“Nigerian Media Faces Threats From Govt., Foreigners”

The Federal Government and some foreigners resident in Nigeria have been accused of engaging in activities aimed at undermining the independence and vibrancy of the Nigerian media. Although the said activities of the federal government and the foreigners are not being perpetrated as a result of a deliberate connivance between the two, these independent activities on the media are said to be similar and mutually re-informing.

These allegations were made by Mr. Charles Odenigbo, the Executive Secretary of the Newspaper Proprietors Association of Nigeria (NPAN), in an interview with Media Rights Monitor.

Mr. Odenigbo alleged that the high tariff placed on media production input by the federal government, which he said presently stands at 35 per cent, is a deliberate ploy to censor the media. He accused the government of deliberately starving the Nigerian Newsprint Manufacturing Company based in Oku-Iboku of the desired attention to make it difficult for the print medium to function properly.

According to Mr. Odenigbo, "the tariff placed on newsprint and other newspaper production materials by government were used as a means of censorship, they used it to gag the press. Because the higher the tariff, the more difficult it is for a newspaper and magazine to bring in the materials".

Speaking further, he said: "Oku Iboku (Nigerian Newsprint Manufacturing Company) is dead, it has been dead for more than 10 years or even 15 years and yet nobody has done anything about it. And to say newsprint that used to cost N40,000 per tonne, is now N120,000, is a deliberate policy of government to make it difficult for newspapers and magazines to be able to function, to be able to be on the newsstand".

Mr. Odenigbo also berated the Federal Government over its policy that brought newspapers and magazines under the Value Added Tax regime, which he said the NPAN has instructed its members to disregard. He, however, said the NPAN in still seeking ways of resolving the issue with the government. According to him, "We have problem with VAT.
Originally, newspapers and magazines were on the exemption list of VAT Decree. But some people removed newspapers and magazines from the exemption list and said they were vatable. And the NPAN said no. We said no newspaper or magazine will pay VAT in Nigeria and I can tell you no newspaper or magazine is paying. We have not resolved the matter, we are still on it even as I am talking to you right now”.

Mr. Odenibgo also accused some foreigners residing in Nigeria of holding the media to ransom through sharp business practices. He claimed that on a quarterly basis, the media spends up to the sum of N5 billion on the importation of newsprint and other inputs in newspaper production and alleged that the foreigners have gone to the newsprint mills in different parts of the world and established themselves as sole agent for Nigeria. The implication, he said, is that no publisher in Nigeria can deal directly with any newsprint mill in the world without being referred to the agent. The foreigners, he said, have also formed a monopoly whereby they fixed the prices of newsprint to the detriment of Nigerian publishers. According to him, "if they (the foreigners) say a tonne of newsprint is N200,000 in Mushin, if you go to Ilupeju, if you go to Apapa, if you go to anywhere in Lagos, a tonne of newsprint is N200,000. In fact if you move from one place, they will call themselves that X has been here. They have a very strong link and we are aware of all these".

Mr. Odenigbo, however, revealed that the NPAN has set in motion the process to reverse this situation by venturing into the business of bulk purchase of newspaper production inputs for the benefit of Nigerian publishers. (see full text of the interview).

**Nigerian Media Faces War On All Fronts, Says Odenigbo**

His is simply a case of an anonymous man behind a popular organization. If you wager a bet that the mention of the name: Charles Odenigbo, in any newsroom in Nigeria will attract the question: "Who is Charles Odenigbo?", there is a 95 per cent chance that you would win the bet. But if you wager a bet that the mention of the acronym: NPAN, in any newsroom in Nigeria will not attract the question: "What is NPAN?", there is a 95 per cent chance that you would win the bet. Yet, in a sense, the one is the other because the one (former) sits at the driver sit of the other (latter). A paradox, indeed.

Mr. Odenigbo, Executive General of the Newspapers Proprietors Association of Nigeria (NPAN) since 1998, is a lawyer, a trained journalist - although he never practiced journalism for a day - and a pastor. Although he looks neither of those when you meet him, but as you begin to interact with him and he talks, his voice rising and falling, hands chopping the air for emphasis, you would begin to see that the combination of his training as lawyer and journalist, and his calling as a shepherd for God has left him with a sharp mind and that there is, in him, a burning passion for the media. He is, in fact, literally on his toes 24 hours of the day all for the good of the media.

I had chased him for over two months for this interview. Always he is reported to have traveled or at one meeting or the other. Finally a date was fixed for a meeting. Believe this: This interview began on a Tuesday at the Boardroom of the Nigerian Institute of Journalism (NIJ), Ogba in Lagos, and ended at his Church somewhere at Ketu, also in Lagos, on a Sunday. In between, we were on phone. All I can say is that this interview is revealing. **Osaro Odemwingie**.

Except:

**How relevant is the NPAN in the media industry in Nigeria and how would you rate it's performance so far?**

I joined NPAN in August 1998 and I took over in September of that year. Before I came I studied and I found that it has actually done a lot for the media since its 28 or 30 years of existence. You will realise that at a point, the NPAN was coordinating both the print and electronic media, even the agencies (advertising) until the agencies went to court in 1984 or so in the case of Adekoya vs Lateef Jakande and Others, before they now agreed that AAPN should
regulate advertising. But you find that radio, television, newspapers, everything, was under the NPAN. Why was this so?

You will find that NPAN was run by important members of the society, reputable men, men of timber and caliber, opinion molders. And up till today, people like Uncle Sam Amaka, Segun Osoba, (he is still a member of NPAN even though he is in government), Jakande and the rest of them who have really made a mark in the media industry, Ray Ekpu, Bob Ogbuagu, and the rest of them. When I took-over, I realised that we have a lot of work to do. Apart from building bridges within the NPAN, we needed to build bridges within the media and also help in cleansing the media.

That there were a lot of problems when I came; NPAN was fighting (late General Sani) Abacha over the National Mass Media Commission smuggled into the 1995 Draft Constitution, they fought him to a standstill. The NPAN was fighting Abacha then through the IPI (International Press Institute). And you know that NPAN has always occupied a seat at the executive level of the IPI worldwide; at the executive level (of IPI) the President of NPAN represents Nigeria and Africa. We have not lost that position up till today. After MKO (Abiola), Ismaila Isah went for election and he won and he is still occupying that sensitive position. So, through that position the NPAN was able to fight Abacha and the rest of them through the IPI that blacklisted Nigeria then. That is a landmark achievement for NPAN because after the election, when Obasanjo came into power, the NPAN hosted the IPI World Congress in Abuja when we had the IPI Nigeria National Chapter.

We also fought Abdulsalami on various issues, on the laws affecting the media generally. You would find that the NPAN played a sensitive role in cleansing, sanitizing the media generally. But the thing is we were doing it quietly from behind, while opening up to accommodate more newspapers, magazines and to reach out to the electronic media, reach out to the advertising industry, reach out to advertisers, reach out to the general public. So what it has done is to kind of create a relationship with the various publics that relate with it.

Let's be more specific now about the achievements. You have mentioned how the NPAN fought and stopped the National Mass Media Commission that was smuggled into the 1995 Draft Constitution that Abacha was putting together, is it possible for us to identify, in specifics, some other things which NPAN has achieved with respect to your immediate constituency?

Look, the greatest is not the immediate constituency, because you were locked up within your economy, the economy was locked up, your capacity utilization was very low, things were not working well for Nigeria. But when that thing took place, the economy was opened-up, even the immediate environment had a new lease of life. Remember, to show you that it has a social responsibility, during the election for this government to come in, to take over from the military, the NPAN also worked hand-in-hand with BON (Broadcasting Organisation of Nigeria) and organized Presidential debates. Why did we do it? To present those candidates to Nigerians and African and the whole world generally, because we worked with AIT (African Independent Television) and the rest of them who beamed it to Africa and other parts of the world and within Nigeria so that Nigerians can assess these people first hand. It is an achievement.

The greatest achievement of NPAN is that they have kept this country as one united entity. They have made up their minds to ensure that this nation will not break-up, that this nation will not disintegrate. If the NPAN wants to break this nation in one week they would do it. But God has blessed this country with some publishers that have the interest of this nation at heart. They have been monitoring governance and providing the necessary agenda for the direction of this country. But unfortunately, the efforts of the NPAN to keep this nation together have been disparaged by some leaders who do not understand the media very well. You find that if something happens, most newspapers, radio and television will take it from different angles, but you will find out that most government officials would rather they take it from the same angle, but that is not the way the media operates. But thank God that we have leadership in the
media, especially in the NPAN, that has kept the nation going over the years. You will also find that of you want to find leaders for governance in this country you can go to NPAN and pick.

In addition, you find that we have problems of newsprint right now. We have problems with VAT (Value Added Tax). Originally, newspapers and magazines were on the exemption list of VAT Decree. But some people removed newspapers and magazines from the exemption list and said they were vatable. And the NPAN said no. We said no newspaper or magazine will pay VAT in Nigeria and I can tell you no newspaper or magazine is paying. We have not resolved the matter, we are still on it even as I am talking to you right now.

The tariff placed on newsprint and other newspaper production materials by government were used as a means of censorship, they used it to gag the press. Because the higher the tariff, the more difficult it is for a newspaper and magazines to bring in the materials. Oku Iboku (Nigeria's newsprint manufacturing company) is dead, it has been dead for more than 10 years or even 15 years and yet nobody has done anything about it. And to say newsprint that used to cost N40,000 per tonne, is now N120,000, is a deliberate policy of government to make it difficult for newspapers and magazines to be able to function, to be able to be on the newsstand.

To combat that, NPAN began to work so that newsprint would be readily available to Nigerian publications. Right now, that is the thing that is at stake. Government has not come to the assistance of the newspaper industry, we are doing it on our own. We have appealed to government but government has not done anything. The tariffs have increased from 5 per cent to 15 per cent, 30 per cent and 35 per cent to bring in materials that we use to produce. How can you buy at that rate and produce newspapers daily at N50 that can be affordable to Nigerians? You find that most newspapers, all the publications, agreed to remain on the newsstand at an affordable rate just to be able to maintain that freedom guaranteed by the Constitution for Nigerians to receive information. None of them is operating at a profit. They are all operating as a neutral level (breakeven point) or at a loss.

You talked of NPAN cleansing the media, can you specifically point to anything that was going wrong in the media which the NPAN stepped in and rectified?

It is a continuum. It is not something that you can start at one point and end at another point. One basic thing you need to know is that NPAN as an organisation is not one that makes so much noise, it works underground. The leadership is composed of men and women who can always call media practitioners together, who can make phone calls, who can not work and tell them don't do this or don't do that or let's do this let's do that. It is not something that you see on the surface. But because I am privileged to be inside, I know so many things that could have caused disaster within the media, so many aspects of the media that over the years have really decayed.

Let me mention one for example; the CJA (Commonwealth Journalists Association) of Nigeria is an organisation respected worldwide. Whether you are in the electronic or print media, if you are a journalist of worth, you must be a member of this organization. Now you find at some point in time, some Nigerian journalists or media practitioners took this organisation to the dustbin, they took it from grace to grass, and the NPAN looked at it and said no, we cannot see an organization we the practitioners have worked for in this nation crumbled overnight. They began to cleanse it. You notice that when the CJA held it's meeting in Nigeria in 1999, some members called Nigeria National Chapter went to court… I don't know whether you realized what happened then but it was very scandalous, it was very troublesome. But it was one of the re-engineering of the media initiated by the NPAN that led to the resolution of the problem. If you look at the activities of some members of the CJA (Nigeria Chapter),… for instance the CJA (International) made money available for workshops to train journalists free of charge. But some media practitioners, not only that they invited people for it, not only that they asked for money, they made it seem as if it was not a CJA affair, as if it was their own affair. That is to show you the extent that this media has really gone to a rot.
Another example I will give is the NIJ (Nigerian Institute of Journalism). The NPAN has always provided leadership... when NPAN left that place, that is when they had problems and NPAN said we are not a party to it, you can imagine what happened to that institution. The original vision of the founding fathers was derailed completely by media practitioners, by leaders of the media, and when NPAN saw this thing, it said no, if we pull away it could destroy this nation. Why? Because failures were being trained as journalists. Journalism is not for failures, it is a noble profession. Anybody can come in and practice but you must practice responsibly. And they (NPAN) took it and decided to cleanse the whole of NIJ completely. It is a landmark, it has never been done in the history of the 30 or 31 years of existence of the NIJ. And what did they do, two-thirds or three-quarters of the staff were fired, the place was really cleaned. Nothing had happened to the file of NIJ since 1978 but it took the NPAN to come in there and cleanse it.

