

## GOVERNMENT'S CENSORSHIP OF BROADCAST PROGRAMMES AND THE CITIZENS' RIGHT TO KNOW

### Abstract

*This paper posits that although the citizens' right to know is a fundamental human right, which is protected by various statutes, there is need to delimit these rights through legislation, so far as this is done in the public interest. It acknowledges the potency of the broadcast medium in shaping public opinion, argues that without a modicum of censorship, it could be prone to exploitation and excesses, thereby hampering public good and morality. Next, the various facets of government's broadcast censorship are highlighted, most of which essentially negate the true spirit of censorship and democratic principles, with the contention that in Nigeria, government's censorship of broadcast programmes is non-utilitarian, shields such governments from the benefits of viable cross-pollination of ideas and public accountability. Data for this study came primarily through participant observation (as authors are freelance journalists), review of case studies and the library. While navigating the way forward, groping for a realistic compromise, between draconian laws and irresponsible journalism, the paper concludes that the citizen's right to know can still be preserved, if the mode of censorship is rational, socially just, and humanistic; as unbridled freedom of broadcasting would be antithetical to social order and professional journalism.*

### 1.0 Introduction

Football is literally worshiped, elevated to a god-status, in Nigeria; perhaps, just like in many South American states. In fact, it is often said that there are only two occasions that the Nigerian spirit gets notably dampened (that is, when the country observes some quiet): when NEPA/PHCN 'works' (that is, when there is electricity blackout) and when the national football team is defeated. Football is to date, the most unifying national factor, inarguably. That is why this spirit seemed blighted when she did not feature in the 20<sup>th</sup> edition of the African Cup of Nations, in South Africa, to defend her 2004 Trophy, which she won in Tunisia. The then Nigerian Federal Military Government boycotted that competition, owing to a diplomatic row with South Africa. The Nigerian senior national team, the Super Eagles, were thus denied a chance of asserting their superiority on the continent. This unprecedented boycott was the most prominent issue in international sporting circles at that time.

Based on the aforementioned background, three sports analysts were invited to the Cross River Broadcasting Corporation (CRBC), to x-ray the implications of Nigeria's action. Those analysts all submitted that the action of the Federal Military Government was unjustifiable. The Producer of that recorded programme, edited some caustic comments that were made by the analysts and retained what was adjudged to be fair and modest for broadcast. A few hours after the programme was aired, the station's General Manager at that time fired a fiery query to the Producer, warning him to desist from "airing political comments on a sport programme." He was further directed to avoid further references to the 20<sup>th</sup> edition of the African Cup of Nations. To emphasize the severity of the matter, that station did not broadcast any of the competition's matches. Moreover, the Producer was instructed to submit tapes of each edition of the "Paradise Sport" programmes, to gate keepers, in that station for vetting, before broadcast. That experience served as an ever-green eye-opener to the stark realities of broadcasting in Nigeria, and we think this is the case in most other states, particularly in Government-owned media establishments. Even in privately-owned broadcasting stations, government's authoritarian, menacing, muscles are

still palpably ubiquitous. Sometimes, the price journalists pay to ensure the citizens' right to know can be more damning than queries. Many have been relieved of their jobs, assaulted, hunted by security operatives, like rodents, and incarcerated, while some have paid with their precious lives, even in a 'democratic' system.

### 1.1 An Angle on Censorship

Varied definitions have been offered for the term "censorship." This paper however provides only a few excerpts. Encyclopedia.com in *Culture Shock* (2001:2) explains that censorship is the "official restriction of any expression believed to threaten the political, social, or moral order". This implies that censorship is enforced to secure decorum and conformity. Hence, Chuck Stone in *Culture Shock* (2001:2) defines censorship as:

the cyclical suppression, banning, expurgation, or editing by an individual, institution, group or government that enforce or influence its decision against members of the public-of any written or pictorial materials which that individual, institution, group or government deems obscene as determined by 'contemporary community standards'.

This definition suggests that the censoring body usually regards itself as a watchdog of societal values. It watches over everything and every being, including any other watchdog that may exist. Also, the *American Encyclopaedia* in *Culture Shock* (2001:2-3) states that:

Censorship is a word of many meanings. In its broadest sense it refers to suppression of information, ideas or artistic expression by anyone, whether government officials, church authorities, private pressure groups or speakers, writers and artists themselves. It may take place at any point in time, whether before an utterance occurs, prior to its widespread circulation or by punishment of communications after dissemination of their messages, so as to deter others from like expression. In its narrower, more legalistic sense, censorship means only the prevention by official government action of the circulation of messages already produced.

