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GSM Auction:
Restoring the Right to Communicate in Nigeria

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espite global advancements in information technology, for the vast majority of Nigerians, the information superhighway remains a dirt road of deep gullies and ravens for which passage is a tearful and frustrating experience.

But Nigeria took a giant step at liberalizing telecommunications and bringing telephone services to the reach of the famed common man with the sale, on January 19, 2001, of four Global System for Mobile Telecommunications (GSM) licenses at an open auction.

Nigerians are now hopeful that with the imminent liberalization of the telecommunications sector leading to the sale of the GSM licences, the unenviable state telecommunication in the country will change for the better.

Following in the heels of the award of the GSM licences, the Federal Government has recently approved a new National Information Technology (IT) Policy, which it said would make Nigeria an information technology superpower by the year 2006.

According to the Minister of Science and Technology, Professor Turner Isoun, the policy would provide the framework for Nigerians to explore the information superhighway and provide the enabling environment which will attract IT experts to Nigeria.

With these measures, the right of Nigerians to communicate, which for many years has been undermined by the monopolistic practices of the government, inefficiency of the state-owned telecommunications services provider, the high cost of access to such services and a general policy framework that inhibited the growth and development of the industry, will be restored.
It is now generally accepted globally that the regulation and provision of telecommunication services raise important freedom of expression issues, which are protected under international and domestic human rights instruments. Although the telecommunication industry was traditionally concerned with technical matters rather than issues of content, with the movement towards convergence in telecommunications and the fact that content is increasingly being transported through telecommunication lines, that attitude has changed. One area where this is most evident is in the Internet which depends largely on telephone lines in many countries, including Nigeria, for operation.

Besides the issue of content, the question of technical capacity of the telecommunications industry, especially where the supply capacity of the industry falls below demand, is now a major freedom of expression issue. This view is based on the realization that the right of every person to express him or herself will be meaningless if there is undue limitation on access to the means of communication, which appears to have been the case in Nigeria for several decades.

This view has been supported by numerous judgments in several Commonwealth and European Union countries. Among these are the Court of Appeal of the Dominican Republic in Civil Appeal No. 5 of 1999 between Marpin Telecoms and Broadcasting Company v. Cable and Wireless Dominica Limited; Groppera Radio AG V. Switzerland (1999) 12EH ER 321; Austronic AG v Switzerland (1990) 12EHRR. 327; both before the European Court of Human Rights, and Retrofit (Pvt) Limited v Post and Telecommunications Corporation of Zimbabwe.

The GSM, a digital cellular system, was developed by the European Telecommunications Standard Institute in 1982 to harmonize the incompatibility caused by different systems developed by different firms in different European countries to expand the scope of operations and market for the cellular telephone across Europe. Australia, some African countries, and some Far and Middle East countries are already operating the GSM.

The GSM is one of the fastest growing telecommunications applications today. Currently, it is estimated that there are over 45 million cellular subscribers worldwide and it has been forecast that cellular systems using digital technology will become the universal method of telecommunications. Today, with less than twenty years of being developed, some countries have more mobile phones than fixed lines that have been in use for over a century. By the year 2005, forecasters say that there will be more than 100 million cellular subscribers worldwide.

Nigeria has had a very limited telephone network for many years and the waiting list of persons who have applied for telecommunication services is estimated to be over 10 million people. There are very few digital services available in Nigeria and this has restricted bandwidth to 9.6Kbps on many routes.

In theory, the Nigerian Telecommunications Plc. (NITEL), the Federal Government-owned telecommunications company, provides a wide range of services, including telephony, telex, cellular mobile telephony, facsimile, radio/television carrier, Gentex (extension of telex terminals to rural areas), voice cast/press receipt, private leased circuit, alternate leased circuit, maritime mobile service (including INMARSAT, Ship-Shore, etc.) and data communication.

Other services are high speed data transmission, telegraphy, public payphones, valued added services (voice mail, paging, etc), business network services, computer networking, telecommunications consultancy services, and Internet service.

In reality, many of these services are not available and where they are, they are plagued by inefficiency and prohibitive costs of access.

In a bid to tackle the long standing inadequacy of the telecommunication infrastructure and the seeming intractable problems, the industry was deregulated by the establishment of the Nigerian Communications Commission (NCC) by Decree 75 of 1992 whose main objectives included creating a regulatory environment for the supply of telecommunication services and facilities, facilitating entry of private entrepreneurs into the market; and promoting fair competition and efficient market conduct among all players in the industry.
Since the establishment of the NCC in July 1993, it has set out guidelines for private sector participation and issued licences to a number of companies for a number of telecommunications services.

The services for which it has issued licences include installation and operation of public switched telephony; installation of terminal or other equipment; provision and operation of public payphones; and provision and operation of private network links employing cable, radio communication, or satellite within Nigeria.

Others are provision and operation of public mobile communications; provision and operation of community telephones; provision and operation of value-added network services; repair and maintenance of telecommunications facilities; and cabling.

Following this initial steps at deregulating the telecommunication industry, 108 approvals for various telecommunications licences were granted, out of which 48 companies paid for their licences.

But NITEL has remained the National Carrier and basic service provider for domestic and international services with serious negative consequences in terms of inefficiency, high cost of telecommunication services and lack of general access to telecommunication services and facilities that have characterized the industry.

The government of President Olusegun Obasanjo, which took office in May 1999, has announced its plans to achieve a modernization and rapid expansion of the telecommunication networks and services to enhance national economic and social development.

This, according to the government, will also help to integrate Nigeria into the globalized telecommunications environment. Its objective is to make telecommunication services efficient, affordable, reliable and available to all.

This objective appeared to have informed the sale in January of the GSM licences. Although four licences were awarded after the exercise, only three of the four licences were actually bidded for and each one was sold for US$285 million. The fourth license was reserved for and allocated to NITEL which had been merged with Mobile Telecommunications Limited (M.Tel), another government-owned company in order for it to remain a significant player in the industry, in particular the GSM environment. The merged NITEL/M.Tel did not join the other five firms in the bidding exercise for the licenses. But it is nonetheless to pay the same amount as the other companies.

The five firms that participated in the auction for the three licenses include Communications Investment Limited (CIL), United Networks, Mobile Telecommunications Networks (MTN) Nigeria Limited, MSI-Celtel Nigeria Limited and Econet Wireless Nigeria Limited. Three of them, CIL, MTN Nigeria Limited and Econet Wireless Nigeria Limited emerged winners of the licenses. The public auction has been generally commended for its transparent process.

With about 39 other African countries already running the GSM, Nigeria's entry is considered late. Earlier attempts to enter into it had been fraught with irregularities such that they had to be canceled.

The merged NITEL and M.Tel was restructured into three directorates: the Directorate of Domestic Network Communications, Directorate of Long Distance Communications and the Directorate of Mobile Communications. The merger is part of a 17-page blueprint corporate development plan spanning 2001 to 2004. It is expected to cost a total of N625 billion, made up of N494 billion as loans and N131 billion internally generated revenue, to implement the plan.

Besides the inefficiency of the services provided by NITEL, the cost of the services are prohibitive and thus out of the reach of a large and significant part of the population. Although the government has officially reduced the cost of installation for telephone lines to N15,000, in reality, installing a telephone line in many parts of the country, particularly in places like Lagos and Port Harcourt, still costs between N80,000 and N120,000, depending on the location, and
can take several months. In some cases, potential subscribers are still waiting after several years to secure telephone lines.

In August 1999, the government reduced the installation cost of telephone lines to N20,000 and by early 2000, it further reduced the cost to the present N15,000. Before August 1999, the official cost of a telephone from NITEL was N50,000. But intending customers were known to have spent as much as N150,000 and had to queue for several months, and sometimes years, before they could get a line, if they were lucky. These reductions have led to increased demand for telephone lines, which NITEL appeared not to have planned for, thereby further compounding the woes of subscribers on the waiting list.

Early in 1999 when the Obasanjo government initiated its gradual deregulation of the industry, NITEL, besides reducing the cost of installation fees for telephone lines, also began to review its charges.

Under a new tariff structure which came into effect early last year, telephone calls to Europe, the Americas and the Caribbean, which used to cost N222 per minute, were reduced to N165 per minute. Calls to Asia and Oceanic countries were reduced from N280 per minute to N165 per minute. Calls to African countries were reduced to N112.50 per minute as against the former N150 per minute.

The cost reduction also affected fax messages, telegraph services and within country calls in various percentages. For instance, for domestic local and trunk calls, NITEL reduced rates by 50 per cent for calls made during of peak period (7am - 7pm) and as well during weekends and holiday periods. Despite these measures, respite is far from sight for subscribers.

NITEL presently has 711,250 lines. Out of this number, only 408,558, barely more than half of the total number of lines, are mobilized. The remaining 302,692 lines are idle. There are approximately 30,000 mobile cellular telephones. But this service is also plagued by inefficiency and ineffectiveness with the result that many subscribers only carry their hardware for cosmetic purposes.

Out of the 408,558 mobilized fixed phones lines, only a little over half are digital. The remaining lines are analog, a system which is already outdated and has been phased out in most parts of the world, including in many countries in Africa. Out of the analog lines, 36,753 lines are idle as a result of the digitalization of the exchanges and the replaced analog equipment are yet to be relocated. Some of these lines are in Oyo in Oyo State, (1,000 lines); Zaria in Kaduna State (2,600 lines); Jos in Plateau State (8,000 lines); Maiduguri in Borno State (6,000 lines); Ijebu-Ode in Ogun State (3,000 lines); and Bauchi in Bauchi State (1,750 lines).

These figures exclude the lines burnt in fire incidents in some parts of the country. These include telephone lines in Apapa (6,000 lines); Ikeja (16,500 lines), both in Lagos; and in Benin City, Edo State (10,000 lines).

They also exclude the number of lines in decommissioned telephone exchanges, which have been put out of the network. These are in Lagos (10,000 lines); Kano in Kano State (10,000 lines); Enugu in Enugu State (10,000 lines); and Abeokuta in Ogun State (5,000 lines).

Thus on the average, Nigeria's teledensity, using an estimated population figure of 120,000,000, is one telephone line for about 300 people.

In many industrialized countries in Western Europe and North America, the average number of telephone lines per 100 people is over 50. But in the less developed world, especially Africa, the picture reveals a marked difference. The state of telecommunications in Nigeria is even more parlous compared to such other countries as South Africa, Ghana and Algeria.

As at last year, there were about 14 million phone lines Africa, less than the number of phone in Manhattan in New York City in the United States or Tokyo in Japan. Most of these phone lines in Africa are concentrated in urban areas with less than 30 percent of the population.

Out of this total number of lines in Africa, South Africa accounts for about 40 per cent with over 5.5 million. Its tele-density is approximately 12.5 lines per 100 people. This figure
has, in fact, further improved with the growing number of cellular phones especially with the recent deregulation of the industry in South Africa.

Compared to South Africa, Nigeria is obviously several years behind with its meager 408,250 active telephone lines.

The GSM is considered an important opportunity to address the hugely backward tele-density ratio in developing countries, especially in Nigeria, because of a number of reasons. For one, it is easy to deploy since it does not require cable. It is similarly easy to expand, access, clear and it is mobile. It is also clone and fraud proof. Besides these, it has versatile services, a wide international application and is in the line with modern telecommunications trends worldwide. Perhaps most cheering is the fact that it is cheap, and hence relatively affordable.

Besides being more economically advanced, countries which have liberalised telecommunications systems also appear to have a record of better promotion and respect for freedom of expression.

