



LEGAL ISSUES IN JOURNALISM AND ENVIRONMENT AS A CRIMINAL ACT IN COMMUNITIES OF LAKE CHAD BORNO STATE NORTH EAST NIGERIA

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ABSTRACT

This study was to assess the legal issues in journalism and environment as a criminal act in communities of Lake Chad Borno State, north east Nigeria. The objectives were to: examine legal issues as a profession, identify the nature of environment where this profession is been practiced, document the nature of criminal acts committed by journalist in the study area Lake Chad communities; Data for the study were obtained from secondary source, secondary data include research projects, dissertation, thesis written by previous scholars, books, articles, journal, Judicial briefs and

Introduction

As every profession would have its guiding principles governing its activities, so also the Journalism profession being the fourth realm of the estate for its explicit capacity of advocacy and implicit ability to frame political issues (<https://en.m.wikipedia.org>) has its guiding principles referred to as the Journalistic legal issues or Legal issues in Journalism.

Journalism being the watchdog of the society and doubling with the surveillance function coupled with the agenda setting function owes the community certain responsibilities beyond mere Educating, Entertaining and informing the public. As the public look up to journalists to quench their thirst for information, journalists strive to do these with all fairness, credibility, objectivity, accurate and timely reports of facts.

Rather than treating journalists, artists, creators, and startups as silos, let's recognize the common legal issues faced across all of these groups, and find ways to address the growing demand for legal services by building key legal infrastructure.



proceedings and data from media houses and individual practitioners, the generated were analysed using simple tables and percentages to assess the evidence of those acts in the study area. Few Possible recommendations were also made for the future.

Aim and Objectives of the study

The aim of this study is to look at legal issues in journalism and environment as a criminal act in communities of Lake Chad Borno state north-east Nigeria. Specific objectives are to:

- i. Examine legal issues in journalism as a profession.
- ii. Identify the nature of environment where this profession is been practiced.
- iii. Document the nature of criminal acts committed by journalist in the study area Lake Chad communities.

Study Area

Borno state lays in the north eastern corner of Nigeria between latitudes 11.00 and 13.45 east. It occupies an area of 69.435 Sq km sharing border with three states, Adamawa to the South, Gombe to the South Westland Yobe to the West as well as three countries, namely, Republic of Niger, Chad and Cameroon to the North, North-East and East respectively. (Waziri, 2009).

According to National Population Commission Borno state has a total population of 4, 151, 103 people, with annual growth rate of 2.8% per annum (NPC, 2006). Maiduguri Metropolis is situated in a semi-arid climate zone. It has basically two seasons: dry and wet seasons. These are further distinguished by the local population into: Binəm (cool dry season), harmattan season from December to February; Bey, (hot dry season), from March to late May: Nəngəli, raining season from June to September and Biila, humid dry transitional period between September and November (Waziri, 2009). According to (Wakil *et al* 2009) empirical findings have shown that rainfall is dwindling in Maiduguri both in volume and number of rainy days since the 1970s. The raining season never exceeds four months in the area, with an annual rainfall mean of 577mm. The rainfall type is usually convectional which is mostly in the afternoon hours (Iloeje, 2009). Rain fall is usually heavy and within a short duration with some variations within a small distance. Temperatures generally range between 29.4°C and 35°C. There is a sudden rise in temperature during the day around April, May and June, occasionally exceeding 40°C, and high terrestrial radiation in the night. With these weather conditions coupled with the low humidity (40% to 60% relative humidity), evaporation is always high and the environment can only support the growth of a scanty vegetation.

The economy of the state is anchored on natural resources such as clay, salt, nitron, limestone and kaolin. Iron ore and uranium and micas petroleum is prospected intensively on the shore of the Lake Chad in the state. There are only few industries in the state. These are flour mills, shoe factory, ginnery, dairy products, and corn milling just to mention a few



(Waziri, 2009). Different kinds of land uses can be identified: such as settlements, agricultural, road, forestry, but the dominant type is the agricultural land use. Majority of the people in the area are peasant farmers although they may be engaged in other activities.

