

NIGERIA'S DEMOCRACY AND FOURTH ESTATE OF THE REALM, 1999-2012

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ABSTRACT

The third estate of the realm are the three organs of government namely; legislature, executive and judiciary while the fourth estate is the mass media which serves as watchdog over three principal of government. The anti-press rule which operates prior to the rebirth of democracy in May 29, 1999 seems to repeal the freedom of unhindered flow of information in Nigeria. This study therefore examines the relationship between democracy and fourth estate. The study adopts libertarian theory of the press as framework of analysis and secondary data was mostly used due to the nature of the study. The study argues that efficiency of fourth estate of the realm is necessary for survival of democracy of any country. It equally identifies some positive development that took place within the period of the study. In spite of the feat of fourth estate and democracy in Nigeria, some challenges were identified. The study recommends the effective implementation of the Freedom of Information law which is capable of addressing the major lacuna between democracy and fourth estate of the realm.

KEYWORDS: Nigeria, Fourth Estate, Mass Media and Democracy

INTRODUCTION

Democracy and the mass media have been recognized to be inter-twined. In fact, the two cannot be divorced from each other. One of the elements of democracy is the freedom of expression which has been the prominent freedom guaranteed by the Nigeria constitution under which the press is supposed to be operating. It is obvious that the existence of strong and effective mass media is quite fundamental to the enthronement and sustenance of a credible democratic development in a country like ours – Nigeria. Hence, Boyd-Barrett argues:

A responsible nationwide democratic system requires a media system which is conterminous with it and which can generate discussion of issues of public concern in a way which does not favour partisan interests; whether these be the interest of particular political parties, the interest of media professional (Boyd-Barrett, 2007:1).

In Nigeria, the performance of the mass media in the democratic process at various phases of our history has been well documented (Boyd-Barrett, 2007:1). The mass media have remained in the forefront in the struggle to promote the right of our people through a credible democratization process while mass media equally find it difficult to operate in a non – democratic environment. However, this is not to suggest that the media have been perfect in all circumstances. They have been severely criticized for complicity in truncating and subverting the democratic process at various times. For instance, Enahoro once observed that whoever and whatever ruined the first republic did so with the active connivance and collaboration of the greater part of the Nigerian press (Enahoro quoted in Afolabi et.al., 2013:103). Also James had

decried the high degree of professional rascality exhibited by the media during the second republic as manifested through “character assassination, false accusations, blackmail and misrepresentation of facts.... To the extent that facts were muzzled and whole media organs became megaphones and machineries of propaganda to political parties and vested interests to the extent that the unity of this country was shaken to its very foundation”. Several other writers and scholars have expressed similar opinions (Afolabi et.al., 2013:103).

This study aims at looking at relationship between the mass media and democracy in Nigeria, assess the position of mass media under democratic rule, examine the impacts of democracy on mass media and identify some challenges facing mass media under democracy. Looking at the democracy in Nigeria since its return in 1999, one could see that the nexus between the mass media and democracy is pertinent to the survival of democracy in Nigeria. It is imperative to state here that a political antecedent of the country especially numerous failure of the past and attendant military intervention in Nigeria politics has done more harm to democratic development in Nigeria where the mass media is obliged to serve as the watchdog of the government in an attempt to establish a better society. Sadeeq (2008:248) identifies the responsibility of the mass media in a democratic sector as include: the education of the public on state affair, disseminate information on the activities of government with the aim to expose wrongdoing, to ensure that citizens are kept informed so as to remove the gap between government and the governed. The mass media serves as a potent instrument through which information are channeled between the government and the governed. To exemplify, government activities, policies and programme on key national issues are made known to people where the mass media in return; tell the authorities the populace view on such decision and programme which is refers to as feedback in media.

Sawant states that mass media can expose the corruption, waste, inefficiency and negligence on the part of authorities. Through investigative journalism, scandals can be unearthed, anti-social activities exposed and implementation of the political programmes are monitored and pursued. The masses act as an ombudsman on behalf of the people every day (Sawant in The Post Express, February 6, 2002). It is equally the role of the media to set down for discussion on important national issues and convey to the authorities the people’s approval or otherwise. The pertinent question now is how free are the media to perform aforementioned roles? So, the conceptual definition of democracy and mass media are put forward.

