

THE BROADCAST MEDIA AS AGENTS OF MORAL ORIENTATION FOR YOUTHS IN AKWA IBOM STATE

**ABIGAIL PRINCE UKPE & DANIEL CALIXTUS AKARIKA, Ph.D**

STAKEHOLDERS' PERCEPTION OF THE LEVEL OF ADHERENCE/ ENFORCEMENT OF THE FREEDOM OF INFORMATION ACT IN SELECT TERTIARY INSTITUTIONS IN NIGERIA

**AKARIKA, DANIEL CALIXTUS, Ph.D, UDUOTA. IWOK, Ph.D & IKON, ANIEKEME OKON, Ph.D**

NEWSPAPER COVERAGE AND STAKEHOLDERS' PERCEPTION OF NYSC MEMBERS' WELFARE

**BELINDA AMEZE FANIYI & KOLADE AJILORE**

CONTENT, CONNECTIVITY AND NIGERIAN NEWSPAPERS IN A DIGITAL AGE

**ABIODUN OYELEYE, Ph.D**

VOTERS' PERCEPTION OF ELECTIONEERING SLOGANS AND OUTCOME OF 2019 GOVERNORSHIP ELECTION IN AKWA IBOM STATE, NIGERIA

**BASSEY ESUK BASSEY, Ph.D**

KNOWLEDGE AND UTILIZATION OF MOBILE HEALTH TECHNOLOGY AMONG MEDICAL DOCTORS IN FEDERAL MEDICAL CENTRE, BIDA, NIGER STATE, NIGERIA

**GLORIA ENEH OMALE, SUSAN OLAYINKA OGUNDOYIN (PHD) EUPHEMIA CHIKA ASOGWA, Ph.D, ENE OKON PATRICK Ph.D**

INDIGENOUS TELEVISION PROGRAMME AND THE AESTHETICS: ANALYSIS OF AKPASA MMI ON NTA, UYO.

**CHARITY JAMES (MRS.), PROFESSOR GODWIN B. OKON & OBY OHIAGU**

NEWSPAPER REPORTAGE OF ECONOMIC RECESSION IN NIGERIA (JANUARY TO JUNE 2017)

**PHILOMENA E. UMOREN, Ph.D**

PUBLIC PERCEPTION AND CONTENT ANALYSIS OF NEWSPAPER EDITORIALS ON HERDSMEN/FARMERS CONFLICT IN NIGERIA (JULY, 2017-JUNE, 2018)

**SEMIU BELLO, Ph.D & JELILI BABATUNDE TIJANI**

STEREOTYPE REPRESENTATION OF EMPOWERED WOMEN IN SELECTED NOLLYWOOD FILMS

**AKAENYI NKIRUKA JACINTA Ph.D**

PERSPECTIVES ON TERRORISM: A DEFINITIONAL PROBLEM

**PETER SUNDAY N. EQUERE, Ph. D.**

COMMUNICATION FLOW AND PRODUCTIVITY IN CHAMPION BREWERIES PLC, UYO, AKWA IBOM STATE

**ANIEBO CHIMEZIE SAMSON Ph.D & PEACE ITA UDOSEN**

## **STAKEHOLDERS' PERCEPTION OF THE LEVEL OF ADHERENCE/ENFORCEMENT OF THE FREEDOM OF INFORMATION ACT IN SELECT TERTIARY INSTITUTIONS IN NIGERIA**

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### **ABSTRACT**

Right to information in general and the right of access to information held by public authorities or organizations in particular, has attracted enormous attention globally and has led to the enactment of the Freedom of Information Act 2011 in Nigeria. Based on this premises, this study aimed at determining stakeholders perception of the level of adherence/enforcement of the Freedom of Information Act in select tertiary intuitions in Nigeria. The research design used for the study was survey. The instrument for the survey was questionnaire, while interview schedule was used as an instrument for qualitative analysis. The personal interview was conducted on key stakeholders of select tertiary institutions while the questionnaire was administered on stakeholders of select tertiary institutions. The data were

analysed qualitatively using explanation building based on the research questions and in sample percentages. The major findings were: Tertiary institution's policy and organizational structure have affected communication with core stakeholders in principle positively, but in practice the Freedom of Information Act was not being utilized effectively. This study reveals that stakeholders' perception of the level of adherence/enforcement to the Freedom of Information Act was negative and unsatisfactory. This tends to contribute to the wide gap between stakeholder and management. The study recommends that government through the Ministry of Information should conduct an Information Audit exercise periodically in order to ascertain the level of adherence/enforcement of the Freedom of Information Act in all tertiary Institutions.