Again there is the issue of Nigerian media practitioners who were calling for the establishment of a National Mass Media Commission. The NPAN vehemently resisted this even to the detriment of some members that Abacha wanted to kill.

**Let’s look at the issue of newsprint and other production inputs.** You find that news media organisations proprietors in Nigeria do not approach it from a business perspective. Each of them goes about purchasing these costly inputs, print and distribute all by himself. One wonders why NPAN has not used its strategic position to veer into bulk purchase of these inputs so that it could reduce the cost of these inputs to its members. The same applies to distribution; why not engage in bulk distribution?

You have raised an issue that has been raised overtime. There was a bulk delivery company set up at one time by MKO Abiola. That company was not set up by the umbrella-body for that purpose. It was somebody's business. And if other newspapers are ready and the owner of that company's newspaper is not ready, would you move the paper out? You will not. And when his own paper is ready and others are not ready what do you think would happen to the delivery van? They take off. And because of this lack of rhythm, lack of balance, in their operation, that idea broke down.

In the past one-year we have come up with policies that will evolve the newspaper industry. If you watch overtime, it has not been an industry. It has been professionals coming in, and like you said, it has not been approached from a business point of view, because some journalists come together and set up newspapers. And then you have newspapers set up by investors, capitalists, who have their money and want to run their business, a newspaper, for whatever reason, it doesn't concern me, it doesn't concern you, that is their money. And what do they do? They cannot be the Managing Editor. The Managing Director at the end of the day will still be the Managing Editor even thought they have other professionals in other departments. And they have the controlling power over the company because they have the finance that backs it up. So if they withdraw the finance, the company will crash because the Managing Editor who is a journalist will not have the financial muscle to run this kind of business. So if they put in money, the business moves, but if they withdraw money or they die, or something happens to them, that newspaper or magazine dies a natural death.

Now what do we do? We decided that it should be more organised, it should be run as a business venture. We know that professionalism is required, but the basic management principles, which other businesses require, must be applied to the running of newspapers and magazines. Now we are working on distributorship in such a way that newspapers (publishers) don't have to buy delivery vans, they no longer have to worry about distribution. We want to raise core investors whose job would simply be distributorship. We are talking with airlines or we raise some two or three aircraft that can deliver newspapers at various points in the country in the night so that by 6.00 to 6.30 in morning all the newspapers are on the newsstand. We have been working on that for the past one-year.
Can you give details?
I can't give details now because it was resolved that we shouldn't make some of these things public. I won't like you to know some of the operating mechanism that we have put in place, but when it starts you will see, we have finished the report stage.

Then the bulk purchase: We are working on that right now, I don't want what we to go into details also because we resolved that it should be made a secret because over the years some foreigners have gone to the newsprint mills in different parts of the world... I don't want to name the country (of the foreigners) but there are two notorious countries, which you and I know very well, that have killed some economies in Africa and they are here now. What did they do? Quarterly, you find that newsprint and other inputs in newspaper production cost as much as N5 billion. That is to show you that it is not just a child's-play business. What have these guys done, these foreigners? They have gone to the mills in different parts of the world and they have established themselves as sole agent for Nigeria. So no newspaper or magazine company in Nigeria can deal directly with any newsprint mill in the world without they referring you to the agent. They have formed a monopoly. Oku-Iboku is dead. These guys have formed a monopoly and if they say a tonne of newsprint is N200,000 in Mushin, if you go to Ilupeju, if you go to Apapa, if you go to anywhere in Lagos, a tonne of newsprint is N200,000. In fact if you move from one place, they will call themselves that X has been here. They have a very strong link and we are aware of all these. That is why we are going about it in a professional way, we are determined to change the destiny of the newspaper industry and put it in the hands of proprietors and not into the hands of foreigners. That is where we are now on the bulk purchase.

What is the process of joining NPAN?
The process of joining NPAN is just that you must have a limited liability company and you must have fulfilled all the requirements for running a newspaper company. For instance, you must have registered with your State Government, you must have registered with the National Library, you must have complied with the basic laws of the land and you must obtain our form. Originally, you must have been on the newsstand for a period of at least a year and when you join NPAN, you will join as an observer in principle. That was originally before I joined NPAN. They would make sure that you are on the newsstand regularly. But now because of many new newspapers coming up and they want to identify with the association, once you comply with the basic requirements and you start production, you can apply for membership, having fulfilled those basic things; pay your registration fees, pay for your certificate fee; we give certificate to every member now.

The NPAN membership is not a personal thing, it is a corporate membership. For instance, we didn't register The Punch newspaper, we registered Punch Nigeria limited. We registered Turning Point, not The Comet newspaper. So if The Anchor newspaper comes we would register Newscommn Nigeria Limited, that is the publisher of The Anchor and any other newspaper they may have. Not the person that invests, but the limited liability company. That is why you may find that some newspapers are not on the newsstand but they are still members because the limited liability company has not been wound-up, either voluntarily or by the court, it is not bankrupt, or it has not withdrawn its membership. So we leave you as a member until you say you no longer want to be a member. But that does not mean that if you are not a financial member you can enjoy the benefits, you may not be able to enjoy some benefits if you are not a financial member. So we have members, we have financial members. So, to join NPAN is very simple and many, many people have applied, over 35 newspaper companies have applied for membership and we will be presenting their certificates to them during the fellowship night of the NPAN later this year.

Is membership strictly for private media owners or publicly funded media can also be members?
Why not? Daily Times newspaper's majority shareholder is the government and it is a member. Sketch newspaper is a member, it is owned by State governments. It is a limited liability company. New Nigerian is a member, Chronicle is a member, Pioneer is a member, Ambassador is a member, Eko Today is a member. So there is no discrimination in whatever form. In fact, we have some community newspapers that are members. They come from Bayelsa, from Rivers, from Cross Rivers States, these local newspapers. They came and I gave them forms for membership, it is their fundamental right, they are free to join the association because they stand to gain at the end of the day.

**How does the NPAN keep tabs on the publications of its members so as to ensure that they meet the highest standard in terms of ethics and professional practice?**

You find that at the Secretariat, we monitor the media, we scan the environment where our member operates. And for you to be able to say you are a strong member, we must have a copy of your newspaper daily at the secretariat that will be displayed for the public. And when people come for research, because universities come for research and the rest of them, when they come to us, it is the newspapers that we receive daily and display that we will show them. If they ask for the list of members, we would give them, but if they want to know our newspapers on the newsstand, your paper may be on the newsstand, but if it doesn't get to the secretariat, we take it that you are not on the newsstand. Not that we don't know that you are there, but according to our Constitution, you must bring it to the secretariat regularly. Through that, we will be able to assess you. If you have a problem we can give you a dispassionate opinion about it and tell you this paper you can adjust in this area or that area.

At the same time, we also interact with the society, with the environment, with various parts of the country. We try to see the problems readers have with buying newspapers there, we also try to see the problem we have with vendors and distributors, we also try to see the problem our members are having in various parts of the country. So if you are coming to the secretariat regularly, we can always protect your interest.

Conforming to ethical standards, no. You will find that every newspaper has its philosophy. They have their own vision statements. No two newspapers in Nigeria have the same vision statement, no two newspapers in Nigeria have the same philosophy, and all of them have their own reasons for coming to the market. And whether they keep to it or not, it is the buyers, the readers, that will decide... because today, it is the forces of demand and supply that determines the seriousness of the newspaper. You can't fool Nigerians anymore, if your newspaper does not meet a particular standard, at the buyers point between the vendors and distributors and yourself that is where we will know whether that newspaper has a standard or not. But if you are a consumer of junk newspaper, you don't care for standard, that is yellow publication, you buy it whether it is good or not, gossip newspaper, you don't care. But for the real (discerning) members of the society, that really have concern for this society and want to access the information market, they know what newspaper to buy.

**In other words, besides the readers using their own discerning opinion in deciding which newspaper to buy or not to buy, NPAN does not have a policy of ensuring that its members' abide by a certain set of standards?**

No, it has. But it is not a written code. It is something that is discussed at the general meeting. We have meetings constantly. We have the advert committee at the NPAN, where the heads of advertisement meet monthly. And they must comply with the rules governing advertisement in Nigeria, which is the Advertising Practitioners Council of Nigeria Decree 85 of 1990 now, Cap 6 or 7 of 1990 and the Code of Ethics of APCON, not AAPN. Because the advertising practitioners, before occupying the advert department of NPAN members, must be registered advertisement practitioners. So, we ensure that the standard on adverts is complied with through that advert committee where all advert personnel operate from. Then we have the marketing and circulation. It is at the marketing and circulation level that we deal with these basic things you
are talking about now. And when we discover problems, we call members and discipline them at that level.

At the advert level we discipline members because APCON will not discipline any newspaper directly. APCON will write NPAN and tell NPAN that X newspaper has violated X aspect of the Code. Then at the NPAN advert committee meeting it will be an issue to be investigated and such newspaper whether The Guardian or any newspaper… we have taken decision, we have called our members to order several times and they have obeyed immediately. So we have means to deal with these guys. At the marketing and circulation level we deal with some of the things you have talked about. Then at the executive council level we process this thing generally, rectify some of them, and if any member is violating some aspects of the NPAN Constitution or Code, at that point we deal with the issue and that person corrects it. But we don't make it a rule that you must do this or that, no, no, no, no!

So it is some kind of moral suasion that is exerted on media organizations?
Yes.

Now, assuming that a news media continuously publishes stories that violate ethical standards and such a media organisation refused to heed your moral suasion, that implies that there is no other way to compel compliance?
There are, there are. It can be suspended, or can be expelled as a member.

But doesn't the fact that you do not have a written code makes the process arbitrary, meaning a lack in boundaries against which to monitor adherence to standards?
No. If you look at our Constitution, there are aspects of this thing, but it is not elaborate as you are looking at it. It is something that you do as a member qua member. It is an unwritten Code. A member qua member in law is a member who enjoys certain rights with others as a member. It is a principle that has been brought into the association in such a way that when you begin to… let us say X newspaper superimposes the picture of somebody with another person's to create a make-belief, if that person raises an objection and the NPAN finds out at the end of the day that the thing is fictitious, the newspaper will be suspended. But there is none of the members of the NPAN that operate at that level, no member of the NPAN has distorted facts to the level that it becomes indecent or alarming to the society, no. I am not saying that there are no errors, there are errors from some of our members, but when it comes to the highest standards of journalism, all NPAN members maintain that level.

Despite your claims that there is high standard in journalism practice, lately there has been widespread anxiety among media stakeholders, members of the public and government officials that there is an increasing fall in professionalism and adherence to standards in the media. And there is the feeling that NPAN, being employers of labour in the media and owners of the newspapers, is in a better position to sanction journalists when they err and ensure adherence to ethical standards than the NUJ, for example.
You will find that at the NPO (Nigerian Press Organisation) level, NPAN interacts with the Guild (Nigerian Guild of Editors) and the NUJ. Things like this, apart from talking to the proprietors within and among themselves, some of these matters are in the codes of ethics of the associations. You find that we have NPO code over the years, one was reviewed in 1998 at Ilorin, The Ilorin Declaration, signed by the Press Council, the Guild of Editors, the NPAN and the NUJ, which is what the NUJ is now using as its Code of Ethics. But it is equally binding on other arms of the NPO. When such things like these happen, we settle it at the Press Council level. It is at the Press Council that we extract the facts. That does not mean that the NPAN doesn't do anything. I have told you that we operate through the advertisement committee, the marketing and circulating committee, the executive council level and then we have the general meeting. Things like these are tackled from the lower level, we take it up until we balance it at the general meeting level. But the fact that we scan it, we are aware of errors from time to time,
One notices that numerous media organizations are in distress due to economic and social factors. Besides the huge cost of production that you have said NPAN is trying to do something about, are there other things which NPAN does for its members who are distressed?