The Obasanjo government has said that it plans to implement network development projects, which will ensure that the country meets up with and exceeds the International Telecommunications Union's (ITU) recommended minimum tele-density of one telephone to 100 inhabitants, which means that a minimum of two million fixed lines and 1.2 million mobile lines will have to be provided over the next two years.

For the longer term, it has set a target of at least five million new fixed, and four million mobile lines in the first five years. Under its plans, telephone facilities will also be brought to within five kilometers distance of any community in Nigeria.

The GSM seems to be its main strategy for achieving this goal. The GSM is expected to enhance access to telephone services. By the schedule of business, all firms licenced for GSM operation are expected to deploy a minimum of four million combined lines at the end of five years of operation when their licences would be due for renewal, depending on their performance during the period.

Specifically, each licenced operator is expected to deploy at least 100,000 lines within the first year of licence approval, 300,000 lines within the first 24 months and one million lines within the five years covered by the licence.

Besides telephone, the other area of communications which has been largely neglected in Nigeria is the Internet. There are hopes that the government will also take urgent steps to address the sector by promoting awareness, introducing the necessary infrastructure and generally increasing citizens' capacity to use the Internet.

A November 2000 estimate put the number of people online in Africa at 3.11 million, less than one percent of the 407.1 million estimated users worldwide. Estimates also put the number of Internet subscribers in Nigeria at between 5,000 - 10,000 persons.

A major problem in this sector has been the policy and legal framework for the Internet. Although the government says it has put a policy in place to guide the development of the sector, however, the process of formulating the policy was not open and consultative.

Besides, details of the policy remain largely unknown. But from Professor's Isoun's announcement of the policy, it appears to address some of the relevant issues.

According to the Minister, if fully implemented, "human resource development and software capacity would be improved. We envisage a situation where Nigeria will be so capable as to produce its own software and actually turn around Information Technology as the main source of revenue for this country. In fact, we envisage a situation where the products of IT will supersede the contributions of oil and gas", Isoun said.

Professor Isoun explained that under the new policy, "the idea is to provide a framework for the private sector operationalise, while the government makes available the infrastructure and environment".

It has been speculated that the policy provides for the establishment of a coordinated programme for the development of a National Information Infrastructure (NII), State
Information Infrastructure (SII) and Local Information Infrastructure (LII) Backbones by providing emerging technologies such as satellite including VSAT (very small aperture terminal), fibre optic networks, high-speed gateways and broad band/multimedia.

It would also aim to provide adequate connectivity to the Global Information Infrastructure (GII); address open standards for further liberalization and the fiscal measures including incentives to substantially improve teledensity and make IT more affordable to the citizenry.

This is to be complemented by establishing IT Parks as incubating centers for the development of software application at national, state and local levels; restructuring the education system at all level to respond effectively to the challenges and imagined impact of the information age and in particular the allocation of special IT development fund to education at all levels.

Other major aspects of the policy include encouraging massive local and global IT skills acquisitions through training in the public and private sectors with a view to achieving a strategic medium term milestone of at least 500,000 IT skilled personnel by the year 2004; creating national database management systems as a tool for effective planning and communication between citizens at home and abroad; and enacting laws to stimulate and protect the rights of users and developers including intellectual property rights.

The Internet in Nigeria is presently regulated under Decree No. 75 of 1992, as amended by Decree No. 30 of 1998. Although the decree is not specifically for the Internet, it applies to telecommunications services generally, including Internet services which are designated as provision and operation of value-added network services.

Although the NCC claims to have instituted the necessary licensing and regulatory framework for the provision of telecommunications services generally, including Internet services which are designated as provision and operation of value-added network services.

Despite the fact that the NCC is empowered by its enabling Decree to regulate the telecommunication industry, the Commission does not appear to have any codified or published regulations or guidelines regarding Internet content or liability of ISPs for the content of their subscribers. Nor has the Commission delineated any requirements for those wishing to create Web sites.

Besides, it is not clear whether companies seeking to design and create websites on commercial basis are bound by the same licensing requirements as those for Internet Services Providers.

Decree No. 75 of 1992, which is the only legal framework for the Internet, does not make adequate provisions to cover the provision and operation of Internet services generally. The provision and operation of Internet services are merely treated as an adjunct in the decree as they covered by the reference in the decree to value-added network services and do not appear to be a major component of the law or an integral part of Nigeria's telecommunications legal framework. Value-added network services cover Internet services and voice-mail services.

Besides, Section 26 of the decree authorizes the NCC to make regulations generally for the purpose of giving effect to the provisions of the decree, but stipulates that the regulations can only be made with the approval of the National Council of Ministers.

The National Council of Ministers was an informal body which existed during the period of military rule, but died with the installation of a democratically elected government on May 29, 1999. Although it can be argued that the functions of the National Council of Ministers have been taken over by the Federal Executive Council, the Council itself is even more informal than the National Council of Ministers as it was not established by any law and has no reference in any law or in the 1999 Constitution.
The NCC has not made any regulations to date. There is therefore no guiding document or subsidiary legislation to regulate the provision and operation of Internet services in Nigeria and to guide service providers or users.

The result has been that service providers, potential investors and users do not know in advance what practices are prohibited and what the penalties for breaches of these prohibitions are. There are no guidelines, for instance, on when and how the NCC can intervene in the fixing of tariffs and rates by service providers for a range of Internet services.

The situation has inhibited consistency and transparency in this aspect of the NCC's operations which in turn have created uncertainty and confusion in the industry and discouraged many potential investors.

Decree 75 of 1992 also gives broad and absolute discretionary powers to the NCC in the performance of most of its functions, including the issuance and revocation of licences. Although the provisions of the decree are drafted in a manner which makes it possible for the NCC to exercise its powers arbitrarily, the decree does not provide for the review of the Commission's decisions either by a higher administrative body or a judicial authority.

There is therefore no forum for aggrieved persons to challenge or appeal against the Commission's decisions, which means that the Commission's decision, no matter how untenable, are final.

The government's position is that Nigeria has already taken an initial steps in modernizing the industry by establishing the NCC as regulatory body. It proposes to have a telecommunications industry management structure consisting of the Government; the Ministry of Communications; the National Frequency Management Board; the NCC and national carriers and others.

Under this structure, the Ministry of Communications will formulate broad telecommunications policy, including proposing policy options and recommending to Government such measures as legal enactment, waivers on duties, taxes etc., monitoring the role of players in the industry; representing Government on matters pertaining to regional and international organizations like ITU and PATU and their organs as well as other similar organizations; liaising with National Assembly on telecommunications matters; and performing the role of shareholders in telecommunications companies owned by the Government, or in which government has interest.

The NCC will be the independent regulator of the telecommunications industry empowered to issue licenses and to regulate all telecommunications licences, service providers, operators and carriers, administer the numbering plan and perform such other regulatory functions as may be defined from time to time by the Minister of Communications.

The government also plans to establish a National Frequency Management Board (NFMB) with the responsibility for the planning, co-ordination, allocation, assignment, registration and monitoring of radio spectrum and the national numbering plan and will work towards ensuring that the government divests its financial interest in the state owned telecommunications entities.

The NCC has so far licensed 38 Internet Service Providers, but only about 12 of them are currently active. NITEL has recently established an Internet gateway for Nigeria and has started to provide Internet services. The NITEL Internet gateway was established with a United Nations Development Programme (UNDP) $1million grant in a project called the Internet Initiative for Africa (IIA) under which NITEL will establish an Internet backbone.

NITEL has already established a POP in Lagos with a 1 MB link to Global One in the United States and plans to establish POPs in three other cities in Nigeria.

However, the other ISPs, which are privately owned, depend on NITEL's telecommunications facilities to operate and provide Internet services. Since NITEL itself is an Internet Service Provider, there are concerns that it might undermine the private ISPs by charging them exorbitant fees for its telephone services.
Nigeria's Human Rights Record Remains Poor, Says US State Department

The overall human rights record of the Government of the Federal Republic of Nigeria presided over by President Olusegun Obasanjo has remained poor, despite her return to civil rule, although it recorded improvements in some areas, according to the US State Department's Bureau of Democracy, Human Rights, and Labour.

In its Country Reports on Human Rights Practices for 2000 released by the Bureau last month, it noted that members of the security forces, including the police, anti-crime squads, and the armed forces committed numerous serious human rights abuses and that the profile of the State Security Service (SSS) "continued to decline under the Obasanjo regime."

On freedom of expression, the report said although the Constitution provides for freedom of speech and of the press and the government generally respected these rights, problems remained in some areas.

Following is the full text of the report on the state of freedom of speech and the press:

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights; however, there were problems in some areas.

Although there is a large and vibrant private domestic press that is frequently critical of the Government, the Government also owns or controls many publications.

On May 26, 1999, in the last days of Abubakar regime, Decree 60 was signed into law and created the Nigerian Press Council which was charged with the enforcement of professional ethics and the sanctioning of journalists who violated these ethics. The Nigerian Press Council immediately was criticized by the media as "an undisguised instrument of censorship and an unacceptable interference with the freedom of the press."

Decree 60 attempted to put control of the practice of journalism into the hands of a body of journalists who were appointed by and received payment from the Government. In 1999 the NUJ, the professional association of all Nigerian journalists, and the Newspaper Proprietors Association of Nigeria (NPAN) rejected the creation of the Press Council.

The NPAN called the decree unconstitutional and a violation of press freedom, because there were already enough laws concerning the operation of the press. The decree, which virtually made members of the council employees of the Government, also contained a number of provisions inimical to the operation of a free press. Among other provisions, Decree 60 gave the Press Council the power to accredit and register journalists and the power to suspend journalists from practicing.

Decree 60 required that publications be registered by the council annually through a system entitled "Documentation of Newspapers." In applying for registration, publishers were expected to submit their mission statements and objectives and could be denied registration if their objectives failed to satisfy the Council.

The penalties for practicing without meeting the Council's standards were a fine of $2,500 (250,000 naira) or imprisonment for a term not to exceed 3 years. The decree also empowered the Council to approve a code of professional and ethical conduct to guide the press and to ensure compliance by journalists. Under the decree, publishers were expected to send a report of the performance of their publications to the Council; failure to do so was an offence that carried a fine of $1,000 (100,000 naira).

The Nigerian Press Council continued after Obasanjo's inauguration, and in 1999 former Minister of Information Dapo Sarumi expressed the view of the new civilian Government that the council would continue to operate, and said, "It is in line with journalists' demands." The council had not yet begun operating at year's end; however, it remained on the books in principle, and many journalists believe that the existence of such a decree is a significant limitation on freedom of the press.
During the year there were a few cases of threats against and attacks on the press. In January police beat, arrested and detained Igha Oghole, a journalist with Radio Benue, Makurdi, after he insisted on conducting a scheduled interview with the police commissioner rather than interviewing his subordinate.

In March 50 armed policemen entered the International Press Center (IPC) in Ogba, Lagos and arrested 4 journalists who they held for 5 hours and then released without charge. The police subsequently claimed that the attack was not directed at journalists but was to find members of a militant faction of the OPC (Odua Peoples Congress), who had engaged in battles with the police. The police claimed that they were acting on information that militant members of the OPC were planning to address a press conference at the center.

In March members of the NPF seized most of the print run of the March 4 edition of the Kaduna-based newspaper Today as well as its Hausa language affiliate newspaper, Ayaqu, and sealed off their offices. The police justified their action on the grounds that the publications carried headlines that could have engendered violence in the Shari'a dispute.