Our concern in this paper is mainly with censorship of broadcast programmes, either before or after production, by "official government action". Although definitions of censorship differ, they all agree that censorship restricts the dissemination of information that the censoring body consider as harmful to the public interest. This paper examines whether the restriction imposed on broadcast programmes, in Nigeria, is actually utilitarian.

### 1.2 The Potency of Broadcast Programmes

All forms of the mass media are very useful, potent, tools of information dissemination. However, the ability, feature, of the broadcast medium to transcend the literacy (in English) threshold, yet generally be culture-friendly (as Nigeria is still largely an oral society) seems to confer on it an added advantage. The desirability of broadcast journalism is highlighted in the following quotation:

In heaven there will be no need for medical doctors because there would be no ailment and hospitals. There would be no need for lawyers because they would be no dispute and law courts. But there would be need for journalists because people in other parts of the heaven would want to

know what is happening in the other parts of the same kingdom.  
*Anonymous.*

In normal circumstances, it is inconceivable to desire of a state of incommunicado. In such a state, wild rumour, dumbness and ignorance would thrive over speech and knowledge. There, fear, immobility would overtake progress. Bottled-up emotions and frustration would be afoot in such a state. If we are allowed to stretch our imagination, we can guess that even in heaven, where all man's needs would be assured, his anxieties assuaged, the thirst for information would remain unquenched. God alone is omniscient and exempt from this thirst. Indeed, there seems to be work for the broadcaster and linguist everywhere, even as we do not necessarily subscribe to the views of the anonymous author, above.

Broadcast programmes, inform, educate and entertain, affect all facets of life. Udejah (2004:3) posits that: "broadcasting is the transmission of audio and video signals to a mass audience through electric rays. To broadcast is to send out sound and pictures by means of radio waves through space for the general public to receive. It is manifest in the use of radio and television sets". Thus, broadcast programmes are transmitted through the media of radio, the internet and television. Its programmes can be conveyed in any language and dialect. One does not need to be intellectually robust in order to decode the messages of a broadcast programme. All that one needs is a certain degree of proficiency in the language employed for the programme. Also, the ownership of radio and television sets is not limited to the affluent. Even in slum settlements, most homes can still afford one set of at least the lowest available quality. There is always a radio station to tune to, no matter where one lives. If the broadcasting medium is this unique and ubiquitous, the power it tends to wield is even more awesome. Tyrell (1972:9) succinctly captures the point when he states that:

the uniqueness of television lies in the fact that at any one time it can engage the eye and ears of millions while at any one place its audience is two or three people in their own home. This combination of immediacy, intimacy and mass communication is what gives television (and to lesser extent radio) its tremendous power- a power that is widely coveted, envied and mistrusted. The entertainer wants it to sell his policies, and each of them would like to control it for his own reasons...

The uniqueness of the broadcast media also arises from the stamp of credibility that is attached to them. Most often, what is endorsed on radio and television is also endorsed in the realm of public opinion. This is also because, according to Hanson (2005:16) "the media are not an outside influence; they are a part of who we are". What is discredited in them is also discredited by the public. This is in line with the agenda setting theory of the mass media which posits that the public directs its attention to issues that are selected and emphasized by these media. The relatively low coverage, reach and waning influence of the print media seem to be exacerbated by the increasing presence of electronic books (call it digital or e-book), which come handy through personal computers and advanced cell phones, with the help of a web browser. The *Espresso Book Machine*, for instance, that can print, collate, cover and bind an entire book in just a few minutes, is set to function like an ice cream or coffee machine, pointing to the possibility that the days of the (printed) book, and by analogy the print media, may actually be numbered, eventually.

Broadcasting in Nigeria is regulated by the National Broadcasting Commission (NBC). In justifying its existence, section 1.3.0 of NBC (Amendment) Decree 1999 states that: “unlike other media of mass communication, the airwaves, which the radio and television utilize, belong to the public. Thus, universally, broadcasting is controlled in the public interest by a regulatory agency”. The National Broadcasting Commission (NBC) in section 1.1.1 of its code tends to confirm Tyrell’s position that:

broadcasting is a most potent mass medium. Its combination of audio and video technology makes it capable of reaching audiences simultaneously and availing man with the best means of information dissemination and reception. It thus enables the individuals to share in, and contribute to the best of his ability, to the world around him.