Yes, there are. There is a lot. For instance you find that if a member is in distress, I have seen many members who have helped one another. If you are so distressed some of them help each other with newsprint, which is something that is allowed in the association, they help each other financially, they help each other in legal matters in courts and any other problem that members may have and could not solve on their own, some stronger members come to the aid of such members. But you will find that some newspapers that you may see as having these problems are not members of the NPAN in the full sense of it. They are operating, but they have not applied for membership, they do not attend meetings, even as observers, they don't come. So when they have problems nobody really knows, and when you have problems as a member, you don't take it for granted, the whole world should know. Your first point is to write the President of the executive council, inform the executive council that we have this problem. And you know Nigerians are very proud, very proud people. Some of them will feel 'why should I do such a thing?' But you are a member of the association, it is one of the benefits that you should enjoy as a member. You should ask the association to help you out at this point, the association will help within reasonable means, it cannot take over your problems.

So, besides a media organisation helping out another, which is distressed, the NPAN as an organisation does not have a mechanism put in place to assist?

It has, it has been doing this before. We have found out... we have stepped it up now because for some time these things were lying fallow. When I came in I said that members must be doing something. Then the executive council designed instruments that will accommodate these.

What are the instruments?

That is what I am telling you that we now permit members to help one another. You see, because you are a member, NPAN on its own, as an association, doesn't have the kind of financial muscle to do that kind of thing. But we have members that are financially stronger because they are doing very well, so when you are in a problem and because you are a member, when we interact you are allowed to be helped out. We have agreed at the various committee levels that if you have this problem, maybe in distribution, our members can help you to distribute.

So, it is an informal thing?

It is formal, not informal. You see I don't know how you look at formal and informal. By virtue of being a member, you enjoy these things. If you are not a member, none of our members will carry your things for you, none of our members will share adverts with you, none of our members will give you newsprint, none of our members will assist you financially. There are cases we take up for you in court, but you have to ask for help. If you don't ask me for help and I know you are in trouble, because you are too proud, I will not help you. You work at MRA, if you have a problem will you be able to approach some managers there and say could you grant me some loan? Can you do that? (Yes, I can!) So that is what is expected of a member. You don't fold your hands when you have a problem and expect members to help you. We won't come because we are not aware of the situation. That is how we operate.

NPAN is in court over the NPC Amendment Decree 60 of 1999. What are the problems NPAN has with the Decree?

Basically it is about documentation (of newspapers and magazines). It is unconstitutional. No newspaper should be documented by any organisation in Nigeria because it is an infringement
on the fundamental right of the operators, simple. And we are saying that the National Assembly or the Federal Government does not have the power, whether under the Exclusive legislative list, the Concurrent legislative list, or the Residual legislative list to do what it has done. So we are challenging the constitutionality of the Amendment Decree 60 of the Nigerian Press Council. That is why we are in court. You cannot document, you cannot ask newspapers and magazines' owners to give you their mission statements, in fact they are asking the newspapers to strip themselves naked before the public and the government which is not proper. It is a law restraining trade in the sense that apart from talking about infringing on the constitutional rights of the owners, you are restraining trade. It is unfair.

**How does this argument tally with the recommendation of the Mr. Taiwo Alimi-led Committee set up by the Federal Government to reconcile stakeholders' views on the NPC Amendment Decree at which NPAN was represented. The report still carries the registration clauses?**

The committee's report has been challenged by the NPAN. I was the assistant secretary (of the committee). Let me read out a letter we (NPAN) wrote.

"Honourable Jerry Gana, Minister for Information and National Orientation, The report of the NPC …: Objections. The NPAN has objections to some sections of the report presented to your good-self on Tuesday, January 10 in Abuja. The objections are as follows:

"The report that was presented was not approved and signed by the members of the committee, as you would notice, because the members of the committee never saw the report.

"Two: The NPAN representative mandated to serve as the Assistant Secretary of the committee was not a party to the drafting of the report contrary to our understanding and agreement."

I was the assistant secretary, they just brought out the report and I protested immediately.

"The following provisions of the draft law did not reflect the agreement that we reached during discussion.

"(1) Section 2, Section 3 paragraph 3A and C Section 7(1). There are other areas on which no agreement was reached but which were put forward as if they had been agreed upon. Section 26(a) on Documentation, Section 26(b) on Documentation.

"Sir, by this letter we would like to suggest the following amendments to the committee's report and draft law.

"Section 2 sub-section 2 of the report should read:

"The Chairperson of the council shall be appointed by the President and Commander-in-Chief of the Armed Forces on the recommendation of the Nigerian Press Organisation of Nigeria through the Minister.

"Section 3 paragraph B should read:

"Monitoring the activities of the press with a view to ensuring compliance with the Code of Ethics of the Nigerian Press Organisation. C, receiving from the Newspapers Proprietors Association of Nigeria its register of members…” and not monitoring and ensuring that… no, no, no, no, no, we didn't agree on those aspects of the law.

And then:

"Section 26a, Section 26b, 1 and 2 and Section 26C on Documentation should be expunged.

"The above are the grounds for our objection and we hope that the enumerated anomalies will be addressed soon."

That is what we sent to the minister.

**Incidentally you were in Abuja for the MRA Stakeholders' Meeting on the Nigerian Media Bill and this same agreement was included in the final draft of the Media Bill...**

No, we have amended it… the final draft bill will reflect the things we had raised in this letter to the minister. Even before then (MRA Stakeholders’ Meeting) I had drafted the objections.
I was the assistant secretary, the legal adviser to the Federal Ministry of Information was the secretary and when they were drafting the report we were not party to it. As a matter of fact, it was when the minister was about to come (in for the presentation) that I saw the report for the first time and I raised objection but Remi Oyo (President of the Nigerian Guild of Editors), said I should cool down because it will embarrass everybody. So I allowed it to go knowing fully well that we were going to MRA's Stakeholders' Meeting, at that point we would knock the thing. And Taiwo (Alimi) sent his legal adviser to that meeting... so he has a copy of this (letter) also. The report that we presented they will amend it all over to reflect our own position. That is where we are for now.

**How do you feel that the government sets up the committee to work out an acceptable position for all stakeholders, but in the end government's representatives schemed out other stakeholders from imputing in the final report. Does that not give an impression that the government is not genuinely interested in peace?**

No, it is. The government is interested in peace. That was why Gana and the NPAN sat down for about four hours before we agreed to this committee. We said we don't want any other person because we are the ones in court against the government and we said we need to talk to him personally. When we raised this, it was for peace. But when they were going to do the report, Taiwo (Alimi) was in a haste, there was pressure, let's do this thing, after all these people are in agreement and so on and so forth. But the mistake that they made was that when they drafted the report in concert with Tony Momoh, who they now referred to as a Resource Person, contrary to what we agreed with the government, they did not circulate the draft for input from others. So the fault was not from the government, it was from the Chairman of the committee, Mr. Alimi. If Mr. Alimi had given us the report two or three days before the meeting with the minister we would have alerted him to some of these problems. That is wrong.

You should send Remi a copy, the Guild, send NUJ a copy, send BON a copy, send IBAN (Independent Broadcasters Association of Nigeria) a copy, and send the NPAN a copy. Then we would harmonise, we would synchronize, everybody whatever affects you we would correct it and then we bring it back, you draw up a fresh one, all of us will sign. But they didn't. The members were taken for granted as gentlemen who would not bother, who would not complain, that is the result you are seeing now: Objection to what you took for granted.

**Doesn't this your argument against registration of newspapers also invalidate any argument for the registration of journalists?**

I think there is a fundamental misconception. I will ask one question: Is journalism a profession? If we can agree at the end of the day that it is not a profession, then I will say no registration of journalist, it should be free for everybody. Everybody that wants to be a journalist should just call himself a journalist. But if we want it to be a profession that is operated by professionals you must be trained. Now somebody else writing from nowhere, contributing to a newspaper, just a column, from time to time, maybe once a week, but does earn his salary from that media house or any other media house, and is engaged in any other business outside, do you want to call such a person a journalist? That is my question.

If you go to Section 39 of the Constitution, it guarantees the freedom of expression and the press. Cleverly they said "and the press" in such a way that your right to own medium of imparting information and receiving information is guaranteed except the proviso dealing with electronic media that you have to obtain the consent of the Federal Government before you operate in that area. But you find that the moment I write a letter to the editor of a newspaper, my freedom is being exercised as long as that editor does not stop my letter from being published. The moment I send in a story, a column to the newspaper or magazine, and the paper accepts it, I am exercising my freedom of expression. The moment I form a company and set-up a newspaper I am still exercising that freedom of expression. The moment an advertiser brings
an advert to me for publication and I put it inside my newspaper or magazine that person's freedom of expression is being exercised.

Now that doesn't make everybody that sends a story, an article, a column to a newspaper or magazine a journalist. It doesn't make you a journalist. Just because you have a programme on television or radio on herbs, laws, on environment and the rest doesn't make you a journalist for your information.

**I understand that there are plans by the NPAN, the Guild and the NUJ to have an arrangement with the NIJ where as a matter of mandatory requirement, journalists and aspiring journalists would go for a crash programme to enable them fit into the profession properly?**

The facts are not properly arranged. But who are the owners of NIJ? Is it not NPAN, the Guild and the NUJ? They just invited others as board members. The original financial of the NIJ is the NPAN and the original vision they had was for NIJ to train people coming into the industry. BON is also a member of the Governing Council. The original vision for NIJ was training manpower for the industry, nothing else. But along the line some people hijacked the vision and introduced other things. They started running marketing, business admin and others that have absolutely no relevance to what was happening here. But now that NPAN is back on board, the original vision has been modified in the sense that it is not only for training manpower for the industry, but to be a centre of journalism excellence in Nigeria and Africa. The IPI that gave birth to NIJ through the NPO, had a fantastic idea. And we all have decided that we don't want small boys coming from outside who couldn't pass their school certificate, who couldn't gain admission into the university and they say one place they could hide themselves in is NIJ.

The NPAN would have loved to throw out the diploma and the HND. But on second thought, to bring the school up to standard, they called the NBTE (National Board for Technical Education) to come and accredit it (the NIJ). If you go to the studio it is one of the best in Nigeria, no university or polytechnic has what we have there today. Serious money has been invested here. Now what are we looking at? The NIJ will operate at the top and the lower levels because it will be operating the PGD also. The OND of NIJ, if you are coming in, you come through JAMB, then you will write an exam here before you will come into this place, then you will be personally interviewed. Now you don't just walk in here as a stray dog, or as a useless human being and say I want to be a journalist. That is why we have been having problems in the past few years because some of the products here are not sound. Some of them don't have the school certificate requirement to go to higher institutions, they just brought them in here. If you look at the result, if you look at the people that have gone out here you will weep for this nation. And they are the people you are calling journalists.

For the industry, if you did not study journalism or mass communication and you have a pull in your spirit to go into the career of journalism, you can come here and learn the practicality of journalism as well as come here for research because we will be awarding masters and PHD as part of the contribution of NIJ. Post graduate diploma, masters and PHD will be offered in this place. Journalists can come here non-stop for training, refreshers courses, whether you have been in journalism for 30, 40 or 50 years it doesn't matter, you need to come for refresher courses non-stop every year. Then we are opening up fellowships whereby people from other parts of the world will also come to NIJ. They would come for fellowships, they would come here to help and study and put things in this place.