**Key words:** Stakeholders, perception, Freedom of Information, Freedom of Information Act, Tertiary Institution.

## INTRODUCTION

Agulu (2002) sees information as the message of human experience; that is what is transmitted as signal, or a stimulus, that it assumes as a response in the receiver, and therefore possesses a response potential. This message can be made on any subject, in any language and in any medium. The aim of information or communication is to educate, enlighten and provide knowledge which in turn transform people's outlook by what they know. Effective flow, access to and the use of information have become crucial factors in determining the economic strength of a nation. Davis and Davidson (1991) state that nations would prosper or falter depending on their investment in building an information infrastructure and since human knowledge improvement presupposes information flow and sharing, the collective intellectual abilities of a nation, its human capital, will also depend on access to information (Crawford, 1991).

Information provides the stimulus for all thoughts and actions of human beings. According to Opara (2003), information is the life blood of modern organisations. That is to say that without information, an organisation is bound to collapse. Information is required for the day-to-day running of any organisation. Olawu (2004) states that information entails data, facts, imaginations, ideas, opinions, cultural values in a variety of media which include print, audio-visual materials and electronic processes.

Kuunifa (2011) states that access to information and transparency of governance is essential to ensuring accountability and prevents corruption. In a democratic dispensation, the public is expected to have access to information not only in how they are governed, but also on anything that is of interest to the individual or society. Access to information, and participation

in a democratic society are also mutually dependent. According to Glenn (1990), information can be construed to be the "blood and oxygen" of a democratic society. Whether formalised in a constitution or understood tacitly in the minds of citizens, democracy assumes a basic consensus about its purpose and the nature of its citizenry. In a democratic society, the public is expected to have access to information not only on how they are governed, but also on anything that is of interest to the individual or group. McCreadie and Rice (1999) express that, the vacuum that is ignorance and prejudice needs to be filled with reliable information, insofar as it is possible to provide it.

Moreover, information is clearly a commodity that can be generated and manipulated to produce more information and high quality information resource is a prerequisite in the drive for decision making. Hence, countries are implementing strategies and policies that enable them take advantage of the opportunities that are offered by the use of information. Among the strategies are: creating information and communication infrastructure that enables information to flow efficiently and cheaply among citizens and organisations; developing education and training so that there is a ready supply of appropriately skilled people; supporting the development of the ICT and information content products and services sector to meet the growing demand for information.

Birkinshaw (2010) points out one characteristic of democracy which is the participatory nature of the political process, where the citizen has a right to know and access relevant information and also has his/her privacy protected.

Organisational information flow involves the organising, selecting and dissemination of information between and within internal and external audience of any organisation as well as institution. Organisational information management and information flow are very important for the achievement of set goals and objectives of any organisation. As such information, communication and staff welfare are important to the growth and success of any organisation and institution. In essence, tertiary institutions cannot survive without information so, organisational information flow and access to information are prerequisite of any existing tertiary institution in a society. Nonetheless, freedom of information becomes a necessity to the proper functioning and existence of an institution. The concept proposes that the gathering, sharing and reporting of information and opinion should operate without any limitation or constraint (Offiong, 2013). In other words, organisations, institutions and establishments, receive information and impact ideas within and outside their environment without interference. Again, Freedom of Information is an essential right for every person as it allows individuals and groups to protect their rights. It is believed to be an important guard against abuses,

mismanagement and corruption.

The Freedom of Information Act is a law that gives individuals the right to access information or request for information without restriction to the individual's nationality, age or residence. Section 2(3) of the FOI Act mandates all public institutions to publish information relating to their activities, operations and businesses including receipts and expenditure of public or other funds of the institutions. Based on this premise this work examines stakeholder perception of the adherence/enforcement of the Freedom of Information Act in Tertiary Institutions.

### **Objectives of the Study**

This study aimed to:

- (i) Find out if tertiary institutions in Akwa Ibom State are utilising the FOIA in their communication with their core stakeholders.
- (ii) Establish the extent to which tertiary institutions in Akwa Ibom State adhere to the FOIA and how this influence the institutions relationship with their various stakeholders.
- (iii) Examine stakeholders' perception of the level of adherence to the FOIA and access to Information by tertiary institutions in Akwa Ibom State.
- (iv) Identify possible factors affecting the enforcement of the FOIA and access to information by tertiary institutions in Akwa Ibom State.

### **Research Questions**

Based on the objectives of the study, the following research question served as guide to the study;

- (i) To what extent do tertiary institutions in Akwa Ibom State utilise the FOIA in their communication with their core stakeholders?
- (ii) How has the extent of adherence of the FOIA by tertiary institutions in the state influence the institutions relationship with various stakeholders?
- (iii) What is the perception of stakeholders in tertiary institutions in Akwa Ibom State with regard to the level of adherence to the FOIA and access to information in the institutions?
- (iv) What are the possible factors affecting the enforcement of the FOIA and access to information in tertiary institutions in Akwa Ibom State?