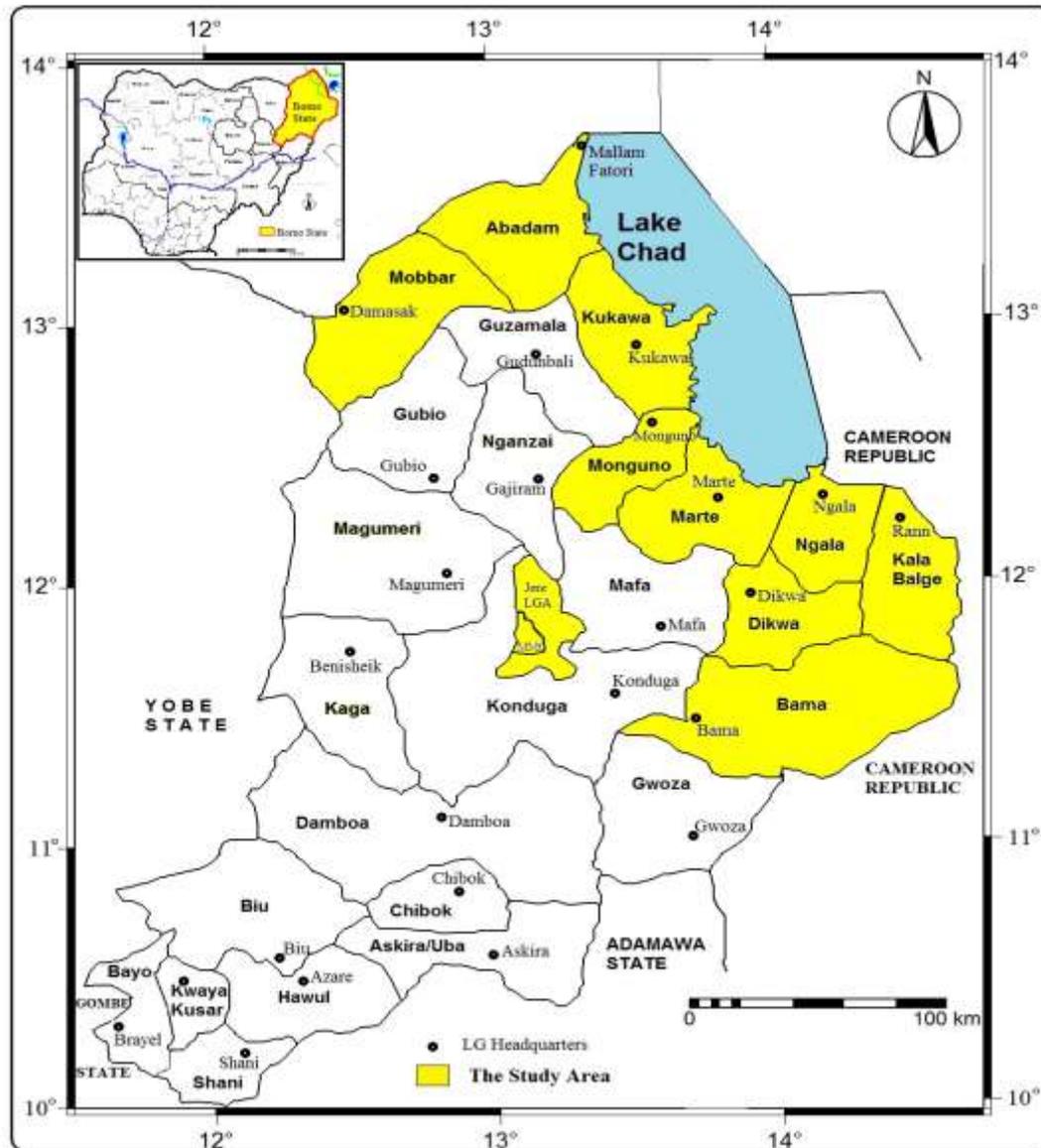


Fig: 1 BORNO STATE SHOWING SAMPLE SETTLEMENTS AND STUDY AREA THAT CONSTITUTED THE FORMER (MEGA LAKE CHAD)

Source: GEONETCast Unit, Department of Geography, University of Maiduguri, 2018

Methodology

The data used in this study were generated from secondary source only; the secondary data sourced from journal articles, conference proceedings, papers, books, photographs and other



relevant sources were all consulted to have relevant information on legal issues in journalism and environment as a criminal act in communities of Lake Chad Borno state northeast Nigeria.

