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FACTORING THE MASS MEDIA INTO THE PROTECTION OF HUMAN RIGHTS IN THE NIGER DELTA REGION

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ABSTRACT

Despite subscribing to international laws on the protection of human rights, Nigeria still has poor record of human rights, with abuses and violations recorded almost daily. The Niger Delta region of the country is not spared, as, it has for some years been site for major confrontations between the people and the government, leading to the death of many, arbitrary detentions and restrictions on the rights to freedom of expression, association and assembly. The end to human rights abuses in the Niger Delta region of Nigeria appears not in sight. Not only is the ecosystem degraded and lives and livelihoods displaced, protests by the local people commonly meet repression. The inhabitants of the region who live in great poverty, while so much wealth is extracted from all around see it as injustice. The agitations for Resource Control and secession are clear manifestations of the feeling of mistreatment, frustration and injustice by people of the region. In addressing the issues of human rights violation, the mass media are not participatory. Gaps in capacity and roles are manifest. The failure of the mass media as a key player in the struggle for the defence of the fundamental rights of the people has in no small measure, led to the escalation of human rights abuse in the area. Relevant professional bodies have also not lived up to expectation. Human rights abuse shall be drastically reduced if the mass media live up to their responsibility, uphold the tenets and ethics of the profession, sustain reportage and get participatory. This article traces the background of cases of human rights violation in the region, their causes; highlighting the paths not yet taken and the responsibilities of the mass media.

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INTRODUCTION

Human Rights is a generic term, incorporating many kinds of claims, liberties, powers, immunities and advantages which the individual seeks to enjoy from the society, some of which are legal, based on the fact that they are accorded recognition by the legal system and some of which are non-legal systems because, they are not recognized (Obiareri, 2001). According to the *Oxford Advanced Learners' Dictionary of Contemporary English* (6th Edition), human right is one of the basic rights that everyone has to be treated fairly and not in a cruel way, especially by their government. Eze (1995:27) sees human rights as demands or claims which individuals or groups make on society, some of which are protected by law and have become part of the "lex lata", while others remain aspirations to be attained in the future. The Supreme Court of the Federal Republic of Nigeria, in the case of Ransom Kuti vs Attorney General of the Federation held that fundamental rights are human rights guaranteed everybody by the Constitution.

The rights are immutable to the extent of the non-immutability to the Constitution itself. Anyakwee (1994) pointed out that the object of Human Rights education remains to make a contribution to the continuing struggle for justice and peace in the world. He continued that Human Rights studies recognize that understanding and observance of Human Rights were not only routes to peace, but the foundation of freedom, justice and peace in the world. The Constitutions of the Federal Republic of Nigeria, 1979 and 1999 provide in chapter four (4) respectively, certain fundamental rights which are of paramount significance to the citizens of Nigeria and also to persons other than citizens of Nigeria, especially when the country returned to civil rule after several years of military dictatorship. These rights carve out a sphere for the individual, in which he is free from government interference or private encroachment.

The United Nations Universal declaration of human rights (December 10, 1943) points that:

rights and fundamental freedoms and a common understanding of these rights and freedom is of the greatest importance for the full realization of the pledge.”

Nigeria signed the African charter of Human and Peoples rights over fifty years ago and reflected its implementation through the inclusion of sections that protect the rights of citizens in her Constitution. The sections; usually written and referred to as Fundamental human rights have been consistent in her successive Constitutions, right from independence. Although Nigeria has a poor record of human rights, it is important to note that the laws are in place. The problem lies with their implementation. These Fundamental Rights, According to Section (IV) of the 1999 Constitution of the Federal Republic of Nigeria are: Right to Life; Right to Dignity of the Human Person; Right to Liberty; Right to fair Hearing; Right to privacy and Rights to Freedom of Thought, Conscience and Religion. Others are: Right to Freedom of Speech and of the Press; Right to peaceful Assembly and Association; Right to freedom of movement and Right to freedom from discrimination. Any abuse of the rights of any citizen amounts to violation.