On April 4, an armed detachment of SSS sealed off for several hours the premises of Leaders and Company, the publishers of ThisDay newspaper in order to search the grounds for what the Government described as "subversive and incriminating documents" and to arrest the editor-in-chief, Nduka Obaigbena. Obaigbena was not on the premises at the time and was not arrested. The charges against him were dropped one week later, but Obaigbena was told to cease investigations of Obasanjo's national security adviser, Aliyu Gusau. In August police and security agents again sealed off the premises of This Day newspaper and ordered the staff to leave the premises.

State governments also have threatened and detained journalists who have criticized their policies. According to the country's Media Rights Agenda, since May 1999 there were nine cases of arrests and detentions of journalists and vendors; state security personnel were the perpetrators in all of these incidents.

In March, Ebonyi state police detained two journalists with the Ebonyi Times, Emmanuel Okike-ogah and Ogbonaya Okorie, for publishing what the State Government described as "seditious articles in an unregistered newspaper." The articles claimed that the governor of Ebonyi State had bribed state legislators into approving a list of commissioners.

Also in March, police in Aba, Abia state, arrested and detained Ademola Adegbamigbe of TheNews magazine, and a professional photographer who Adegbamigbe had hired to assist him, while covering the civil violence following the introduction of Shari'a law in the north. On March 2 in Kaduna state, police raided the offices of the Nigerian Tribune in Ibadan after the publication of an article on Islamic law, and Zamfara state seized copies of the Nigerian Tribune, The Guardian and Vanguard after they published articles critical on Shari'a law.

In January Abuja FCT police accompanied Yusuf Mamman, an Alliance for Democracy (AD) faction leader, to the AD headquarters in Abuja to prevent a rival faction leader, Adamu Song, from holding a press conference. Police attempted to seize the videocamera of an Africa Independent Television cameraman and the digital camera of a This Day newspaperman. Mamman asked police to arrest Song for "invading" AD offices; however, they failed to do so following the press conference. Police routinely are involved in political disputes under the guise of breach of the peace or assault. Nothing was ever done about the potentially improper use of the police in this case.

There are two national, government-owned daily newspapers in English, the New Nigerian and the Daily Times. The New Nigerian publishes an additional Hausa edition. Several states own daily or weekly newspapers that also are published in English. They tend to be poorly produced, have limited circulation, and require large state subsidies to continue operating. Several private newspapers and magazines have begun publication since the inauguration of the civilian government. Five major daily newspapers, one newsmagazine, and several sensational evening newspapers and tabloid publications had begun publication at year's end.
Because newspapers and television are relatively expensive and literacy is not universal, radio remains the most important medium of mass communication and information. There is a national radio broadcaster, the Federal Radio Corporation of Nigeria, which broadcasts in English, Hausa, Yoruba, Igbo, and other languages.

Fifty-one state radio stations broadcast in English and local languages. For many years, the Government prohibited nationwide private radio broadcasting, but the Abacha regime granted broadcasting rights to local and regional private radio stations in 1994. There were six private radio stations operating at the beginning of the year. Several of these stations continue to struggle with financial difficulties, including Raypower FM, which ceased operations in September. No new private radio licenses were issued during the year by the National Broadcasting Commission (NBC), the body responsible for the deregulation and monitoring of the broadcast media. Ten applications pending from 1999 were still awaiting NBC approval at year's end.

The National Television Station, NTA, is federally owned, while 30 states also operate television stations. There are nine privately owned television stations that broadcast domestic news and political commentary. There are two private satellite television services. The 1993 Press Law requires local television stations to limit programming from other countries to 40 percent. The 1993 Press Law also restricts the foreign content of satellite broadcasting to 20 percent, but the Government does not restrict access to, or reception of, international cable or satellite television.

The Government did not restrict Internet access, although unreliable and costly digital telephone service limited access and hindered service providers. All Internet service providers were privately owned.

In October 1999, the NBC, in cooperation with the Information Ministry, revoked the licenses of 20 private radio and television broadcasters for nonpayment of license fees. The Director General of NBC cited Decree 38 of 1992, which mandates the commission to revoke a license where the prescribed fee was not paid on the due date. Several major domestic broadcasters as well as affiliates of international broadcasters such as Voice of America and the British Broadcasting Corporation were among those affected. They were reported to owe a total of $745,000 (70 million naira). All 20 of the broadcasters paid the delinquent fees and continued broadcasting.

While private television and radio broadcasters remained economically viable on advertising revenues alone, despite the restrictions that the Government imposed on them, government-sponsored broadcasters complained that government funding and advertising were inadequate for their needs.

Journalists and editors of state media reportedly no longer fear suspension for their editorial decisions, although some self-censorship lingered. State broadcasters and journalists remain important tools for civilian governors; these officials use the state-owned media to showcase the state's accomplishments and to stress the extent to which their states are in political accord with the Government.

Since the May 1999 elections, foreign journalists who sought to enter the country to cover political developments generally have been able to obtain visas, and many of the obstacles that previously frustrated foreign journalists were removed. Officials within the Ministry of Information became more accommodating to requests from foreign journalists.

Throughout the Abacha regime there was no academic freedom for students or academic staff; however, under Obasanjo's government, concrete steps have been taken to address the problems in the education sector and to restore academic freedom. In May 2000, Obasanjo approved the establishment of four new private universities, but the quality of secondary education continued to deteriorate. However, student groups alleged that numerous strikes, inadequate facilities, and the rise of cultism (or gangs) on campuses continue to hamper educational progress. On several occasions during the year, protests by students resulted in
harassment and arrest by police forces and in one incident, the killing of a student. For example, in October protests during the country's Independence Day celebrations resulted in the arrests of 2 students in Lagos.

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LETTERS

Literature Assistance

As part of its programme to keep its members and immediate community abreast of developments in the media world, the Nigeria Union of Journalists (NUJ), Akwa Ibom Council is setting up a journalism-based library.

At individual levels, we are aware of your press freedom and freedom of expression rights' crusade and some publications, especially those on the mass media. We have found those publications very useful and we believe they would equally be of immense benefit to our target audience.

May I therefore ask for the inclusion of our union in your mailing list and a price list of your publications.

Thank you.

Etop Esiet
State Secretary
NUJ, Uyo, Akwa-Ibom State

Editor's Note
Thank you for the kind words. We are glad that you find our work and publications of benefit. We have accordingly included the name of your union on our mailing list and we assure you that you will henceforth receive our publications regularly.

Simply Satisfying

I came across Media Rights Monitor, through my friend who works in one of the Senator's office. I found the journal very interesting especially being one who is very interested in what is happening to the practice of journalism in this country.

I will therefore, appreciate it if I am included on your regular mailing list. Besides satisfying my thirst for information about journalism as a profession, I believe the journal will serve as an educational tool for me.

Thank you for your anticipated kind understanding.

Rotimi Ajiboye
Ayetoro Gbede
Kogi State

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EXECUTIVE WATCH

Nigerians Commend Suit Over Control Of Natural Resources, But Support States’ Quest

Even as Governors in the Southern States firm up preparations to tackle the Federal Government in court over the latter's prayer at the Supreme Court to give precise interpretation to Section 162(2) of the 1999 Constitution on whose purview falls the right to control Nigeria's natural resources, majority of Nigerians have expressed their support for the federal government for the action. Nigerians feel the Federal Government's action is an affirmation of its belief in the rule of law and thus a moral booster for the present democratic government.
Although majority of Nigerians said they supported the legal action taken by the Federal Government in addressing the issue of resource control, they, however, support the states' bid for resource control.

The above views were the outcome of a field survey carried out by Media Rights Agenda. The survey was conducted in five major cities across Nigeria, namely Lagos, Benin City, Ibadan, Kaduna and Abuja.

Besides expressing their support for the state governments in their quest for resource control, respondents also observed that the Federal Government is overly sensitive to its economic gains to the detriment of the rights and welfare of Nigerian citizens, which it swore to defend and protect. They warned, therefore, that this attitude could truncate Nigeria's nascent democracy.

Majority of Nigerians also believe that the Federal Government applies double standards on issues of national importance in favour of a section of the country. They base their argument on the implementation of Sharia, the Islamic Legal Code, by some Northern States which was rejected by their Southern counterparts but over which the Federal Government refused to approach the Court to determine its constitutionality or otherwise, despite calls on it to do so, and its present stance on the issue of states' control of natural resources being championed by the southern states but which the Federal Government is set to scuttle at the court.

The survey is under MRA's Executive Watch project which began running since September 1999, but has been restricted to Lagos area. This is the first time the questionnaire-based survey would include respondents from other cities in other geographical locations of Nigeria.

The first critical issue that the survey sought information on is whether respondents support the legal means, which President Obasanjo resorted to in addressing the issue of the resource control. When asked "Do you support the legal action taken by the President to address the issue of resource control?", out of the total sample of 1780 respondents, 1142 respondents representing 64.1 per cent answered "Yes" while 638 respondents representing 35.9 per cent answered "No".

On a zonal level, the response pattern shows that except in Benin where there is a tie, respondents generally gave kudos to the Federal Government for its resort to court to seek legal interpretation of the section of the constitution which deals with the issue of natural resource control. Specifically, responses show that 56.5 per cent of respondents in Ibadan gave their support to the Federal Government for its action; Lagos respondents 64; 68 per cent in Kaduna with Abuja coming tops with 76.5 per cent.

Asked the question: "If your answer to Q1 is 'No', how would you recommend that the Federal Government resolve the issue?", the response pattern of the 638 respondents who did not support the President's legal action were as follows:

One hundred and fifty respondents suggested the use of "Administrative Means", being one of the response-options provided; and 366 opted for the matter being resolved through the National Assembly, being also another response-option provided. For 122 respondents who did not agree with the two response-options provided and who therefore chose to suggest any other means, they generally opted for the convocation of a National Conference / Sovereign National Conference, an exercise which President Obasanjo has consistently ruled out.

In percentages, this response pattern shows that 23.5 per cent of the respondents opted for Administrative means; and 19 per cent opted for National Conference/ Sovereign National Conference and the bulk of respondents, specifically 57.5 per cent, opted for the intervention of the National Assembly.

Generally, the response pattern also shows that the preference for deference to the National Assembly to resolve the issue cuts across all the cities surveyed with clearly over 50 per cent of the respondents voting for this option, except for Ibadan respondents where a slightly higher percentage of the respondents, precisely 38, 31 and 31 per cent, respectively, would prefer that the issue is resolved through Administrative Means, National Assembly and other means, in that order.
Similarly, while an average of between 16.5 and 31 per cent of the respondents in each city surveyed suggested the convocation of some sort of conference to resolve the issue, not a single respondent from Abuja voted for this option.

To a question which asked respondents: "Do you agree with the suggestion that the Federal Government is more sensitive to economic gains than to the rights of the people in the oil producing areas?", an overwhelming number of respondents, precisely 1202, answered "Yes" while 578 answered "No". This indicates a percentage average of 67.5 as against 32.5, clearly over two-thirds.

It is, however, important to note that on the basis of city by city response, the pattern shows respondents from Lagos, Kaduna and Abuja supporting this view in the average percentage of 68. But this view received its highest support from respondents in Benin who support it by an average of 91.5 per cent. Paradoxically, the scale tilts differently in respect to Ibadan respondents. Unlike respondents from other cities, fewer respondents from Ibadan support the view that the Federal Government is more sensitive to economic gains than the rights of Nigerians. Specifically, 43.5 per cent of the respondents from Ibadan support this view as against 56.5 per cent who do not support it.