Results and Discussions of Findings

Defamation- This is the most troublesome area to handle for journalists because a defamatory statement may not have been so intended. But at times, the journalist might knowingly publish a defamatory statement with the belief that it is in the interest of the public. Legal authorities and scholars define defamatory statement as; A statement which is calculated to injure the reputation of a person to whom it refers and intended to lower him in the estimation of rightthinking members of the society. These words which are capable of leaving a stain on the reputation of another should not in the absence of lawful excuse be published. Expatiating defamation, Eweluka (2004) notes four highlights of a defamatory statement which are, in the opinion of the victim calculated to: I. Lower him in the estimation of the right-thinking men or ii. Cause him to be shunned or avoided or iii. Expose him to hatred, contempt or ridicule or IV. Convey an imputation on him disparaging or injurious to him in his office, profession, calling, trade or business.

Children and minor- In no account should a journalist disclose the identity of children below the age of sixteen. Victims of rape, theft, and other social vices below age sixteen should be anonymous as revealing their identity might cause damage and discrimination to their personalities.

Non-disclosure of source- It is a known fact that every information must have a source, it is therefore a duty of journalist to keep their source(s) of information confidential especially sensitive information that might put the originator in danger.

Access to public records- It's clear that journalists need access to public records, but one may not realize that documentary filmmakers, researchers, historians, archivists, and a variety of entrepreneurs and nonprofits trying to take raw data and turn it into actionable information need it, too. Accessing this information requires untangling a complex web of state and federal law. Navigating this web be a bit easier with the help of attorneys. And in the case where a lawful request is denied; an attorney can bring formal litigation to ensure that the records are released.

Censorship: Censorship is the suppression of speech or other public communication which may be considered objectionable, harmful, sensitive, or inconvenient as determined by a government, media outlet, or other controlling body (Berger and Luckman, 2011). It is also defined by Lavender et al (2003) as the supervision and control of the information and ideas that are circulated among the people in a society. In modern times, censorship refers to the examination of books, periodicals, plays, films, television and radio programs, news reports and other communication media for the purpose of altering and suppressing parts thought to be objectionable or offensive (Hans, 2009). The objectionable material may be considered immoral or obscene, heretical or blasphemous, seditious or treasonable, or injurious to national security. Censorship can also be defined as the official prohibition or restriction of any type of expression believed to threaten the political, social, or moral order (Dave, 2007). It may be imposed by governmental authority, local or national, by a religious body, or occasionally by a powerful private group. It may be applied to the mails, speech, the press, the theatre, dance, art, literature, photography, the cinema, radio, television, or computer networks. Censorship may be either preventive or punitive. It can be done



by governments and private organizations or by individuals who engage in self-censorship. It occurs in a variety of different contexts including speech, books, music, films, and other arts, the press, radio, television, and the Internet for a variety of reasons including national security, to control obscenity, child pornography, and hate speech, to protect children, to promote or restrict political or religious views, and to prevent slander and libel. Many countries provide strong protections against censorship by law, but none of these protections are absolute and it is frequently necessary to balance conflicting rights in order to determine what can and cannot be censored. The rationale for censorship is different for various types of information censored (Hijams, 2006): a. Moral censorship is the removal of materials that are obscene or otherwise considered morally questionable. Pornography, for example, is often censored under this rationale, especially child pornography, which is illegal and censored in most jurisdictions in the world.

1. Military censorship is the process of keeping military intelligence and tactics confidential and away from the enemy. This is used to counter espionage, which is the process of gleaning military information.
2. Political censorship occurs when governments hold back information from their citizens. This is often done to exert control over the populace and prevent free expression that might foment rebellion.
3. Religious censorship is the means by which any material considered objectionable by a certain faith is removed. This often involves a dominant religion forcing limitations on less prevalent ones. Alternatively, one religion may shun the works of another when they believe the content is not appropriate for their faith. For example, when Catholics in Kenya protested that the condom advert be banned as it was against their beliefs and objectionable to their faith.
4. Corporate censorship is the process by which editors in corporate media outlets intervene to disrupt the publishing of information that portrays their business or business partners in a negative light, or intervene to prevent alternate offers from reaching public exposure.

Thus, the rationale for censorship is that it is necessary for the protection of the family, church and the state. Therefore, publishers and other media practitioners should ensure that the information they circulate to the public is free from hate speech, they should reject information that is tasteless or promote illegal obscene, immoral or harmful products.

