A Review of Public Relations Regulations and Public Freedom in Nigeria

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Abstract

This paper examined the regulations that govern public relations (PR) practice in Nigeria and their implications for the freedom of the public. It provided a historical overview of the development of PR in Nigeria and the role of the Nigerian Institute of Public Relations (NIPR) in establishing and enforcing professional standards and codes of ethics. The study employed a library research methodology, relying on secondary sources such as scholarly articles, institutional reports, and case studies to analyse the framework of PR regulations and their effects on both PR practitioners and the public. Findings revealed that while PR regulations in Nigeria foster professionalism and accountability, they also pose limitations to the public's access to information. The paper concluded that although regulations are essential for maintaining industry standards and protecting public interests, they may inadvertently restrict public freedoms. It recommends a balanced approach to regulation that upholds the integrity of PR practices while respecting the public's right to information and freedom of expression.

Keywords: public relations, regulation, public freedom, Nigeria, NIPR

Introduction

Public relations is a fundamental aspect of public and private organisations today, ensuring the management of their image. The art and science of the practice revolve around the pivotal need for organisations, public and private, large and small, to ensure a fruitful interface between them and their publics. Fundamentally, the public, in this context, refers to those directly connected to the organisation and those who have indirect contact with these organisations.

Writing on the practice of public relations and its specific tenets, Wilcox, Cameron, Ault & Agee (2003, p. 3) noted that:

> What people fail to understand is that public relations is a process involving many subtle and far-reaching aspects. It includes research and analysis, policy formulation, programming, communication, and feedback from numerous publics, and its practitioners operate on two distinct levels - as advisers to their clients or an organisation's top management and as technicians who produce and disseminate messages in multiple media channels.

This assertion aptly describes the poignant, complex, and structured manner in which public relations practitioners operate. Based on these assertions and the seminal descriptions by foundational scholars like Rex Harlow and Sam Black, the practice of public relations is described as deliberate, planned, and performance-driven. Other vital concepts related to the practice include the fact that it is performance-driven, in the public interest, based on two-prong strata of communication, and serves as a veritable part of the portfolio of management function (Seitel 2001, p. 17).

The practice has come a long way in Nigeria from pre-colonial to colonial and post-colonial periods. The latter period saw the emergence of what we know today as the Nigerian Institute of Public Relations (NIPR). The golden age of the 1980s and 1990s marked a period of sustained development and increasing sophistication in the sector. As Nigerian society evolved, many public and private institutions and organisations have developed a robust desire for effective and sustained public relations practice. Okoye (2003, p. 73) remarked that:

> The decade of the 1980s and early 1990s witnessed the coming of age of public relations practice in Nigeria. Some bold measures were undertaken to save the practitioners from the frivolous image of publicity agents using stunts to deceive the public. This is the era of the top-flight image makers of highly successful PLCs and LTDs. The period has been marked by milestones in the development of the practice.

Some milestones identified include the approval of the NIPR Constitution and its Bill in 1981, the rise of Social Responsibility in the practice, and the emergence of formal training and public relations education in Nigeria.

Like all professional practices, public relations is bound by regulatory factors that instil professionalism and good conduct. In the case of public relations in Nigeria, removing that unhealthy toga of press 'agentry' and propaganda that laymen ascribe to the practice becomes more relevant. These regulations, across various professional practices, include laws, conventions, and ethical guidelines.

Osho (2001) has detailed the various regulatory issues around public relations and advertising. In the case of Public Relations, he identified contractual agreements, duties of agencies, relationships with the mass media, and the most vital aspect of interplay with the publics. In writing on the ethics component, Albarran (2010, p. 52) identified five duties – "duty to self, duty to the audience/publics, and duty to the organisation. Others include duty to

professional colleagues and duty to the society". These are duties that broadly define the need for ethical conduct by practitioners. Public Relations (PR) bridges organisations and their publics, providing effective communication channels (Smith, 2015). The burgeoning PR industry in Nigeria is bound by regulations intended to uphold accountability, transparency, and ethical conduct. As observed earlier, these regulations are meant to be a foundation for good conduct, which naturally impacts the practice.

