free society. The Act will not educate members of the society on its applicability. The Act is a law which cannot implement itself. Therefore, the EFCC, ICPC, Code of Conduct Bureau, Nigerian Extractive Industries Transparency Initiative (NEITI), CBN, the National Assembly, the various government parastatals and agencies, the judiciary, the various security operatives and members of the executive council should do the needful by seeing to proper application of the FOIA. They should disclose information proactively.

By way of conclusion, it suffices to repeat the questions asked by Igwe (2015) here: "Whose

responsibility is it to bring the government agencies up to speed with proactive disclosure and build the capacity of citizens on productive advocacy? Whose responsibility is it to test the FOIA law in its current state, and find out what works and what does not, and why? Certainly, it is not the FOIA itself, but these institutions mentioned above.

Theoretical Framework

The study was anchored on the following three theories: libertarian media theory, diffusion of innovation theory, and knowledge gap theory. They are briefly discussed below.

The Libertarian Media Theory: The libertarian media theory, also known as free press media theory, is one of the six major normative theories. The theory was popularized by F. S. Siebert, T. B. Peterson and Wilbur Schramm in 1963. The theory advocates for libertarian media, which are well known for their philosophy of rationalism and natural rights. According to National Open University of Nigeria (2006), the libertarian theory proposes that the media “exist to check on government, and that demands that they be free of government control. Central to this theory was John Milton's idea of the “self-rightening process of the free marketplace of ideas”, with the press here conceived as this marketplace.” The rationale was that good ideas will drive out bad ideas if both are given free and equal expression. Asemah, Nwammuo & Nkwam-Uwaoma (2017 p.43) argued that the theory is based on the right of individuals and therefore, advocates absence of restraints to access to information by the media. Historically, the free press theory emerged as an opposition to authoritarian media theory (which was derived from the philosophy of absolutism).

The theory prescribes that people should be free to publish what they like and to hold and express opinions freely. Asemah et al noted that one of the basic assumptions of the libertarians was that “if the press must function well, it must be free from government control and influences.” Citing Darmola (2003), Anaeto, Onabanjo & Osofiso (2008, p. 55), Agba, Ogri & Adomi (2018) gave the basic assumptions of the theory as follow: Publication should be free from prior censorship, no restriction should be placed on the collection of information for publication provided it is done by, and legal means journalists should be allowed to claim a reasonable degree of autonomy in their work place. The libertarian media theory was relevant to this study in that the Nigerian FOIA being studied, to some extent, articulates the theory.

The Diffusion of Innovation Theory: The diffusion of innovation theory is among theories Asemah, Nwammuo & Nkwam-Uwaoma (2017 p. 97-121)

classified as cultural theories. Asema et al explained that the theory assumes “that the media and the audiences negotiate meanings and effects as they interact in the culture.” Diffusion of innovation theory was developed by E.M. Rogers in 1962. The theory “originated in communication to explain how, over time, an idea or product gains momentum and diffuses (or spreads) through a specific population or social system” (LaMorte, 2019). Diffusion is a social process that occurs among people in response to learning about an innovation such as a new evidence-based approach for extending or improving health care. In its classical formulation, diffusion involves an innovation that is communicated through certain channels over time among the members of a social system (Dearing & Cox, 2018). According to the theory, at the end of the process of diffusion, people adopt a new idea, behaviour, or product. Adoption here, implies that a people do things differently.

LaMorte (2019) explained that “The key to adoption is that the person must perceive the idea, behavior, or product as new or innovative. It is through this that diffusion is possible.” There are four major elements of diffusion of innovation theory, namely; innovation, communication channels, time and social system (Sahin, 2006; Asemah, Nwammuo & Nkwam-Uwaoma, 2017 p. 109). In a nutshell, the theory describes factors that influence people's thoughts and actions and the processes involved in adopting a new idea. The diffusion of innovation theory was relevant to the study because people are expected to adapt with time, to the FOIA 2011.

The Knowledge Gap Theory: The knowledge gap media theory assumes that individuals with a higher educational attainment or socioeconomic statuses understand information presented by mass media more rapidly than those with a lower educational attainment or socioeconomic statuses, as result, there is an increase in information gap between the two groups. The theory was propounded by the trio of P. J. Tichenor, G. A. Donohue, and C. N. Olien in 1970 in their article, '*Mass Media Flow and Differential Growth in Knowledge*' in 1970. The theory is also referred to as a knowledge gap hypothesis. According to Asemah, Nwammuo & Nkwam-Uwaoma, (2017 p. 92), theories of knowledge gap believe “that every member of the society does not see evenly acquire the increase of information in society.” Asemah observed that the theory is applicable in political communication in that it believes that “when new information enters a social system via mass media, it is likely to exacerbate underlying inequalities in previously held information. The knowledge gap theory is relevant to the study because the FOIA 2011 studied is quite new not only to

the society but also to journalists on whose profession it is impactful. Journalists have to fully absorb the Acts before even educating the masses on it.