Invasion of Privacy- Section 37 of the 1999 Constitution of Federal Republic of Nigeria guarantees and protects " The privacy of citizens, their homes, correspondence, telephone conversation and telegraphic communications". Therefore, in gathering and writing news stories, journalists must always bear in mind, this requires maturity and Professionalism. However, if the privacy of an individual endangers the public interest, it becomes quite difficult to totally avoid the invasion of privacy of such an individual.

Responding to illegitimate takedowns- We rely on a private intermediary service to share content with each other such as websites, apps, and webhosts. Unfortunately, bogus content takedowns often falsely rely on copyright, trademark, and a variety of abusive terms of use violation claims. Many intermediary services will quickly remove content to avoid liability.



Navigating each service's appeals process, and making the legal arguments to get your otherwise legal content restored is not always easy. Negotiating with service providers and claimants to restore legitimate content often takes an experienced attorney explaining the user's legal position. Without that assistance, in addition to content removal and the risk of related lawsuits, a key consequence of takedowns is that a user can have their account permanently terminated, silencing their voice.

Intellectual Property and Licensing- where a journalist reproduces a work, be it in print, broadcast, artwork or design, proper acknowledgement should be accorded of the author, a journalist should abide by all rules of copyright, established by national and international laws. Copyright relates to artistic creations, such as books, music, paintings and sculptures, films and technology-based works such as computer programs and electronic database. It is also known as author's right (Andrew et al, 2010). Copyright is an 'intellectual property right' protecting things that are created by a person's skill, labour and investment in time and money (Hansen et al, 2008). You will find that most published works will state (usually in the first few pages) that no part of the publication can be reproduced in any material form without the written permission of the copyright holder. It is a legal concept, enacted by most governments, giving the creator of original work exclusive rights to it, usually for a limited time. Generally, it is "the right to copy", but also gives the copyright holder the right to be credited for the work, to determine who may adapt the work to other forms, who may perform the work, who may financially benefit from it, and other related rights. It is a form of intellectual property (like the patent, the trademark, and the trade secret) applicable to any expressible form of an idea or information that is substantive and discrete.

Forming an entity- The proliferation of smaller entities and individual journalism and creative projects leads those projects to ask the same questions startup entrepreneurs must ask. Setting up your entity sets the tone for the entire organization, and mistakes at this stage are costly. While some DIY services for business formation exist, we've seen many businesses that made critical mistakes using DIY services at this critical early stage. Correcting these errors can be more expensive than getting proper legal counseling the first time.

Fair Use- Andy Warhol said "good artists borrow, great artists steal." It may not be as catchy of a quote, but many great journalists, creators, and startups understand their rights to reuse content without permission. Understanding and exercising fair use allows us to engage in social, cultural, and political dialogue. It's a critical safety valve to the broad protection and extremely long duration of copyright law. But as far as laws go, it's on the complicated side. When journalists, artists, filmmakers, and startups want to share new perspectives and worldchanging ideas, a quality fair use analysis can make that happen. Moreover, many filmmakers and journalists need a fair use opinion from an attorney to obtain insurance and be picked up by distributors. But the reality is that only a small number of attorneys in the country are experts in fair use law, and when you narrow that list to folks willing to work on a reduced fee basis that number shrinks considerably and clients never find the legal services they need.

Conclusion

Effects of poor communication strategies by some media personnel will continue to have negative impacts on the environment and the general society at large, there are serious issues happening



day by day looking at the vulnerability of those communities located along the shores of Lake Chad Basin Borno state. The area had suffered series of challenges from different angle by different perpetrators. Journalism in a hostile environment like Lake Chad requires a lot of techniques and professionalism to ensure credibility in reports to be passed across. People living along the shores of the lake should learnt to listen to credible reporters from different media houses and their likes. Poor access to information could bring severe impacts on communities in such a way as to improvise on human wellbeing. There is a serious need to improve the understanding of communities on the importance, risks and hazards associated to poor communication so as for communities to own their radio houses and to be managed by them. Credible information by journalist alone may not be sufficient to meet the challenges of the current environmental and other associated factors triggered by poor journalism as a criminal act in the environment of Lake Chad Borno State North East Nigeria as in addition to the aforementioned other legal issues in journalism practice includes:

Credibility, Accuracy, Fairness and Objectivity.

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