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Press freedom and media ownership interplay in two decades of Nigeria's democratic governance: A critical look

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Abstract

The inability of a country's mass media institution to take its position as the watchdog of the society perpetuates ignorance and abuse of people's rights, among other consequences. The importance of media watchdog function in promoting and safeguarding civil liberties underscores the growing acceptance of democratic principles, among which is freedom of expression and the press. Since the emergence of democratic governance in 1999, the Nigerian media appear to grapple with the task of strengthening the democratic process through unbiased coverage of events. Using library sources, this study examined Nigerian media watchdog role before and since over two decades of democratic governance. The investigation found out that the watchdog function is substantially challenged by media ownership interest. The paper recommended, among other things, that Nigerian public and independent media should be guided by the principle of social responsibility in issues presentation, especially issues that affect public interest.

Keywords: Freedom of expression, media ownership interest, media watchdog role, national interest, Nigerian media institution, political democratization, press freedom, social responsibility

Introduction

The agitation for press freedom is as old as the invention of the means of mass communication and the rise of journalism. The agitation is to liberate journalism and the media of mass communication from repressive powers to monitor the activities of the government and to ventilate opinions on issues of public interest. From the totalitarian era, when all media of mass communication were operated as the instrument of the state, journalism and the mass media have had to swim the turbulent waters of repression until the rise of the power of the middle class and the emergence of liberal democracies. The agitation for the emergence of a free society which encourages freedom of expression and the press forms the thrust of the libertarian press philosophy. The libertarian press ideology considers journalism and the mass media strategic in enlightening the citizenry and safeguarding civil liberty. It argues that journalists and the mass media should be free, at least, to enjoy editorial independence, including the freedom to hold the government accountable to the people. This is opposed to the tenet of totalitarianism which believes that press freedom was dangerous since free dissemination of information could empower the masses to revolt against the government.

In Nigeria, government effort to keep the press and the mass media as powerless as possible was exemplified not only in the promulgation of obnoxious media laws but also through licensing, censorship, direct government control, regulatory and economic sanctions and physical violence against journalists and the mass media. For instance, until the promulgation of Decree 38 of 1992, broadcasting was exclusively owned and operated by the Federal and State governments in Nigeria. The fear of private media organisations abusing the power of broadcasting by providing more enlightenment to the people than was required left broadcasting exclusively in the hands of the government until deregulation in 1992. While government exclusive ownership of the Nigerian broadcast industry held sway, the press was significantly oppressed with repressive laws, persecution of daring pressmen and the confiscation of press materials and offices.

But, with government exclusive ownership of the broadcast industry before deregulation and the threat of operating a press station that is not pro-government, the challenges plaguing government control of the mass media in Nigeria would not abate.

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This is because both Federal and State-owned media stations were critical of the activities and policies of each other, a trend that continues till date. Uche (1989) ^[20] observes that the mass media in Nigeria have become very attractive that without them, the political power holders are nobody. This condition exemplifies why every military or civilian administration in Nigeria makes a historical landmark in the way the mass media are operated. The condition also accounts for why a media station that was loyal to an administration or regime today can be used to criticise the activities or policies of the same administration the next day.

However, much as deregulation and the abrogation of some draconian media laws have encouraged public and independent media practice in Nigeria, especially since the deregulation of broadcasting in 1992 and the emergence of democracy in 1999, the task of serving public interest is yet plagued by ownership or the pursuit of some business concerns. Against the ethical codes of editorial independence, fairness and national interest, the Nigerian media (public and private) increasingly assumes the platform for sustaining political relevance.

The current posture of the Nigerian media is a near opposite of the pre-independence press which intellectually confronted and conquered the scourge of colonialism. Ndimele and Innocent (2006) ^[15] state that the early Nigerian nationalists exploited the pre-independence press to sensitise and mobilise the Nigerian elite to fight for political independence. The consensual agitation for self-rule championed by the pre-independence Nigerian press inculcated the consciousness to agitate for political freedom from colonial British in the Nigerian masses. In the current era, there is a surging loss of focus of the place of the mass media in strengthening Nigeria's democratic process.

Statement of the problem

Before 1999, Nigerian journalists and the mass media occupied the front seat in agitating for the end of military rule. This agitation was understandably rife due to the horror of oppression Nigerian journalists and the mass media encountered in the hands of some military dictators. The emergence of civil rule was expected to end dictatorship and enhance freedom of expression and the press. Civil rule in Nigeria was also expected to provide opportunities to confront some draconian press laws that threatened not only press freedom but also the lives of journalists and their family members. It was also expected that civil rule would usher in a more vibrant press activism, thereby advancing editorial independence, encouraging investigative journalism, aiding the dissemination of all shades of opinion and putting the country on a steady path of economic progress.