METHODOLOGY

The researcher adopted the survey design. This method was considered appropriate because it “focuses on people, the vital facts of people; their beliefs, opinions, attitudes, motivations and behaviour” (Asemah, Gujbawu, Ekharefor & Okpanachi, 2017, p. 103). The population of the study comprised 74 registered journalists in Nigerian Union of Journalists (NUJ) in Kebbi, which comprises 7 NUJ chapels and the state office, Birnin Kebbi (Aliyu Jajirma, NUJ Kebbi State Chairman, 2021). Due to the manageable size of the population, the census principle was adopted. Asemah, Gujbawu, Ekharefor & Okpanachi (2017), Olorunfemi (2020) explained that the entire population is sampled when the population is small. Therefore, the sample size for this study was 74. The accidental sampling technique was used because it provided the researcher the convenience to access journalists who responded to questions asked in the study. Questionnaire was used as instrument for data collection. The questionnaire contained both closed and open-ended questions.

DATA PRESENTATION AND ANALYSIS

This study set out to examine perceptions and challenges of the FOIA on the fight against corruption against the background of how it has enhanced the anti-graft war in Nigeria, using Kebbi State as area of study. Analysis and discussion were based on the data collected through questionnaire instrument. Out of the 74 copies of questionnaire distributed, 71 were valid for analysis, while 3 copies were void. The simple percentage method of data analysis was used to analyse the data.

Socio-demographic Data

Table 1: Gender

Magnitude	Frequency	Percentage
Male	52	73.2
Female	19	26.8
Total	71	100

Table 2: Age of Respondent

Age Category	Frequency	Percentage
20 - 30	15	21.1
31 - 40	32	45
41 - above	24	33.9
Total	71	100

Table 3: Media Type

Type of Media	Frequency	Percentage
Radio & Television Stations	45	63.4
Newspapers	26	36.6
Total	71	100

Table 4: Education Attainment

Highest of Education	Frequency	Percentage
Secondary School/SSCE	5	7
Diploma/NCE	19	26.8
HND/BSc/BA/PGD	41	57.7
Masters - Above	6	8.5
Total	71	100

Table 5: Distribution Based on NUJ Chapels/Media Organisations

Organisation	Frequency	Percentage
NTA, Birnin Kebbi	8	11.3
Kebbi TV, Birnin Kebbi	12	16.9
Kebbi Radio, Birnin Kebbi	5	7
News Agency of Nigeria, Birnin Kebbi	4	5.6
Nigeria Radio Corporation, Kalgo	4	5.6
92.9 - Vision FM, Birnin Kebbi	5	7
103.5 - Equity FM, Birnin Kebbi	3	4.2
Nigeria Union of Journalists (NUJ), Kebbi Secretariat	7	9.9
Press (Newspapers' correspondents)	23	32.4
Total	71	100

The Sociodemographic data in table 1, 2, 3, 4 and 5 above revealed that there were more male journalists (73.2%) than female's (26.2%) in Birnin Kebbi. Majority of the journalists studied were within the age limit of 30 - 40 (45%). The data further revealed that 63.4% of respondents were in radio and television while others 36.6% were in the print media. Some of the journalists (a little over 33%) do not have adequate educational attainment (of HND/Degree), which affect their competence and application of the FOIA. Top in

the list of NUJ chapels represented was press (newspapers correspondents), Birnin Kebbi with 23 (32.4%) responding to the items in questionnaire.

Table 6: Knowledge of the FOIA provisions among journalists in Birnin Kebbi

Item	Frequency	Frequency
	Yes	No
Awareness of the FOIA in Nigeria	56 (79%)	15 (21%)
Use of the FOIA to access information	49 (69%)	22 (31%)
Compelling public institutions to release information through the FOIA	45 (63.4%)	26 (36.6%)

Table 6 above displayed that most of the journalists (79%) are aware of the existence of the FOIA, while many (69%) of them agreed to have used the FOIA to access information. However, only (63.4%) of the respondents thought the FOIA can be used to compel public institutions to release information. This implies that most journalists in Birnin Kebbi have the knowledge of the existence of the FOIA and many have applied the FOIA. However, the number of journalists (36.6%) who were not sure of their rights to compel public institution to release information through the Act suggests inadequate knowledge among some of them.

RQ1: What impact has been made in the fight against corruption through the application of FOIA in Nigeria?