The Niger Delta Region of Nigeria

According to Wikipedia, “the Niger Delta is the delta of the Niger River sitting directly on the Bight of Biafra side of the Gulf of Guinea on the Atlantic Ocean in Nigeria”. The area was the British Oil Rivers Protectorate from 1885 until 1893, when it was expanded and became the Niger Coast Protectorate. The Niger Delta is home to more than 10 million people. It is usually equated with the oil-producing areas of Nigeria; made up of nine states. They are: Abia, Imo, Edo, Delta, Rivers, Bayelsa, Cross River, Akwa Ibom and Ondo states. The region has for some years been site for major confrontations between the people and the government forces, resulting in extra-judicial executions, arbitrary detentions and draconian restrictions on the rights to freedom of expression, association and assembly.

The Niger Delta and Oil

The political significance of oil has increased tremendously in Nigeria. Oil has generated huge surpluses for the Nigerian Economy and while much of it is visible in urban areas in the form of infrastructural development, the rural areas have suffered great neglect, particularly the oil producing areas of the Niger Delta region. For the oil producing communities, the situation is frustrating, when account is taken on the devastating impact of oil production on the environment of the concerned communities. Therefore, how the oil wealth is shared has become a touchy political issue in Nigeria in recent years, and is at the root of the restiveness of the oil producing communities. For instance, communities in the Niger Delta are quick to point out that in the 1960s and 1980s, when agricultural commodities such as cocoa, groundnuts and palm oil were the main export income earners for Nigeria, the various regional governments where these products were produced, controlled the income from their exports. But today that oil is the main export income earner, and located in the land of ethnic minorities, the wealth is being controlled by the central government dominated by majority ethnic groups. It is instructive that it is difficult to talk/write of the Niger Delta region in Nigeria without talking of oil.

The Human Rights situation in the Niger Delta

In the circumstance created by oil operations in the Niger Delta region, it seems, human rights can only suffer. Not only in the ecosystem degradation and lives and livelihoods displaced, protests by the local people commonly meet repression. In Ogoni, (where the Nigerian authorities maintained a military contingent known as the Rivers State Internal Security Force) even before the junk trial and ungodly execution of the Ogoni nine, including the writer Ken Saro Wiwa, when in July, 1997, a soldier opened fire on a commuter bus, killing one man and injuring a woman. The driver of the bus was said to have failed to yield to extortion by soldiers. On the second anniversary of the execution of the nine Ogoni minority activists over allegations of murder, the Nigerian Authorities still maintained a strong military security presence in the area, allowing neither freedom of association, expression, movement nor worship. Again, the arrest of Mr. Matthew Eregbene, the spokesperson of the Ekeremor Zion Community, in the Western Niger-Delta for issuing a threat to Shell Petroleum Development Company (SPDC) to expel them from the land in 1982, after engaging them in a 15-year legal battle following their request for compensation over an oil spill from Shell Petroleum Development Company (SPDC) pipeline in 1982, that damaged their farms and polluted their waters are illustrative of the fate of human rights in the Niger Delta region.

The communities first obtained judgment at the high court, awarding them compensation. Shell appealed to a higher court, and at last, an appeal court in Asaba, capital of Delta state confirmed the judgment of the lower court and ruled that SPDC was to pay the four communities the sum of thirty million naira (N30,000,000.00) as compensation. SPDC, still not satisfied with the judgment, gave notice of appealing to the Supreme Court of Nigeria. The communities then felt frustrated and threatened to expel SPDC from their land. In addition, on 15th September, 1997, four soldiers were reported missing while on a mission to Ekeremor Zion. The then Chief of Army staff, Major General Ishaya Bamaiyi described the missing soldiers as having gone on an illegal mission, although details were not given. *This Day Newspapers* of November 15, 1997, pages 13 and 14 reported that the soldiers who took off from the Kantu Military base in the Escravos Rivers, had gone on a mission to extort money at gun point from Ijaw fishing communities along River Forcados, including Ijansa, Ijelejele, Ofougbene and Ekeremor Zion. The soldiers were said to have disappeared, never reported back to base afterwards; some days later, the body of one of them was reported by the defence information spokesman, Colonel Godwin Ugbo to have been found. Subsequently, the soldiers in their characteristic manner visited Ekeremor Zion with terror in search of their missing colleagues.