Noting the preponderant opinion in the South which accuses the Federal Government of double standards on issues of national concern, in this case the Federal Government's contest of the agitation for natural resource control in the south and the seeming complacency to oppositions to the implementation of Sharia in some states in Northern Nigeria, the survey posed the question: "Do you think that the Southern Governors should go ahead and take control of the natural resources in their states just like some Northern Governors adopted and are implementing Sharia?"

The response pattern showed a marginal tilt in favour of resource control agitators. Specifically, the response pattern shows that 922 respondents, representing 51.7 per cent, support the Southern Governors' agitation for resource control while 858 other respondents, representing 48.3 per cent, answered "No" indicating that they did not support the idea of states' control of natural resources.

On a city by city basis, it is instructive to note that except for Lagos and Benin where the agitation for states' control of natural resources received very significant support of at least 64 per cent, majority of respondents from Ibadan, Kaduna and Abuja do not support the initiative. Specifically, while 74 out of the 190 respondents from Ibadan, representing 37 per cent, support the agitation of southern states to take control of their natural resources, 126 respondents, representing 63 per cent, do not support the idea.

This same response pattern also emerged from Kaduna respondents who specifically voted 32 per cent for and 68 per cent against the agitation. Proponent of states' control of natural resources, however, got a slightly higher boost in Abuja. Specifically, out of the 200 respondents from Abuja, 94, representing 47 per cent supported states' control of natural resources while 106 representing 53 per cent voted against the idea.

Lastly, conscious of the political quotient of the suit and the attendant multiplier effect it could have on Nigeria, the question was posed: "If your answer to Q4 is 'No', do you support Governor Chimaroke Nnamani's position that the Southern Governors should go ahead and file their own suits so that all other constitutional questions could be resolved?"

Instructively, virtually all the 858 respondents who did not support states' control of resources opted for legal resolution of all constitutional questions as opined by Governor Nnamani, regardless of the possibility of a political back-lash from the action.

In fact, all the respondents from Abuja, Benin, Ibadan and Lagos who do not support states' control of natural resources, representing 83.6 per cent of the total, unanimously supported Governor Nnamani's position. However, 140 respondents from among the 340 in Abuja who earlier indicated that they do not support states' control of natural resources
disagreed with the position of Governor Nnamani. This represents a sub-group percentage of 16.4, and a local percentage of 41.

**Light At The End Of NIJ’s Dark Tunnel**

Things look set to return to normal at the Nigerian Institute of Journalism (NIJ) as an accreditation team from the National Board for Technical Education (NBTE) visited the institution last month. The visit, which took place between February 15 and 17, was to inspect its facilities and programmes with a view to recommending to the Minister of Education whether or not to accredit the institution and its programmes.

The NIJ has been on forced closure since June last year as a result of lecture boycott by students who insisted that they would not engage in further academic activities until the courses offered by the school are accredited by relevant bodies. They rebuffed appeals by the school authorities to reverse their decision while the issue was being resolved. The resultant stalemate prompted the authorities to close the school indefinitely.

Present at the opening ceremony of the accreditation were, among others, Mr. Charles Odenigbo, Executive Secretary of the Newspapers Proprietors Association of Nigeria (NPAN), who coordinated the opening ceremony; Alhaji Ismaila Isah, Chairman of the NIJ governing council; Mr. Sam Amuka-Pemu, publisher of Vanguard newspapers; and Chief Adekunle Adediran, a member of NIJ board. Only four out of the seven-man NBTE team were present and two people from the firm of Femi Olomala & Co, the firm of consultants engaged by NIJ to facilitate the accreditation.

The school was established by NPAN in conjunction with the International Press Institute (IPI) on October 12, 1971, for the training of African journalists. The IPI initially sponsored the institute providing the technical support and its first two Directors. This was after the failure of the first experiment which began in 1963 but was aborted by the Nigerian Civil war.

In his address, Alhaji Isah said the institution was originally meant to train first degree holders in other fields to become journalists but that those into whose hands the school was entrusted vandalised it, as well as employing some people with fake certificates. These set of people, Alhaji Isah said, have been flushed out and informed of his Board’s intention to recruit qualified teachers. He added that the institution’s facilities have been upgraded and necessary equipment purchased to uplift the institution to an enviable standard. He added that the process for hiring qualified teachers had also begun.

Alhaji Isah, saw the occasion as one of formalising what was not originally formalised, saying that the institution is not a private one owned by a sole proprietor whose overriding goal is to make money, but partly owned by media owners such as NPAN, the Nigeria Union of Journalists (NUJ), the Nigerian Guild of Editors (NGE) and the Federal Government which has three representatives on the Board of the institution. Added to that, according to him, is the fact that it was set up in conjunction with the IPI, an international organisation with membership drawn from radio, television, newspaper and magazine owners and proprietors worldwide.

The Director of the institution, Dr. Elizabeth Ikem, in her speech said the management of the NIJ has “toiled day and night in our efforts to meet the requirements of NBTE to mount simultaneously the National Diploma (ND) and Higher National Diploma (HND) programmes.”

But the high hopes of simultaneously mounting both the ND and HND programmes, were dampened by the head of the NBTE team, Mr. Joseph Aboi, who clarified that by virtue of the guiding law, Decree 16 of 1985, both the National and Higher Diploma programmes could not be accredited at the same time. He said that accreditation is a process set down by the law, which stipulates that the ND has to first be accredited and established and seen to be running before the HND could be accredited.

He disclosed that the accreditation was in two phases to be undertaken by the team divided into two groups. One group, he said, would look at the institution, in terms of its
structures as a whole, while the second group would look at the Mass Communications programme altogether including its classrooms, courses, studios, textbooks, etc.

**NBC/Councils Clash Over Collection Radio/TV Fees**

One of the contradictions of the Nigerian broadcasting laws, precisely in whose jurisdiction is the right to collect radio and television licence fees, is now a source of misunderstanding between the National Broadcasting Commission (NBC) and some local governments officials. Mallam Danladi Bako, Director General of the NBC on February 19 berated Local Government officials for demanding payments for radio and television sets and broadcast equipment from private broadcasters in the country.

Private broadcasters under the aegis of IndependentBroadcasters Association of Nigeria (IBAN) had petitioned the Commission over harassment by councils officials, who are apparently acting in exercise of the provisions of the 1979 Constitution of the Federal Republic of Nigeria, which gives the local government authorities powers to collect fees on radio and television sets owned by individuals. The Independent Broadcasters Association of Nigeria (IBAN), protested this provision and called for an urgent review. Chief Nwodo (Jnr.), the then information minister, pledged at the opening ceremony of the head office complex of MiNAJ Radiovision and at several other fora that government would review the provision.

On May 26, 1999, three days before it handed over power to a democratically elected civilian government, the military regime of General Abdulsalami Abubakar promulgated an amendment to the NBC Decree No. 38 of 1992. By the amendment called NBC (Amendment) Decree No. 55 of 1999, four more functions were added to the original decree.

The amendment decree gives the power to collect radio and television fees to the NBC, brought NTA under NBC authority, pegged local content of broadcast stations at 60 per cent and mandated the NBC to arbitrate in conflicts in the industry.

While this served to fulfil the minister's promise, it only left more confusion without successfully addressing the salient issues that IBAN had along been calling attention to. Besides the issue of who collects the fees, another area, among several others, that the IBAN had consistently called on the government to address was how proceeds from the collection would be shared among broadcast stations, which are to benefit from it.

Mallam Bako said it was only the NBC that was statutorily empowered to regulate and control the broadcast industry including collection of prescribed fees. He also expressed concern over the alleged use of thugs by the councils to demand for such fees.

He said further that the 1999 Constitution currently being operated is superior to the 1979 Constitution referred to in the demand notices by one of the local government in question. Decree No. 55 as amended (now Act) "appropriately vests the collection of fees on radio and television sets on the Commission," and that NBC would abide by the status quo until the Constitution is amended, he added.

**Obasanjo Chides Nigerian media Again as CJA Meets In Abuja**

There seems to be no letup in President Olusegun Obasanjo’s disdain for the Nigerian media as he has again lashed at the media, accusing it of promoting a divisive agenda as opposed to building democratic values. The occasion was the sixth triennial conference of the Commonwealth Journalists Association (CJA) which held in Abuja, Nigeria's Federal Capital Territory, between February 12 to 16.

The theme of the conference was “Promoting Good Governance: the Journalist’s Role”. It aims at promoting fraternity among its members and protecting their interest globally.
In a speech at the conference, President Obasanjo, represented by the Minister of Information and National Orientation, Professor Jerry Gana, accused the Nigerian press of showing little commitment to building enduring democratic values in spite of its heroic role in the struggle against military despotism. Speaking further, he said his government lacked the vital support of the media in the government's crusade for moral regeneration and fight against corruption.

The umbradge President Obasanjo poured on the media fell in line with his utterances regarding the media in the last few months.

In September 2000 at an occasion President Obasanjo had quipped: "Those who believe what they read in the Nigerian press would often go wrong". "They call it press freedom", the President had said in obvious sarcasm, "but I think it is press anarchy", he added:

Soon after at the last Nigerian Media Merit Award (NMMA) held in Lagos on December 3, 2000, the President, ably represented by Professor Gana, seized it as another opportunity to indulge in his pasttime; poking derilision at the media.

"They (the media) have continued to demonstrate lack of control and responsibility in some of their reports", the President had said. His government he said was in the process of reviewing the Nigerian Press Council law "to curb the excess of the media"

Nigeria’s Democracy Would Flounder, If..., MRA Warns

Memorandum submitted by MRA at the Public Hearing on the review of 1999 Constitution

Without a robust legal environment for freedom of expression to thrive and access to public records, which aids transparency and accountability in government, the hard won democracy, which Nigeria presently enjoys, will flounder.

These formed the basis of a memorandum recently submitted by Media Rights Agenda (MRA) to the Joint Committee of the National Assembly at the Public Hearing on the Review of the 1999 Constitution held on February 13 and 14, in Abuja.

Affirming the general consensus that the 1999 Constitution is fraught with defects, MRA pointed out that one area in which this defect is very much evident is in the area of media freedom and freedom of expression.

For example, MRA cited Section 39 of the 1999 constitution which purports to give a robust guarantee to freedom of expression and the press. However, MRA noted that a critical examination of the wordings of that section would reveal the contrary.

Section 39, subsection (1) supposedly makes specific provision for freedom of expression. But it is clear that an essential component of this fundamental right is missing and that is the right of access to information otherwise called freedom of information.

These and many other flaws, MRA observed, hinder an effective exercise of the freedom of expression guaranteed by the Constitution, an anomaly that need to be urgently rectified.

Below is an excerpt from the Memorandum, presented to the National Assembly Joint Committee by MRA’s Legal Officer, Mr. Maxwell Kadiri:

We would first of all want to place on record our gratitude to this esteemed committee for inviting us to make a presentation at this public hearing.

Knowing that this room is filled with experts on issues of Constitutional law, we would be focusing our submission primarily on our core mandate, which is the protection and development of media freedom and freedom of expression generally.

There is a general consensus across the land, that the present Constitution is fraught with a lot of defects and the very fact of our gathering here today for this exercise lends further credence to this fact. One area in which this defect comes very much to the fore is in the area of media freedom and freedom of expression.