### **Literature Review**

The concept of Freedom of Information (FOI) emanated from the basic right to freedom of opinion and expression enshrined in the Universal Declaration of Human Rights (1948). The right is proclaimed in Article 19 of the Universal Declaration of Human Rights (UDHR, 1948).

Article 19 of the Declaration states that: "Everyone has the right to Freedom of expression which includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers".

Freedom of Information (FOI) is a human right that is guaranteed by the Universal Declaration of Human Rights, Article 9 of the African Charter of Human and People's Rights, Article 19(2) of the International Covenant on Civil and Political Rights, and Article 4 of the Declaration of Principles on Freedom of Expression in Africa.

Mendel, (2008) states that in Africa, a number of regional developments and successful advocacy campaigns have encouraged the enactment of FOI. FOI means having access to government data, information, records, files, documents in any form. It may also involve access by individuals to files containing information about themselves and an assurance that the information is not being used for improper or unauthorised purpose (Robert, 2000; Popoola, 2003).

FOI also known as right to know or access to information refers to the right, which members of the public in any society have, to access information held by government officials and institutions (Denedo, 2011). According to the philosophy underlying the FOI as captured by article IV (i) of the Declaration of Principles on Freedom of Expression in Africa which states that, "Public bodies hold information not for themselves but as custodians of the public good and everyone has a right to access this information subject only to clearly defined rules established by law".

FOI is a multifaceted right that includes not only the right to express or disseminate information and ideas but also encapsulate the right to seek information, the right to receive information and the right to impart information and ideas. International, regional and state standards recognise that freedom of expression/speech include any medium be it oral, written, through the Internet or in print. The right of any person to access or request information which is in the custody or possession of any public official, agency or institution, whether or not such information is contained in written form, is recognised and established by the FOIA. This right is not to be prejudiced by the existence of other contrary laws or regulation. In order to facilitate the unimpeded exercise of this right, all public institutions are required to keep records of all their activities, operations and businesses, in such a manner as to enable the public to gain access to it should the need arise.

In addition, certain categories of information in the possession of the public institutions are to be widely disseminated and made readily available to members of the public through various means, including print, electronic online sources and physically at the offices of such institutions. The information in these categories relate to: Descriptions of the relevant institution and their functions; classes of records under its control;

- (i) Employee manuals and directions;
- (ii) Judgments given in the adjudication of cases;
- (iii) Policies, reports and substantive rules of the institution;
- (iv) The remuneration scheme and dates of employment of all personnel;
- (v) Listings of applications for any contract, permit, grants, licences or agreements and related materials; and
- (vi) A description of the appropriate officer of the institution to whom an application for information is to be directed (FOIA, 2011)

Access to information refers to a citizen's right to access information that is held by the state. It is the ability of citizens of a country to have free access to information enabled by legislation. Access to information is a basic right and not a privilege, indispensable to the functioning of a democratic society in which individuals have the opportunity to participate in decision making.

Access to information is an important aspect of the universal guarantee of freedom of information which includes the right to seek and to receive as well as to impart information. This right is proclaimed in Article 19 of the Universal Declaration of Human Rights and protected in international human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights." Article 19 of the ICCPR provides that everyone shall have the right to hold opinion without interference. Everyone shall have the right to freedom of 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 choice.

FOI legislation comprises provisions that guarantee access to data held by the state. They established a "right to know" legal process by which requests may be made for government-held information, to be received freely or at minimal cost barring standard exceptions. Also referred as open records, governments are also typically bound by a duty to publish and promote openness. In many countries there are constitutional guarantees for the right to access to information but usually these are unused if specific support legislation does not exist.

Availability and access to information have been identified as a most crucial factor for the development process of all nations as it aids in evidence-based forecasting and policy making for the authorities, helps researchers analyse the society and assists the citizenry in general to have opinions and hold government accountable for their policies and actions (Gewalli, 2009). Lack of access to information breeds poverty, ignorance, corruption, bad governance and backwardness for any nation (Denedo, 2003). In this present era of globalisation and democratisation, information has become a social,

political, educational, health and economic necessity. It has become a tool of empowerment for all and a stimulus for social change, active and participatory citizenship and lifelong learning (Carlsson, 2010).

In recent years, the UN special Rapporteur on freedom of opinion and expression has regularly spread the overriding importance of freedom of information. For example in his 1995 reports to the commission on human rights, he stated: 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 (Ruth, 2000).