On September 16th, 1997, a detachment of soldiers had first visited the community to ask for their missing colleagues and when they did not get what they thought were satisfactory answers, they left and promised to come back the next day. When they returned the next day, they arrested four people at Ekeremor Zion identified as Odili Subai (70), Victor Brisibe (55), J. Brisibe and Alfred Brisibe whose ages were not given. The next day, the soldiers visited neighbouring Ofougbene, one of the four Communities involved in the legal tussle with SPDC and arrested three persons. The arrests in the two villages, according to community sources were effected with

extreme brutality. Furthermore, the brutal murder of Comrade Okechukwu David Ufomba, a medical student of Imo State University Owerri, in 2000 by men of the Nigerian police is an evidence of police flagrant disregard for the laws of the land.

Again, the recent murder of members of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) and the Independent People of Biafra (IPOB) by Nigerian security forces speaks volumes on the state of human rights in the region. Available statistics (from the office of the Indigenous people of Biafra-IPOB) suggest that no fewer than one hundred and fifty Biafra activists have been killed between June 2015 and July 2016. What about the people's right to self-determination, as provided for in article eighteen (18) of the Universal Declaration of Human Rights?

In addition, the arrest and detention of the leader of the Niger Delta Peoples Volunteer Force, Alhaji Asari Dokubo for about two years during the administration of former President Olusegun Obasanjo on the charge of treason is a manifestation of share insensitivity to the plights of the Niger Delta people.

What about the arrest and continued detention of leader of the Indigenous People of Biafra (IPOB), Nnamdi Kalu over same charge of treason. He was granted bail by two different courts of competent jurisdiction, but the Federal Government under President Muhammadu Buhari refused to obey the orders of the courts. On the 2nd of September, 2016, a team of Mobile Policemen in Edo state stopped a Civil Society activist, whose name was given as Elder Jude, arrested and detained him at new Etete Police Division, Benin City, Edo state, after assaulting him. Jude told newsmen that the policemen stopped him along Benin bye pass, with one of the Police officers telling him that he looks like an armed robber. He demanded a retraction of the statement and the Police threatened to treat him like an armed robber. Indeed, they assaulted him and removed his teeth with batons and fist blows.

Continuous Brutality

In search of members of Niger Delta Avengers, a new militant group in the region, and possibly, a former militia warlord, Government Ekpemupolo, alias Tompolo, a team of soldiers of the Nigerian Army invaded Oporoza, the traditional headquarters of Gbaramatu kingdom, Delta state, in the early hours of Saturday, May 28, 2016. The soldiers arrived at about 2.15am in gunboats and began to beat up residents – men, women, children and the elderly. The soldiers were hunting for members of the Niger Delta Avengers, a militant group that has been on a campaign to ground the Nigerian economy. Having not seen any of the members of the militant group, the Military, it was reported, resorted to harassment, intimidation and brutality of innocent citizens of the community. Media reports say that an octogenarian community leader, Chief Atiti Mala was beaten with the butt of a gun by the rampaging soldiers. They asked the helpless villagers to produce former militant leader, Government Ekpemupolo, alias Tompolo, and members of the Niger Delta Avengers. On the 24th of March, 2015, soldiers inflicted severe injuries on a member of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), Jonah Samuel for wearing a cap with Biafra inscription. The soldiers who were in two Hilux patrol jeeps were said to have accosted Jonah wearing his Biafra camouflage cap at Obikabia junction, New Umuahia road, Ogbor Hill, Aba, Abia state, parked their vehicles and after a little interrogation started beating him before leaving him in a pool of blood. Cases of human rights

abuse in the region are inexhaustible. It is worse under the present administration of General Muhammadu Buhari. Brutality is an attitude that is deeply rooted in the armed forces whose consequences are perhaps better imagined when it is considered that Nigeria was under military rule for about 29 years. The administrations of Nigeria's former dictator, General Sanni Abacha and Chief Olusegun Obasanjo were very notorious for human rights violation. The infamous Odi massacre under Obasanjo may never be forgotten in generations to come.