The constitution in its section 39 purports to give a robust guarantee to freedom of expression and the press. However, a critical evaluation of the wordings of that section would reveal the contrary.
Taking the first limb of section 39 i.e. subsection (1) which supposedly makes specific provision for freedom of expression, it is clear that an essential component of this fundamental right is missing and that is the right to seek information otherwise called freedom of information. All that the constitution provides for in the sub-section is the freedom to hold opinions and to receive and impart ideas and information without interference. Consequently, an average Nigerian who needs to seek information in order to express himself, has been effectively denied that right, and by necessary implication he has also been denied his right to freely express himself since he cannot access the information which he needs to do so.

The importance of freedom of information in the community of rights cannot be over emphasized. The United Nations General Assembly at its very first session in 1946 adopted Resolution 59(1) in which it stated thus-

"Freedom of information is a fundamental human right and the touchstone of all the freedoms to which the United Nations is consecrated".

Similarly the UN Special Rapporteur on Freedom of Opinion and Expression, in his 1995 report to the UN Commission on Human Rights stated as follows:-

"Freedom will be bereft of all effectiveness if the people have no access to information. Access to information is basic to the democratic way of life. The tendency to withhold information from the people at large is therefore to be strongly checked? This right is given adequate recognition in all the international human rights covenants and treaties to which Nigeria is signatory, i.e. Article 19 of the Universal Declaration of Human Rights, Article 19 of the International Covenant on Civil and Political Rights and Article 9 of the African Charter on Human and Peoples Rights.

Article 19 of the Universal Declaration of Human Rights states thus:-

"Everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinion without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Also Article 19 of the International Covenant on Civil and Political Rights, which is couched in terms similar to those of Article 19 of the aforementioned Universal Declaration of Human Rights provides, inter-alia:-

"(1) Everyone has the right to freedom of opinion and expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice"

Outside the beneficial effect which freedom of information has on the right to freedom of expression, it also has a lot of other beneficial effects, most especially in the area of developing democracy through allowing the generality of the Nigerian citizenry participate actively in governance, enabling them make informed choices on who should govern them and above all helping in the all-important battle to check the menace of corruption in our society.

It also helps those in government benefit from public input in the decision making process and is an effective tool in checking rumor mongering and misinformation.

Several countries the world over, recognising the need for this right, have made specific provision for this fundamental right; examples include Australia, Austria, Canada, Colombia, Denmark, Sweden, Finland, France, Greece, the Netherlands, New Zealand, the United States of America, etc.

Even on our African continent, countries such as South Africa, Malawi, Mozambique and Tanzania have this right clearly enshrined in their constitution, for example section 32 of the South African Constitution of 1996, while providing for the right of access to information, stipulates inter-alia as follows:-

(1) Everyone has the right of access to-
(a) any information held by the state; and
(b) any information that is held by another person and that is required for the exercise or protection of any rights.

Article 37 of the constitution of Malawi provides thus-

"Subject to any Act of Parliament, every person shall have the right of access to all information held by the State or any of its organs at any level of Government in so far as such information is required for the exercise of his rights"

Even though this section makes provision for access to information, however owing to widespread criticism of this provision on the twin issues of making this constitutional protection of this right subject to other Acts of parliament and the requirement that the information requested by the individual should be for the exercise of his right, this provision is presently in the process of being amended, to make it more robust and all embracing, just like the South African example, stated above.

Article 74 of the constitution of Mozambique on the other hand specifically provides for the right to information as an aspect of the right to freedom of expression.

While Article 32 of the Angolan constitution provides that -

"freedom of expression, assembly, demonstration and all other forms of expression shall be guaranteed".

Although this provision fails to specifically define the content of the right to freedom of expression, however, borrowing a leaf from the international legal regime governing freedom of expression i.e. Article 19 of both the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights, it would be held to include the right of access to information.

On its own, the Tanzanian Constitution on this point more or less adopts in its entirety the provision of Article 19 of the Universal Declaration of Human Rights and states as follows in Article 18 (1)

"Without prejudice to the laws of the land, every person has the right to freedom of opinion and expression and to seek, receive and impart or disseminate information and ideas through any media regardless of national frontiers, and also has the right of freedom from interference with his communications."

Article 18(2) of the same constitution states as follows:-

"Every citizen has the right to be informed at all times of various events in the country and in the world at large which are of importance to the lives and activities of the people and also of importance to society."

Following from the aforesaid analysis, it is clear that it behoves this August Assembly of the Fourth Republic to speedily redress this grave anomaly by ensuring that Nigeria takes its pride of place as one of the countries on the continent which provides a constitutional guarantee for this right of access to information. In fact the concept of a constitutional guarantee for the right of access to information is not entirely alien in Nigeria, because section 40(4) of the 1995 Draft Constitution succinctly provided for it when it stated thus:-

"Every citizen of Nigeria shall be entitled to know and be informed of the activities of the state and any of its organs or agencies."

It is also noteworthy that at the Commonwealth Heads of Government meeting held in Durban, South Africa, in November 1999, which our own President Olusegun Obasanjo personally attended, the commonwealth principles on freedom of information were formally endorsed.

Also of material importance in the context of our present evaluation is the absence of specific constitutional protection for the press in the provision of sub section (2) of section 39, which purportedly provides for Press Freedom.

However a careful reading of the wording of that subsection would reveal that what it actually provides for is the freedom to own a medium of expression and not freedom of the press in the way in which this right has come to be understood internationally and if that be the case, what it means in effect, is that there is no specific constitutional guarantee of freedom of the press, like the side note to section 39 would have us believe.
Some constitutions on the continent either expressly provide for freedom of the press or
make it clearly a subset of the right to freedom of expression, thus for example, the South
African constitution in providing for freedom of expression stipulates in section 16, as follows:-

(1) Everyone has the right to freedom of expression, which includes:-
   (a) freedom of the press and other media
   (a) freedom to receive or impart information or ideas;
   (b) freedom of artistic creativity; and academic freedom and freedom of scientific research

The Namibian constitution also expressly states that freedom of expression include
freedom of the press and other media.

On the other hand, Article 20 of the Zambian constitution provides as follows:-

(1) Except with his own consent no person shall be hindered in the enjoyment of his
freedom of expression, that is to say, freedom to hold opinions without interference,
freedom to receive ideas and information without interference, freedom to impart and
communicate ideas and information without interference, whether the communication be
to the public generally or to any person or class of persons, and freedom of interference
with his correspondence.

(2) Subject to the provisions of this constitution no law shall make any provision that
derogates from freedom of the press.

Also, the first Amendment to the United States constitution provides
inter-alia as follows: -

Congress shall make no law ... abridging the freedom of speech, or of the press....

On the other, hand the constitutions of Malawi and Mozambique expressly provide for
press freedom as a fundamental freedom distinct from the general provision on the right to
freedom of expression.

The need for a distinct provision that actually takes care of press freedom in the real
sense of the word and not the way it is presently, becomes all the more acute when we take
cognisance of the provision of section 22 of the 1999 Constitution which imposes a
responsibility on all organs of the mass media to at all times uphold the responsibility and
accountability of the government to the people. This is an onerous responsibility that is thrust on
the media and it further emphasizes the need for the constitutional guarantee of press freedom,
as it would go a long way in helping them discharge this constitutional responsibility.

It is also necessary to state that, considering the critical importance of the provision of
Section 22 amongst others contained in Chapter Two of the constitution which is otherwise
termed Fundamental Objectives and Directive Principles of State Policy, there is the urgent need
to once and for all do away with the non-justifiability principle that has always affected all
provisions in Chapter Two of all our constitutions both past and present. In this regard we make
bold to recommend the South African model of the bill rights where all rights are generic and
justiciable, be they economic, social, cultural, civil or political rights.

It is, perhaps, necessary to emphasize also that the need to protect press freedom is not
foundered necessarily on the love for journalists, but is based on the critical need to ensure free flow of
information in a democratic society, a role which the media plays better than any other institution.

The other limb of Section 39 which deserves some close attention and scrutiny is the
proviso to section 39(2). This proviso more or less seeks to exclude the broadcast media from
the ambit of the freedom to own a medium of expression as espoused in the main body of
section 39(2) and instead vests the President with the power to determine who gets into the
business of broadcasting.

However it would appear from the wording of the proviso that broadcasting stations
owned by both the federal and state governments do not need any authorisation from the
President to begin operation, while the private stations not only need to get the authorisation of
the President but also need to fulfill conditions laid down in an Act of the National Assembly.
This to say the least is highly discriminatory and runs counter to the international rules of best
practices in broadcasting, which the 1999 amendment to the National Broadcasting Commission legislation (Decree No.55 of 1999) tried to achieve by bringing both the government owned and private broadcasting stations within the regulatory ambit of the NBC.

We do propose that this principle should be given effect in the Constitution, in order to create a level playing field in the broadcasting industry, bearing in mind the fact that the airwaves belong primarily to the generality of the Nigerian citizenry, a fact which should be of critical importance when considering issues of broadcasting regulation. Following from the need to bring all broadcasting operators within the ambit of the NBC’s regulation as presently recognised by the NBC amended legislation, there is a need to allow the NBC complete autonomy and independence in its business of regulating the industry.

Since stations owned by the Federal Government are also to be regulated by the NBC we strongly advocate that a situation where the NBC is seen as an appendage of the executive arm of government is unhealthy, with the President having the final say on who gets a broadcast licence. We propose that we follow best practice by allowing the NBC be the final arbiter on who gets a broadcast licence, which decision would be taken on the fulfillment by the applicant, of conditions laid down by an Act of the National Assembly.

This is the situation in a lot of countries, like South Africa for example where the Independent Broadcasting Authority, is the sole regulator of the broadcasting industry and is vested with the power to grant broadcast licences to qualified applicants. Consequently we propose a reworking of this proviso along the lines of vesting the NBC with full powers to regulate the broadcasting industry, including that of granting broadcast licences.

To fully achieve this feat, we also do propose that the NBC be made one of the executive bodies recognized by the Constitution. This, we believe, would place it in a vantage position and give it the necessary autonomy to effectively discharge what would then be its constitutional responsibilities, devoid of any limitations including those of funding.

In the context of our present analysis, the provisions of section 39, subsection (3) also deserve our attention, and in this regard, paragraph (b) is of utmost importance in that it is clear that if the freedom of information is given a constitutional guarantee and a legislation such as the Freedom of Information Bill pending before the House of Representatives, is enacted into law, thus giving effect to that constitutional right, then the provision of paragraph (b) has to be done away. Moreover not only does the pending Freedom of Information Bill have very robust provisions that would adequately take care of all such scenarios as are envisaged under paragraph (b) of section 39(3), but more importantly the public interest element when considering freedom of information exemptions has been taken full congnisance of and is adequately protected there-in, a fact which paragraph (b) on its own does not do, hence we strongly advocate the complete removal of this paragraph from this section of the Constitution.

It is an accepted fact that the media generally was one of the heroes in the struggle against military dictatorship in this country, having fought a fierce battle for the enthronement of democratic governance. One major inadequacy which the media suffered in the course of fighting this battle was the absence of a constitutional guarantee protecting the right to confidentiality of journalistic sources hence several media practitioners suffered at the hands of the military authorities for refusing to divulge the sources of some of the critical information they published about the government and in this regard the experiences of Messrs. Nduka Irabor and Tunde Thompson easily come to mind, for they were imprisoned because they refused to divulge the source of the information they published, meaning that they were punished for adhering to the essential tenets of journalism practice.

In view of the harmful effect which such tendencies on the part of the government could have on the free flow of information, an element essential to the effective development of the democratic culture in this country, we do propose the inclusion of a subsection to the new press freedom section of the constitution being proposed in this memorandum, that would guarantee
the protection of the right to confidentiality of journalistic sources. This we believe would go a long way in strengthening the constitutional provision on press freedom being canvassed here-in.