Access to information is one of the fundamental requirements of having a viable democracy in any country. The tendency to withhold information from the people should be limited as much as possible. According to Abdul Waheed Khan cited in Mendel (2008, p. 4) Assistant Director – General for Communication and Information of UNESCO:

The concepts of true flow of information and ideas constitute the nucleus of democracy... Therefore the essence of free flow of information and ideas is predicated upon the truism that public bodies hold information not for themselves but on behalf of the public. If public bodies with a vast of information hold them in secret, the right of freedom of expression, guaranteed under International law in many constitutions and other extent law would be seriously undermined.

The classification of government information has proved to be problematic as they are differently labeled from source and this can be confusing. According to Bullen (2008), the government is an enormous source of information ranging from statistics on education, health and the society rules and regulation about every facet of living. The FOIA is a significant tool in allowing access to this information. However, the classification of these information resources need to be synchronised by the Library and Information Science Professionals so that access can be ensured. A country that grants access to government information stands to have a more grounded democracy as the Freedom of Information Act encourages the existence of a pluralistic society where value is placed on differences in ideology, creed and orientation as necessary components of democracy (Nyei, 2011).

There has been an enormous demand for information by individuals, stakeholders in pursuant to the provision of the FOIA. Reported cases of testing the law, such as National Human Rights Commission (NHRC), Legal Defence and Assistance Project (LEDAP), Media Rights Agenda (MRA),



Right to Know (R2K), among others have been using the FOI Act to demand for information, accountability and good governance in Nigeria. However, the majority of these requests end in lawsuits (Rights to Know (R2K) Nigeria, 2012).

The quality of information made available to any society is determined to a great extent by the level of access stakeholders of any organisation or institution have to sources of information. From the inception of tertiary institutions in Nigeria, most students find it difficult to request for examination scripts in order to ascertain authenticity of published result. Moreover, the issue of student's transcript is being treated as "confidential" and can only be sent to institutions or organisations on demand. Similarly, parents/guardians, host communities, Alumni, Journalists and other major unions in tertiary institutions of higher learning can hardly access information as at when needed.

From the forgoing, the extent to which tertiary institutions in Akwa Ibom State are complying with the FOIA or otherwise deserves to be examined. Have there been any remarkable improvements in the application of the FOIA in tertiary institutions under study. With the signing of the FOIA into law in 2011, to what extent therefore have the major stakeholders been able to access information in tertiary institutions in Nigeria?

### **Theoretical Framework**

This work is anchored on the perception theory and the social responsibility theory. The perception theory was propounded by B. Berelson and G. A. Steiner in 1964, the basic assumption of this theory is that mass communicators wants audience to pay attention to their messages, learn the contents of the messages, and make appropriate changes in attitudes or the beliefs or produce the desired behavioural responses. The perception theory tells us that the process of interpreting messages is complex and that these goals may be difficult to achieve.

Berelson and Steiner (1964:88) state that perception is the "complex process by which people select, organize, and interpret sensory stimulation into a meaningful and coherent picture of the world". Bennett, Hoffman and Prakash (1989: 3) state that "perception is notably active: it involves learning, updating perspective, and interacting with the observed".

The Social Responsibility Theory was propounded by F.S. Siebert, T. B. Peterson and W. Schramm (1963)

The major premise of the social responsibility theory is that freedom carries concomitant obligations, and the press, which enjoys a privileged position under the government, is obliged to be responsible to society for carrying out certain essential functions of mass communication.

Under the social responsibility theory, freedom of expression is grounded on the duty of the individual to his thought, to his conscience. It is a

moral right. Freedom of expression is not something which one claims for selfish ends. It has value both for the individual and for the society. It is society's sole source of intelligence, the seeds from which progress springs. Peterson, cited by Anaeto S. G, Onabajo O. S. and Osifeso J. B. (2008).

## METHODOLOGY

### Research Design

This is the blue print which specifies how data relating to a given problem should be collected and analysed or the procedural outline for the conduct of any given investigation. The research design used for this study was the survey research method. According to Babbie (1990), survey is probably the best method available to the social scientist interested in collecting original data for describing a population too large to observe directly. Survey is an excellent vehicle for measuring attitudes and orientations in a large population.

The research instrument for the survey was the questionnaire, while interview schedule was used as an instrument for qualitative analysis. The personal interview was administered on key select stakeholders of the three tertiary institutions under study because of their relevance to information gathering and dissemination in their various institutions while the questionnaire was administered on respondents of select tertiary institutions under study.