Causes of Human Rights Violation in the Niger Delta Region

The struggle for emancipation, as well as freedom from cheating, dehumanization and bad governance are the kernels of all such violations. For the oil companies, the primary advantage of operating in the Niger Delta is low production costs for high quality hydrocarbons; no doubt, facilitated by poor environmental practices and cheap access to land. The inhabitants of the Niger Delta who live in great poverty while so much wealth is extracted from all around see it as injustice, hence they always question. The growing incident of unrest and disturbances in the Niger Delta is as a result of lack of true Federalism and good governance. The renewed agitation for Biafra (secession) is not unconnected to the same factors. There is gross injustice across the land. In such a situation where resources taken from the Niger Delta are not only out of the control of the host communities, but are seen being frittered away irresponsibly, cannot in any way be expected to engender peace in the Niger Delta, especially, when the communities watch their environment and sources of livelihood being degraded; and seeing themselves sinking further into unrelieved poverty.

The Mass Media

Defining any concept naturally limits it. The mass media in particular, suffers from such restrictions. It can be viewed broadly or narrowly. Generally, it can be seen as the outlets or channels for the dissemination of mass communication messages. The mass media make it possible for the messages to reach far-flung heterogeneous audiences simultaneously. They are immediate transmitters of information and make mass communication possible. The mass media are veritable tools for social change; a social institution and an organ of the society whose responsibility is to gather and disseminate news and information about the society. Examples are: Radio, Television, Newspapers, Magazines, etc.

The role of Mass Media

Nwosu (2004, p.14) states that "...communication is at the root of conflict management." Basically, the roles of the mass media include to: inform, educate and entertain. They elevate individual and group issues to the level of public discussion (Anibueze, 2009). In cases of human rights violation, the mass media should provide information that enables the society to "share common knowledge of what is happening" (Schramm, 1971, p. 20). The mass media should also educate the masses on the details and implications of issues of abuse of human rights, while drawing the attention of the international community to same. In addition, it is the role of the mass media to educate the masses on their rights, while mobilizing them to rise to claim/defend them. In his 1948 work on: "The

Structure and functions of Communication in Society”, Lasswell raises salient issues on “social conflict and communication”, “attention aggregates and publics”, and principles of “equivalent enlightenment”. He points out that in social conflict, communication provides intelligence about the strength and actions of the parties. Each party strives to control communication flow by increasing its reach to the audience, withholding communication, because of suspicion of each other. On attention aggregates and public, he submits that not all that live in a place are members of the public of that place. To be a member of the public of a place, “it is essential to make demands for public action”. The Nigerian mass media “have become tools of manipulation by the parties in conflict as they strive to control communication flow” (Anibueze, 2009). The mass media, being the watch dog of the society, have a duty to expose evil practices wherever they exist. This includes the scourge of human rights violation, the culprits and their methods. The media should use the power of persuasion to inspire positive changes in the society. One good way of achieving this is to follow innovative trends in Information and Communication Technology (ICT) and other relevant sectors. They should also structure their messages in such a manner that the tenets of balance, fairness, objectivity and social responsibility are fulfilled. It is also expected that they help to draw the attention of government, policy makers and the international community to the plights of the less privileged, oppressed and disadvantaged. Hahn (1998) holds that those in public positions always attempt to control public debate to suit their positions.