CONCEPTUAL CLARIFICATION

Democracy

Different scholars have different meanings and concept depending on their perspective. Democracy is now universally sanctified and the name is now sacred that nobody wants to be associated with non-democratic rule (Ayibema 2008:267). Democracy as a system of government thrives on constitutionality, citizens’ participation, respect for the rule of law, delivery of services and the advancement and protection of individual and collective freedom. These elements are the fundamental pillars that differentiate democracy from other form of governance. Indeed, the “essence of democracy is that citizens must be able to ventilate their views through unrestrained debates and that there should be active citizens’ participation in governance as well as unrestricted communication between the government and the governed” (IDEA, 2001). Democracy therefore connotes a representation form of government with participatory decisions making, accountability and the guarantees of human and civil rights without which the political system of democracy could not function.

Democracy, according to Schumpeter, is that institutional arrangement for arriving at political decisions in which individual acquired the people's vote, independent judiciary, ball of fundamental human rights, a free market economy and a two or multi – party system in which every party has a chance of coming to power through the periodic elections (Schumpeter, 1990:26). Thus, a careful description and analysis of democracy reveals that democracy remains famous form of government due to the fact that it guarantee popular participation and ensures adherence to the rule of law and citizens fundamental human rights.

Fourth Estate of the Realm

Fourth estate which is also known as mass media could be seen as outlets through which messages are disseminated. They are means through which information are passed across. Dennis and Defleur described mass media as devices for sending many messages across distance or time to accomplish mass communication (Dennis and Defleur, 1981:148). Oxford dictionary (7th Edition) explicates mass media as the sources of information and news such as newspapers, magazines, radio and television that reach and influence large members of people. Herbert, et. al. gives the classification of mass media. They are book, magazine, radio, television, newspaper, motion picture and sound recording (Hiebert E. R., Ungurait F. D. & Bohn W. Thomas, 1974: 26). Mass media can be classified into two. One is the print media which include books, magazines, newspapers, pamphlets, direct mail circulars, billboards, skywriting and technical device that carries message to the masses by appealing to the people's sense of sight while the electronic media embraces radio and audio recordings that appeal to both the sense of sound and sense of sight. The latest and the modest electronic media in the world today are electronic mail (e-mail, g-mail, twitter etc.) and the internet system which are used in passing information across to millions of people.

Theoretical Framework

This study is within the ambit of the theory of press namely libertarian press theory. Libertarian theory of the press was propounded by Wilbur Schramm, Siebert and Peterson in 1956 and it was an attempt to clearly define what journalism practices ought to be especially with the advent of political dynamism in today's modern society. The proponent of the theory believed that man is a thinking independent and rational animal, capable of deciding between the good and the bad and between the good and the better when faced with alternative choices. Siebert et al. expounded under libertarian thesis: "man is no longer conceived of as a dependent being to be led and directed, but rather as a rational being able to discern between truth and falsehood, between a better and worse alternative when faced with confiscatory evidence and alternative choice. Truth is no longer conceived of as the press is conceived of as a partner in the secret of truth". They further underline the bases of press freedom at evolution (Siebert et. al, 1956:38-72).

In libertarian theory, the press is not an instrument of government but rather a device for presenting evidence and arguments on the basis of which people can check on government and make up their mind about policy. Therefore, it is imperative that the press be free from government control and influence. In order for truth to emerge, all ideas must get fair hearing; There must be a "free market place" of ideas and information. Minorities as well as majorities, the weak as well as the strong must have access to the press (Oloyede, 1996:102). One major ingredients of press freedom under this theory is the assumption of the presence of multiplicity of voices in public issues at all times.

The libertarians assumed that in a democratic society, there would be a multiplicity of voices available to, if not actually reaching the public. Let every man who has something to say on public issues express himself regardless of whether what he has to say is true or false and let the public ultimately decide... (Oloyede, 1996:102).

Public decisions are expected to be reached through the “self-righting process of truth”. Hence truth will ultimately drive away falsehood and assert in a free and open encounter with falsehood. The second important component of the theory is the absence of state control in the operations of the news media in line with laissez faire enterprises of capitalism. This is in consonance with the view of Schiller (1986) when he maintains that “the proponents of libertarian theory were against state control in the operation of the news media organizations need to be independent of both government and big business so that it can deliver disinteresting account of the key sources of power affecting peoples’ daily lives”.