Broadcast programmes could transmit all sorts of messages. They can wreck havoc in society as easily as they can inculcate desirable values. Dominick (1990:384-385) buttresses this by citing the pervasive influence theory, which asserts that:

broadcasting is available to virtually all of the population and once the TV or Radio set is turned on, offensive messages can enter the home without warning, reaching both adult and children. This situation is fundamentally different from encountering an offensive message in a public forum. If you’re out in public, you’re on your own. You might encounter things that offend your sensibilities... the home, however, is not the same as a public place, you should not expect to encounter unwanted message there. Consequently, the pervasive presence theory holds that you’re entitled to some protection. Thus the basic intrusiveness of broadcasting allows the government to regulate it.

Apparently worried by the potency of the broadcast medium, most governments devise several counter-measures, such as the formulation of policies to control this “intrusive” nature of broadcasting. Unfortunately, government could and often exploit this ‘protective role’ to its advantage, especially in the underdeveloped economies, at the expense of public interest, good governance (cf. Jandt, 2004).

## **2.0 The People’s Right to Know**

At the public hearing on the Freedom of Information Bill in Nigeria held in the Senate on April 26<sup>th</sup> 2005, the then Senate President, Ken Nnamani, declared that:

The right to know is a fundamental right. But more than that, the right to know has instrumental value. People can only hold their leader and institution accountable when they have information about how government works. Constructive criticism is impossible if facts and figures are under locks and keys. To unleash the potential for good governance, we need to unlock the storehouse of public information to enable the people of Nigeria hold their representatives accountable.

The Senate President seems to have been echoing the view of the New York Times (1999:22), that:

...freedom of information laws have improved the policy-making process and provided a check against government abuses. The law, most of which have been adopted in the past quarter-century, emphasized that government information belongs to the people. They accompany other transparency laws, which require web-site publication of government data or publications of proposed laws in documents... Together these laws have nourished democracy by restricting government powers to withhold important information... may government official admit that even though they resent disclosure provisions, the laws have given citizens a fundamental tool to expose and government arrogance.

The ongoing clamour for the passage of the Freedom of Information Bill into law in Nigeria is meant to advance the people's right to know. It is backed up by the fact that information that has interest to people should not be buried in the confidential files of the civil service bureaucracy. Censorship exists wherever this law is absent, as it prevents journalists from moving freely among information kept in official cupboards. The people's right to know is an offshoot of democracy, besides being a natural human right. The system of government avers that true power resides in the people. It empowers the people to choose their representative through majority votes cast in free and fair election, where this is applicable and desirable. Consequently, it should follow that citizens of any country with a representative government should have a right to know all that is happening in the circles of government. A well-informed electorate greases the wheels of democracy. But is that the case in Nigeria?

In democratic societies, constitutional provisions encourage the people's right to know. For instance, section 39 (1) of the 1999 Nigeria Constitution provides that, "every person shall be entitled to freedom of expression, including freedom to holding opinion and to receive and impart ideas and information without interference". Similarly, the same Constitution enjoins the mass media to advance the people's right to know. It states in section 22 that: "The press, radio, television and other agencies of the media shall at all times be free to uphold the fundamental objectives contained in this chapter and the responsibility and accountability of the government to the people". The second chapter of that 1999 Constitution states that "sovereignty belongs to the people from whom government through this constitution derives its powers and authority".

Curiously, that same section 39 (2) seems to have an in-built clause for censorship, even if not expressly stated. And most times, in underdeveloped countries, like Nigeria, governments hardly derive their powers from the citizens. They usurp power; hang on to power in a most egregious fashion, through a rigged mandate, barrel of a gun or moribund zoning system or monarchy. Little wonder then that such governments often cage the people's liberty to free information; partly because they lack legitimacy. The Nigerian situation seems to be exacerbated by the implied censorship in the Constitution, as regard ownership of broadcast stations. Section 39 (2) covertly limits the people's access to government-approved radio and television stations only. This provision tends to place an imperative on those who are *privileged* to receive licenses for ownership of broadcast stations, to remain loyal, at all cost, to government. It is not abnormal to show gratitude to one's benefactor! The scarcity theory,

as cited by Joseph Dominick, et al (1990:384) seems to justify Government's restriction on ownership of broadcast stations:

the electromagnetic spectrum is limited. Only a finite number of broadcast stations can exist in a certain place in a certain time; too many station can interfere with one another...this means that only a limit number of aspiring broadcasters can be served and the government must choose from among the potential applicants.