### Population of Study

Babbie (1990) views the population of the study as that group of people about whom we want to be able to draw conclusion. The population of the study comprised subjects who are major stakeholders of the three tertiary institutions in Akwa Ibom State. The major stakeholders of the tertiary institutions under study are; students, staff, parents/guardians, host communities, Journalists and alumni. The estimated stakeholders' strength of University of Uyo stands at student - 13,750, staff - 3,746, parents/guardians - 13,750, host communities - 14,630, Alumni - 25,200 giving a total of 71,076, while that of Akwa Ibom State University is estimated to be student - 7,340, staff - 1,677, parents/guardians - 7,340, host communities - 3,450, Alumni - 560 giving a total of 20,367 and Akwa Ibom State Polytechnic has an estimated stakeholders' strength of student - 7,600, staff - 799, parents/guardians - 7,600, host communities - 3,786, Alumni - 18,314 giving a total of 38,099 and Nigerian Union of Journalists (NUJ) 186 thus bringing the estimated total stakeholders' strength to 129,728.

The sources of the population are as follows: University of Uyo: Student Affairs Division, Personnel Division, Bursary unit, National

Population Commission (NPC) for population of host communities of the University of Uyo, Afaha Oku, Ikot Ntuen Oku, Ikot Akpan Oku, Ikot Oku (Town Campus) Nsukara Offot, Use Offot, Anua Offot, Use Attai, Ikot Ntuen, Ikot Ayang and Oku Idio (Permanent Site) and Alumni secretariat, Akwa Ibom State University; Ikot Akpaden: Academic Affairs Division, Establishment Division, Bursary Unit, National Population Commission (NPC) for population of host communities of Akwa Ibom State University, Ikot Akpaden and Obio Akpa Campus and convocation bulletin, Akwa Ibom State Polytechnic; Ikot Osurua: Academic Affairs Division, Bursary Unit, Personnel Division, National Population Commission (NPC) for population of host community (Ikot Osurua), Alumni Secretariat and Nigerian Union of Journalists Secretariat for population of registered journalists in Akwa Ibom State.

The major stakeholders' strength of the tertiary institutions under study is merely an estimate. Based on this, the researcher relied on the students' population given by the institution's authorities, the National Population estimate for the identified host communities of the three institutions, the estimate given by the alumni secretariats of the selected higher institutions and the estimate given by Nigerian Union of Journalist Secretariat. The researcher also used the same figure for students for their parents or guardians, as it is expected that every student has a parent or guardian

### Sample Size /Sampling Procedure

The sample size for this study was determined from the population of major stakeholders of the tertiary institutions under study. Using Taro Yamane's sample size formula, the sample size of 400 was calculated and determined to represent the study population.

$$n = \frac{N}{1+N [(e)]^2}$$

Where n = The required sample size, N = Population of the study, e = The expected error (0.05), I = Constant

$$n = \frac{(129,728)}{(1+129,728)}$$

$$n = \frac{(129,728)}{(1+129,728)}$$

$$n = \frac{(129,728)}{(1+129,728)}$$

$$n = \frac{129,728}{(129,729 \times 0.0025)}$$

$$n = \frac{(129,728)}{(324.3)} = 400.02$$

$$\therefore n = 400$$

$$\text{Sample Size is } = 400$$

The sample size for the survey stood at 400 taken from the stakeholders population of select tertiary institutions under study.

The sample size is:

University of Uyo	-	219
Akwa Ibom State University	-	63
Akwa Ibom State Polytechnic	-	118
<b>Total</b>	-	<b>400</b>

From the sample size, University of Uyo had 219 respondents, representing 54.75% of the population, while Akwa Ibom State University, had 63 respondents, representing 15.75% of the population and Akwa Ibom State Polytechnic, Ikot Osurua, had 118 respondents, representing 29.5% of the population.

From the sample size, 88 respondents, representing 22% of the population were students, 20 respondents, representing 5% were staff, 88 respondents, representing 22% were parents/guardians, 68 respondents, representing 17% were members of the host communities, while 136 respondents, representing 34% were members of alumni of the selected tertiary institutions.

Hence, the sampling intervals were:

University of Uyo	-	20
Akwa Ibom State University	-	20
Akwa Ibom State Polytechnic	-	20

Two sampling procedures were used for selecting the sample for the study. These were the purposive and systematic procedures. Four officers were selected purposively from each tertiary institutions for personal interviews. These were the Registrar, the Chairman of Academic Staff Union of Universities, the Chairman of Non-Academic Staff Union and the Student Union President for the University of Uyo. The Registrar, the Chairman of Academic Staff Union of Universities, the Chairman of Non-Academic Staff Union and the Student Union President of Akwa Ibom State University; and the Registrar, and the Chairman of Academic Staff Union, Chairman Non Academic Staff Union and Student Union President of Akwa Ibom State Polytechnic. Moreso, three journalist were purposely selected one each from three chapels of the Nigerian Union of Journalist (NUJ) in Akwa Ibom State. These were the State Ministry of Information Chapel, Sensor Chapel and Akwa Ibom State Broadcasting Corporation (AKBC) Radio Chapel. They were selected because of their strategic importance in information dissemination and reception in the tertiary institutions. Systematic sampling procedure was used to select respondents from the major stakeholders of the tertiary institutions for survey using the questionnaire. The sampling frame for the study was drawn from the list of stakeholders of the three tertiary institution under study which include; the list of staff, students,

parents/guardian, Host community, journalists and alumni.