The third major ingredient of the theory is the emphasis on financial independence of the press. It further accepts free enterprises and private ownership of the means of production as guarantee for the attainment of freedom of the press and individuals’ freedom. The government is not expected to compete with or eliminate privately owned media. McQuail summarizes the basic attributes of the press and its freedom under libertarian theory as follows:

- Publication should be free from any prior censorship by any third party.
- The act of production and distribution should be open to a person or group without license.
- Attack on any government official or political party should not be punishable even after the event.
- There should be no compulsion to publish anything.
- Publication of ‘error’ is protected equally with that of truth in matters of opinion and belief.
- No restriction should be placed on the collection by legal means of information for publication.
- There should be no restriction on export or import or sending or receiving messages across national frontiers.
- Journalist should be able to claim a considerable degree of professional autonomy within their organizations (McQuail, 1987:115-116).

The afore-stated qualities reveal that individuals should be free to publish in the news or mass media whatever they like without interference from government or from other groups. Looking at the attributes of democracy as an institution which guarantee rule of law, independence of judiciary and fundamental human rights, the tenet of the libertarian theory and that of democracy are correlated.

The libertarian thought are exactly against the authoritarian theory which says “all forms of communication works under the control of government or elite like king”. The theory however have its own shortcomings as freedom of press will give more freedom to media to unfold the real things happening in the society without any censorship or any authority blockades. The theory is excessively positive about media’s willing to meet responsibilities which may lead people into negative aspects and is too positive about individual ethics and rationality. The theory ignores need for reasonable control of media and dilemmas posed by conflicting freedom.

Nigeria's Democracy and Fourth Estate's Feat

It is axiomatic that military rule is becoming unpopular throughout the world and democracy is the rule of the day, there have been increasing acceptance of the importance of human rights and freedom of expression in particular. Nigeria have experienced decades of military rule where press freedom was restricted. There were series of anti-media decrees promulgated during military rule and these were strongly exercised during General Babangida and Abacha's regime e.g. offensive publication (Proscription) Decree No. 35 of 1993, State Security (Detentions of Persons) Decree No. 2 of 1984 under which journalist can be detained and held incommunicado for security reasons: The Treason and other offences(Special Military Tribunal) Decree No. 1 of 1996; as well as the Decree No. 107 of 1993 which annuls a citizen's right to public apology or compensation, if he was unjustly detained and host of others (Olukotun, 1999:239 - 263).

Democracy in Nigeria has ensured free flow of information from government to the governed and from governed to the government vice versa. Since major functions of the mass media is to report news, interpret it, set agenda for action of government, serve as watch dog over government and take more active role in public issues. Mass media in Nigeria between 1999 and 2012 had witnessed favorable ecological situation unlike during military rule. Prominent among the roles of mass media during the time frame include updating of citizens on the struggle for the third term of the then President Olusegun Obasanjo. Mass media opened series of debate on the third term agenda of the President and made known to government the position of the masses which ushered in different forms of campaign against the plan.

It will amount to the highest form of naivety to undermine the role of mass media in the revelation of corruption taking place in the government ministry, department, agencies and institutions across the country. It thus exposed the jumbo pay of politicians. The media had captured and analyzed the declaration of the Governor of Central Bank over the quota and earnings of law makers in the National Assembly. So, democratic rule energises the mass media to exercise their roles. The media has been playing active role in Nigeria democracy. They have through exposure of abuses, forced the resignation of the Speaker of House of Representatives, Alhaji Salisu Buhari and the President of the Senate, Chief Evans Enwerem (Olukotun, 2000: 43).

Mass media in Nigeria could be described as the most robust media in Africa continent. Today, with the advent of technological development under democratic rule, Nigeria now have media operating twenty-four hours like their counterpart in the developed countries. This is why Olukotun posits that Nigeria has the biggest and most virile press community in Africa followed by South Africa and Kenya (Olukotun, 2000: 34). More so, print media like daily newspapers are available in Nigeria throughout the days of the week including Sunday contrary to what occurs in some other Africa countries. Democracy in Nigeria has inspired the establishment of more privately-owned media houses across the country unlike in the past. The democratic experience had energized broadcasting regulatory authorities like Nigeria Broadcasting Commission and the Nigeria Press Council.