Similar to other professional practices, one of the significant challenges lies in the unintended consequences of these regulations on the practice itself. Specifically, while designed to ensure professionalism and ethical conduct, these regulations can often impose constraints that hinder the flexibility and creativity required in public relations. Additionally, there are significant implications for the public, particularly regarding access to information and freedom of speech. Strict regulatory frameworks may inadvertently limit the public's right to receive timely and transparent communication from organisations. This paper explores these regulatory measures in public relations. It examines their impact on the freedom and rights of the Nigerian public, underscoring the delicate balance between upholding professional standards and preserving public liberties.

Objectives of the Paper

In specific terms, this paper has the following objectives:

i. Provide a background on the nature of Public Relations practice and professionalism.
ii. Briefly explain the historical foundation of the practice and institution in Nigeria.
iii. Discuss the various regulations inherent in the practice of Public Relations in Nigeria.
iv. Assess the implications of the regulations on the Nigerian public's freedom of speech and access to information.

Public Relations Regulation and Freedom

Public relations is the distinctive management function which helps establish and maintain mutual lines of communication, understanding, acceptance, and cooperation between an organisation and its publics; involves the management of problems or issues; helps management to keep informed on and be responsive to public opinion; defines and emphasises the responsibility of management to serve the public interest; helps management stay abreast of and effectively utilise change, serves as an early warning system to help anticipate trends; and uses research and sound ethical communication as its principal tools.

Regulation refers to the frameworks, laws, and guidelines established by governing bodies or professional institutions to standardise practices within a particular industry. In the context of public relations (PR) in Nigeria, regulation encompasses the rules and ethical codes set forth by the Nigerian Institute of Public Relations (NIPR) to ensure professionalism, accountability, and transparency in PR activities. These regulations are designed to protect the interests of the public, maintain the credibility of PR practitioners, and promote ethical communication standards. However, the regulatory environment can sometimes become overly restrictive, limiting the flexibility and creativity of PR professionals.

Freedom in this paper is conceptualised as the fundamental right to express ideas, access information, and communicate without undue restraint. It encompasses freedom of speech and freedom of the press, which are essential components of a democratic society. In the realm of PR, freedom pertains to the ability of PR practitioners and the media to disseminate information and opinions without censorship or excessive regulatory control. While regulation aims to uphold ethical standards, it is crucial that such measures do not stifle the freedom necessary for robust public discourse and the flow of information.

The term public refers to the collective of individuals, groups, and communities that are the target audience or stakeholders in PR activities. The public includes diverse demographics with varying interests, needs, and perspectives. The public plays a critical role in shaping and responding to PR efforts, and its trust and engagement are pivotal to the success of PR campaigns. This concept also extends to the idea of the public interest, which represents the common well-being and rights of the population that regulations aim to protect. Balancing the needs of the public with regulatory frameworks and the freedoms of PR practitioners is a central challenge in the field of PR.

In examining the intersection of regulation, freedom, and the public within the Nigerian PR landscape, this paper seeks to explore how these concepts interact and influence each other. Effective regulation should ensure that PR practices adhere to high ethical standards while safeguarding the public from misinformation and unethical practices. At the same time, it must not infringe upon the essential freedoms that allow for open communication and transparency. Understanding the dynamic relationship between these concepts is key to developing a balanced approach that fosters both professional integrity and public trust in the PR industry.

The Nigeria Public Relations Regulatory Framework in Nigeria

Professional bodies such as the Nigerian Institute of Public Relations (NIPR) establish codes of ethics to ensure integrity and professionalism. These codes serve as guidelines for public relations practitioners, promoting ethical practices and responsible behaviour (Banks, 2016; Nyitse, Inja, & Agbam, 2023). Public relations has a rich historical development, and the codes of ethics established by the Nigerian Institute of Public Relations (NIPR) have evolved. Licensing for PR practitioners ensures a minimum standard of professional competence while adopting codes of conduct ensures that practitioners adhere to ethical and professional standards (NIPR, 2003). The historical development of codes of ethics in public relations can be traced back to the early 20th century. The Public Relations Society of America (PRSA) established its first Code of Professional Standards in the United States in 1954.