Branding youths and human rights activities in negative and uncomplimentary ways that suit government’s language by the media emboldens some of them in disregarding the fundamental rights of the people. Media practitioners themselves agree on a critical function of the mass media in challenging and supervising the society elites and defending the individual. Experts expect the mass media to form an arena for public discourse, open for innovation and fulfilling certain functions in the adaptation of societies to new challenges. It is therefore the responsibility of the mass media to campaign vigorously for the restoration of human rights in the region, in line with democratic principles. The media should always crusade with emphasis, the need for total respect for the fundamental rights of persons. The Nigerian mass media must therefore imbibe the spirit of boldness and fearlessness in the reportage and interpretation of issues that bother on human rights violation, especially as it affects the minority ethnic groups in Nigeria and the Niger Delta people in particular. Issues must be presented in very clear, accurate and objective terms to ensure that the aim of the communication is achieved, since all communications are purposeful and intentional.

Paths not yet taken in the protection of human rights in the region

A lot could still be done to preserve and protect the fundamental rights of the people of the Niger Delta region. This section highlights paths not yet taken for stakeholders’ consideration.

Responsible and responsive journalism

Objectivity, balance and fairness are compulsory demands of responsible journalism. In information dissemination, mass media practitioners must also remember that they owe the citizens social responsibility, and, suppression or deliberate

distortion of facts amounts to denial of the people’s right to know. It is the role of the media to ensure that human rights related issues remain on the front burner, so as to discourage any form of abuse. Relying on only press statements from agencies of government is not helpful.

Civil Society partnership

Organised Civil society and the media should partner on strategies for promoting the rights of the citizens. Sustained campaigns and advocacy, to ventilate their views, suggest solutions to identified human rights related issues and mount pressure on those in authority for appropriate political actions are necessary. Civil society (which media is part of) must therefore rise to the challenge of defending our democracy by ensuring respect for the rule of law and due process.

Involvement of Professional Organisations

The role of relevant professional organisations, such as the Nigeria Union of Journalists, Nigerian Institute of Public Relations, African Council for Communication Education and Institute of Mass Communication and Information Management of Nigeria cannot be over emphasized. Almost all media practitioners in Nigeria are registered with one professional body or another. Such bodies must rise to the challenge of ensuring that their members uphold the tenets of the profession. Appropriate sanctions should be meted on erring members, when necessary. Professional misconducts are issues that must be taken seriously by every professional organisation.

Mandatory Capacity Development Programmes

Unfortunately, some professional organisations see their capacity development programmes as mere sources of revenue, downplaying the primary essence -capacity development. Professional organisations must ensure that the contents of their training and capacity building programmes are such that will fill the obvious professional gaps in media practise. Seminars and workshops on the role of the media in exposing the menace of human rights violation so as to attract the attention of the necessary bodies for intervention should be regular. Media professionals should be involved in the crusade against all such violations, while also working to tackle their causes.

Use of the FOI Act

Nigeria’s Freedom of Information (FOI) Act was signed into law on May 28 2011, after the longest legislative debate in the history of Nigeria. The law was passed to enable the public to access certain government information, in order to ensure transparency and accountability. The FOI Act aims to make public records and information more freely available and to protect public records and information, in accordance with the public interest and protection of personal privacy. It enables citizens to hold the government accountable in the event of the misappropriation of public funds or failure to deliver public services. The media and other stakeholders should invoke the FOI Act to make demands for information on issues relating to the rights of the people.

Campaign for more freedom for the Press

There is need for the state of the media to be reverted to what it was in the days of the struggle for Nigeria’s Independence.

The efforts of media professional legends such as Dr. Nnamdi Azikiwe, Herbert Macaulay, Ernest Nkoli and many others whose fight as Nationalists yielded positive results because of the level of freedom of the mass media are ever green.

Watching the Watcher

Some of our public institutions were established with enormous powers, with no one watching them. It is the duty of the Media and Civil society to monitor and watch those saddled with certain sensitive responsibilities. The National Human Rights Commission and Public Complaints Commission should be monitored closely, complaints and petitions to them tracked and their activities made public. The media must watch those given powers to watch others.