To a considerable extent, the current democratic governance has enhanced freedom of expression and the press, especially with the overthrow of some obnoxious media laws by more-friendly ones, such as the Freedom of Information (FOI) Act. Despite these gains, the task of promoting national interest through unbiased and fair presentation of reports and issues by Nigerian journalists and the mass media is yet challenged by the pursuit of personal or economic advantages. The result of this slide is the near polarisation of the Nigerian press and the use of the media by the political class to defend some sectional or parochial interests. It appears that the Nigerian media are

now used to watch the wrong doings of perceived political foes. National interest has significantly eroded. The question is: are the agitations for civil rule by Nigerian journalists and the mass media a quest for press freedom or personal freedom?

Literature review

The paper was anchored on the Social Responsibility theory. Some related concepts were also reviewed to highlight the focus of the paper.

Social Responsibility Theory

The social responsibility theory evolved through the report of the Hutchin's Commission set up in 1942 to respond to the widespread sensational, commercial and monopolistic approach of the libertarian press era. The Commission was saddled with the responsibility to critically examine areas and circumstances under which the press was succeeding or failing (McQuail, 2009) ^[13]. The libertarian era afforded the press considerable freedom from undue government control. The result of this free marketplace of operation was yellow journalism, characterised by character assassination and sensationalism (Nwachukwu, Asak and Asadu, 2012) ^[17]. It was this irresponsible press operation that necessitated the establishment of the Hutchin's Commission to work out a more responsible press philosophy to meet the needs of the society.

Findings of the Hutchin's Commission indicted the press for not only being sensational but also for giving voice to only the privileged political and economic power holders. The Commission, according to McQuail (2009) ^[13], argued that "a responsible press shall provide a full, truthful, comprehensive and intelligent account of the day's events in the context which gives them meaning" (p. 170). It stated that freedom carries with it the responsibility to trade with caution and respect for the views and interests the wider society.

The underlying premise of the social responsibility theory is that freedom is worthless except it is exercised with a reasonable degree of responsibility which involves respect for institutions and members of the society (Daramola, 2003; Jackson and Jackson, 2003; Johari, 2006; Hoffman and Graham, 2009) ^[3, 11, 12, 10]. What this means is that apart from the establishment or legislation of laws to regulate media operations, the mass media, just as individuals, owe the society the responsibility to carry out their activities responsibly. The media should accommodate all shades of opinion and not only that of the privileged few.

McQuail (2010) ^[14] summarises the central ideologies of the social responsibility theory as:

1. The media have obligation to society, and media ownership is a public trust; news media should be truthful, accurate, fair, objective and relevant; the media should be free, but self-regulated;
2. The media should follow agreed codes of ethics and professional conduct; under some circumstance, government may need to intervene to safeguard the public interest (p. 171).

Being self-regulated demands that the mass media be accorded the freedom to operate. This freedom ensures that the media are free from undue political and economic influences. It also means that the media must ensure balance between the maximisation of profits and the protection of national interest.

Dimensions of Press Control

According to Freedom House (2008) ^[1] cited in Graber (2010) ^[8], the issue of press control is of great concern to the world's population. This is because, despite the growing acceptance of democracy and democratic norms, forty-two percent of the world's people, living in sixty-four countries, do not enjoy freedom of the press. In other words, this significant percentage of the world's population does not enjoy free dissemination of information and does not also have the means to express views. Freedom House (2008) ^[1] observes that another forty percent of the population of the world, living in fifty countries, only enjoys partial press freedom. This condition leaves only eighteen percent of the world's people in seventy-two countries enjoying a significant percentage of press freedom (Graber, 2010) ^[8]. Across countries and regions of the world, especially in countries with partial or absence of press freedom, the control of the press is exercised in four major dimensions. Press control is exercised through: laws and regulations that influence media contents; political pressures and controls over media contents; economic pressures that influence media contents; and physical violence against the media. We shall briefly examine the different dimensions of press control in turn.

Laws and Regulations

Laws and regulations encapsulate the different legal or legislative frameworks that either restrict or enhance the activities of journalists and the mass media. In Nigeria, for instance, despite the constitutional provision of freedom of expression and the press enshrined in Section 24 of 1960 constitution, Section 25 of the 1963 republican constitution, Section 36 of the 1979 constitution and now Section 39 of the 1999 constitution, the country has witnessed the promulgation of laws and regulations that significantly restricted press freedom. Chief among the laws and ordinances that restricted press freedom in Nigeria were:

Newspaper Decree of 1967: This Decree invested the Federal Government with the power to prohibit the circulation of any newspaper deemed detrimental to the interest of the Federation or any State thereof. In other words, this Decree invested the government with the power to persecute any medium that is anti-government. It was this Decree that led to the ban of Sunday Star newspaper in 1968 (Ewelukwa, 2004) ^[5].