**What are the issues in your suit against Broadcast stations over review of newspapers and magazines? Why is NPAN finding it difficult to sit down with proprietors of…**

Not that NPAN is finding it difficult to sit down, what do you mean by that? We are in court. If the electronic media wants anything they should send a proposal and say we want to settle out of court or we want to have a meeting with you. Go to the court tell the judge that we want an adjournment to be able to settle out of court and the judge will give you an adjournment so that
whatever you people settle, the terms of your settlement becomes the judgment of the court. But nobody has sent in any proposal to us. What we got was a letter from IBAN stating that only private electronic media were taken to court and all that. The main issues were not referred to. I would have loved to see a letter saying we would like to have a meeting with you on X date, X time if it is convenient or any other day you may suggest and these are the things we want to discuss. We propose A, B, C. Then the NPAN will say fine, this your proposal, we would like to meet you on the basis of what you have proposed. That has not been done. Only a letter with so many extraneous issues being raised that have no relevance to the matter in court. Let's go to the court and settle this copyright infringement once and for all. Let the Supreme Court of Nigeria pronounce on copyright infringement on newspaper and magazines, radio and television and lets see who would face the music at the end of the day.

Right now, many, many people listen to newspapers review in the morning. 15 minutes segments from five stations, you will not like to read newspapers or buy them for the day. They do not only read the headlines and news stories, they go inside the pages, then sports, go into the sports pages and sometimes when they are reading it, I saw Ejiro Omonode the other day reading Vanguard and he said "all the newspapers are saying the same thing, there is nothing much in Vanguard, Mitchell (Obi) what can you say? Nothing in The Guardian." Boy, you killed that paper, you have no right to libel it, that is trade libel. You don't pick up the newspapers and say all the papers are saying the same thing nothing in them. My goodness, No. That was when I said enough of this rubbish. I saw one lady on DBN reading and she said "nothing on these papers". I said who the hell are you? How dare you say nothing in the newspapers. Then when they finish the newspapers review, unsold copies come back. Now, this is newsprint that we should be buying for N40,000 to N50,000 now being sold for N120,000, that people buy at cut throat prices. And then you go there and say the newspapers are saying the same thing and nothing inside, then they are bringing back unsold copies. Who is losing at the end of the day? And then you are being paid, sponsored by WEMA Bank, by TIB, by Union Bank, by First Bank, by Tom Tom and the rest of them. And you are telling me that there is nothing wrong. There is something seriously wrong there and you must stop it.

When we wrote to NTA to stop, they stopped. Most of the Federal Government owned radio and television stopped. But the private ones are stubborn, they continue, plus Aso FM. So we said lets settle this matter with these guys. And I hope to God that the judge will grant the injunction. The moment he grants it we would slam it on them and then we would claim damages. In fact, we are claiming N1 billion. And remember they are being sponsored and there is no way they can deny it because we have the documents in our hands. We know how much they make per quarter, we know how much they make per year to the bottom line. They are making money from a product that does not belong to them, they didn't obtain consent, and no arrangement, we are losing money form a paper they derogate, they come back as unsold copies and we are going to court to say stop it, lets settle this matter and some people are saying what right do we have. We have every right to challenge them.

### MRA Commences Media Monitoring Project

As democratic governance in Nigeria approaches its second anniversary, the activities of the media, believed worldwide to have a significant bearing on the successful prosecution of the form of government, is once again coming under scrutiny. Media Rights Agenda, working with ARTICLE 19, the Global Campaign for Free Expression, based in London, this month begins a Media Monitoring Project in Nigeria. The Media Monitoring Project will assess the coverage given by the media to four specific areas. These include the issues of democracy, public accountability, political and human rights issues.

The project, which in its first phase, will run for a nine-month period, will end in December 2001. Generally, the exercise aims to determine how the news media act to provide a
robust atmosphere for the promotion of democratic governance, including public accountability, ensuring fair and objective coverage of political issues and political interest groups and a fair and objective coverage and the promotion of human rights issues and safeguarding the rights of disadvantaged and minority groups.

The objectives of the project are to determine the extent of coverage given to these issues by state-owned and private media. It will also determine the kind of issues that are covered as well as those left out and how comprehensively events relating to them are reported and analyzed.

For example, the monitoring exercise will establish the pattern of reporting events affecting government officials, democracy and human rights issues, in state-owned and private media. It will determine the prominence given to them, the manner in which they are reported relative to other events and the allocation of space or air-time to opposition figures to provide different view-points as opposed to official positions.

It will also determine the fairness of allocation of space/air time to the three political parties in relation to each other and relative to the time given to government officials in the media as well as how these impact upon the democratic process, how much effort is made by the news media to report government activities at the state and local government levels in order to reach the poorer and less advantaged communities, especially in rural areas.

Lastly, the project aims to determine whether the private media provide an alternative viewpoint and source of information to the state-owned media in assessing the performance of government.

Media Rights Agenda will publish monthly reports, which will draw attention to patterns of inequitable reporting, inadequacy or otherwise of analysis, commentaries and news and to provide a framework for balanced reporting in the media.

MRA expects that the exercise will provide a barometer for the media to measure their performance in reporting on the issues involved in the monitoring exercise and, therefore, undertake voluntary adjustments to bring themselves in conformity with international standards in the coverage of political issues.

It expects also that the project will provide a basis for continuous and qualitative reporting of relevant issues and the nascent democracy by the media in order to help in developing, sustaining and strengthening the culture of democracy in Nigeria.

The monitoring exercise will cover both the print and electronic media. In all, there will be ten daily newspapers and five weekly magazines to be covered during the exercise. There will also be six television and six radio stations, spread across Nigeria, which the monitoring exercise will cover. They have been deliberately selected to include private and publicly funded media having national and sectional coverage including the Federal Capital Territory, Abuja.

The newspapers that will be monitored in the exercise include The Guardian, The Punch, The Comet, National Interest, ThisDay, and Daily Times. Others are Daily Champion, The Post Express, New Nigeria and Daily Trust. The magazines include TheNEWS, TELL Newswatch, The Source and The Week.

The broadcast stations which will be monitored under the project are: Radio Nigeria in Kaduna and Lagos; Aso FM Radio, Abuja; the Nigerian Television Authority (NTA) in Kaduna, Abuja and Lagos, Murhi International Television (MiTV), Lagos; Ray Power 100.5 FM radio, Lagos; Channels Television, Lagos; Minaj Broadcasting International, Obosi, Anambra State; Rivers State Radio, Port Harcourt; and the Kaduna State Radio.

While the print medium monitoring exercise will be conducted in Lagos, MRA has set up four centres around the country from where the electronic media will be monitored. Monitoring centers have been opened in Kaduna, Port Harcourt, Lagos and Abuja.

The monthly report, which will be published by MRA on its finding from the exercise, will be distributed to media houses, relevant government departments and agencies, regulatory bodies in the media such as the Nigerian Press Council, and the National Broadcasting
Commission, professional associations in the media such as the Nigeria Union of Journalists (NUJ), the Nigerian Guild of Editors (NGE), and the Newspaper Proprietors Association of Nigeria (NPAN), the political parties and other interest groups and stakeholders.

The monitoring exercise began early April with a one-week training programme held at the International Press Centre (IPC) in Lagos, where the Lagos monitoring centre will be based and from where other monitoring centers will be coordinated. Mr. Rotimi Sankore, a consultant to ARTICLE 19, facilitated the training. After the one-week training, Mr. Sankore will be available for a further two-week to provide on-the-spot technical and expert assistance for the effective take-off of the exercise before returnings to London.

Mr. Sankore has had an extensive experience in Media Monitoring in eastern and southern Africa where he has conducted the training of Media Monitors and coordinated media monitoring projects on behalf of ARTICLE 19.

The media monitoring exercise is the second of such to be embarked upon by Media Rights Agenda. For six months, beginning from December 1998 through May 1999, during the elections that ushered in the present democratic government and leading to the handing over to President Olusegun Obasanjo, MRA also carried out a similar exercise. From that exercise, two reports titled: Media Scorecard and Airwaves Scorecard were published monthly over a six months period. One each of the reports focused on the Print and the Electronic media.

In that monitoring exercise, efforts were made to examine the extent of fairness exhibited by the media in giving each political party equal and uninhibited access to state their views regardless of the agenda of the parties and views their members might subscribe to. In addition, the exercise also examined how the government acted to ensure free media access to political news sources and protect the media from harassment.

The Ford Foundation is providing support for the Media Monitoring Project, including the publication of the proposed monthly reports, while ARTICLE 19 is funding the training exercise for the monitors as well as the purchase of some media monitoring equipment, through funds obtained from the Swedish International Development Agency (SIDA).

*Media Rights Monitor* is published monthly by the Media Rights Agenda (MRA), an independent, non-governmental organisation established for the purpose of promoting and protecting press freedom and freedom of expression in Nigeria. MRA is registered under Nigerian law and has Observer Status with the African Commission on Human and Peoples’ Rights.

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So Interesting
Dear Editor,

came across your journal, Media Rights Monitor, recently and it caught my interest. I have in
the course of time read a couple of copies and I have found it to be of immense benefit to me
as a student of journalism and a freelance journalist at the moment.

I commend you for the effort in spite of all the barriers afflicting Nigeria even with democracy
restored.

I wish to request that I be placed on your mailing list.

Thank you in anticipation of your favourable consideration.

Prince Charles Dickson
7, Suzi Garden, Tafawa Balewa Street
Jos, Plateau State
Post Code 93001

So Efficient
Dear Editor,

requested for a copy of Media Rights Monitor yesterday through an e-mail letter, and it is
now on my desk, delivered under 24 hours.

I congratulate you on this sign of efficiency, and I feel honoured that some of your officials
are my esteemed friends and colleagues.

I thank you for your good work.

Best regards
SPECIAL REPORT: Woman, Woe Is Thy Name

The question is simple: Do women make news look good?

The answer is definitely not so simple, if ever there is one. Still, the search continues.

Coming in the heels of an article in *Media Rights Monitor* on the domination of the Nigerian media by the men to the disadvantage of women, a recent survey has established more worrisome disadvantages that women face in the media. In a recently released report, The Global Media Monitoring Project 2000, in a worldwide survey has found that media presentation of women is heavily lopsided against them and often negative. The organizers, World Association for Christian Communication, published the report.

In the report titled: *Who Makes The News?*, simultaneously presented to the media worldwide on March 8, 2001, findings show that women, who form half of the world's population, make up just a little over 18 per cent of news subjects.

The finding also tallies with the situation that obtains in the Nigerian media. In a recent study by the Independent Journalism Center (IJC) in Lagos, carried out in conjunction with the Panos Institute of Washington DC and the Center for War, Peace and the News Media of the New York University, it was found that by and large, the Nigerian media do not reflect the gender demographics of the country.

Specifically, out of the 667 respondents, 157 were women made up in the ratio of 138 newsroom journalists, 17 media managers and two media owners. On the other hand, the 512 men who responded to the survey showed a ratio of 387 newsroom journalists, 104 media managers and 21 media owners. Taken on its face value, the survey indicates that there is an average of one female among four Nigerian journalists.

Making The Global Media Monitoring Project 2000 report available to journalists, Dr. (Mrs.) Chiyere Stella Okunna of the Mass communications Department of Nnamdi Azikiwe University, who coordinated the Nigerian research, called on Nigerian journalists to brace up for more serious journalistic work despite the natural constraints against them.

The Global Media Monitoring Project 2000 was an ambitious programme meant to select one day, February 1, 2000, of "momentous solidarity" in which hundreds of volunteers in 70 countries monitored the media to establish the extent of mention accorded women and the value of the mention.

The survey which provides an excellent snap-shot of the portrayal and representation of women in the world's news media such as television, radio and in newspapers, found that whilst women are increasingly reporting and presenting the news, they are rarely news subjects.

The study also found that not much has changed since 1995 when, on January 18, 71 countries took part in the first global media monitoring project organized by Media Watch Canada. That study found that whilst women comprised 43 per cent of news presenters and reporters, they accounted for only 17 per cent of news subjects.

The year 2000 study, which aimed to assess the situation of women in media five years on and at the start of the 21st century, reveals that women account for 41 per cent of the presenters and reporters of the world's news, but only 18 per cent of news subjects.