### Method of Data Analysis

Data gathered from the questionnaire were analysed using frequency tables and simple percentages. The hypotheses were tested using Pearson Product Moment Correlation. The Formula for Pearson Product Moment Correlation is as follows:

$$R = \frac{N\sum XY - \sum X\sum Y}{\sqrt{[N\sum X^2 - (\sum X)^2][N\sum Y^2 - (\sum Y)^2]}}$$

Where X and Y stand for the original scores, N is the number of pairs of scores,  $\sum$  = the summation symbol,  $\sum XY$  = the products of each x and y

The rule of decision on computing the Pearson 'r' is: if the calculated correlation value of 'r' is equal to or greater than the critical value of 'r' at 0.05 level of significance in the two tailed test, with degree of freedom is = (n-1)(n-2), then accept the Null hypothesis and reject the alternative hypothesis and vice versa.

The data from personal interview was analysed using explanation building based on the research question. This approach was suggested by Yin (1984).

## DATA PRESENTATION, ANALYSIS AND DISCUSSION OF FINDINGS

Table 1: Job cadre of respondents

Job Cadre	Higher Institutions			Total	Percentage %
	Uniuoyo	Aksu	Akwapoly		
Management Cadre	58	12	18	88	23
Middle Cadre	75	9	30	114	30
Lower Cadre	35	20	25	80	21
Self employed	42	20	41	103	26
<b>Total</b>	<b>210</b>	<b>61</b>	<b>114</b>	<b>385</b>	<b>100</b>

Source: Field data, (2017).

It was important to determine the job cadre of respondents of the various institutions under study. This helped to validate the respondents' capacity to answer the questions, in terms of their understanding of the subject of discourse.

Table I clearly shows that the majority of the respondents 114 (30%) and 88 (26%) were from the middle and Management cadre of the Universities. Both have a combined percentage of 56%. This implies that majority of respondents were from the middle and management cadre.

**Table 2: Extent of utilisation of the FOIA by core stakeholders.**

Utilisation of FOIA	Higher Institutions			Total	Percentage %
	Uniuoyo	Aksu	Akwapoly		
A very great extent	14	3	5	22	6
A great extent	22	3	6	31	8.5
Undecided or neutral	18	1	2	21	5.5
A little extent	80	20	40	140	36
A very little extent	76	34	61	171	44
<b>Total</b>	<b>210</b>	<b>61</b>	<b>114</b>	<b>385</b>	<b>100</b>

Source: Field data, (2017)

One of the expectations of this study was to find out if the FOIA was utilised by the select universities and polytechnic in their communication with the major stakeholders. The data gathered and presented in Table 2 have that the majority (44% and 36%) said that the extent of utilisation of the FOIA was very little.

**Table 3: Extent of adherence of the FOIA**

Extent of adherence / enforcement	Higher Institutions			Total	Percentage (%)
	Uniuoyo	Aksu	Akwapoly		
A very great extent	75	25	50	150	39
A great extent	67	25	43	135	35
Undecided or neutral	14	3	6	23	6
A little extent	31	5	5	41	11
A very little extent	23	3	10	36	9
<b>Total</b>	<b>210</b>	<b>61</b>	<b>114</b>	<b>385</b>	<b>100</b>

Source: Field data, (2017).

Table 3 captures the position of respondents on their institutions' adherence/enforcement of the FOIA as it affects the relationship with various stakeholders. A total of 185 (150, 135) respondents or 74% (39%, 35%) agreed that their institutions' adherence/enforcement of the FOIA had affected the relationship with various stakeholders to a very great or great extent respectively.