Table 7: Impact of the FOIA on the Fight against Corruption

Option	Frequency	Percentage
Yes	41	58
No	25	35
Indifferent	5	7
Total	71	100

In table 7 above, more than half of the (respondents) journalists (58%) agreed that the FOIA has impact on the fight against corruption in the country, many (35%) said no, while a few (7%) were indifference.

RQ2: What are journalists' perceptions on the fight against corruption through the application of FOIA in Nigeria?

Table 8: Journalists' Perceptions of the FOIA on the Fight against Corruption in Nigeria

Item	Agree	Disagree	Indifference
Guaranteeing of freer access to information	55 (77.4%)	12 (17%)	4 (5.6%)
Boosting of Journalists Confidence	61 (85.9%)	9 (12.67%)	1 (1.4%)
Improvement of freedom of speech	43 (69%)	22 (31%)	6 (31%)
Exposure of corruption	67 (94%)	4 (5.6%)	0 (0%)
Better information Management in Public institutions	37 (52%)	26 (37%)	8 (11%)
Reduction in corruption	42 (59%)	24 (34%)	5 (7%)
devt & rise in crime news reporting	57 (80.3%)	14 (19.7%)	0 (0%)

Data in table 8 above revealed that most respondents (77.4%) perceived that the FOIA has guaranteed a freer access to information; majority (85.9%) believed the FOIA is boosting journalists' confidence, more than the half respondents (69%) agreed the Act has improved freedom of speech, and virtually all journalists (94%) agreed that the FOIA has helped in exposing corruption. The data further revealed that a little above half (52%) of journalists agreed that the FOIA has stimulated the drive for better information management in public institutions, many (59%) believed the Act has helped in the reduction of corruption, and importantly majority (80.3%) the FOIA has helped in the improvement and increased crime news reporting.

RQ3: What are the challenges in the use of the FOIA on the fight against corruption in Nigeria?

Table 9: Challenges in the use of the FOIA on the fight against corruption in Nigeria

Item	Frequency (%)
Process of retrieving information through FOIA is difficulty	69 (97)
It is expensive - cost of hiring a lawyer(s)	63 (88.7)
Low knowledge of the Act by civil servants	43 (60.56)
Poor knowledge of the Act by some journalists	38 (53.52)

Some provisions of Act	49 (69)
Journalists lack of Courage	32 (45)
Poor/low level of educational attainment of some journalists	57 (80)
Double-standards by security operatives	44 (62)
Delays/bottlenecks in releasing information to journalists	65 (91.5)
Defiance of public servants against release of information	67 (94)
Complacency of the Political class	62 (87)

Data in Table 9 revealed 11 various challenges that journalists are commonly confronted with when using the FOIA which can also hamper the fight against corruption. The commonest challenges are cumbersomeness in accessing and retrieving information through the FOIA (97%), defiance of public servants against release of information (94%), and delays/bottlenecks in releasing information to journalists (91.5%).

DISCUSSION OF FINDINGS

The findings of this study showed that most journalists in Birnin Kebbi were aware of the existence of the FOIA 2011. Majority of them have used or have attempted using the law to access information in public institutions. Despite the claim of having knowledge of the FOIA by most journalists, over 36% of journalist in the state never thought of any rights to compel public institutions to release information to them. This implied that the knowledge of the Act possessed by them is periphery, lacking in depth knowledge of the basic tenets of law. It is suggestive of lack of enough orientation of journalists about the FOIA. Besides, lack of adequate orientation, other variables such as low level of educational attainment as seen under the Sociodemographic data could also be part of the reasons of some journalists showing poor knowledge of the Act. Another important area the findings showed was that of impact of the FOIA on the anti-graft war in Nigeria. Above half of the journalists in Birnin Kebbi believed the law had impacted in the fight against corruption but some thought the enactment of the Act had not caused any significant progress with regards to the fight against corruption.

However, the findings revealed a number of factors that were generally perceived by most journalists in the state as impact of the FOIA on the fight against corruption in Nigeria. They included the following: guaranteeing of freer access to information, boosting of journalists confidence, improvement of

freedom of speech and exposing of corrupt practices. Others were stimulation of better information management in public institutions, reduction in corruption, and improvement and rise in crime news reports. Of all these factors, exposing of corrupt practices and incidences agreed upon by virtually all the journalists (94%) in Kebbi state. This was followed by the boosting of journalists' self-confidence (85%) and the improvement and rise in crime news reporting (80.3%). Some of these factors were utterly journalists' perceptions which might not necessarily pass for the impact of the FOIA on the fight against corruption in Nigeria in some cases. For instance, the perception by 59% of journalists agreeing that the FOIA helped in reducing corruption in Nigeria could be proven otherwise with data from Transparency International and or perhaps be verified and authenticated by sources from the EFCC, ICPC etc. One thing that is imperative here was that data had revealed the view of most journalists in Birnin Kebbi and its metropolis about the FOIA and the fight against corruption in Nigeria.