The report confirms many of the concerns raised over the last decade by women media activists. Specifically, the survey found that women form a majority as TV presenters (56 per
(18 per cent), but they make up only 28 per cent of radio reporters and 26 per cent of reporters in newspapers. The survey also found that majority of women TV presenters are in the age group of between 20-34 years, but tend to disappear after 50.

These facts beg some important questions such as just how hostile is the newsroom for women journalists? Is appearance a stronger job prerequisite for women than for men?

The survey found that the international news media featured women more in stories on arts and entertainment (35 per cent) and celebrity news (26 per cent). The survey found that women barely appeared as news subjects in stories on politics (12 per cent), international crises (11 per cent) and national defence (6 per cent).

On the other hand, the survey found that women appeared more often as victims than men. Specifically, the survey found that there were 19 per cent of female news subjects compared to 7 per cent of male news subjects. In some specific instances, the survey found that in the UK, where women had a large share of news making roles (37 per cent), 68 per cent of these appeared in stories on crime and 55 per cent were portrayed as victims. But the report noted that this was undoubtedly due to the fact that the international day of monitoring coincided with the guilty verdict against Dr. Harold Shipman who murdered 15 of his female patients. Dr. Shipman's face appeared on the front page of all major newspapers and the story not only appeared in other European countries but as far away as New Zealand.

The survey also found that women's positions and occupations in society reflect stereotypes, which should have been left behind long before the turn of the 21st century. For instance women were a majority in one category, as homemakers (81 per cent). They accounted for only 10 per cent of politicians and only 9 per cent of athletes. The survey also found that 25 percent of all female news subjects had no stated occupation, compared with 9 per cent of male news subjects. But most disturbing, the survey found that women are still not considered people in their own right. Twenty-one per cent of female news subjects were identified in terms of their marital or family status as opposed to just 4 per cent of the male news subject.

Although invisible as news subjects, women were more significantly photographed than men. They accounted for 25 per cent of news subjects appearing in photos as opposed to 11 per cent of male news subjects. This seems to support the idea that women continue to adorn news rather than make it.

The report is 104 pages and contains global, regional and individual country statistics based on over 50,000 data records and 16,000 news stories, a commentary data analysts and an additional contextual analysis by a media expert.

To conclude her presentation, Dr. Okunna proferred some measures to alleviate the plight of women in the Media. She called for an enabling legal and policy framework, training and attitudinal change. She suggested periodic media monitoring to provide facts and figures for advocacy efforts.

At the end of the presentation, several journalists present made interventions, most of which tended to imply a conspiratorial connivance by men to perpetually subjugate women.

The ball in this regard was set rolling by Mr. Kayode Komolafe who sat in for his wife, Mrs. Funmi Komolafe. He contended that in Nigeria, there is a general disregard for the International Labour Organisation (ILO) Convention 100, 111 and 156 on Equal Remuneration, Discrimination (Employment and Occupation) and Workers with Family Responsibilities. Specifically, in the media, Mr. Komolafe accused male journalists of deliberately striffling the growth and visibility of their women counterpart by a plethora of surreptitious actions. These include assigning them to non-challenging beats, among other accusations. Several other speakers after him stayed in line although with differing degree of conviction.

Out of the sea of accusations of male dominance in the media and deliberate subjugation of the women came some reasons, even though qualified. First from Ibim Semenitari, a journalist with TELL magazine. She recounted that her enthusiasm to practice journalism was seriously threatened when a female publisher she had approached for employment turned her
down on the grounds that she was a young female, fresh from college and obviously itching to begin to raise a family in the near future. Her dreams were eventually made a reality by a man, who every one wants to blame as the architect of confusion. Perhaps that was the truth several of the female journalists needed to hear before they started to admit that the male boss may afterall be better to work with.

Truly, *Who Makes the News?* exposes a serious lack of diversity in the news media industry which has failed to address its own discriminatory practices. But it left unaddressed the issue of women journalists who more often would rather volunteer for Food, Fad and Fashion beats than dare in the hard core areas of journalism practice. The debate continues.

**NBC Flays Sycophancy By State Media**

The National Broadcasting Commission (NBC) has denounced the use of state electronic media for sycophancy and praise singing of government officials at the expense of tax payers.

Mr. Mark Ojiah, NBC Public Affairs Manager, in a statement issued in Abuja condemned the phenomenon, which he called "yellow journalism" where some politicians use state radio and television stations to settle political scores. He drew the attention of the media executives to the fact that air time belongs to the people while they are only trustees of the franchise.

Specifically, Mr. Ojiah accused State/City Television, Kano (CTV-67); Radio Kogi, Lokoja and Enugu Broadcasting Service (EBS) Enugu of this practice. Mr. Ojiah said the stations have become megaphones of the state governors.

He also named the Broadcasting Corporation of Abia State (BCA), Umuahia as being guilty of unwarranted political attacks alleging that the radio and television stations allow themselves to being used to settle political scores.

He drew the attentions of the stations to the provisions of Sections 2.3.2.2 of the National Broadcasting Code which stipulates that licensed stations must ensure accuracy, objectivity and fairness. Section 2.3.2.2 states inter alia: "All sides to any issue of public interest shall adequately be presented to ensure fairness. A broadcaster must acknowledge his or her own inherent biases and prejudices and transparently rise above subjective mindsets."

The NBC warned that any breach of any Section of the NBC Code shall attract necessary sanctions including closing down the station.

**EXECUTIVE WATCH:**

**Nigerians Approve Purchase Of Presidential Jets**

By a wide majority, Nigerians have frowned at the reported decision of the Upper House of the legislative chamber, the Senate, directing the Presidency to forward to it for approval a supplementary budget for the purchase of eight new presidential jets. Nigerians responding to a questionnaire based public opinion poll said the directive was ill conceived, frivolous and a misplaced priority.

On the contrary, despite the huge cost of a presidential jet, an overwhelming majority of respondents called for the purchase of two additional aircraft to boost the presidential fleet. Nigerians say the two additional jets to be purchased should be allocated to the offices of the President and the Vice-President. According to them, the old aircrafts in the presidential fleet, which presently are seven, have not only become embarrassment to the nation, but most importantly, threat to the lives of the President and his vice. They, therefore, urged the Senate to grant the request of President Olusegun Obasanjo to purchase a presidential jet.
The survey by Media Rights Agenda was conducted under its Executive Watch project. It was conducted between March 15 and 24, and involved the administration of 3,500 questionnaires on Nigerians from all walks of life in seven major cities along the six geopolitical regions including the Federal capital Territory, Abuja. The other cities are: Lagos, Ibadan, Benin, Kaduna, Enugu and Port Harcourt. It is hoped that subsequent exercise will include respondents from Kano and the questionnaires would be 1000 copies per city.

Of recent, there had been a major debate over whether or not the Presidency deserves additional Presidential jets in its fleet. The debate followed a request to the National Assembly from the presidency for this purpose following a spate of near mishaps of aircrafts conveying the President and his vice at various times.

In November 1999, President Olusegun Obasanjo requested the National Assembly to approve the purchase of a fairly used aircraft at the cost of $8 million. The President thereafter, traveled by commercial flight to Havana in Cuba for the G77 summit, a move considered by many to be unbefitting of a Nigerian President. But some others considered the act a political ploy by the President to force the National Assembly into approving funds for the purchase of an aircraft.

In June 2000, the President refurbished a Presidential jet in Seattle in the United States at a controversial sum of $3 million. Even after this, the aircraft allegedly developed a mechanical fault in Swit-zerland, where the President was stranded for 12 hours. The most recent mishap was Vice President Atiku Abubakar's escape from an alleged plane crash in Spain, when the presidential jet he was travelling in developed a major engine fault midair.

Shortly before the incident involving the Vice President, on February 6, 2001, the President had renewed his request to the Assembly. The Assembly declined to honour the request. Rather, the Assembly requested the Presidency to enlarge its request to include official jets for the President Senate, the Speaker of the House of Representatives and the Chief Justice of the Federation. On the whole, they proposed the purchase of eight aircrafts.

But by a wide majority of 2030 to 1098, respondents called on the national assembly to approve the purchase of at least a jet for the presidential fleet.

When asked how many jets respondents who had in their answer to the first question approved purchase of jets would want the government to buy and for which categories of public officers, out of the 2030 respondents, 532, representing 26.2 per cent, said the government should buy one for the use of the President. Eight hundred and fifty eight respondents, representing 42.3 per cent recommended the purchase of two aircrafts for the offices of the President and his vice. Another 342 respondents, representing 16.8 per cent, suggested the purchase of three aircrafts for the offices of the President, Vice-President and Senate president. A further 182 respondents recommended the purchase of four aircraft for the offices of the President, Vice president and Senate President and Speaker of the House of representatives, while 52 respondents suggested the purchase of five aircrafts and six suggested six aircrafts. Fifty-eight respondents were undecided.

However, responses to the question which asked respondents who are not in support of the purchase of any new aircraft to state their reasons, could be summed into five discernable reasons. Top on the reasons adduced by respondents was the issue of "frivolous spending rather than on priority needs of Nigerians". Specifically, the frequency of the occurrence of this as a reason is 560 times.

Consideration of cost of the aircraft appeared 286 times. To respondents who complained of the cost, the money could be better spent on the development of rural areas.

While 96 says the old fleet should be refurbished, majority of the remaining respondents were either undecided or their responses could not really be comprehended.

Having regard to the risk associated with the dilapidated aircraft the President, his vice and senior public officers travel in, 772 respondents who do not support the purchase of new aircrafts suggested as alternative the refurbishment and upgrading of the old fleet of presidential
jets; 144 respondents suggested travel by commercial flights for public officials; and 90 respondents suggested travel by private chartered flights for public officers until the when the economy improves. The other 92 respondents were undecided.

Respondents also advised the government adopt an efficient management and adequate maintenance culture whereby both the old and new aircrafts in the fleet would constantly be at peak performance rather than left to deteriorate.

NPAN Intensifies Efforts To Stop Newspapers Review By Broadcast Stations

Following unsuccessful attempts by the Newspapers Proprietors Association of Nigeria (NPAN) to stop some radio and television houses from airing newspapers and magazines editorials without prior permission and compensation, NPAN has taken 11 of them to court. It is asking the media houses to pay N1 billion compensation.

Named as defendants in the suit are Murhi International Nigeria Limited (owners of Murhi International Television, MiTV, and Star FM); Channels Incorporated Limited (owners of Channels Television); Daar Communications (owners of Ray Power I & II FM and Africa Independent Television, AIT) Desmins Broadcast Nigeria Limited (owners of DTV Kaduna) and Minaj Systems Limited (owners of MBI and Minaj Radio).

Others are IBW Enterprises Nigeria Limited (owners of ITV, Benin-City); Galaxy Pictures Limited (owners of Galaxy Television, Ibadan); and Federal Capital Territory Radio (owners of Aso FM, Abuja).

When the court sat on February 27, counsel to NPAN, Mr. Tayo Oyetibo, asked for leave to serve court papers on defendants whose operational offices were located outside Lagos. He said that while media houses in Lagos had been served, he has been unable to serve the court summons on stations outside Lagos. He said DAAR Communications Limited, refused to served the court summons. For this, he asked for more time so that a substituted service could be effected on the outfit.

Though the presiding Judge, Justice Abdullahi Mustapha, said the request for more time was unnecessary because the period specified in the writ of summons was 30 days, he nevertheless granted his prayers following the no objection plea by counsel to the defendants, Messrs. Dele Adeshina and Lloyd Oyinke. Further hearing was adjourned to April 11, 2001.

In an interview with Media Rights Monitor, Mr. Charles Odenigbo, Executive Secretary of NPAN said the association is pursuing the case because of alleged unwillingness of the broadcasters to enter into a discussion to resolve the matter. He alleged that rather than make concrete proposals on how to resolve the matter, the Independent Broadcasters Association of Nigeria (IBAN) wrote NPAN complaining that only its members are listed in the suit, with publicly-funded media not included.