If this means that nature itself restrict the people's right to know through the broadcast media, it would run afoul of the United Nation Universal Declaration of Human Rights (1948), which endorses the people's right to know; as clearly stated in Article 19: "everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinion without interference and to seek, receive and impart information and ideas through any media regardless of frontiers." Similar Rights are spelt out in other Charters, such as the International Convention on Civil and Political Rights, African Charter on Human and People's Rights (1981) and the American Convention on Human Rights. Obviously, these statuses are enacted in the *interest of the people*. They are meant to advance the need for accountability and transparency in the conduct of public affairs.

Sometimes, the people's right to know could be compromised when people pander to excessive curiosities and gossip. Untoward curiosity about the life-styles and private activities of prominent citizens, for instance, leads to conflict with the right to privacy. Sadly, Princess Diana of England had a car accident that claimed her life on August 31st 1997 in Paris, France, in an attempt to flee from the Paparazzi that were hounding her everywhere. She might have been alive today if the news media had allowed her to fully enjoy her privacy after the much celebrated divorce with Prince Charles. Tiger Woods and David Beckham are other celebrities who have come under excessive public light with regard to their private lives. We think there is no need for anyone to unconditionally forfeit his or her privacy and become public property, just to satisfy the people's right to know. This right to know should be accompanied with some responsibility. In other words, journalists must strive for a level of compromise between official duty, to inform the masses accurately, and their professional code of ethics, to value people's privacy and sensibilities, except such a compromise is truly, absolutely unattainable.

### **3.0 Government's Censorship of Broadcast Programmes in Nigeria**

The National Broadcasting Commission has spelt out a National Broadcasting Code that outlines what is truthful and appropriate, or offensive and objectionable. The Commission's Code is imposed on broadcasting stations in Nigeria. This is censorship! Generally, censorship of broadcast programmes in Nigeria takes diverse forms. This includes restriction of access for opponents of government, imposition of states of siege, sanction of broadcast stations and even (alleged) state-sponsored terrorism.

#### **3.1. Restriction of Access for Opponents of Government**

Restriction of access to information by any public authority has to be justified in the public interest. And, although section 39 (1) of the 1999 constitution of Nigeria provides that every citizen is entitled to freedom of expression, some citizens are alienated from exercising this

right through the broadcast media, because Nigeria seems to be practically operating the authoritarian model of mass communication; which holds that "the primary function of the mass media is to support and advance the policies of the government in power and to the service of the state", Nwuneli, O. (1985:214). As earlier mentioned, section 39 (2) of the 1999 Constitution bars citizens who are not authorized by the president from owning, establishing or operating a television or wireless broadcasting station for any purpose whatsoever. This provision seems to give the president the latitude for nepotism and favouritism, and is prone to executive abuse. It is unlikely that any president would grant such a license to anyone who is critical of government's policies. Nigeria's history indicates that each successive administration is always paranoid of criticism and dissent. This trend continually muffles the voice of opposition in the country.

Government-owned radio and television stations in Nigeria have always served, largely, as public relations outlets of their respective owners. Sycophancy and propaganda dominate the programme contents of such stations. This has been the trend since 1935, when the British Colonial Government introduced radio broadcasting in Lagos, Nigeria. Nwanze (2003:7) writes that at that time, "programmes were packaged and transmitted from London to suit the needs of Britain. In recognition of the broadcast media's role in enlightenment and mass mobilization, the colonialists prevented nationalists to air their views through it". At best, such nationalists were allowed to establish and operate newspaper organizations. Not only are truth, criticism and objectivity suppressed through government draconian laws, but sometimes also, government would use her broadcast station to distort information to its egoistic advantage. This further erodes the citizens' rights to know and diminishes access to authentic information. Such unprofessional, sub-civil, conduct was brought to the fore during the June 1964 National Workers Strike, ASUU National Strike actions of 1996, 2001, 2003, 2007 and 2009, especially, where the government reeled out inaccurate (divide and rule strategy) information in order to weaken the workers' resolve, break the strike.