The NIPR, founded in 1963, has a long-standing commitment to promoting professionalism and ethical conduct in the Nigerian public relations industry (Okorie, 2020). The NIPR had a 12-point code adopted on January 30, 1981, and was entrenched in Section 3 Sub-section V of the NIPR Constitution (Keghku, 2020). This was before the promulgation of the NIPR Practitioners Decree No. 16 of 1990, now Act of the National Assembly.

The Decree empowers the Council of the Institute to determine what standards of knowledge and skills are to be attained by Public Relations practitioners for high standards of practice (NIPR PSG, 2004). In pursuance of the provision of the decree, the Council of the NIPR made a Bye Law known as the Nigerian Institute of Public Relations Code of Professional Conduct Bye-laws No. 1 of 1992. The institute has played a crucial role in establishing and revising its code of professional ethics, conduct, and standards. Over the years, the NIPR has focused on aligning the code with international best practices and ensuring its relevance in the Nigerian context.

Udomisor and Osademe (2013) studied the regulation of public relations practice in Nigeria by the Nigerian Institute of Public Relations (NIPR) and the challenges posed by individuals from allied disciplines taking up public relations roles without proper training or registration with the statutory body. The study assesses the importance of regulating the profession to ensure discipline, professional excellence, and sanity in public and private establishments. The findings indicate that effective regulation is necessary to achieve and maintain professionalism, and it is also essential to increase awareness among practitioners about the NIPR and its activities.

The Nigerian Institute of Public Relations (NIPR) has also published relevant literature on codes of ethics and professional standards specific to the Nigerian context. The NIPR's Code of Professional Ethics (2019) outlines the ethical obligations and responsibilities of public relations practitioners in Nigeria, providing guidance for ethical decision-making in the local business environment.

Public Relations Regulations and the Protection of Public Interests

PR plays a pivotal role in shaping public perception. Regulations ensure truthful and non-misleading communications, offering protection from false advertisements and promotional content (Olatunji, 2017). Moreover, by encouraging corporate responsibility and community engagement, they foster trust between organisations and their publics (Okafor, 2020). These standards are meant to protect the practice against abuse and misrepresentation. But most fundamentally, they are also meant to protect the public whom the practitioner usually targets on behalf of his client, organisation, or institution.

Udomisor and Osademe (2013) have observed that the need for ethical guidelines is based on many intra and inter factors. They aver that:

> It is assumed that professional ethics and codes are often consistent with the normative and moral orientation of the society in which they operate, either through laws socially administered and enforced or through self-administered and self-enforced codes designed to guide a profession as a recognised and legitimate field in the society.

Bland, Theaker, and Wragg (2000) also made similar observations. They centred their analysis on effective media relations as a critical component in the practice and regulation's role in this context. Social Responsibility is primarily the concept that connects the practice and protection of public interests. Okoye (2003) noted that "social responsibility in business is a concept whereby an organisation identifies and satisfies an emerging societal need or promotes new attitudes for the benefit of society without being forced to do so by law". In this context, the practitioner has a responsibility to appropriately and professionally interface with the publics in his and the public's interests. Underlining this position is the notion that Public Relations is distinct from propaganda, although the objectives might look similar.

In this context, the practitioner is expected to be interested in four measurements as identified by Wilcox, Cameron, Ault, and Agee (2003, p. 206): Measurement of Audience Awareness, Measurement of Audience Attitudes, Measurement of Audience Action, and Measurement of Supplemental Activities. Public relations can also play a pivotal role in influencing public opinion and, hence, changing behaviour. If it is constructive, these can also significantly be in the public interest.