Public Officer's Protection Against False Accusation Decree of 1976: This Decree was promulgated by the military administration of General Olusegun Obasanjo in 1976. The Decree made it an offence for any person to publish, reproduce or transmit in any form any statement, rumour or report alleging or intending to be understood as alleging that a public officer has in any manner been engaged in corrupt practices or has in any manner corruptly enriched himself. It was this Decree that led to the trial of Nduka Iabor and Tunde Thompson of the Guardian newspaper (Ewelukwa, 2004) ^[5].

Official Secrets Act of 1962: Section 1 (i) of the Official Secrets Act makes it an offence for any person to transmit any classified matter to any person whom he is not authorised on behalf of the government to transmit it to. The Decree also makes it an offence for any person to obtain, retain or reproduce any classified matter which he is not authorised

on behalf of the government to obtain, retain or reproduce (Ewelukwa, 2004) ^[5]. In other words, the Official Secrets Act restricted people, including journalists, from accessing official information in government custody.

Decree No. 4 of 1984: This Decree was promulgated by the military regime of General Mohammadu Buhari. Decree No. 4 of 1984 made it an offence punishable by imprisonment, fine or both for the press or other forms of the mass media to publish or broadcast anything (true or false) that could embarrass the government or bring into ridicule, contempt or disrepute a government official (Ewelukwa, 2004) ^[5]. This Decree made it a punishable offence to report crimes or corrupt practices by the government or government officials.

State Security Detention of Persons Decree No. 41 of 1994: This Decree was promulgated by the military government headed by General Sani Abacha. The Decree was promulgated to remove the jurisdiction of the court to demand that persons held in detention should be produced in court (Ewelukwa, 2004). The intention was to prevent the declaration of the detention of people, especially journalists, as illegal by the court so as to hold the detainee as long as the government wished.

These and several other decrees and edicts not only gagged freedom of expression and the press in Nigeria but also threatened the lives of citizens of the country, especially journalists. Many of these promulgations underwent several amendments and entire abrogation in the hands of different civilian and military administrations until the emergence of democracy in 1999 and the enactment of the Freedom of Information (FOI) Act in 2011.

Political Pressures and Controls Over Media Contents

The power of the mass media to extensively reach and influence the actions of members of their audiences enjoys global recognition. The condition has left the mass media inseparable from politics. Uche (1989) ^[20] shares this view as he likens the relationship between politics and the mass media in Nigeria to the birth of siamese twins which naturally poses a difficulty to separate. The reason for this condition is simply because the mass media provides a marketplace for the sale of political thoughts (Hasan, 2013) ^[9]. Whether a country is democratic or under dictatorship, political actors make efforts to maximally exploit the media to sell their views and policies. The result of the affinity between the mass media and politics is that in many societies, there is always the distinction by a section of the media that is pro-government and another that is anti-government. It is also possible to have a section that is neutral. The struggle to exploit the pro-government media and to render as much powerless as possible the anti-government media underscores the observation of Uche (1989) ^[20] that every civilian or military administration in Nigeria leaves a historical landmark in the activities of the mass media in the country.

Another condition that accounts for the affinity between politics and the mass media is that the media serve as the link between government and the people. The media not only inform but provide the forum for debate and discussions. They form the social fabric of the society (Hassan, 2013) ^[9]. The media also function as the mirror of the society. In societies that place value on the availability

and accessibility of information, the mass media are considered a critical stakeholder in the management or development of the society. Daramola (2003) ^[3] notes that the realisation of the importance of the mass media constrains democratic governments to place heavy responsibilities on them. The responsibility is not only to use the media to inform and enlighten the citizenry but also to draw support towards governmental views and policies.

One of the ways politicians pressure and influence media contents is through advertising. Many times, this pressure succeeds since the backbone of media business is advertising and government or governmental activities are rich sources of advertisements (Wells, Burnett and Moriarty, 2000; McQuail, 2010) ^[22, 14]. This pressure is exercised when media stations that are loyal to an administration or regime are rewarded with advertisements; and thereby turned to government megaphones. The clamour for profits from advertisements may make a significant percentage of a country's press and the media to yield to government overtures. This condition enables sycophancy, official corruption, abuse of power and underdevelopment to thrive.