**Table 4: Perception of the level of adherence to information since the signing of FOIA**

Perception of adherence/ access to information	Higher Institutions			Total	Percentage %
	Uniuoyo	Aksu	Akwapoly		
Very satisfactory	20	3	4	27	7
Satisfactory	32	6	7	45	12
Undecided or neutral	5	5	5	15	4
Unsatisfactory	82	24	30	136	35
Very unsatisfactory	71	23	68	162	42
<b>Total</b>	<b>210</b>	<b>61</b>	<b>114</b>	<b>385</b>	<b>100</b>

Source: Field data, (2017)

Table 4 shows the perception of adherence/enforcement of the FOIA in higher institutions. The majority of the respondents, 298 (136, 162) or 77% (35%, 42%) said unsatisfactory and very unsatisfactory respectively.

**Table 5: Factors affecting enforcement/access to information**

Factors Affecting Enforcement/Access To Information	Higher Institutions			Total	Percentage %
	Uniuoyo	Aksu	Akwapoly		
Poor culture of record keeping	43	8	12	63	16
Bureaucracy in public service	57	18	20	95	25
Widespread corruption	64	20	40	124	32
High level of ignorance	11	6	6	23	6
All of the above	35	7	33	75	20
Others (Attitude of information managers)	-	2	3	5	1
<b>Total</b>	<b>210</b>	<b>61</b>	<b>114</b>	<b>385</b>	<b>100</b>

Source: Field data, (2017)

The study also aimed to identify possible factors affecting the enforcement of the FOIA and access to information by tertiary institutions in Akwa Ibom State, Nigeria. Table 5 shows that a total of 219 respondents (124, 95) or 57% (32%, 25%) were of the opinion that bureaucracy in public service and widespread corruption affected the enforcement/access to information respectively. Other responses are as presented in Table 5.

## DISCUSSION OF FINDINGS

This study aimed to determine the extent to which tertiary institutions in Akwa Ibom State were aware and applied the FOIA in their

communication with core stakeholders. The findings of this study are discussed in line with the data gathered and presented and in relation to the research questions.

**First, do tertiary institutions in Akwa Ibom State utilise the FOIA in the communication with their core stakeholders?** On the utilisation of the FOIA with core stakeholders, this study found out that higher institutions in Akwa Ibom State barely made use of the Act in the communication with core stakeholders. This is evident in Table 2, which shows that the majority of respondents 311 (80%) said a little and very little utilisation of the Act 56 (14.5%) a great and very great extent, while 31 (5.5%) remained neutral.

This study found out that higher institutions in Akwa Ibom State had not utilised the FOIA effectively in the communication with core stakeholders because of the policies and communication structures of the select institutions. It is regrettable that the select institutions paid mere lip service to stakeholders' right to know.

The findings of this study that tertiary institutions in Akwa Ibom State communicated with their core stakeholders corroborates with Omotayo's, (2015) study on "The Nigeria Freedom of Information law: Progress, Implementation, Challenges and Prospects". Omotayo found that there is little credible evidence that all agencies of the Federal Government which the law clearly comply with the dictates of the FOIA.

The findings of the study affirms the tenet of the Democratic-participant media theory. The major concept of the theory is participation and full circular communication. In this study, the major concept of this theory is applied in principle, not in practice.

**Second, how has the extent of adherence/enforcement of the FOIA by tertiary institutions' in Akwa Ibom State influenced the institutions' relationship with their various stakeholders?** The study found that the extent of adherence has affected greatly its relationship with various stakeholders. This evidence is presented in Table 3. It was found that the perception of stakeholders regarding the level of adherence of the FOIA was unsatisfactory. Tertiary institutions in Akwa Ibom State had not adhered to the FOIA. The implication as reviewed in the literature is that government agencies such as the National Human Rights Commission (NIIRC), the Independent and Corrupt Practices and other Related Offences Commission (ICPC), the Economic and Financial Crime Commission (EFCC) and other law agencies that would have benefitted immensely in terms of the performance of their duties are adversely affected. Moreover, stakeholders of tertiary institutions are denied access to information because of non-adherence/enforcement of the FOIA by tertiary institutions in Akwa Ibom State. The findings of this study also contradicts the notion of the Right to Know (2012) position that there has been an enormous demand for information by individuals and organisations pursuant to the provisions of



the FOIA. Therefore, tertiary institutions should make adequate and effective use of the FOIA and access to information in order to satisfy the enormous demand for information by all stakeholders. This study reveals that there is no cordial relationship among the various stakeholders and tertiary institutions in Akwa Ibom State with regard to the level of adherence to FOIA. This lack of cordial relationship could be noticed in the face-off between some aggrieved stakeholders of Akwa Ibom State University and management during the sacking/downgrading of some staff due to what management referred to as poor performance in a regularisation/confirmation exercise conducted by the institution. The findings of this study agree with those of Nnadi and Obot (2014) which found that the majority of respondents 115 (69.3%) said the FOIA had not been enforced. Furthermore, the findings of this study re-echo the importance of social responsibility theory in institutions. The social responsibility theory is an ethical theory where an entity, be it an organisation or individual has an obligation to act in order to benefit society at large.