Other aspects that connect the practice to the public's interests, espoused by Asemah (2019), include community relations, public affairs, government affairs, and industrial relations. He also identified multicultural relations and marketing communications. These are essentially part of the practitioner's itinerary, in addition to Corporate Social Responsibility (CSR) matters. So, the critical argument is that public relations, in principle and practice, can be used to further public interests as long as there is professionalism and objectivity.

Methods

The method employed in this paper is library research (the use of secondary sources). Library research encompasses a systematic approach to collecting information essential for crafting a paper, developing a presentation, or fulfilling a project's requirements. In this context, secondary sources refer to other academics' and researchers' scholarly studies. Secondary sources are materials that discuss, analyse, interpret, or synthesise primary sources or primary data. These sources are particularly pertinent to this paper as it is a conceptual work built upon the research findings and insights derived from the works of other scholars and researchers.

Legal Implications of PR Regulations

The Freedom of Information Act (FOIA) of 2011 and Freedom of Expression, as contained in Section 39 of the 1999 Constitution of Nigeria, play significant roles in Public Relations Regulations in Nigeria. These include:

Firstly, the FOIA, enacted in 2011, aims to promote transparency, accountability, and openness in governance by granting Nigerian citizens the right to access public information held by public institutions. It ensures that the public has a legitimate avenue to obtain information and encourages governmental bodies to provide accurate and timely responses. In the context of the paper, the FOIA holds relevance as it pertains to the regulation and dissemination of public information by public relations practitioners.

Secondly, Section 39 of the 1999 Constitution of Nigeria guarantees the right to freedom of expression. It grants every Nigerian citizen the freedom to hold opinions and receive and impart ideas and information through various media channels. This constitutional provision aligns with the principles of democratic governance and allows individuals, including public relations professionals, to exercise their right to express themselves and disseminate information freely. Section 39 establishes the foundation for public discourse and ensures the public's right to access information is respected.

In the paper, the FOIA and Section 39 of the 1999 Constitution of Nigeria hold relevance regarding how public relations regulations affect the freedom of the public. The FOIA empowers the public to access accurate and reliable information from public institutions, which is vital for effective public relations practice. It facilitates transparency and ensures public relations practitioners obtain the necessary information when interacting with governmental bodies. Additionally, Section 39 guarantees the freedom of expression, allowing public relations professionals to engage in open dialogue, disseminate information, and actively participate in public discourse, contributing to the well-informed decision-making process.

Overall, the FOIA and Section 39 of the 1999 Constitution of Nigeria contribute to understanding the interplay between public relations regulations and public freedom in Nigeria. These provisions emphasise the importance of transparency, accountability, and the right to access and disseminate information, shaping the dynamics of public relations practice in the country.

Theoretical Framework

This study will be guided by two theories: the situational theory of the public and the excellence theory. This is because we are dealing with public relations regulations and the freedom of the public**.**

The Situational Theory of Publics is a communication theory that explains how different groups of people respond to a problem or issue based on their level of awareness and involvement. It helps us identify and segment the public relevant to a public relations campaign or strategy.

Excellence Theory is a general theory of public relations that defines the role and value of public relations as a strategic management function. It proposes that public relations should

be based on symmetrical communication, ethical principles, and stakeholder relationships. It also provides guidelines and criteria for evaluating the effectiveness and excellence of public relations practice.

These two theories can help us understand and assist in providing a framework for analysing the public relations regulations and their implications for the public in Nigeria. For example, we can use the Situational Theory of Publics to identify the different types of publics affected by or interested in the public relations regulations, such as practitioners, clients, media, government, and society. We can also use the Excellence Theory to assess how public relations regulations promote or hinder public relations' ethical and symmetrical practice and how they impact public relations organisations' and professionals' trust and reputation.