According to him, “I would have loved to see a letter saying we would like to have a meeting with you on X date X time if it is convenient or any other day you may suggest and these are the things we want to discuss. We propose A, B, C. Then the NPAN will say fine, this your proposal, we would like to meet you on the basis of what you have proposed. That has not been done. But there is only a letter with so many extraneous issues being raised that have no relevance to the matter in court”.

FG Constructs Digital Studios For FRCN Stations, To Establish 37 New FM Stations

The Federal Government on March 1, signed a contract for the construction of six ultra-modern digital studios for the Federal Radio Corporation of Nigeria (FRCN) while also
promising to establish 37 new Frequency Modulated radio stations in all the states of the Federation, including the Federal Capital Territory, Abuja.

Mr. Eddie Iroh, FRCN Director General, signed the contract for Digital Studios with Northgate Limited on behalf of the Federal Government at the Corporation's headquarters in Abuja. The studios which would be constructed in Abuja, Lagos, Ibadan, Enugu, Kaduna and the National Assembly will cost N359 million and will be constructed in 180 days.

Mr. Iroh disclosed that the government awarded the contract to Northgate Limited in association with Thomcast Ag. of Switzerland after a thorough but open bidding in line with the government's transparency campaign.

He was confident that the occasion marked the renewal of the spirit of the nation and FRCN in particular, as the populace will now have the opportunity to monitor debates at the National Assembly.

Mr. Eddie Iroh also disclosed, during a visit to media houses in March that the Federal Government was establishing 37 new FM stations to ensure effective dissemination of information on activities and programmes of the Federal Government. He revealed that indeed five new transmitters had been installed in Lagos, Ibadan, Enugu, Kaduna and Abuja and are already being test-run.

Mr. Iroh and his entourage were on tour of media establishments in connection with the forth-coming 50th anniversary of the FRCN coming up in April 2001.

Four Detained Liberian Journalists Freed As MFWA Assembles Team Of Lawyers For Defence

Following protests and pressure from local and international press freedom and freedom of expression organisations, the Liberian government on March 30, set free four journalists it jailed on charges of espionage. The government's siege on the media in Liberia continued unabated with the arrest and imprisonment on February 21 of four Liberian journalists from the Monrovia daily, The News, on espionage charges. The four journalists remained in jail for several weeks. But in a swift reaction, the Media Foundation for West Africa (MFWA), had assembled a team of lawyers from some other West African countries to join their Liberian counterparts for the defence of the journalists.

On February 21, Monrovia police arrested reporter Bobby Tapson, managing editor Joseph Bartuah, editor-in-chief Abdullah Dukuly, and news editor Jerome Dalieh at the offices of The News. The arrests were prompted by an article authored by Tapson which appeared on February 21 edition of The News under the title: US$50,000 Spent on Helicopters.

Tapson reported that the Liberian government had spent US$50,000 on helicopter repairs and an extra US$23,000 on Christmas cards and souvenirs at a time when Liberia's civil servants have not been paid for months. The government claims that the article was intended to "reveal national defense information to a foreign power for the purpose of injuring Liberia...in the event of a military and diplomatic confrontation."

The four journalists were charged with espionage and denied bail, on the grounds that espionage is a non-bailable offense under Liberian law.

Although lawyers for the journalists filed new bail requests with the City Court, a hearing was put off until February 26. On that day, the state moved to transfer the case from the City Court to Criminal Court A, a higher court. The move voided all previous City Court proceedings in the case, meaning that defense lawyers must file yet another motion for bail.

Criminal Court A is currently hearing a separate murder case. Under Liberian criminal law, two jury trials cannot proceed at the same time before the same court. Therefore, the lawyers for the journalists can only file their motions after the court has disposed of the ongoing murder trial. As a result, the four journalists could face a long detention.
The News, known for its independent editorial stance, has in the past suffered frequent official threats and harassment in response to its criticisms of the government. On February 22, the day after the four journalists were arrested, officials shut down The News and three other independent dailies - The New National, The Analyst, and The Monrovia Guardian - allegedly for failure to pay tax arrears. The government claimed that The News owed back taxes amounting to 184,616 Liberian dollars (US$4600).

According to sources at The News, most taxes were suspended during Liberia’s seven-year civil war, which ended in 1997. Moreover, The News had already paid the few taxes still required by law, such as those governing business registrations. The paper was evidently surprised by the government allegations, stating that the revenue department of the Ministry of Finance accused them of not having paid 13 different taxes of which The News had no prior knowledge.

The Ministry of Finance imposed additional fines on all four publications, amounting to fifty percent of their total alleged tax arrears. The News resumed publication on March 7, after paying twenty-five percent of its arrears, which amounted to more than 200,000 Liberian dollars (US$5000).

However, the paper is required to pay off the balance in forty-five days. It is extremely doubtful that The News will be able to raise the necessary funds.

This is not the first time President Charles Taylor's government has resorted to trumped-up espionage charges in an effort to silence “troublesome” journalists. In August 2000, a four-member news team from Britain's Channel Four television network were arrested, charged with espionage, and denied bail when they visited Liberia to produce a television documentary about the country. Although the Channel 4 crew had obtained permission from the Ministry of Information, Culture and Tourism to conduct interviews, take photographs and make video recordings, their equipment and videotapes were seized from their hotel rooms. The journalists were held for one week before being freed.

In a March 12, 2001, letter to President Taylor, the Committee to Protect Journalists (CPJ), condemned the arrest and detention of the journalists and appealed to the president to take all legal measures to ensure that the journalists were released immediately and without conditions of any kind. They also called on him to ensure that the harassment and intimidation of journalists ceases immediately, so that all journalists in Liberia may practice their profession without fear of intimidation or imprisonment.

Prior the release of the four journalists, MFWA said it was sending a team of human rights lawyers from Ghana and Nigeria to Liberia to assist in the defense of the four journalists.

This fact was made known by Prof. Kwame Karikari, Executive Director, MFWA, in a press statement. The lawyers are from the network of human rights lawyers who work with the Media Foundation to provide legal assistance to journalists who in the course of their professional functions become victims of state and other forms of repression.

35 Papers Campaign Over Trial Of Zongo’s Murder Suspect

As the Burkinabe authorities finally charged to court Marcel Kafando, one of the presidential guards accused of the murder of frontline journalist Norbert Zongo, after two years of foot-dragging, scores of African newspapers, under a Press and Democracy Network, have began a campaign to compel the government to expedite action on the trial and ensure it is properly conducted. The campaign, involving 35 African newspapers, is appealing for an end to impunity in the murder of Norbert Zongo.

Press and Democracy, Africa's first electronic network for the defence of press freedom, includes newspapers and organisations from 19 francophone African countries. Its initial campaign involves the simultaneous publication of a full-page insert about the trial of Zongo's alleged assassins.

The Press and Democracy network was launched with support from Reporters Sans Frontières (RSF) and the Francophonie's Intergovernmental Agency.

Zongo was found dead on December 13, 1998 alongside his three companions - Ernest Zongo (his brother), Ablase Nikiema, and Blaise Iiboudo - were murdered by suspected government agents in Sapouy (100 kilometres south of Ouagadougou). They had been shot and killed and their car set on fire. Zongo had investigated at length the case of David Ouédraogo, driver to François Compaoré, the president's brother, tortured to death by RSP members.

On February 2, 2001, Marcel Kafando was charged with murder and arson over Zongo's death. But so far authorities are shielding François Compaoré, the head of state's brother who is believed to be behind the killing.

Kafando was among the six "serious suspects", all members of the presidential guard, RSP, identified by the Independent Investigation Commission set up by the Burkinabe authorities. On January 17, François Campaoré was heard by the examining magistrate in charge of the investigation into Zongo's death.

Free expression groups have welcomed the charges of "murder" and "arson" brought against Kafando, but expressed the opinion that the presidential guard could not have acted without the agreement of his superiors. They have, therefore, advised that "since Kafando has been charged, the investigating team cannot ignore the role of Blaise and François Campaoré in this murder."

They say they cannot accept that the Burkinabe courts try only those who carried out the murder when those who ordered it continue to rule the country.

**Ugandan Media Harassed In Build-up To Election, Says Report**

It has been established that Ugandan authorities and opposition party, engaged in serious harassment of journalists and other human rights abuses in the run-up to the recent presidential election, according to a report by the Human Rights Watch (HRW). The report said the action was extensive and were aimed at manipulating the elections.

The report entitled: *Uganda: Not a Level Playing Field*, which accused the ruling party of committing more of the harassment of journalists and human rights abuses, said the harassment and inequalities in media access intensified as election day drew near. For example, the report noted that unlike other candidates, President Yoweri Museveni was able to purchase numerous promotional slots on radio, television, and in the print media. In addition, the full support of the Presidential Press Unit, the report said, helped the Museveni campaign to promote its image and to obtain wide coverage. In contrast, Uganda TV, the report said, used a lack of resources as an excuse for not providing coverage to opposition candidates.

Kizza Besigye, the leading challenger, was also refused campaigning time on a private radio station owned by a businessman with close ties to Museveni. Statistics compiled by a local journalist also showed that Museveni received twice as much television and print media coverage as Besigye, reports HRW, with the president receiving largely positive coverage.

HRW said journalists and editors were pressured to report positively on Museveni, and news editors employed by the state complained that they were ordered not to publish negative reports on Museveni, with journalists at the government-owned *New Vision* newspaper saying that stories critical of Museveni were regularly cut. HRW reported that four journalists were temporarily suspended following their critical reporting. Journalists constantly feared that they
might fall victim to violence at the hands of fervent government or opposition supporters, making it difficult for them to write freely and openly about the election, the report added.

While HRW said it recognises that Museveni's government has "taken important steps to improve the human rights situation in Uganda," it noted, however, that the government has used this general improvement "to underplay and distract attention from Uganda's flagging record on the rights to freedom of expression, association, and assembly."

Prior to the election, opinion polls had suggested that President Museveni was facing his most significant electoral challenge since coming to power in 1986.

IPI Criticises The Gambian Over Proposed Media Bill

The Gambian authorities have been criticised by the International Press Institute (IPI), which fears assault on human rights should a proposed media Bill be passed into law. IPI in a report which examined provisions contained in the National Media Commission Bill, 1999, a Bill that the government of President Yahya Jammeh intends to enact into law soon as a means of regulating the activities of the Gambian media, said there are fundamental flaws in the Bill that need to be immediately addressed. IPI said many of the provisions are in direct opposition to accepted practices in this area and, if passed into law, the proposed legislation will have a detrimental effect on press freedom and freedom of expression in The Gambia.

IPI said of particular concern to it is the decision to pass any legislation on the media. IPI said it firmly believes that the printed press in The Gambia should be separated from the electronic media and allowed to regulate their own proceedings, thus creating an independent body to review complaints. A failure to carry this out, IPI says, would have a severe impact on The Gambian media scene and leave the media prey to manipulation and coercion by political institutions.

Besides these fears, questions arising from the composition, competence and impartiality of the Commission mean that journalists will be unable to receive a fair hearing before the body, IPI noted. In consequence, the profession of journalism will receive unequal treatment before the law. IPI also noted that elsewhere, the power under the proposed legislation to award penalties, create registers, suspend journalists and media outlets and, in certain cases, impose prison sentences are powers that fly in the face of accepted international practices. The decision to include these powers, IPI said, would appear to be motivated by a desire to control the journalism profession and rein in the free flow of information.

Furthermore, such powers should be seen in conjunction with the failure of the proposed legislation to include a proper appeals system - a fact that can only serve to increase the fear that there will be miscarriages of justice. Another concern is the desire of the government to give the Commission the power to undertake investigations into complaints. This desire, matched by the attendant powers to seize documents and force journalists to reveal information, IPI said, will undermine the essential notion that journalists have a right not to reveal the sources of their information. If made into law, these provisions will give the Commission overwhelming powers and would negate the press freedom that currently exists in Gambia.

