Chapter 6
Looking Beyond Elections: An Examination of Media Freedom in the Re-Democratisation of Nigeria

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ABSTRACT
Media freedom is pivotal to the sustenance and consolidation of democracy, as the quality of democracy in any society depends on the level of freedom accorded the media and the plurality of views entertained (Diamond, 2008). The ability of the mass media to carry out their traditional functions of educating, entertaining and enlightening the public about their democratic rights, and holding governments accountable, will subsequently lead to the establishment of a strong democratic institution. Hence there is need to protect media freedom in any democratic society (Baker, 2007; Norris, 2008). The Nigerian media environment, however, is characterised by a series of laws such as sedition law, official secret act, amongst others, which have directly and indirectly hindered the freedom of the mass media and their responsibility of promoting and advancing democracy. This is made worse by the incomprehensive nature of the 1999 Constitution. Using interviews and policy analysis, this chapter critically examines the policy framework of media freedom in Nigeria and its impact on the operation of the mass media. The ability of the media to live up to their responsibility of promoting and advancing the democratisation process in Nigeria within the available framework is also examined.

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INTRODUCTION: THE INTERWOVEN RELATIONSHIP OF MEDIA FREEDOM AND DEMOCRACY

Democracy is an ambiguous concept with no universal definition as it can be seen from different perspectives. According to Rozumilowicz (2002, p. 9), any definition of democracy is “contentious” and subject to huge debate. Nonetheless, two principal elements of competition and participation must be recognised in every definition of democracy (ibid, p. 11). These two elements are the underlying objectives of democracy in any society (i.e., promoting a competitive political sphere and encouraging active participation of the public in the political and civil spheres of society (Akpojivi, 2012).

The media system and democratic process of any society are affected when these elements are lacking. Blankson (2007, p. 16) argues that the level of any democratic process lies in the ability of the media to encourage active political competition and citizens’ participation. Hence the sustenance and consolidation of democracy depend on the freedom of the media to provide the public with “adequate information to make decisions, as well as ensure a forum for the development of ideas and opinions” (Rozumilowicz, 2002, p. 13). Moyer (2008, n.p.), while summing the interwoven relationship between media freedom and democracy, argues that the “250 year old experiment in self government (of the United States) will not make it, as journalism goes, so goes democracy.” In order to enhance societal development, there is need to maintain plurality of views through the free flow of information within society (Ake, 1991).

THE CONCEPTUALISATION OF MEDIA FREEDOM

Media freedom is a complex and ambiguous concept. Scholars discuss media freedom from two perspectives: the philosophical and political perspectives (Barendt, 1985). These perspectives of media freedom have been influenced by the arguments of “truth, self fulfilment, and democracy” which surround the media freedom debate.

The philosophical perspective of media freedom is rooted in John Mill’s work, “On Liberty”, that sets out to address salient questions affecting the mass media in democratic societies. This included questions like, what role the should media play in enhancing democracy; who regulates the mass media; and what kind of regulation will support the mass media in fulfilling their goals and roles in the society? These questions form the central argument of Mill’s “On Liberty” as he examines the “nature and limits of power which society can legitimately exercise over the individual and the need to protect the public from the tyranny of the state” (Mill, 1974 p. 8; Levi, 1966).

According to Mill (1974), everyone has the right to freely express opinion, as the interference and restriction to free exchange of information will cause public damage to the society since diversity of views is a public utility. The information disclosed can nourish government with diverse views whether dissent or not, which will in turn aid the government in policy formulation (Holmes, 1990). Kant also stated that denying the public the right to free speech means “withholding from the rulers all the knowledge of those matters which if he knew about them he would himself rectify” (Holmes, 1990 p. 29).

However, this right to free speech for citizens has necessitated regulation of the media since society could be exposed to the danger or the excesses of freedom (Lichtenberg, 1990). Mill buttresses this danger by arguing that the only freedom from restraint is that which does not affect others (Riley, 1998; Mill, 1974), and this is impossible to achieve since man is evil by nature and cannot make an informed judgement (Hegel, 1896). Thus the state needs to regulate freedom of speech in order to secure the interest or welfare of others (Mill, 1974). The rationale behind government regulation of the media (both content and structural) is to protect the security of the nation, hence the exclusion of certain information from