Regular enlightenment programmes

There is need for regular public enlightenment campaigns to raise and sustain the consciousness of the citizenry towards knowing their rights as well as when they are violated. There is therefore need for regular human rights education programmes, including the use of extension services.

Implementation of the 2014 CONFAB Report

There is need for the implementation of the report of the 2014 National Conference, where far-reaching decisions on the future and well-being of the Nigerian nation were reached and documented. The media should commence the advocacy without delay.

Repeal of the Land Use Act and compensation to the Niger Delta

There is need for a repeal of the land use act; which makes the government the sole owner of all pieces of land in the country, and adequate compensations paid to the people of the region for the long period of neglect. Urgent steps must be taken to embark on massive development of the region. This, the media must promote, in addition to the advocacy for the speedy passage of the Petroleum Industry bill by the National Assembly.

Reporting Until Something Happens (RUSH)

It is not enough to report a case of human rights abuse. It is the duty of the media to ensure that the case(s) are kept in the front burner and made subjects of public discourse for as long as is necessary, until relevant authorities act on the matter. Following up on stories; features, analysis, editorials, vox pop and interviews are some of the ways of doing so professionally. Follow-up reports, outcome/updates, developments and consequences of issues already mentioned by the media should be reported until the end of the story is seen.

Maximise use of New Media

The advent of new media channels and online newspapers is a blessing for this generation. They have made it almost impossible for information to be suppressed. Media practitioners who fear that certain reports may hurt the economic interest of their media organisations could take advantage of the numerous online and new media platforms to

release all such information. There are myriads of online media platforms in Nigeria. Prominent among them are: Sahara Reporters, Premium Times, Agendang.com, Eagle online, Naij.com, Atlantic Reporters, Elombah.com and many others. Citizen journalists may also take advantage of these platforms in defence of human rights in the Niger Delta region.

Conclusion

This article has traced the course of human rights violation in the Niger Delta region of Nigeria, in relation to oil exploration and the role of the mass media. It has raised a number of issues which can enhance a research for greater efficiency in the defence and protection of the fundamental rights of citizens. There is no doubt that the mass media have played a part in the protection of human rights in the region, through its traditional roles. However, a lot remains undone. The gaps are enormous, while the human rights situation in the region worsens, with adverse implications and consequences. The incessant interference of government with media practice, capacity gaps, as well as poor professional and ethical regulations have done a great blow to media practice in the region and Nigeria at large. Poor training, laziness and corruption have their share of the blame. More so, the existence of a non-participatory media has not helped matters. The failure of the mass media as a key player in the struggle for the defence of the fundamental rights of the people has in no small measure, led to the escalation of human rights abuse in the area.

Human rights abuses shall be drastically reduced if the mass media live up to their responsibility, uphold the tenets and ethics of the profession, sustain reportage, get participatory and be involved in the struggle. Successive administrations in the country have not shown commitment to the protection of the fundamental rights of the citizens. The incessant denial of the governed, of their right to life as well as other fundamental rights, in dissonance with the provisions of the laws of the land has not helped matters. Successive governments in the country have also not shown sufficient sensitivity to the plights of the people from the minority ethnic groups in our country, especially the Niger Delta region. The issue of injustice meted on the people, which is at the centre of the cause of these violations need to be addressed. Without rights and freedom, there is no Democracy. As Oronto Douglas of the Chikoko Movement observed in the book, *"The emperor has no clothes"*, published by the Environmental Rights Action (ERA), the march to greatness by any people, in any country begins with an affirmation of justice to all citizens; the struggle to protect human rights must therefore be taken seriously. To make these rights effective, the people must be informed and educated as to what rights they have and how they can avail them; while cases of human rights abuse are not only reported, but kept on the front burner until actions are taken by relevant bodies. The paths not yet taken, highlighted in this article offer new options for consideration, with the objective of protecting human rights and achieving sustainable peace in the region.

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