Consequent upon the enactment of the FOIA and journalists' effort in adopting the law, a number of challenges had emerged. Thus, findings in this study revealed that these challenges could have also contributed to hampering the anti-graft war. They included difficulty in processing and retrieving information using the FOIA, which could be as a result of delays and bottlenecks by civil servants, costs of hiring lawyers is expensive as media firms have to hire the services of a lawyer(s) and sometimes, low knowledge of the Act by civil servants. It should be reiterated (as findings in the study have shown) that poor knowledge of the Act by some journalists could be a challenging factor as it was new to many of them, and the law or Act was complex to interpret and to understand by some journalists themselves. Others were some provisions of the Act and lack of courage on the side of some journalists. It sufficed to mention Charles Dickens's second novel, *Oliver Twist* (1838), where the concept of the Law is an ass was first used. Universal Class (2021) noted that laws, as they apply to journalists, are a complex and fluid series of decisions that define the boundaries of acceptable behaviour. In other words, the law is always changing. New laws are being made, old laws are being overturned. Generally, laws (including the FOIA 2011) have the intent of providing a clear guidance, yet people outside the field of the law profession may take efforts to understand the law but professional journalists who have spent decades toiling specifically in the field of the legalities of journalism might not face these challenges faced by budding journalists. Other challenges were defiance of

public servants against release of information as some public and civil servants for pecuniary and perhaps other hidden reasons, best known to them, would not want to release vital information even with the FOIA. On the other hand, some journalists lacked the courage to implement the Act. Finally, security operatives like the Nigerian Police Force appeared to have played double-standards in prosecuting those who breached the FOIA. The political class was identified as being complacent. For example, by way of reiteration, the move and drive for the enactment of the FOIA originated and gained momentum in 1999 by individuals and CLOs, not the political class. As indicated in the literature review, the political class hindered the passage and the assent of the freedom of information bill for over ten years. No wonder the same people who reluctantly passed it into law over eleven years ago would be part of those who prevented its proper application.

CONCLUSION AND RECOMMENDATIONS

The study set out to investigate journalists' perceptions on the impact and challenges of the Nigerian Freedom of Information Act on the fight against corruption in Nigeria using journalists in Birnin Kebbi, Kebbi State as population and area of study. Particular attention was given to level of knowledge and application of the Act by journalists, impact of the Act on the anti-graft war, journalists' perceptions and challenges of the FOIA on the fight against corruption in Nigeria. Based on the findings, it was obvious that most journalists have knowledge of the Act. However, many knew of the existence of the Act but did not have in depth understanding and interpretation of the nitty-gritty or the basic components. This lack of deeper knowledge was a challenge itself. Journalists ought to know the FOIA inside out. The study further revealed that the FOIA impacted the fight against corruption and went further to identify perceptions of journalists on impact of the FOIA on the anti-graft war in Nigeria. Journalists commonly believed that the FOIA guaranteed freer access to information, boosted journalists' self-confidence, improved freedom of speech, and drove better regimes of information management in public institutions. They also perceived that the FOIA had enabled the exposure of corrupt practices in Nigeria, reduction in corruption, and importantly, improvement and rise in crime news reports. The hampering the anti-graft war included difficulties in processing and retrieving information using the FOIA. The study revealed that the challenges were culminations of delays and bottlenecks by civil servants, expensive costs in hiring lawyers as media firms have to hire their services and sometimes, low

knowledge of the Act by civil servants. It was agreed that the FOIA being a law might be complex to many journalists especially those with low level of educational attainment and budding journalists. Other challenges also revealed in the study were defiance of public servants against release of information, some journalists lacking the courage to implement the Act, security operatives' double-standards in prosecuting those who breached the FOIA, and complacency by the political class. The study revealed that journalists who had been in the beats or areas of the legalities of journalism for a long time might not face these challenges faced by budding journalists. The study therefore, recommended that:

1. Orientation campaigns should be carried out by media owners and media organisations like Nigerian Union of Journalists (NUJ), Broadcasting Organisation of Nigeria (BON) and Newspapers Guild of Editors for their members on in-dept knowledge and applicability of the FOIA.
2. Governments at all levels in collaboration with Ministry of Information and Culture and National Orientation Agency should train and retrain public and civil servants on the FOIA.
3. The Nigerian Police Force with the Inspector General of Police should obey court orders and should ensure that whoever breaches the FOIA is prosecuted without fear and favour, irrespective of the socio-political status or leanings of the alleged offender.
4. The federal executive council and the presidency should hand over all alleged breachers of the FOIA in her fold to relevant law enforcement agencies for prosecution.

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