During the era of the first civilian republic in Nigeria, politicians in government monopolized access to the electronic media. Udejah (2004:57) states that "while politicians sought preferential access to the broadcast media, those who felt disadvantaged wanted to maintain freedom of access for all Nigerians". In a bid to enhance this freedom of access to broadcasting, illegal broadcasting stations surfaced in Nigeria. Udejah (2004: 62) also writes that the first instance of illegal broadcasting was associated with Africa's first Noble Laureate, Professor Wole Soyinka. According to him: the book entitled *Penkelemes Years*, (Soyinka, 1988:148) acknowledged that "in 1962 Wole Soyinka recorded some seditious message in a private studio"; forced the broadcasters to air same on Radio Nigeria, at gunpoint. Soyinka's action was borne out of popular resentment for Chief Samuel Ladoke Akintola who was imposed as Premier on the people of the Western Region by the federal government.

Equally, successive military governments in Nigeria imposed restrictions on access to the broadcast media. In 1993, Military Dictator, General Ibrahim Babangida, stopped the broadcast of the presidential election result from being aired. That election was adjudged by all observers to be the freest and fairest in Nigeria. Ironically, each government announced her respective coups d'état on network radio. But they turned around to deny other citizens access to constructive criticism on radio and television. During the Abacha era, this

ensorship caused the emergence of an unauthorized station, Radio Democrat International Nigeria (RDIN) or Radio Kudirat (in memory of the slain human rights activist, Kudirat Abiola). Again, Wole Soyinka was the arrow head in the establishment of that station, in league with some civil rights activists.

Paradoxically, democratic rule in Nigeria has not embraced the voice of constructive criticism and opposition unto broadcasting. In Akwa Ibom and Cross River States, for instance, the state owned: Akwa Ibom and Cross River Broadcasting Corporations, AKBC, CRBC (Radio and Television Stations) mostly eulogize the activities of these State Governors; turn a blind eye to the ubiquitous infrastructural failure of the same governments. Unfortunately, these stations habitually impose a news blackout on the views of government critic, opposition. There is an endless romance between government and the stations. Broadcasters in these government-owned stations often regard their beats as stepping stones to subsequent plum government appointments. Hence, they relay government-friendly information only. Similar jaundiced symbiotic relationships between government and broadcasting stations exist all over the country. At the Federal level, the Nigerian Television Authority (NTA) serves as a mouth-piece of the Federal Government only. It favours, savours, and amplifies the desires and activities of the executive arm of government. The NTA was always on the side of former President Olusegun Obasanjo whenever he had a face-off with any individual or group (political or social). There was no shift in focus with the late President Yar'adua. The station literally haunted opponents of the presidency. NTA's ignoble role in Obasanjo's botched third term bid remains a bitter pill in the mouth of *professional* journalists, and a dirty page in the history of the NUJ. Sometime ago, it featured repeated and extensive broadcasts of a peaceful demonstration that was reportedly staged by about two thousand protesters in Yenogoa, Bayelsa State, against Diepreye Alamieyeseighe when he was Governor of the state. The demonstration followed Alamieyeseighe's controversial return from London where he had been facing charges of alleged money laundering offences. The former Governor's loyalists insist that he was a victim of power play in the tussle for presidential power in 2007, between President Olusegun Obasanjo and his Vice, Atiku Abubakar. Diepreye Alamieyeseighe was believed to be one of "Atiku's boys". This probably accounts for NTA's slight coverage of the rousing reception that was earlier staged in Bayelsa for him when he arrived from London. Although the former Governor's bail jump from London is reprehensible, NTA's stance on the issue might have been different if the presidency took an objective stance on the matter. This is only one out of a million instance of jaundiced, pro-establishment, journalism in Nigeria.

### 3.2. State of Siege

Most times, the action or inaction of government places journalists in fear of their personal safety or the safety of their job. Intimidation and detention of journalists often lead mass media practitioners to exercise self-censorship on their programmes. When journalists are not able to move freely about the country, talk freely to people, the public gets prevented from learning things. During the military administrations of General Ibrahim Babangida and Sanni Abacha respectively, some journalists were forced into exile just as a lot of them were hounded and imprisoned. At that time, journalists in the print media suffered more abuses than those in the broadcasting media. Measures of intimidation handed out on journalists in the print media probably drove home the message to their counterparts in the broadcast



media. Those in government-owned broadcast stations functioned literally as zombies at that time. And, when the then Nigerian maximum ruler, Sanni Abacha, was set to transmute himself into a civilian president, stations such as the NTA and Federal Radio Corporation of Nigeria (FRCN) constantly aired jingles that portrayed him as an invaluable patriot, hero and messiah. Such brazen falsehood violates the fundamental ethics of broadcasting. But that palpable falsehood was perpetrated, re-constructed until Sanni Abacha's last breath on earth.