However, the major struggle of the media ushered-in the passage of Freedom of Information Act into law. Hence, the idea behind the aforementioned laws are to protect vital government information, but the level of secrecy is so ridiculous that some classified government files contain ordinary information like newspaper cuttings which are already in the public domain. So impenetrable is the veil of secrecy that government departments withhold information from each other under the appearance of official secret legislation. There are also instances where civil servants refuse to give the

National Assembly documentation after being asked to do so. Effect of this is that journalists are deprived of access to information that is critical for accurate reporting and unraveling the web of corruption in Nigeria. These issues encouraged Edetaen Ojo along with other relevant Non-Governmental Organizations to initiate the bill that has become Freedom of Information Act. Historically, the freedom of information bill in Nigeria could be traced back to 1993 during the regime of General Sanni Abacha in which transparent government was not the order of the day. Edetaen Ojo, head Media Rights Agenda (MRA), a young organization for the defense of free expression rights, Civil Liberties Organization (CLO) and the Nigerian Union of Journalist (NUJ) Lagos branch spearheaded the drafting of the bill. The draft went through several reviews before it was presented to former President Olusegun Obasanjo in early June 1999, with the hope that the FOI Bill would be forwarded to the National Assembly as an executive bill (Afolabi et. al., 2013: 108-109).

The bill was then submitted to the National Assembly in 1999, as advised by Olusegun Obasanjo but the legislature's four-year term passed without the bill being voted on. The bill was re-submitted after the present National Assembly was inaugurated a few years ago and it scaled through both the lower and upper chamber of the National Assembly and the harmonized version was passed by both chambers on May 26, 2011. It was conveyed to Good luck Jonathan on May 27 and he signed it on May 28, 2011. So far only two states in Nigeria (namely Ekiti and Lagos States) have domesticated the act at the state level but they have extended the responds date at state level from 7 days to 14 days (Afolabi et. al, *op. cit*).

However, before the signing of this bill to law, access to information particularly that of Hybrid Public Authorities was no go areas for the journalists contrary to the provision of libertarian theory of the press. People view some information as being sacred with the belief that it was not meant for public consumption. Journalists or media outlets that have at one point in time exercise their right on issues bothering on "sacred information" has dearly paid for it. It is hoped that adequate and correct information will start to be made public with the passage of Freedom of Information bill. The said act

- Guarantee the right of access to information held by public institution irrespective of the form in which it is kept and is applicable to private institutions where they utilize public funds, performed public functions or provide public services.
- Requires all institutions to proactively disclose basic information about their structure and processes and mandate them to build the capacity of their staff to effectively implement and comply with the provision of the act.
- Provides protection for whistleblowers
- Makes adequate provision for the information needs of illiterate and disable applicants.
- Recognizes a range of legitimate exemption and limitations to the public right to know but it makes these exemptions subject to a public interest test that in deserving cases may override such exemptions
- Creates reporting obligations on compliance with the law for all limitations affected by it. These reports are to be provided annually to the Federal Attorney-General's office which will in turn make them available to both the National Assembly and the public.
- Requires the Federal Attorney-General to oversee the effective implementation of the Act and report on execution of this duty to Parliament annually (Enonche, 2012: 12).

Challenges of Democracy and Fourth Estate of the Realm

As stated earlier, freedom of expression is one of the primary elements of rule of law and democracy. This has been the "safe haven" guaranteed by the Nigerian constitution under which the press is supposed to be operating. A careful assessment of the mass media and their practitioners under democratic dispensation would propel one to safely infer that the past military rules widely believed to be anti-press and mass media freedom need not to be crucified as the democratic rule is far better.

In the first instance, the inability of 1999 constitution makers to expressly entrench press freedom in the document could be seen as an albatross on mass media in Nigeria. The review of the constitution by legislature under current democratic dispensation has not empowered the mass media other than the passage of freedom of information bill (FOI) which its efficacy is left in the custody of the judiciary. The signing of FOI bill into law and mere entrenchment of freedom of expression in the constitution are not enough guarantee for press freedom. Many countries intensify the freedom of the press such that they have found a space for it in their respective legal document. To exemplify, the first amendment to the United States constitution provides that:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or for the press or the right of people peaceably to assemble, And to petition the government for a redress of grievances (Jande and Berry, 1999:9).

Putting United States apart, Ghana which is also a developing nation has a provision for press freedom in her constitution. Section 1629(4) of the constitution of Ghana states that:

Editors and publishers of newspaper and other institutions of the Mass media shall not be subject to control by government nor shall they be penalized or harassed for their editorial opinions and views in the content of their publication.

Also, Malawi constitution of section 36 states that:

The press shall have the right to report and publish freely within Malawi and abroad to be accorded the fullest possible facilities for access to public information (chapter 4, Sect. 36).

Examples above are evidence to show that constitution amendment and FOI act are welcome development while much attention should be given to the efficacy of the said law.