**Third, what is the perception of stakeholders in tertiary institutions in Akwa Ibom State on the level of adherence to the FOIA and access to information in the institutions?**

This study reveals that stakeholders' perception of the level of adherence to the FOIA and access to information was negative and unsatisfactory. It appears that tertiary institutions have contributed to the wide gap between stakeholders and management. The findings of this study re-emphasises the essence of the social responsibility theory which places premium on institutions' obligation to society.

**Fourth, what are the possible factors affecting the enforcement of the FOIA and access to information in tertiary institutions in Akwa Ibom State?** The study also found out major challenges to the implementation of the FOIA. The challenges are: legal constraints, high level of ignorance, poor culture of record keeping, bureaucracy in public service, widespread corruption and attitude of information managers. The findings of this study support the challenges highlighted in the study by Omotayo, (2015), which include entrenched culture of secrecy, low level of implementation and public awareness of the FOIA, poor record keeping practices and infrastructures, inadequate knowledge of the FOIA among others. In addition, the study revealed that the level of awareness of the FOIA strongly determined the level of compliance.

There could be several factors affecting the enforcement of the FOIA and access to information in tertiary institutions in Akwa Ibom State. This study noted the following: lack of communication infrastructure, high level of ignorance among the workforce, widespread corruption, culture of secrecy, bureaucracy in government, personnel inefficiency, lack of

awareness of the provisions of the FOIA, poor recordkeeping, weak supervision by the Ministry of Education and institution governing council oversight. The findings of this study agree with the study by Osuigwe (2011) whose practical implication according to the study lies in the challenges likely to be encountered in the implementation/enforcement of the FOIA. The author observes that among other challenges, the two days given to Ministries, Departments and Agencies (MDAs) within which to provide requested information is not enough. The finding of this study also agrees with that of Omotayo (2015) who highlighted the following challenges facing the implementation of the FOI Law in Nigeria.

Lack of access to information and non adherence of the Freedom of Information Act by tertiary institutions negates the essence of the FOIA. According to Olaide (2011), the FOIA, requires all institutions to proactively disclose basic information about their structures, processes, mandates and to build the capacity of their staff to effectively implement and comply with the provisions of the Act. It is apparent that higher institution managers are yet to take initiative for the effective enforcement of the FOIA which will transform the current stakeholders' perception and have functional effects on the institution's stakeholder relationship.

## CONCLUSION AND RECOMMENDATIONS

Freedom of Information Act, access to information, adherence to the Freedom of Information Act and enforcement of the Freedom of Information Act in tertiary Institutions in Nigeria is essential to ensuring accountability, improved socio-economic planning, growth, development and prevents corruption in the management of resources of tertiary institutions. It within context that this work concludes that tertiary institutions managers should adherence/enforce the provisions of the Freedom of Information Act in their various institution in order to promote transparency, accountability and a free egalitarian society. The study records that;

- (i) More sensitisation exercise needs to be done to increase the level of awareness of the stakeholders about FOIA and access to information in tertiary institutions in Akwa Ibom State, Nigeria. This can be done by adopting a multimedia approach to publicise the FOIA, not only in the urban areas, but also in the rural communities, to enlighten the stakeholders on the need for, and the benefit of, FOIA, as well as their rights and responsibilities. The National Orientation Agency (NOA) should engage in more public sensitisation exercise of the provisions of this Act. The Nigeria Union of Journalists (NUJ) should also undertake public sensitisation of the provisions of the Acts as a form of social responsibility. The various media firms should also use their public service announcement platforms to create awareness about the

existence and provisions of the Act. All of these efforts would ensure adequate public awareness is created on the provisions of the FOIA.

- (iii) Public institutions should train their officials in order to sensitise them about the FOI law so as to improve the overall implementation of the FOIA. This is in line with the provision of Section 13 of the FOIA 2011 which requires government or public institution to ensure the provision of appropriate training for its officials on the public's right to access information or records held by government or public institutions.
- (ii) Officials of tertiary institutions must ensure that information about their activities are properly compiled and documented, so as to ease dissemination. This can be done by adopting the use of Information Communication Technology (ICT) to assist in record keeping.
- (iii) All conflicting laws acting against the FOIA, such as the Official Secrets Act, the Criminal Code, the Penal Code; etc should be re-evaluated.
- (iv) Conducting Information Audit exercises by the Ministry of Information periodically in each institution to evaluate the current institutional manager behaviour in order to ascertain the level of adherence/enforcement of the FOIA and access to information in tertiary institutions should be taken seriously.

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