In the IPI’s opinion, when viewed as a whole, the tone of the legislation is of a government seeking control over the media. It said it was quite clear from reviewing the legislation that journalists, and the media in general, are to be separated out and treated differently from every other sector of Gambian society. As a result, journalists will be divested of many of the rights and protections that are afforded to other groups and individuals in a democratic society.
CPJ Decries Media Censorship In Zimbabwe

Apparently wanting to douse the renewed clampdown on the media by the government of President Robert Mugabe and halt it from escalating, a delegation from the Committee to Protect Journalists (CPJ) has met with the country's ambassador to the United States, Simbi Mubako. The CPJ at the March 20 meeting expressed concern over serious threats to press freedom in Zimbabwe where the CPJ said press freedom conditions have deteriorated dramatically since the January 1999 arrest and torture of Mark Chavunduka and Ray Choto of the Harare weekly The Standard.

Choto, who was part of the CPJ delegation, said "journalism in Zimbabwe at the moment is in a crisis." CPJ complained of a significant increase in violence against journalists; harsh anti-independent press rhetoric of the ruling ZANU-PF party; alleged government efforts to regulate the accreditation of journalists and efforts to block independent broadcasting.

CPJ said the government could improve the press freedom climate if it condemns the April 22, 2000, bombing of the Harare Daily News and pursue a vigorous investigation; implement a Supreme Court ruling opening broadcasting to private investors; and reject all restrictions on the accreditation of journalists. The organisation also urged the Zimbabwean authorities to refrain from harassing and intimidating foreign journalists and to abandon threats to bring criminal defamation charges against the Daily News and The Standard over their coverage of a recent civil suit brought against President Mugabe in the United States by survivors of last year's pre-election violence. Ambassador Mubako promised to convey the recommendations to the government in Harare.

In recent times, journalists in Zimbabwe have operated under a wide range of press freedom abuses. These include death threats against journalist Njabulo Ncube by a war veteran leader; threats by a government department against the Daily News over alleged malicious reporting of President Mugabe's visit to Belgium; and expulsion of two foreign correspondents, Joseph Winter of the BBC and Mercedes Sayagues of the South African weekly Mail and Guardian, over alleged subversive activities.

MRM LAW REPORT

Plaintiff Should Identify Libelous Words In Defamation Suit

In the Court of Appeal Holden at Lagos, Judgement Delivered on Wednesday, April 19, 2000, before their lordships Justice George Adesola Oguntade, Justice Suleiman Galadima and Justice Amiru Sanusi. Appeal No. CA/L/45/96

Between:
1. Daily Time of Nigeria Plc
2. Onyema Ugochukwu
3. Charles Oni
4. Blessing Ohukogu - Appellants

And

Major General Mohammed Magoro (rtd) - Respondent

The Court of Appeal held that:
* It is mandatory on a plaintiff by virtue of Order 17 rule 5 (2) of the High Court of Lagos State (Civil Procedure) Rules 1994 in an action for libel or slander if he alleges that the words or matters complained of were used in defamatory sense other than their ordinary meaning to give particulars of the facts and matters on which he relies in support of his allegation.
* Besides, court would not allow a party filing particulars of innuendo to include it in the particulars inferences, which could be shown from the publication itself.
Furthermore, a plaintiff who desires to prove an extended meaning of the publication he alleges to be defamatory must not only allege that which are known to some people but which reasonable persons with knowledge of those facts might impute to the publication. In other words, the plaintiff is required to allege only facts and not expressions of opinion or inferences.

**Facts:** This is an appeal against the ruling of Sahid J of the Lagos State High Court, Lagos Division, given on March 24, 1995.

The plaintiff, now respondent, had sued the defendants, now the appellants, for libel claiming N100 million as damages. The said alleged libel, said to be contained in the Daily Times of October 23, 1991, never referred to the respondent by name, or description. Consequently, the appellants applied to the respondent by letter dated February 10, 1993, for further and better particulars of the statement of claim. The respondents apart from naming Major-General Buhari (rtd) and Major-General Tunde Idiagbon (rtd) as the publishers, whose addresses were not disclosed, contained no special facts and circumstance extrinsic to the publication.

The appellants then applied to the trial court to have paragraphs 7(I) and (ii) and 8(I) and (ii) of the statement of claim struck out on the grounds that they disclosed no reasonable cause of action, were vexatious and or meant to prejudice, embarrass or delay the fair trial of the action.

The paragraphs are reproduced as follows:

7(i) On page 1 of the Daily Times issue of Wednesday 23/1/91 under the title "Maritime Authority Board Dissolved," the defendants falsely and maliciously printed and published of and concerning the Board of National Maritime Authority of which the plaintiff was until 8/1/91 the chairman and the said plaintiff position with board is known to wide range of Nigerians who have had to read papers or had transacted business with National Maritime Authority, and therefore, the defendants have falsely and maliciously printed and published of the plaintiff by virtue of his position as chairman of the said National Maritime Authority the following words:

7(ii) Although the dissolution order simply attributed the action to the re-organisation going on in the Authority, Daily Times found that the dissolution might not unconnected with allegation of corruption, inefficiency and mismanagement leveled against the Authority's echelon of late.

Apart from the rampaging corruption, they claimed that the inefficiency of the Authority has nearly killed the indigenous shipping industry through various absurdities, while at the same time enriching foreign shipping lines.

For some time now, the NMA has been rocked by a financial scandal for which not less than three top officials of the authority are being quizzed at Alagbon over an alleged mismanagement and embezzlement of money in the Authority's account with Midland Bank of London.

The learned trial judge dismissed the appellants' application.

Dissatisfied with the ruling, the appellants filed three grounds of appeal from which they formulated following single issue:

* Whether having regard to the facts that the respondent was not named in the publication, the legal innuendoes pleaded by the respondent and the consequent finding of the learned trial judge that it was mandatory for the respondent to furnish particulars of facts and matters as required by the appellant in Exhibit "B" the respondents reply in Exhibit "C" was sufficient in law and so paragraph 7(I) and (ii) and (1) and (ii) of the statement of claim should be struck out along with the entirely barren statement of claim.

The respondent formulated two issues for determination, but Justice Galadima who delivered the lead judgment seized the opportunity to remind counsel that "brevity and economy of words are essential in brief-writing. Issues must be properly and carefully worded. This last issue of the respondent is unnecessarily length."

Consequently, the appeal was decided on the single issue formulated by the appellants.
"Galadima JCA allowed the appeal in these words with N3,000.00 costs to the appellants:

"The question here is whether each particular supplied by the respondent passes the test contained in Order 16 rule 5(2) 1975 now Order 17 Rule 5 (2) of the Lagos State Civil Procedures Rules clearly identified in his ruling.

The provisions of Order 82 Rule 3 (I) RSC England 1965 is almost similar to Order 16 rule 5 (2). The English Rule provides:

"Where in an action for libel or slander the plaintiff alleges that the words or matters complained of were used in a defamatory sense other than their ordinary meaning, he shall give particulars of the facts and matters on which he relies in support of his allegation."

The learned trial judge considered two very elucidating passages of Lord Denning on "popular " and "Legal innuendoes in the English case of Fulhan v. Newcastle Chronicle and Journal Ltd and Another (1977) 3 AER 32 at 35 - 36. The learned jurist stated as follows:

"Secondly, the cause of action on legal innuendo. If the plaintiff relies on some special circumstances which convey (to some particular person or persons knowing these circumstances) a special defamatory meaning other than natural and ordinary meaning of the words (pleading what is called a "legal" innuendo so as to show what is that special defamatory meaning) then he must in his statement of claim specify the particular person or persons to whom they were published and the special circumstances known to that person or persons, for the simple reason that these are the 'material' facts on which he relies, and must rely for his cause of action. It comes straight within the general rule of pleading contained in RSC ord. 18 t. 7 and also within the particular rule in libel action contained in RSC ord. 82 t. 3..."

This is, as well, the law in Nigeria regarding pleading and proof of innuendoes. The learned trial judge correctly restated the principles that the particulars referred go in Order 82 Rule 3 RSC English Rule must be allegations of facts extrinsic to the publication. A party filing particulars of an innuendo would not be allowed to include in the particulars inferences which could be shown from publication itself.

If a plaintiff desires to prove an extended meaning of the publication, he must not only allege but must prove facts not only in the publication itself but which are known to some people by which reasonable persons with knowledge of those facts might imppute to the publication. It follows, therefore, that the plaintiff is required to allege only facts and not expressions of opinion or inferences. The learned trial Judge also was of the firm view that "on the authorities the provision of Order 83 (sic) Rule 3 are mandatory and must be complied with."

I have carefully considered the particulars supplied by the respondent in response to the appellants request for the said particulars. These have been fully reproduced earlier above. I have also considered the legal position on the issue of innuendo in England as stated by Lord Denning M.R. (as he then was) in Fullhams case(supra). The Nigerian position of the law in this regard is not different by virtue of provisions of Order 16 Rules 5 (2) of the Lagos State (Civil Procedure) Rules 1972. See also Zik Enterprises Ltd v. Awolowo (1955) 14 W.A.C.A 696 and J.M. Johnson v. the Daily Times of Nigeria Ltd and Peter Osugo (1966) LTR 110.

Above all, I have also once more gone through the particulars the respondent supplied in response to the appellants request in "Exhibit" attached to the affidavit in support of the appellants motion. I am of the firm view that these particulars are not adequate. They are not sufficient to enable the appellants to effectively settle and serve their defence on the respondent.

The learned trial judge failed to take and consider the contents of Exhibit "B" one after the other to see whether they complied with the legal principles so ably identified by him from both the English and Nigerian authorities. This procedure was commended and adopted in the Court of Appeal in England in Grubb v. Bristol United Press Ltd (1962) 2 AER 380.

I will now take some pains to examine the particulars supplied in Exhibit "C" one by one. They are already reproduced earlier above. But I will now only summarise them in that order:
Particular (1) that courts take judicial notice that newspapers particularly Daily Times enjoy large and wide readership. Particular (2) "that newspapers are read and meanings understood by ordinary reasonable citizens."

These two particulars cannot be said to be such extrinsic fact and circumstances known to any publishers, which would lead reasonable persons, with knowledge of such facts to impute to the publication in para. 8(i) and (ii) of the statement of claim or at all. The statement is therefore utterly irrelevant for the purpose it is meant to serve in this case.

Particular (3): "That dissolving the board due to rampaging corruption etc, of which the plaintiff is Chairman connotes the inference by which the worlds will understand and have understood it affects the plaintiff."

Here, again let it be carefully noted that the publication complained of is in para. 7(ii) of the statement of claim. It never suggested that Board was dissolved because of rampaging corruption afflicting the board but the authority's echelon. Who is the authority's echelon? Besides, if there was allegation of corruption and so on against the authority's board, (and there was none) it seems, that will, in its natural and ordinary meaning of the words, be capable of an inference defamatory of the board members and will not be subject of legal innuendoes See Grubb's case (supra) 392. B-P. Further, the interpretation of words alleged libel, for example "Authority's echelon in the instant case will not be admissible fact and matter extrinsic to the publication.

Particular 4
(a) Published the words complained of recklessly.
(b) Had no honest belief in the truth of the said words.
(c) Neither withdrew the said word complained of nor have given or offered apology."

These particulars are not such extrinsic facts and circumstance known to any publisher, which would lead reasonable persons, with knowledge of such fact to impute to the publication the defamatory meaning ascribed to the publication. Besides, the statements in (a) and (b) are clearly opinions. They offend the rule about facts extrinsic to the publication and (a), (b) and (c) could only affect damages if any libel were properly pleaded and proved. Particular 5
(i) Major-General Buhari (rtd)
(ii) Major-General Tunde Idiagbon (rtd) were among the several people to whom publication was made and who understood it refers to the plaintiff."

While the address of these prominent citizens who were once Head of State and Deputy could be dispensed with, it is to be observed that no manner of fact and circumstances known to the two retired Generals were ably set out at all. The facts should have been such that if known to the reasonable people of ordinary intelligence, they could infer that the publication referred to the Plaintiff who was never referred to anywhere in the publication by name or description and derived the imputation pleaded in paragraphs 8(I) and (II) of the Statement of claim.