However, the issue of ownership influence constitutes a potent factor of discussion. Many of the proprietors of media outlets have made politicians their source of their personal living. Proprietors that are not politician are now benefactors in the hands of politicians and often becoming impromptu contractors using their media establishment as a potent instrument. It is therefore a natural phenomenon for such proprietor to direct their editors to improvise the stories about them. Hence, this particular position negates the development of our dear democracy.

The economic atmosphere of the nation left mass media at the mercy of government. This is because most of the newspaper and other media organizations depend majorly on advertisement of government for survival and sustenance.

Most individuals cannot afford high cost of adverts. Government advert eventually becomes the largest advertisement. Thus, it constitutes an impediment to their freedom in one way. In fact, economic denotations have hindered some media organizations to the avenue that they strictly manage to survive. Ability to pay workers is an herculean task while those that could strive to pay, pay their workers irregularly, maintenance of office and procurement of communication equipment for effective performance are problem. The major way out of these ugly situations is for the organization to be susceptible to undue influence from the government. Inability to yield to such influence may earn the reporters the wrath of the government officials. One time governor of Osun state forcefully ejected newspaper correspondents from government office press centre in Osogbo because he perceived that negative report may be written against his government. Some media personnel escaped assassination attempt on their lives in Lagos due to some news items perceived negative to his administration (Sadeeq 2008:258).

Undue rapour between top government officials and reporters play another unhealthy role in the democratic situation of the country, professional ethic of the job is left in the hands of reporters whose attitude jeopardize the elicited of the job. One time President of Civil Right Organization viewed the travails of media workers when he said:

To say the freedom of speech of the press is under a new form of attack. Elected and all appointed public office holders who want to be treated as absolute monarchy, considered criticism, views and invigilated reports that go against their personal interest as sponsored projects instead of addressing issue. They prefer to cruelly and mischievously tackle the messenger chief blackmailers. Any journalist who give unpleasant reports about some top government official risk being sanctioned or alienated from anything that affects governance in their state (Sadeeq, 2000: 259).

There were reports of violations of freedom of press. The issue of harassment of journalist is just fair to the period when Freedom of Information Act was not in place. For instance, in Oyo state in 2002, The Cometh correspondents in the government houses were barred. The Punch correspondent was expelled in Akwa-Ibom state, the news correspondent in Taraba state was arrested and incarcerated by seemly operators. On 10th November, 2010, the editor-in-Chief and publisher of Press Gallery Newspaper was detained by Force Criminal Investigation Department [FCID] for about six days.

The editor alleged that his travails were not unconnected with a story he published in his newspaper (Daily Trust, November 19, 2010). Also, a journalist with the Leadership Newspaper was assaulted and brutalized at the office of the Accountant General of the Federation. He went to the AGF officer to get his view following a peaceful protest organized by the disengaged workers of NITEL/MTEL. More so, a journalist with Degue Broadcasting Networking attached to the Government House Press unit, was manhandled by a mobile policeman in Benin City.

The victim was chased from the government House to the state secretariat of the Nigerian Union of Journalist (NUJ) by the enraged policeman who held his gun and threatened to kill anyone who dares him (Tribune, May 25, 2011). There were many other unreported cases of human right abuse and violations within the period. Hence, these ought to have reduced after the signing of Freedom of Information bill into law although the situation has not been very sound as expected in a proper democratic setting.

CONCLUSIONS

So far, this paper attempts a general diagnosis of mass media and democracy in Nigeria. It has inquired into the meaning of democracy and mass media, feat of democracy and mass media alongside with challenges of democracy and mass media in Nigeria. It found that prior to the advent of democracy in 1999; mass media had not been enjoying the position it ought to occupy in order to enhance the growth of democracy in Nigeria.

The study equally found out that one major achievement of mass media in the history of Nigeria's democracy is the passage of freedom of information bill into law. The freedom of expression had been systematically restricted while media practitioners have not been given adequate room to perform their roles efficiently. It could be noted here that between 1999 and 2011 when the act was passed into law, mass media had been witnessing some challenges. An attempt to re-position mass media for democratic development of the country ushered-in signing of freedom of information bill into law. The press is now better armed to hold public officers accountable to the populace.

It is pertinent to acknowledge that mass media and democracy are inseparable twins that are required for a better society. Hence, freedom of information act has its own challenges as some sections of the act need to be reviewed. More campaigns need to be done to increase the level of the public awareness while media as a core partner should be on the front line of the said awareness. Plethora of actions is needed to support mass media for better performance and development of our growing democracy. It is germane to state that there was no incessant report of media practitioners being jail and a media outlet being close down which characterized the past military rule.

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