Influence of Economic Pressures on Media Contents

Similar to the influence or colonisation of the mass media by the government and politicians is the influence of some economic power holders on media contents. Apart from government-owned media stations that receive some subsidies from the government, private media stations are often owned by private businessmen whose primary concern is the exploitation of a country's media market. Since the interest to maximise profit is sensitive to the private media owner, the contents of his products could be shaped by the interest of some economic heavy weights. McQuail (2009) ^[13], citing Shoemaker and Rees (1991), observes that there is a systematic control of the mass media by advertisers. He adds that media design, layout, programme planning and scheduling sometimes reflect the interest of advertisers.

Countdown to the 2015 general elections, for instance, there were controversies within the Nigerian media space generated by some documentaries which were done on Muhammadu Buhari (then Presidential candidate of the *All Progressives Congress*, now President of the Federal Republic of Nigeria) and some *APC* party loyalists. The documentaries were aired by the *Nigerian Television Authority (NTA)* and the *Africa Independent Television (AIT)*. Following the wide condemnation that trailed one of the documentaries aired by AIT, *Daar Communications PLC* (owners of the AIT network) issued a press statement in the *Punch* newspaper of February 9, 2015. In defence of the station's choice to air such a documentary, *Daar Communications* claimed that it "owes its sustenance and continued existence exclusively to the commercial patronage of the advertising community among which political parties like the *APC* and *PDP* belong (p. 70). The defence of *Daar Communications PLC* to public criticisms of the said documentary implies that media contents can actually be influenced by the interests of advertisers. It also means that press freedom can eventually become personal freedom due to the quest to protect business or parochial interest.

Influence of Physical Violence on Media Contents

Physical violence on the mass media represents attacks on journalists and media houses, confiscation of media

equipment and offices, killing of journalists, etc. Many times, these attacks are perpetrated to dampen the activities of the media or to instill fear in journalists instead of seeking redress in courts by invoking the provisions of relevant media laws. On Saturday, January 7, 2019, for instance, the Nigerian Army invaded the offices of the *Daily Trust* newspaper in Maiduguri, Abuja and Lagos. The military also arrested the regional editor and a reporter attached to the medium – Uthman Abubakar and Ibrahim Sawab. The invasion of the organisation's offices and arrest of its officers followed a report by the newspaper that the Nigerian military had assembled equipment and troops in preparation to recapture Baga and five other towns in northern Borno from the Boko Haram insurgents (Erezi, 2019) ^[4].

Whether or not *Daily Trust's* report on military operations in northern Borno amounts to disclosure of classified military information or a breach of national security by the news organisation is left for the judiciary. The question on the lips of many Nigerians is whether the actions of the military were in tandem with the principles of democracy. If the actions of the military in this circumstance were against democratic norms, then such actions amount to physical abuses on the press. The point is that this kind of physical assault can restrict the constitutional rights of journalists and the mass media due to the fear of harassments or assassination in the line of duty. Such actions also threaten investigative journalism and thus pave the path for social immorality to thrive in the society.

The Concept of Press Freedom

The struggle for the freedom of the press and other media of mass communication originated from the libertarian philosophy which espouses that the press and mass media should enjoy unfettered freedom to access and disseminate information. Beyond access to and the dissemination of information, press freedom also demands that the press and other media of mass communication must be free for citizens to inform themselves and express their views publicly (Graber, 2010) ^[8]. Thus, Ndolo (2006) ^[16] defines press freedom as the right of the press and mass media to communicate ideas, to criticise government and governmental institutions and to help in enlightening members of the public with the day's intelligence. It is the right of the press and mass media to be free from government control to serve as the eyes and voice of the public. Serving as the eyes and voice of the public implies that the mass media in the exercise of freedom owe some responsibility to the public. The responsibility is to be objective, fair and to ensure balanced presentation of reports and issues.

It been argued that the only way the press can realise the goal of protecting public interest is to be free from government control (Udoakah, 2006) ^[21]. But, the activities of the mass media in Nigeria show that the forces poaching press freedom are beyond government. The abusive application of the mass media to advance personal or sectional interests at the expense of public interest leaves a cause for worry that even without undue government control, the goal of having a conscientious press may still be poached by the need to serve some parochial interest.