The Flip Side: Restrictions on Freedom

While regulations serve to maintain industry standards, they can also inadvertently impede freedom of speech (Johnson, 2019). For instance, strict licensing requirements might limit the number of voices in the PR sector, and adherence to specific codes might discourage whistle-blowing or the release of controversial information (Umar, 2016). Significant case studies are vital here, especially in determining real-world implications. These case studies are presented thus:

i. 9mobile's Transition:

In 2017, 9mobile, formerly Etisalat Nigeria, underwent a significant crisis when its parent company, Etisalat UAE, exited the Nigerian market due to financial distress and the inability to repay loans. This led to a rebranding and the need for crisis communication. PR practitioners at 9mobile faced several challenges, including regulatory restrictions, balancing transparency and image protection, and the impact on public trust. Each of these challenges is expounded below:

The Nigerian Communications Commission (NCC) imposed strict guidelines on how much information could be disclosed to the public regarding the financial crisis and restructuring process. While these regulations were meant to ensure that the company adhered to ethical standards, they restricted the PR team's ability to inform the public about the company's financial instability fully. The public's freedom to access accurate and timely information was thus constrained by the need to follow regulatory provisions, leaving stakeholders with a limited understanding of the gravity of the situation.

Ethically, the PR team was obligated to communicate transparently with customers, but they also needed to protect the company's image. They could not reveal the full extent of the financial crisis without damaging the company's reputation, which placed them in a difficult position. This restriction impacted the public's right to know the truth and caused delays in addressing customer concerns and testing public trust.

The PR practitioners had to reassure customers and stakeholders about the company's continuity without being able to disclose the depth of the financial problems fully. Therefore, the public's right to timely and accurate information was compromised, creating a situation where trust in the company was eroded due to the lack of complete transparency. The ethical dilemma was apparent: the PR team had to decide whether to follow regulatory requirements or to respect the public's right to know, ultimately leading to a loss of trust due to the delayed response.

ii. The Oando Controversy:

Oando PLC, a major energy company in Nigeria, faced significant PR challenges when allegations of financial mismanagement and corporate governance violations came to light.

The Securities and Exchange Commission (SEC) launched an investigation, leading to a prolonged legal and PR battle. This case highlights how legal restrictions meant to ensure fairness and prevent misinformation impacted the public's freedom to access information.

The ongoing SEC investigation meant that PR practitioners were legally restricted from disclosing critical details. Ethically, the team was bound to provide stakeholders with transparent updates, but the legal constraints tied their hands. Public access to information was limited, as PR practitioners could not fully disclose the nature of the allegations or the company's position on the matter. This lack of transparency had a direct impact on public perception and trust.

The PR team had to protect Oando's corporate reputation while adhering to strict SEC regulations. The inability to provide complete clarity created suspicion among investors and the public, who demanded more information than the PR team could legally provide. The balance between legal compliance and ethical transparency created a dilemma for PR practitioners, who struggled to maintain public trust without violating regulatory provisions.

Investors and stakeholders, in particular, were left with insufficient information about the company's financial health, leading to a decline in trust. The ethical challenge was significant: Should the PR team have prioritised transparency and risk violating legal guidelines, or should they comply with SEC rules and withhold critical information? The outcome was reduced freedom of information for the public, as legal restrictions prevented the disclosure of facts, resulting in scepticism and diminished stakeholder confidence.

iii. Banking Sector Reforms:

The Central Bank of Nigeria (CBN) implemented several banking reforms in the late 2000s, leading to many banks' consolidation and restructuring. PR practitioners in the banking sector faced significant ethical and regulatory challenges, especially when managing public perception and maintaining public access to accurate information.

Regulatory guidelines from the CBN required banks to limit what they communicated about mergers, acquisitions, and financial restructuring. PR practitioners were legally restricted from revealing the economic state of struggling banks, leaving customers uncertain about the safety of their deposits. This lack of transparency affected the public's freedom to access critical financial information, as regulatory compliance overshadowed the need for timely and clear communication.

During this period, customers were concerned about the security of their savings and investments. PR practitioners, however, could not provide the reassurances needed because they were constrained by the regulations, which prevented the disclosure of sensitive financial details. The ethical dilemma here was significant: while the PR team was responsible for protecting the bank's image, they were also ethically obligated to provide customers with the truth about the safety of their deposits. The inability to provide comprehensive assurances due to regulatory restrictions created mistrust and uncertainty among the public.