Most analytically-minded Nigerians lost faith completely in the abilities of government owned broadcasting stations in the country, especially, during the era of military rule. Situations of this nature are antithetical to the role of government as a facilitator of national ethos, pride and democratic principles. Most citizens therefore, relied more on foreign broadcasting stations, such as the British Broadcasting Corporation (BBC), Voice of America, (VOA) and Cable News Network International (CNN). Others relied on the illegal broadcasting station, Radio Democrat International Nigeria (RDIN), for credible news and information.

### 3.3. Sanction of Broadcast Station

The National Broadcasting Commission (Amended) Decree of 1999 empowers the Commission to impose various categories of sanction on broadcast stations that infringe the code of broadcasting. Section 10.5.0 of the Code mentions admonition, reprimand, caution, warning and fines categorized as light, heavy or severe, as sanctions that could be meted out, depending on the severity of infringement. On October 23, 2005, for instance, the NBC ordered the immediate shutdown of operations of the African Independent Television (AIT: National and International) and Ray Power FM Stations, respectively, for their alleged violations of the NBC code. NBC's press statement titled "Coverage of Bellview Air crash by broadcast stations" quoted in the *Vanguard* (2005:44) accused the media houses of spreading "indecent and horror from close-up shots of decapitated body parts". The stations were also accused of defying pleas by top public officials and well-meaning Nigerians to handle the Bellview Air crash with restraint. NBC further alleged that these stations announced on location that "there could be no survivors when the families of the victims had not been informed, an international practice that is observed in all crises situations". The stations were therefore, penalized for supposedly violating "category A and B breaches of the Nigeria Broadcasting Code". The consequences of the category "A" breach is a temporary shutdown of the offending station.

It would be recalled that in the morning of that day, the NTA was giving updates on the plane crash of the previous night on its programme, "AM Express". Sadiq Daba, a presenter of that programme, disclosed that the site of the crash had been found somewhere in Kwara State. He also volunteered that some people on the flight had survived. As it turned out, this was costly misinformation. It compounded the gloom of that national tragedy where 111 passengers and six crew members lost their lives. NTA was not sanctioned for covering that dreary incident with such levity and naked falsehood. Could this be double standard?

Conversely, AIT's report on the plane crash was a scoop. The station's vivid coverage dispelled all speculations on the crash. Pictures of decapitated bodies were shown after due caution on this, as specified in section 3.8.7 of the NBC code. In view of the misinformation that was rife on that day, courtesy of the government-owned NTA, it would

have been unprofessional of AIT to gloss over the gory spectacle that confronted their cameras. NBC's action suggests that it would have been better for information on the crash to remain hazy than for AIT to disclose this information "indecently". The Commission's action smacks of an attempted official cover-up, selective 'justice' and downright wicked victimization. Fortunately, NBC rescinded its sanction less than 48 hours after, following widespread expression of spontaneous righteous indignation.

### 3.4. State-Sponsored Terrorism

The journalistic profession in Nigeria is quite exciting, but it can as well be mortally dangerous, for those who engage in objective investigative journalism. In many instances, Nigerian journalists have had to pay the supreme price, in the course of their practice. Some journalists have not only been constantly embarrassed by the state security operatives, they have been seen to be victims of state-sponsored terrorism. It is widely believed that the former Nigerian Ruler, General Ibrahim Babangida, was responsible for the late Dele Giwa's death in 1986, by means of a letter bomb; at that time, an unprecedented method of immolation. In the last three years alone, at least 10 Nigerian journalists have been hurried to the graves, by brutal murder, by people suspected to be government agents or others in power, in a democracy. The list includes:

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| 1. Edo Sule Ugbagwu<br>Senior Judiciary Correspondent<br><i>The Nation</i> Newspaper | 7. Omololu Falobi<br>Features Editor<br><i>The Punch</i>       |
| 2. Edo Sule Ugbagwu<br>Senior Judiciary Correspondent<br><i>The Nation</i> Newspaper | 8. Nathan S. Dabak<br>Deputy Editor<br><i>The Light Bearer</i> |
| 3. Efenji Efenji<br><i>This Day</i> Newspaper  | 9. Sunday Gwany Buledy<br>Reporter<br><i>The Light Bearer</i>  |
| 4. Bayo Ohu<br>Assistant Editor<br><i>The Guardian</i>                               | 10. Godwin Agbroko<br>Senior Reporter<br><i>This Day</i>       |
| 5. Hajiya Zaninab Kperogi<br>Assist. Editor<br><i>Weekly Trust</i>                   | 11. Jerry Usangha<br>Cameraman (Calabar)<br><i>Channels TV</i> |
| 6. Paul Abayomi Ogundeji<br>Editorial Board<br><i>This Day</i>                       |  |

Whether it can be proven or not that the state actually masterminded, sponsored their brutal murder, it is controvertible that they lost their lives in the course of reporting what those in power considered objectionable, confrontational. And the fact that none of the dead journalist plied his trade in a government-own media outfit tends to point more accusing fingers at the government. Not as many journalists had lost their lives in all the years of military dictatorship.

And, in the last three years or so, over three broadcasting stations have been shut down: Adaba 88.5 FM in 2009 over late President Yar'adua's health, Channels Television (2008) and Ray Power FM (2007), over election reporting. As well, about four newspaper houses were closed: *The Insider Weekly* (2010) and *Global Star* (2010) over the Ekiti state election tribunal reports, *The Leadership* and *Abuja Inquiry* over the 2007 election reports. Incidentally, the truth and professionalism exhibited by these first two papers was publicly corroborated when the Appeal Court in Ekiti State sacked Governor Oni from office in October 2010, on election fraud-after he had illegally occupied the office for about three and a half years.

#### 4.0 Summary and Conclusion

From most accounts, the Nigerian government's attitude with regard to broadcast censorship has been far from utilitarian. The different Nigerian governments, including the 'democratic' ones, have often taken constructive criticism, objective broadcast accounts as subversive and have frequently responded with unparalleled degree of high-handedness. We think, by their nature, that most news stories would potentially hurt some individual, group or government, inevitably. But such possible injury may have to be condoned as a price to be paid for the people's right to know and good governance.

A flexible degree of press freedom is a *sine qua non* in every true democracy; otherwise, the basic democratic processes would be in-operational and jeopardy. This is so because, there would be very little, genuine, open, constructive, objective discussion of the issues affecting the citizens and the state. There would be no way to facilitate the people's rights to know, no access to uncut facts to base their opinions and communicate same to the outside world. Ideally, censorship of broadcasting programmes is required whenever there is genuine distrust of the capabilities of broadcasters in preserving the well-being of society (cf. Samovar et al, 2007: 355). It is not required where broadcasters function as responsibly as the code of broadcasting requires. Unfortunately, ideals are seldom attained anywhere. This strengthens the need for censorship. It equally affirms the people's right to know, since there is no ideal censorship that protects this right.

This quagmire can best be resolved when broadcasters keep faith with their publics by being frank. The media have the primary responsibility to transmit honest, accurate and complete information to their consumers. Frankness demands that the public should be told when a programme has been censored. It is a mark of irresponsibility to con the public. When the public is told that content has been deleted, it is not compulsory to tell them what has been deleted. The people's right to know should include the right to know that a programme has been censored. They would at least infer and make their decision as deemed appropriate.

After all, it is not feasible to report everything or detail in the news. Even if this were possible, we don't think it would be pragmatically desirable.

In this vein, government and broadcasters are enjoined to respect their operational ethics in the interest of society. Constitutionally, requirements for press freedom and universally endorsed Charters on human rights should be respected by government. Similarly, broadcasters in Nigeria are enjoined to respect the Nigeria Broadcasting Code as spelt out by the National Broadcasting Commission. Most importantly, perhaps, the broadcast media should accommodate opposing views in their news and programmes instead of encouraging (mainly) loop-sided news, usually, in favour of government. The National Broadcasting Commission should be independent of bureaucratic control, if it must live up to its billing as a purveyor of equity and fairness in broadcasting. With autonomy, the Commission would be more efficient in its role of granting broadcast licenses to qualified applicants, (to realize the goal of truly deregulating the broadcast media) and be seen to dispense fair justice - in sanctioning both government and private stations that flout the Nigerian Broadcasting Code. With these, the people's right to know would be properly served by accurate, balanced reporting and broadcast programmes. Also, censorship must be done in the public interest. It must not be a means of caging free expression, voice of opposition or shielding inept, corrupt government practices.

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