The exercise of press freedom has remained a subject of debate across the globe. The debate revolves around the degree of freedom that should be allowed to the press. This

is because even in societies that allow significant degree of free press, nobody enjoys absolute freedom. What this means is that freedom must be exercised with the responsibility to protect the interest and well-being of other members of the society. Jackson and Jackson (2003) [11] argue that though freedom implies that one has a guaranteed control over their activities, the exercise of freedom must be done with a measure of responsibility. They add that “even in the freest democracies, individual freedoms are subjected to many limitations” (p.163). The condition is that press freedom must be exercised to serve public interest and not the interest of the media owner or his allies.

Press Freedom in Two Decades of Nigeria’s Democratic Governance

Doubtlessly, press freedom in Nigeria has witnessed a considerable rise since the return to democratic rule in 1999. This rise has been aided by the spread of democratic norms, the activities of civil society organisations and labour movements. Apart from the constitutional provision that guarantees freedom of expression and the press, the enactment of the Freedom of Information (FOI) Act in 2011 has also contributed to the expansion of press activism in Nigeria.

Nigeria’s Freedom of Information Act provides citizens of Nigeria, especially the mass media, the right to seek and obtain information in both public and private sectors of the economy. The Act was enacted to promote transparency and accountability through access to official records (Anyanwu, Akanwa and Oyemike, 2013) [1]. Section 2 (1) of the Freedom of Information Act states that:

Notwithstanding, contained in any other act, law or regulation, the right of any person to access or request information, whether or not contained in any written form, which is in the custody or possession of any public official, agency or institution howsoever described, is hereby established (p. 3).

This Section of the FOI Act not only provides access to information or records but also defines the superiority of the Act over other laws that are antithetical.

Notwithstanding the stipulations of the FOI Act and the growing acceptance of democratic principles in Nigeria since 1999, the activities of the mass media in strengthening the democratic process is yet confronted by a number of challenges. While some of the challenges plaguing press freedom since 1999 are internally generated, others originate from external forces. Externally-generated forces confronting press freedom in Nigeria’s democracy represent the non-tolerant behaviour of politicians, especially those occupying political offices. While Nigerians have gladly embraced democracy, the activities of many politicians do not represent the acceptance of the tenets of democracy, notably tolerance and freedom to dissent (Pate and Bashir, 2012) [19]. Ogbondah (2012) [18], citing Soyinka (2000), Umar (2000) and Fawehinmi (2000), observes that Nigeria’s democracy is sliding into civilian dictatorship marked by increasing intolerance of the voice of dissent by the ruling class. In the face of flagrant abuse of powers and demonstration of civilian dictatorial powers, the mass media may best be forced to function as sycophants or political megaphones.

A major internally-generated force that restricts the freedom of the press to strengthen Nigeria’s democracy since 1999 is commercialisation. The blanket implementation of the

commercialisation policy by the Nigerian media (public and private) is expressed in two major ways – the high charges for airtime or space in the media and the commercialisation of news. These twin self-inflicted evils have continuously robbed many people and groups in Nigeria the opportunity for meaningful engagement or use of the airwaves and print pages. (Pate and Bashir, 2012) [19]. The result of this condition is that the Nigerian media airwaves and print pages are substantially appropriated by governments, politicians, social institutions, religious groups and money bags. This profit-oriented posture of the Nigerian media has paved the way for all kinds of corrupt practices to thrive since the media cannot watch or report the wrong doings of their owners and those of their pay masters. This is the situation that leaves the big question mark on the essence of press freedom in Nigeria.

Conclusion

The inability of a country’s mass media institution to take its position as a watchdog of the society has certain consequences not only for the society but for the media institution itself. For the media, the inability to actively strengthen democratic norms due to material gains not only erode the confidence of a country’s population in the media but also the constitutional mandate of holding the government accountable to the people could be greatly undermined. The erosion of people’s confidence in the mass media could orchestrate heavy reliance on news from social network sources. This can be dangerous for a society due to the dangers of gullibility, especially in the days of the spread of fake news. The erosion of people’s confidence in the Nigerian media can also result in dependence on the international media which have been severally accused of presenting only damaging reports about Nigeria and the African continent.

Recommendations

1. The activities of the Nigerian media should be guided by the ethical principles of social responsibility, fairness and balance in the presentation of reports. The pursuit of personal or business advantages should not be placed above national interest.
2. Regulatory bodies, such as the Nigerian Union of Journalists (NUJ), Broadcasting Organisation of Nigeria (BON), Nigeria Guild of Editors (NGE), etc should develop or strengthen internal regulatory frameworks targeted at the promotion of national interest by member organisations. Such regulations should stipulate sanctions for unethical practices by journalists or media organisations.
3. The implementation of the commercialisation policy by the Nigerian media should not be done at the expense of National or public interest. While the maximisation of profits cannot be extricated from media business, it should not be done to endanger public interest.

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