The restrictions imposed by the CBN prevented PR practitioners from fully engaging with the public and providing clear, transparent communication. This impacted the public's trust in the banking system, as customers were left with partial information during a crisis. The PR team's efforts to balance corporate image and regulatory compliance meant that the public's right to complete and accurate information was compromised, further eroding confidence in the banks.

In all three case studies — 9mobile's transition, the Oando controversy, and the banking sector reforms —the ethical dilemmas faced by PR practitioners revolved around the tension between regulatory compliance and the public's right to access information. PR practitioners were required to protect corporate interests and adhere to strict legal and regulatory

frameworks, yet they also had an ethical responsibility to ensure transparency and maintain public trust. This balancing act often restricted the public's freedom of information, as regulations limited what could be disclosed, creating delays in communication and eroding trust in the organisations involved (Smith, 2017).

Ethical Responsibility and Strategic Communication

Public relations practitioners grapple with the formidable task of harmonising ethical responsibilities with strategic communication objectives. In crises, such as 9mobile's transition, the Oando controversy, and banking sector reforms, PR teams must deftly navigate between the obligation of transparency and the imperative to shield corporate reputation. The relational perspective underscores the strategic role of PR in fostering trust and transparency between the organisation and its publics. However, the influence of legal and regulatory constraints on the practitioners' ability to communicate openly cannot be overstated, significantly impinging on the public's freedom of information (Smith, 2017).

Relational Perspective and Trust Building

The ultimate role of PR has shifted toward relationship management, where the focus is on building and nurturing relationships with the public based on trust and mutual benefit (Smith, 2017). This relational paradigm, however, is challenged when PR professionals must restrict information due to regulatory compliance, leading to a breach of public trust. In the 9mobile case, the inability to disclose full financial details created a gap in public understanding and eroded trust, demonstrating how legal restrictions can impact the relational goals of PR.

Transparency vs. Corporate Reputation

PR professionals are tasked with ensuring that their communication strategies strike a delicate balance between transparency and corporate image protection (Smith, 2017). In the Oando controversy, the PR team's need to adhere to SEC guidelines significantly curtailed their ability to communicate openly, thereby impacting the public's perception of transparency. This underscores the broader challenge of upholding ethical standards in communication while adhering to stringent legal guidelines, a task that can lead to a decline in public confidence.

Conclusion and Recommendations

This article has explored how public relations regulations in Nigeria affect the public's freedom to access and express information. It has traced the historical development of public relations practice and professionalism in Nigeria and the role of the Nigerian Institute of Public Relations (NIPR) in setting and enforcing standards and codes of ethics. It has also examined some case studies of how public relations regulations have impacted corporate communication in various sectors, such as telecom, energy, and banking.

The article argues that while public relations regulations are necessary to ensure quality and ethics in the industry and society, they can also pose challenges and limitations to the public's right to know. It recommends a balanced and transparent approach to regulation that respects the integrity of public relations practices and the public's freedom of speech and access to information.

It has also suggested some areas for future research or action, such as investigating the public relations opportunities and challenges in other sectors or contexts or advocating for more ethical and responsible practices. The article has contributed to the understanding and evaluating public relations regulations and their impact on the public's freedom in Nigeria.

Based on the issues raised in this paper, the following recommendations are made:

i. There is a greater need for periodic reviews of the regulatory frameworks of public relations practice in Nigeria. This will handle situations frequently occurring in the corporate and public domains.
ii. Practitioners need to be very fluid in handling issues based on public policy. These are issues that can have a generic impact on society. While carrying out their tasks, public interests should always be a flashlight for them.
iii. Participants should be encouraged to have a greater understanding of laws and regulations in other sectors that are related to the practice.
iv. The public is the public, no matter their demographics. All issues in the public and private sectors affect them, and practitioners should not escape this.
v. Partnership and interplay between practitioners, other stakeholders, and the publics is also essential.

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