In doing this we would be following the noble example of the Mozambican constitution, which in its Article 74 (3) states that freedom of the press shall include "the protection of professional independence and confidentiality".

The last but not the least item which we would want to consider in the present constitution, at least in relation to the media, is the provision of sub paragraph (b) of paragraph 1 contained in the Fourth Schedule to the constitution, which states that the local government councils shall as part of their main functions, collect radio and television licence rates. There can be no justification for local government councils to collect these rates. We do submit that the whole idea behind the payment of these licence rates is to create an additional source of revenue with which to develop the broadcast industry. Consequently, the practice the world over is that these fees are either collected by the broadcast operators themselves or by the broadcast industry regulatory authority for onward transmission to the industry's operators. This is the practice in both the United Kingdom and South Africa, for instance.

While it might have been fashionable for local governments to collect these rates when the industry was still a closed one and there was no regulatory agency, or authority, we make bold to say that this practice should be jettisoned now that we have a relatively liberal regime for broadcasting in Nigeria. Even the 1999 amendment to the NBC legislation recognised this trend and proposed that the NBC should collect these licence fees for onward transmission to the operators in the industry. However this has not been made feasible with the continued existence of aforementioned provision contained in the Fourth Schedule to the 1999 Constitution.

Considering the parlous state of our economy, the problems being experienced by the operators and the fact that the industry is still fairly young, we do propose that this constitutional provision be done away with. Let the broadcast operators, alongside the broadcast regulatory authority, decide how the rates should both be collected and shared, as is the practice in both the United Kingdom and South Africa where these rates form a major source of funding for their public service broadcasters i.e. both the British Broadcasting Corporation (BBC) and the South African Broadcasting Corporation (SABC).

In conclusion, we once again want to reiterate our heartfelt gratitude for being given the opportunity to make these submissions and we do sincerely hope that the document that would emanate from this review exercise would be one which every Nigerian would be happy to proudly identify with, as the supreme law of our fatherland and by so doing pledge his or her unalloyed loyalty to upholding it.

WAJA Expresses Concern About Censorship Laws In Nigeria, Other West African Countries

The West African Journalists Association (WAJA) has expressed concern over the increasing trend of censorship of the media in the West African sub-region. The development, WAJA says, does not augur well for a region marked by ignorance and a desire by ruling governments to control the means by which the populace can be informed on topical issues.

The concern was expressed in a recent press statement issued by the organisation, a coalition of national journalists' unions and press freedom advocacy groups in the sub-region, which specifically mentioned Nigeria, The Gambia and Sierra Leone.

WAJA observed that although Article 39 of the 1999 Nigerian Constitution grants the citizenry the freedom to hold opinions and to receive and impart ideas and information without hindrance, other provisions of the document seem to hold back the freedoms thus granted.
For example, WAJA observed that Section 39 (2) seeks to exclude the broadcast medium from the general freedom granted the populace to own a medium of expression and instead grants the power to decide who is allowed to engage in broadcasting business to the president.

WAJA further observed that in a very discriminatory manner, stations owned by the Federal and State governments need no authorisation to operate, while private stations must be authorised by the chief executive of the state in addition to fulfilling conditions set by the National Assembly. The division thus created between the public and private sectors, WAJA says, is needless since they are both empowered by Section 39 to inform the citizenry.

WAJA said it is more worried about the fate of the media by the fact that the President can have input in the determination of who gets or does not get a license. Any oversight responsibility for the industry, WAJA argued, ought to lie in the hands of an independent body and the National Broadcasting Commission can perform that function if the laws governing the media are reworked.

While espousing views purporting to strengthen press freedom, the laws and regulations governing the media, WAJA observed, are silent on the crucial element of confidentiality and protection of professional independence which it says is very important in order for the free flow of information to be given a boost, whether in Nigeria or any other country.

In The Gambia, WAJA points, for instance, at the 1999 National Media Commission Bill, which it says places too much power in the hands of the government. While the chairperson of the Commission is appointed by the President, Article 27 of the Bill states that the "Secretary of State may on the recommendation of the Commission make regulations for the better carrying out of the provisions" of the Act. Further, in Article 19 (b), the bill stipulates that the secretary of state, with recommendation from the Commission, can suspend the license of a media practitioner or media organisation. Article 22 of the Bill provides that "no appeal shall lie from a decision of the Commission".

The provisions of the bill in Article 5 (b) also empower the commission to maintain a register of media practitioners. WAJA fears that judging from the experience of other countries where such registers have been used to prevent critical opinions from getting into print, this provision is a real danger to the practice of journalism.

The fear is buttressed by the words of Article 10 (1), which state that "no media organisation or media practitioner shall engage in the dissemination of information by mass communication unless registered." The bill also grants the power to issue arrest warrants for persons who fail to appear before the commission and to "request particulars and information from any media practitioner in relation to an inquiry."

The trend in Sierra Leone, WAJA says, is similar to those in The Gambia and Nigeria. The chairman and all other members of the Independent Media Commission of Sierra Leone, under terms of the Independent Media Commission Act of 2000, Article 9 (1), are appointed by the president upon the advice of the Sierra Leone Journalists Association. Articles 24, 25 and 26 of the Act empower the commission to register all newspapers and magazines published in the country. The whole body can also be dismissed by the president under certain circumstances, such as ill health and misconduct.

WAJA stated that regulation of the media's work may be necessary, but giving such dominant presence and power to the executive to check on the activities of journalists is a dangerous experiment that can easily be abused by the authorities to silence dissent.

Registration of newspapers for example, WAJA said, should not be encouraged, as media organisations are like any other firm engaging in business and should ideally be covered by the very laws and regulations that other businesses operate under.

The journalists' union also suggested that it would be desirable for a distinct separation of the functions of any corporate body set up to monitor the media and the powers of the executive arm of government, so that a potential misuse of power could be minimised.
WAJA re-instated its belief that it is only when the populace of West Africa are allowed to enjoy the freedom of diversity in information sources without hindrance, that the region could be said to respect the UN Resolution 59(1), that "freedom of information is a fundamental human right and the touchstone of all the freedoms to which the United Nations is consecrated".

NGOs, Journalists Campaign Against World Bank's Policy on Access to Information

A global campaign has been launched by Non-governmental organisations (NGOs), including Media Rights Agenda (MRA), and journalists' unions seeking to upturn the World Bank draft policy which limits access to information of the Bretton Woods institution.

There has been considerable criticism by non-governmental organizations, journalists and the organizations that represent them about what they regard as serious deficiencies in the World Bank's policies on disclosure of information. They believe that sunshine on the processes of decision making strengthens institutions and societies.

In a letter to James D. Wolfensohn, President of the World Bank, signed by a number of NGOs, media establishments and journalism organisations worldwide, including MRA, they noted that while the Bank has made strides toward greater transparency, the draft Policy on Information Disclosure, now under consideration, makes only modest additional steps. Some changes, they said, are to be applauded, for example, the release of more evaluative documents. However, they observed that the draft policy falls short in many other respects.

Taken as a whole, the campaigners said the draft proposal's shortcomings are particularly unfortunate because the Bank often extols the virtues of transparency when attempting to encourage good governance principles.

Specifically, the draft policy seeks to keep hidden from public view many vital documents that explain Bank policies, of which without their release journalists can not adequately fulfill their responsibilities of informing the public.

The draft policy is such that important materials will remain secret. Specifically, when the Bank makes structural adjustment loans, with specific prescriptions for change, the terms are spelt out in documents such as the President's Report and Tranche Release Memorandum. However, the Bank does not release these documents, nor does it propose to do so. Instead, disclosure of these critical documents will remain at the whim of borrowing governments, allowing many governments to shield these documents from public view.

It remains unclear whether the impetus to withhold information comes from the borrowing governments or is the result of pressure applied by the Bank.

Similarly, the Bank's proposed policy would not mandate the release of all Country Assistance Strategies, one of the broadest policy-setting documents, nor would the Bank allow for the release of draft project appraisal documents, which are the key evaluative assessments of projects.

While the draft policy seeks to keep from access the findings of the Bank's Quality Assurance Group and the Quality and Compliance Unit. These documents, and any pertaining to relevant follow-up, serve an important role in the Bank's ability to hold itself accountable, to measure and learn from its mistakes, to capitalize on its successes, and to demonstrate this to journalists and stakeholders alike.

Besides liberalising access to these areas of the Bank’s operation, campaigners seek to compel it to disclose archived materials after five years, instead of after 20 years that is proposed, and the Bank's Board of Executive Directors should commit itself to releasing minutes of its meetings or the summaries of board discussions. Such a record, they say, should be a basic tenet of good governance.
Notable among the organisations that have expressed support for the campaign effort include the International Federation of Journalists (IFJ) and Article 19. IFJ wrote a separate letter on February 9, signed by Aidan White, General Secretary, and addressed to Mr. Wolfensohn, in which it said while it welcomed the strides made by the World Bank towards greater transparency, "we note that the draft Policy on Information Disclosure now under consideration makes only modest additional steps… (and)… falls short in many other respects."

IFJ charged the World Bank that its entire staff should act in accordance with the principle that the first rule "should be in favour of openness, not secrecy," and challenged the World Bank "to discourage secrecy and to promote informed debate."

Article 19 in its own letter dated February 19 to Mr. Wolfensohn, also chided the bank for its draft policy that seeks to heavily limit access to its document and promote secrecy in some vital areas of its operation.

In the letter signed by Toby Mendel, Head of its Law Programme, Article 19 charged that: "The Bank is being excessively secretive and giving too much power to individual countries by allowing their governments to dictate whether a document should be released. This is information which affects millions of people and they have a fundamental right to access it."

Article 19 then urged that the World Bank revise its policy in order to establish an independent body to review refusals by the Bank to disclose information; include strict timelines for the disclosure of information and a requirement that any refusals be accompanied with substantive written reasons; require that all exceptions are subject to substantial harm and public interest tests; provide protection for whistleblowers; and review its policy allowing individual countries to veto information disclosure.

**African Human Rights Institutions Cosmetic, Study Reveals**

The setting up of the Nigerian National Human Rights Commission (NHRC) in 1995 by the late General Sani Abacha's regime and such other bodies by several African States, was to deflect international criticism of their human rights records than to addressing rights abuses. This is the outcome of a major new study by the New York-based organisation, Human Rights Watch, which report was released on February 15.

The study showed that despite a rapid growth in the establishment of government-backed human rights commissions throughout Africa in the last decade, there could not be said to have been generally better protection for citizens' rights.

The report also indicted the United Nations and donor countries, who were actively encouraging the creation of these institutions, for having failed to ensure that they actually did something to protect victims and combat human rights abuses, cautioning that they should be wary of giving legitimacy to commissions that served merely as "window dressing".

"Millions of Africans are being displaced, tortured or killed. Yet the sad truth is that human rights commissioners in Africa often turn a blind eye to these abuses," said Binaifer Nowrojee, primary author of the report, in a press statement, announcing the release.

The report stated that the Nigerian National Human Rights Commission established in 1995 was "clearly designed as an attempt to head off international criticism of military rule" and lacked many of the powers and guarantees of independence.

Among the other countries surveyed in the study are Cameroon, Chad, Kenya, Liberia, Sudan, Algeria and Tunisia. Others are Ghana, South Africa, Togo and Uganda.