In view of this, what purport to be particulars in Exhibit "C" are not particulars within Order 16 rule 5 (2) of the then applicable High Court rules 1972 which is now Order 17 rule 5 (2). The learned trial Judge has correctly held that on the authorities, the provisions of Order 82 rule 3 (I) RSC. England (the same with our Order 16 rule 5 (2) are mandatory and must be complied with. The respondent failed however, to comply with the same in his statement of claim. When further opportunity was offered to put things right pursuant to Order 16 rule 6 (2) by appellants letter for further particulars he again failed to do so. Justice is not a one way traffic. Justice is once when it is in accordance with law. The Court stands for justice for both plaintiff and the defendant in a case. In Albert Oluwole Obikoye v. Peter Ezenwa, (1973) 11 SC 135, the Supreme Court in a similar setting and circumstances struck out the offending paragraphs of the statement of defence. I am favourably disposed to do the same in this case.
On the whole, this appeal ought to succeed and is hereby allowed. I set aside the ruling delivered by Sahid J. on 24/3/99. I make order striking out paragraphs 7(I) and (ii) and 8(I) and (ii) of the respondent's statement of claim along with the entire statement of claim."

ATTACKS ON THE PRESS IN MARCH 2001

Policemen Beat-up Vendors
Four truck loads of policemen attached to the Police Mobile Force sometime in early March descended on Area 1 Garki Abuja major distribution point of newspaper/magazine in the Federal Capital Territory and beat up some media circulation staff and vendors.

The Mobile Policemen on arrival at the distribution point began shooting sporadically into the air and threw canisters of teargas at the distributors and vendors causing some of them to run for safety. This resulted in confusion and newspapers and magazines spilling over.

The mobile policemen beat up those who did not run away accusing them of littering the place. Thereafter, they gathered and set ablaze the benches and tables used by the distributors and vendors.

Publisher Alleges Threat to His Life
Mr. Garshaghu Atovigba, publisher of Tigons newspaper, a Makurdi, Benue State, based bi-monthly has petitioned the Benue State House of Assembly over alleged threat to his life by some politicians in Ushongo Local Government of the State.

Mr. Atovigba alleged in his petition that on March 14, one Mr. Conrad Wergba and six others in Lessel the local Government headquarters attacked him while at the Ushongo Local Government Secretariat to investigate some stories. He said he was ordered out of the Secretariat immediately.

The Publisher’s insistence to know his offence led to Mr. Wergba calling six other men who surrounded him and beat him up: some slapping him and others beating him with sticks. His attackers tore his clothes and destroyed his bag containing vital documents. Mr. Atovigba said he was forced to run for his life.

He said he was forced to write the petition because although the police arrested and took Mr. Wergba and some of his co-assailants to the Police Headquarters in Makurdi, he still feared for his life because of Mr. Wergba's statement that the police would not do anything to them on account of the attack.

Journalists Protest Incessant Attack At Stadium
Sports journalists in Port Harcourt, Rivers State, have called on the Nigerian Football Association (NFA) to ensure their safety or they would boycott Liberation Stadium in Port Harcourt. The call was sequel to incessant attacks on Sports journalists by fans of home teams who assault journalists whom they perceive do not support their teams.

On March 18, Nnamdi Obieze-Nwadialor of Radio Nigeria was beaten up by two youths in the press gallery when he asked one of them to stop blocking his sight. The sports journalists also claimed that there is a manhunt for Emma Jemegha of Today Sports because of a story he wrote for the Daily Sports Link which some fans do not consider favourable to their local team. They also claimed that on one occasion irate fans pulled down the gate to the press gallery and in all these cases nothing was done by the NFA to protect journalists.

Journalists Barred From Imo PDP State Congress
Journalists accredited to cover the Imo State Congress of the People's Democratic Party (PDP) were on March 3 barred from entering Grasshoppers International Handball Stadium,
Owerri, the venue of the Congress.

One of the party chieftains, Chief C. E. Dikibo, who manned the gate, refused the journalists’ entry despite the "Press" tags on them issued by the State PDP publicity Committee chairman, Mr. Omma Okoro.

Chief Dikibo did not give reasons for his action.

**Former Employee Sues Media House**

Mr. Kayode Adedire, a journalist with the Osun State Broadcasting Corporation (OSBC) whose employment was recently terminated by the organisation has sued the organisation alleging unlawful termination of appointment. In his suite, filed by his counsel, Mr. Kunle Ajeigbe, at an Osogbo High Court, the journalist claimed that the termination of his employment, allegedly on the orders of the OSBC Board was irregular.

According to the journalist, his termination letter is dated January 10, 2000, but the said Board was not constituted until January 12, 2000.

Mr. Adedire said that until his sack, he was never indicted nor accused of any misconduct by the media house, claiming that the termination of his appointment was “irregular, unlawful, null and void” and that the action has deprived him of his means of livelihood and put him in great financial distress.

Mr. Adedire is, therefore, seeking an order of the court to compel the corporation to pay him N10 million as compensation for wrongful termination, or in the alternative to order his reinstatement and payment of full salaries and allowances from the date of termination of appointment.

Mr. R. A. Shiyanbola, counsel to OSBC in his defence said that Mr. Adedire was no longer an employee of the corporation. He asserted that Mr. Adedire's appointment was terminated due to reorganisation and staff rationalisation carried out by the state government, owners of the media house.

Mr. Adedire, was until the termination of his appointment on January 10, 2000, the Deputy General Manager, News and Current Affairs of the media house.

**JOURNALISM / PRESS FREEDOM AWARDS**

**UNESCO Announces Awards For Artists**

Sixty bursaries are to be offered by 47 patro-institutions in 29 countries, from this year's UNESCO-ASCHBERG Awards for artists from across the globe.

The programme, established in 1994 to promote the professional growth of young artists in different disciplines mainly by providing opportunities for further training in specialized institutions, is managed by UNESCO's International Fund for the Promotion of Culture (IFPC).

Entries for the programme must be accompanied by an application form stating the institution to which an applicant is applying: discipline, family name, date and place of birth; address where applicant can be reached (phone, fax and e-mail inclusive).

Also, the following should be attached: an up-to-date curriculum vitae (educational qualifications, artistic experience and education or work experience abroad), a statement of intent (not more than two pages should explain applicant's motivation for participating in a chosen residency or training programme); a document proving applicant's command of languages requested by the host institution; a recent photograph; two letters of reference, from persons qualified to judge applicant's artistic achievements and potential; and artistic documentation.

Other things needed include: Visual arts: 10 sample of photos or mounted slides representatives of the applicant's work; Theatre; Dance: press reviews, photos, video tapes
Applicant's name should appear on each item or artistic documentation. The application form is available on the internet site, www.unesco.org/culture/ifpc

Most of the bursaries provide as facilities, round trip travel, board and living expenses, and working materials for the duration of the programme. At the individual institutions, there are studio spaces, workshops, video-editing and computer facilities; library, open air auditorium and museum.

The Freedom Forum/ASNE International Journalism Exchange

The Freedom Forum is receiving applications for its annual Freedom Forum/ASNE International Journalism Exchange program. The program enables top editors from around the world to get hands-on experience in U.S. newsrooms. In this five-week program operated by the International Center for Journalists, newsroom managers will attend formal training sessions given by journalism experts, visit newspapers and media centers in Washington and New York, and spend a month working with their counterparts at similarly sized U.S. newspapers.

Through this program, 10 top newsroom managers of daily newspapers are invited to the United States for a five-week program, the core of which is four weeks at a U.S. newspaper. The visiting editors have an opportunity to observe all aspects of producing a U.S. daily, and are invited to exchange ideas and information with the host newsroom staff and community.

Ten English-speaking editors from around the world will be selected for this competitive program begun in 1984. There is no cost to participants for the exchange, which is sponsored by the American Society of Newspaper Editors and the Freedom Forum. This year's program will be held September 22 to October 27, 2001. The deadline for applications is June 1.

Interested journalists should contact E-mail: ije@icfj.org or patrick@icfj.org, Website: http://www.icfj.org or come to Media Rights Agenda with a diskette for the form.

Rhodes University Offers Print Media Management Systems Course

Applications are being accepted by Rhodes University in South Africa from senior African journalists and newsroom managers to acquire advanced media management skills during a practical training course at University journalism school. The course, underwritten by the Nordic-SADC Journalism Trust, will seek to assess and refine existing print media management systems at participants' organizations. The course will also help participants devise new practical strategies for improving the performance of their human, financial and material resources.

The course will include sessions dealing with editorial planning, time management, marketing and the development of institutional policies. Participants will have an opportunity to quiz media management experts and undergo simulated test based on real life management problems. Deadline for applications is June 1 to be considered for the scholarship.

Applicants should submit their detailed resume and a letter, stating why they want to attend the course. Interested applicants should contact is Senior Projects Manager (Training), e-mail samphiri@sortmoz.com or nsj@sortmoz.com

Burmese Journalist Wins 2001 World Press Freedom Prize, Last Year's Syrian Winner In Danger

Jailed Burmese journalist, U Win Tin has been awarded the 2001 United Nations Educational, Scientific and Cultural Organisation (UNESCO)/Guillermo Cano World Press Freedom Prize.

U Win Tin, is a former editor of the daily Hanthawati, vice president of the Burmese Writers' Association, and a founder of the National League for Democracy. He was arrested in July 1989 and sentenced to fourteen years in prison for allegedly belonging to the banned Burmese Communist Party. In 1996, U Win Tin was sentenced to an additional five years
behind bars for possessing writing material, a violation of prison rules. He is currently held in the Rangoon hospital where his health condition is considered serious, according to reports by UNESCO. Authorities say unless he renounces his political activities, his sentence will not end until July 2008.

Meanwhile, last year's winner, Nizar Nayouf, is reportedly near death in a Syrian jail. Nayouf, received a ten-year sentence in 1992 for disseminating "false" information. He began a sixteen-day hunger strike in February, which ended when prison authorities lifted a ban on visits from his family.

Nayouf is suffering from leukaemia and the physical effects of torture and his condition was addbrivated by the hunger strike. He is in danger of dying. Prison authorities have reportedly refused to provide medical treatment unless Nayouf pledges to refrain from political activity, refuses the awards, and acknowledges that he made "false declarations concerning the situation of human rights in Syria."

UNESCO's US$25,000 prize is named after Colombian journalist Guillermo Cano who was killed for his reporting on the activities of drug barons in his country. It is given annually to "a person, organisation or institution that has made a notable contribution to the defence and/or promotion of press freedom anywhere in the world, especially if this involves risk." The award will be presented on 3 May during World Press Freedom Day celebrations in Windhoek, Namibia.

Declan Opalaekte Wins CNN African Journalist Of The Year

Declan Opalaekte, a former editor with TELL magazine was on March 29 honoured as the CNN African Journalist of the year. He emerged first out of the 13 journalists who made it to the final stage. 587 entries were received from Nigeria out of the 1,954 entries from all over the African continent.

Dr. Doyin Abiola, Publisher of Concord newspapers of Nigeria, chairperson of the panel of judges said “Declan’s entry demonstrated a high level of excellence. His exhaustive and detailed account of the impact of pollution created by the oil industry was extremely well composed and thoughtfully written”.

Chris Crammer, President of CNN Network said “Declan and the rest of the winners represent the best of journalism in Africa." He revealed that two new categories Arts/Culture and e-commerce/Internet were added to this year’s competition due to increasing quality and diversity of entrants in the previous year. He added that the African journalist of the year Award is a pan-African competition aimed at reinforcing the importance of the journalist’s role in Africa and to recognise and nurture journalistic talents across all disciplines.

Crammer added that “We are delighted to see this competition continue to nurture such a diverse range of talents throughout the continent and in particular from Nigeria, which has had winning entries each year since the launch of the competition in 1995.”
maybe considered to be more repressive in general, as they violate not only the right to freedom of expression, but also the right to personal liberty and security which in turn creates a climate of self-censorship. But a media law, which seeks to licence journalist, represents a far more effective means of repressing public expression."

Freedom to Licence Journalists
March 1999, Article 19

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