The report noted that many commissioners - such as those of Cameroon, Chad, Kenya, Liberia and Sudan - failed to publicly denounce abuses "either from fear of retribution or out of hope of government favour." In Algeria, Togo and Tunisia, commissioners downplayed their government's abuses, it added.

However, the report praised Ghanaian, South African and Ugandan commissioners who, it said, "have not been afraid to speak out strongly when confronted with government abuses." It
said these commissions were deserving of increased and continuing support, by the international community, and that the Ghanaian and Ugandan institutions could serve as examples and resources for other government commissions in their regions.

The secrets of success for these countries, the two-year study report stated, are "the courage and integrity of commission members". The more successful tended to have a clear mandate, a constitutional basis, strong powers, and a commitment of purpose in the light of criticism from the executive or other branches of government.

Giving reasons for failure of some commissions, the study found some of the national rights body's potentials were seriously stymied by external controls.

In Cameroon, for instance, the study found the credibility and autonomy of the National Commission of Human Rights and Freedoms (NCHRPF) to be "greatly hindered by strong presidential control over its appointment and operations".

Similarly, Liberia's Human Rights Commission was paralysed by the government of Charles Taylor "through its flawed legislation, inadequate funding and political pressure", to the extent the Commission had remained virtually silent in the face of growing evidence of abuse by Taylor's government.

In Kenya, President Daniel Arap Moi's powers to appoint and remove at will members of the Standing Committee of Human Rights was employed by him to "tightly circumscribe" the commission's independence. The study also questioned the commission's legal status under the constitution.

The report said the Sudanese government continues to commit "serious human rights abuses" and had created a human rights entity to mitigate such criticism. The Advisory Council for Human Rights had no autonomy, was established by presidential decree, and dissoluble by the president.

The report also reported some countries where Human Rights Commissions were unnecessary because of the existence of a strong Constitutional Court that had improved the human rights climate. Among these were the case of Benin Republic, where the Commission Beninoise des Droits de l'Homme (CBDH) turned out to provide "inactive complacency".

In Malawian and Senegal, the survey found that the state Commissions showed early promise. In Ethiopia, the survey found that the government "largely excluded local and international human rights NGOs" from a broad, donor-funded consultative process held on the eve of the establishment of its National Human Rights Commission.

The survey found that most of the human rights commissions in Africa were formed by governments who abuse human rights, have weak state institutions, and many were under-funded. It also noted that most of the commissions had the potential to put a stop to state abuses, get remedies for victims and support local human rights activities under attack for their work.

However, according to Peter Takirambudde, executive director of the Africa division of Human Rights Watch, "African countries are jumping on the human rights bandwagon, but they don't seem truly interested in helping victims."

**Mugabe Renews Crackdown On Journalists, Expels Two**

President Robert Mugabe, seeking scapegoats in the media, on February 17 gave two journalists 24-hour ultimatums to leave Zimbabwe on the pretext that their stay was either illegal or had expired. The journalists are Joseph Winter, BBC Correspondent and Mercedes Sayagues, the South African Mail & Guardian newspaper Correspondent. The ultimatums were given by the Zimbabwean Information Minister, Jonathan Moyo, who said that Winter had been ordered out because his work permit was invalid while Sayague’s permit had expired.
Winter and his family had to take refuge in the British High Commission in Harare after a gang of men tried to break into his flat in the early hours of February 18.

Winter thereafter fled with his family to South Africa on February 19. This was in spite of a court order extending their stay to February 23, which the government said it would not honour.

Winter, who had worked in Zimbabwe for four years before his travail with the State, described the allegation of possessing invalid working documents as “absolute rubbish.” He said his work permit was renewed three weeks earlier and is valid until February 2002.

On February 22 Sayagues, left the country for South Africa, reports the Zimbabwe Independent on February 23.

According to the report, Sayagues, speaking to reporters before she left said that she would be challenging the state's prohibition order in court. "What they have done to me and my daughter is unlawful, unreasonable and unnecessary, but no worse than what has been done to the people of Zimbabwe," said Sayagues to reporters.

Political analysts say that Mugabe had targeted the media, the judiciary and the opposition in a crackdown ahead of the 2002 Presidential polls.

The Information Ministry which is under the Presidency had announced earlier that it would cancel press cards and announce new requirements adding that government would favour Zimbabwean journalists above foreign journalists.

The Herald reports that President Mugabe said that Winter and Sayagues were expelled from Zimbabwe because they were involved in illegal activities, and denied that his government was harassing journalists, the judiciary and the opposition, claiming that he has a mandate to protect the interests of Zimbabwe and its people.

NGO For International Media Support Founded

A meeting in Copenhagen, Denmark, has established the groundwork for a new NGO that will provide emergency support and assistance for media around the world. The new organisation, International Media Support (IMS), is being established by several Danish groups, including the Danish Centre for Human Rights, the Danish Union of Journalists, and the Danish School of Journalism.

The organisation's main goal will be to quickly provide short-term emergency support for media ventures when freedom of expression is seriously threatened.

The group's organisers believe there is often a gap between the time when an emergency occurs, such as the need to rebuild a media outlet if it has been damaged or to provide bullet proof vests, and when other NGOs and donor agencies can begin to provide support.

The Peace and Stability Secretariat of the Danish Ministry of Foreign Affairs will provide initial funding. IMS hopes to begin its activities by October 2001.

UNESCO, IFJ Promote Women In The Media

Following last year's success in the first endeavour, the United Nations Educational, Scientific and Cultural Organisation (UNESCO), and the International Federation of Journalists (IFJ) are making a joint call to the world's media to encourage media enterprises to give editorial responsibility to women staff members for a full week from 5 to 11 March 2001 to mark International Women's Day, March 8, 2001.

The operation which is designed to bring attention to the fact that even though women are increasingly present in the media in terms of numbers, too few reach decision-making positions, is called "Women Make the News 2001". The initiative also aims to promote a balanced and non-stereotyped portrayal of women.
UNESCO believes that focusing on equal opportunities in the media would help to emphasize that the free flow of independent and pluralistic information can only exist when all talented journalists have an equal chance of becoming editors and media executives.

UNESCO's "Women Make the News" symbolically supports the media in taking actions to increase gender equality in news production.

Last year, UNESCO said more than 1,000 media in 56 countries took part in the first annual operation that named women to editorial positions of responsibility for a single day.

It, therefore, asked for support in getting the word out about this week-long initiative through electronic bulletins, e-mail distribution lists, or other means determined to be appropriate.

As a follow-up, IFJ will organise a global conference for women journalists, "Equality And Quality: Women in the Media" at the IFJ World Congress taking place in June, 2001, in Seoul. There, IFJ will launch a survey on the status of women journalists, which is part of the joint programme of activity the IFJ has with UNESCO.

"Women Make the News" was first launched in 2000 by UNESCO's Director-General, Mr. Koichiro Matsuura. He made an appeal to the world's media to name women to top editorial posts for a single day, International Women's Day, 8 March 2000.

His call was supported by United Nations Secretary-General Kofi Annan; United Nations High Commissioner for Human Rights and Secretary-General of the World Conference Against Racism, Mary Robinson; and several others.

UNESCO Marks 10th Anniversary of Windhoek Declaration

Ten years after the 1991 Windhoek Seminar on "Promoting Independent and Pluralistic Media", out of which emerged the Windhoek Declaration, seen as a benchmark not only for the entire UN system but also for governmental and non-governmental organizations in the media field, UNESCO is organising a conference to mark the 10th anniversary of the Declaration. The conference comes up from May 3 to 5, 2001, in Windhoek, Namibia, and it is being organised in cooperation with the Namibian National Commission and the Media Institute for Southern Africa (MISA).

The Windhoek 1991 Seminar organized jointly by UNESCO and the United Nations Department of Public Information, was the first regional seminar following the fall of the Berlin Wall, which enabled UNESCO to experience its new communication strategy in November 1989. The Seminar was also the catalyst for World Press Freedom Day.

Ten years later, the significance and legacy of Windhoek continue to be recognized throughout the world. And UNESCO said it considered it appropriate that the main celebration for World Press Freedom Day 2001 should be held in Windhoek.

UNESCO said the World Press Freedom Day ceremony, consisting notably of the award of the UNESCO/Guillermo Cano World Press Freedom Prize, will be followed by a two-and-a-half day Conference on the theme "Ten Years On: Assessment and Prospects".

UNESCO, said it expects about 120 participants including journalists and editors from Africa and other regions of the world, as well as international and regional media organizations.

The organisers said space would also be provided for non-governmental organizations and African media enterprises to display their work.

Free Expression Crucial In Fight Against Racism, Say Experts

As preparations hot up for the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance slated to hold in Durban, South Africa from August 28 to September 1, 2001, the importance of the free flow of information in combating racial intolerance has been emphasized.
The point was made in a recent joint statement by the three special international mandates promoting freedom of expression, namely the United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Mr. Abid Hussain; the Organization for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media, Mr. Freimut Duve; and the Special Rapporteur for Freedom of Expression of the Organization of American States (OAS), Dr. Santiago Canton.

They also called for any restrictions on hate speech to conform to international standards in order not to fall foul of the freedom of expression requirement set out and recognised by various international instruments, including the Universal Declaration of Human Rights in its Article 19.

The Statement noted: "The free flow of information and ideas is one of the most powerful ways of combating racism, discrimination, xenophobia and intolerance. There should be free access to information which exposes or otherwise helps combat these problems...."

The statement noted that: "Media organisations ... have a moral and social obligation to make a positive contribution to the fight against racism, discrimination, xenophobia and intolerance."

However, the statement highlighted the importance of adequate `legal safeguards to protect freedom of expression and noted that hate speech laws have in the past been used against those they should be protecting. They drew particular attention to the need to ensure that any restrictions on the Internet does not undermine the role of this unique medium in promoting the free flow of information and ideas.

ATTACKS ON THE PRESS IN FEBRUARY 2001

Journalists Barred From Covering Rivers Assembly

Correspondents of some private newspapers based in Port Harcourt, Rivers State, were on February 7 prevented from entering the State House of Assembly to cover the day’s proceedings. They were turned back by security details stationed at the gate because their names were not found in the list of journalists accredited to cover the day’s proceedings prepared by the House.


Security men at the Assembly complex gate claimed that they were acting on “orders from above”. The security men who barred them from entering the complex warned the journalists not to insist on going into the complex or they would be cross with them.

Attempts by the journalists to see the Speaker of the House, Chief Chibuike Rotimi Amaechi, and the Director of Press Affairs, Goodluck Ikwe, to confirm the claim of “orders from above” were also thwarted by the security men.

Governor Threatens To Prosecute Journalists Over Sharia Reports

Governor Ahmadu Muazu of Bauchi State has threat-ened to prosecute journalists who write negative reports on the implementation of Sharia in the state.

Muazu, who read the riot act to journalists in the state after signing the Sharia Bill into law, told reporters that: "You (journalists) should put sentiments aside and report objectively issues that will see to the success of the system by educating members of the public”. He warned that failure to abide by his admonition would earn the “offending” journalist prosecution.

The governor also announced the setting up of a nine-member committee to serve as an implementing task force with Alhaji Muhammadu Danmadami as the chairman.
Others include Mr. Lawan Ibrahim, Chairman of the state branch of the Nigerian Bar Association (NBA), Mr. Al-Mustapha, Dr. Hadi Dahiru Usman Bauchi, a representative of the chief judge and that of the Grand Khadi, a representative of emirs of Bauchi and Kataguri and the state solicitor-general who will serve as the committee's secretary.

The committee was charged with preparing modalities for sharia implementation in the state before its take-off as well as fix appropriate dates for the ban on all anti-sharia vices.

Bauchi State brings to seven, the number of states that have adopted sharia law in the country. Others states where the law is being implemented include Zamfara, Sokoto, Kebbi, Yobe, Jigawa and Kano.

Magistrate Detains Two Journalists

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Port Harcourt Chief Magistrate, Mrs. C. I. Nwankwo, on February 13, ordered the detention of two journalists for covering proceedings in her court without her authorisation.

The reporters, Sam Chindah of The Tide and Rosemary Nwisi from The Post Express newspapers had arrived at Mrs. Nwankwo's court when proceedings had commenced. They walked in and sat in the front row benches reserved for members of the public.

The journalists had hardly begun to write when the Chief Magistrate ordered her police orderly to arrest them on the grounds that they did not obtain her permission before beginning to record the proceedings. She also ordered the policeman to confiscate the journalists' writing materials.

She did not listen in to the journalists' plea that she had started proceedings before they entered the court thereby making it impossible for them to inform her of their presence.

She specifically asked the policeman to lock up the two journalists (male and female) with criminals so that they would have what to write. The journalists were detained in the court cell where till the court closed the day's session.

The Magistrate said she was ordering their release because of appeals from numerous "friends of the court", and cautioned that journalist should report cases in her court without obtaining her express permission.

Chindah's writing materials were yet to be released at the late hours of February 15.

Journalists In Kano State Face Harassment By Sharia Implementers

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ano State has began a campaign against journalists, using the state-appointed Hisba (Vanguard) committee which enforces compliance with sharia law. This is being done by a mosque-to-mosque campaign undertaken by the committee meant to whip up sentiments against journalists in the State by portraying them as anti-sharia elements.

This has forced the state council of Nigeria Union of Journalists (NUJ), to raise an alarm and appeal to well meaning citizens to save them from an impending physical harassment and general censorship.

Besides the campaign of calumny being waged against the journalists, the Hisba committee members recently invaded the press centre where they injured one person and vandalised six cars.

The Hisba committee claimed afterwards that they were harassed and prevented from inspecting the press centre.

But in a press statement signed by the acting chairman of the council, Comrade Sanusi Jibrin, the journalists denied any such action and said the union "views this attack on its good image as a calculated attempt by some faceless individuals to blackmail journalists in Kano State."

The statement also recalled that during the previous week a group of Hisba committee members from Tarauchi Local Government raided the local press centre while armed with deadly weapons, and condemned the action as "uncivilised and counter to the norms and regulations guiding the operations of the Nigeria police."
Banking Fellowships For Journalists

The Graduate School of Banking at the University of Wisconsin, Madison in the United States, is accepting applications for its banking fellowships for journalists. The fellowship is sponsored by the Herbert V. Prochnow Educational Foundation and grants 10 fellowships per year. The fellowship is a two-week programme and starts in August. It provides members of the business press with a better understanding of banking.

Applicants must have at least three years of professional experience. The fellowships include board, materials, room, and tuition but does not cover transportation costs.

Contact: Joan N. Papke Prochnow Educational Foundation, 5315 Wall Street, Madison, WI 53718; Tel: (608) 243-1945; Fax: (608) 243-1951; E-mail: jiapke@gsb.org; Web Site: http://www.gsb.org

DEADLINE: June 1, 2001

CNN International Professional Programme (IPP)

Cable News Network (CNN) is accepting applications for a four-week programme designed for international editorial broadcast journalists. The programme offers structured workshops for strengthening editorial skills and knowledge of new technology. Fellows rotate through all news divisions in Atlanta, Georgia in the United States. The session dates are January 29-February 23, 2001, April 2-April 27, 2001, July 16-August 9, 2001, and October 8-November 2, 2001.

Applicants must be employees of organizations that contribute to the CNN World Report.

Contact: Ms Lou O. Curles, Vice President, CNN International Professional Program, One CNN Center, P.O. Box 105366, Atlanta, GA 30348-5366; Tel: (404) 827-1913; Fax: (404) 588-6659; E-mail: Lou Curles@turner.com

International Journalism Exchange (IJE)

The Freedom Forum and American Society of Newspaper Editors have called for applications from editors who have worked in journalism for at least five years and are currently employed by a daily newspaper for the International Journalism Exchange (IJE). Applicants must be proficient in English and have little substantial previous travel to the United States.

Priority is given to editors from countries in transition to democratic rule. The five-week programme begins in Washington, D.C. with an orientation and professional seminars preceding a month-long newspaper assignment which offers exposure to all departments of an American newspaper. It concludes with a couple of days of professional group activities and the final evaluation of the programme in New York City.

Contact c/o IJE, International Center for Journalists, 1616 H Street, NW, Third Floor, Washington, D.C., 20006; Tel: (202) 737-3700; Fax: (202) 737-0530; E-mail: ije@icfj.org


California State University at Chico

The California State University at Chico is accepting applications for a four-year undergraduate degree in journalism and a two year master’s degree in communications. The department participates in two U.S.-based programmes, in addition to activities in Europe. As part of the Mid-Career Professional Development Programme, it invites Albanian, Romanian, Macedonian and Kyrgyzstan journalists for a year's study. In addition, Chico takes part in workshops in which journalists train at IMTC's facility in Washington, D.C., then on campus for several weeks. Contact: Professor Peter Gross, Department of Journalism, California State University at Chico, Chico, CA 95929; Tel: (916) 898-4090/898-4779; Fax: (916) 898-
Journalists In Europe Programme

The Journalists in Europe has called for applications for its 2000-2001 Fellowship Programme. The programme is sponsored by the Journalists in Europe Fund, an organization dedicated to improving reporting of European affairs.

Candidates for the programme must be currently working journalists between 25 and 35 years of age who have at least four years of full-time experience and working knowledge of English and French. Three programmes are offered each year. They have different contents and are independent and freestanding. Depending on their professional needs or areas of particular interest, journalists can apply for one, two or the three programmes.

Information about application and selection procedures, application forms and magazines are available on Internet site http://europmag.com and can be downloaded. Click on English version and then on long programs-international.

Contact: Guillemette Teissier du Cros, Journalists in Europe Fund, 4 rue du Faubourg Montmartre, 75009, Paris, France; Tel: 33(0)1. 55.77.20.00 Fax: 33. (0) 1.48.24.40.02; E-mail: jeparis1@wanadoo.fr. http://www.europmag.com

DEADLINE: varies depending on programme.

MacArthur Foundation Seeks Proposals

The MacArthur Foundation is inviting proposals from media centers for projects that use media, primarily film and video, to foster community problem-solving; explore welfare, workforce and related economic issues; and/or support the development of children and youth.

Proposals should be submitted to Ms. Margie Nicholson Media Centers Grant Program, John D. and Catherine T. MacArthur Foundation, 140 S. Dearborn, Suite 1100 Chicago, IL 60603-5285, Tel:(312) 726-8000 The Foundation will not accept proposals by fax or e-mail.

Grants To Photographers Available

The W. Eugene Smith Memorial Fund has announced that it is receiving applications from photographers for grants for a documentary photojournalism project in humanistic photography. The funds totaling $25,000 is provided by Nikon Inc. according to administrators of the fund, $20,000 of it is for primary grant while the remaining $5,000 is distributed at the discretion of the jury.

For more information and an application send a self-addressed envelope. Contact: W. Eugene Smith Memorial Fund, c/o International Center of Photography, 1130 Fifth Avenue, New York, NY 10128; Tel: (212) 860-1777 ext. 186; Fax: (212) 360-6490


Press Freedom Cartoon Competition Opens

The National Press Club of Canada has announced a new international editorial cartoon competition. Editorial cartoonists are invited to submit a maximum of two cartoons on press freedom or freedom of expression.

The event or subject of the cartoon must have taken place since 1 January 2000. If there is any text within the cartoon in a language other than English, French or Spanish, a translation must be provided. A brief description of the event or subject which inspired the cartoon may also be useful.

Entrants should supply a brief biography in English or French or Spanish.

The winner will receive 1000 Canadian dollars (approximately USS 660) and be brought to Ottawa, Canada for the National Press Club's World Press Freedom Day Luncheon on 3 May.
The deadline is 12 April. Please send entries by mail or fax to: International Editorial Cartoon Competition, National Press Club of Canada, 150 Wellington St., Ottawa ON K1P 5A4, Canada; Fax: +1 613 233 3511.

For further information, contact Spencer Moore, Chair, E-mail: combroad1@home.com.

University of Chicago Human Rights Programme Fellowships

The Human Rights Programme at the University of Chicago solicits applications for up to two residential fellowships from leading human rights activists in or outside of the U.S.

The fellowships are primarily intended as a sabbatical period for well-established activists who seek an opportunity to reflect on their experiences in an academic environment. Each fellowship will last between three and six months.

Successful candidates will have the opportunity to do research, to collaborate with faculty and students on projects of interest, to participate in courses or workshops, and to engage in activities away from the pressures of their work.

The fellowship recipients will be required to give one presentation on their work to the Human Rights Workshop, to participate actively in the events and activities of the Human Rights Programme, and to compose a brief summary of their fellowship experience at the conclusion of their tenure. If appropriate, they will be invited to consider hosting a student intern from the Human Rights Programme in their organization.

Successful candidates will receive a stipend at the rate of $3,500 per month, plus a small allowance for telephone, fax and postage, and office space. The programme will cover the cost of economy travel and medical insurance if it is needed.

Applicants should submit a resume, up to two published pieces, names of three references, and a 1-2 page statement of reasons for applying, to: The Human Rights Program, University of Chicago, 5828 S. University Avenue, Chicago, IL 60637, Tel: 773-702-7721, Fax: 773-7032-9286, E-mail: human-rights@uchicago.edu, Website: http://humanities.uchicago.edu/cis/hr

Index Awards For Free Expression, "Services To Censorship"

Three persons were on February 5, honoured in London by Index on Censorship magazine, with its annual awards which recognises leading champions of free expression.

Mashallah Shamsolvaezin, editor of the now banned Iranian daily Neshat, jailed in April 2000 on charges of 'hurting Islam' was honoured with the "Most Courageous Defence of Free Expression" award.

Grigori Pasko, facing repeated treason charges in Russia for exposing the dumping of nuclear waste in the Sea of Japan, was recognised as the "International Whistleblower of the Year".

The "Best Circumvention of Censorship" honour was given to the team behind the Publius Censorship Resistant Publishing System, an anonymous and secure Internet outlet for human rights activists with website at http://cs1.cs.nyu.edu/waldman/publius/.

At the same event, Index on Censorship awarded to Britain's Ministry of Defence (MoD) a dubious "honour" for its "services to censorship." "MoD officials have relentlessly - though rarely successfully - pursued journalists, former spies and veteran soldiers through the courts in a bid to silence whistleblowers," says Index on Censorship.

The MoD beat such "luminaries of repression" as Iran's Ayatollah Khameni, the school board chiefs from the US state of Kansas who restrict the teaching of evolution in favour of biblical accounts, and the Organisation of Security and Cooperation in Europe, nominated for its attempts to control Balkan media through active censorship.

The "award" was collected on behalf of the MoD by retired British army Lieutenant-colonel Nigel Wylde, himself a recent target of the MoD. Wylde was arrested two years ago by the MoD police on official secrets charges, but acquitted last November.
"A number of criminal laws used against journalists, particularly those permitting detention without trials, 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 license journalist, represents a far more effective means of repressing public expression."

Freedom to License Journalists
March 1999, Article 19

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