

An Assessment of Artistic Freedom: Nigeria



SELAM

Published in 2023 by Selam
Mäster Mikael
gata 2, 116 20
Stockholm, Sweden

ISBN 978-91-988512-1-2

Researchers: Muleta Kapatiso & Matthew Tembo
Cover image: Choklet Roy Kazembe
Proofreader: Lucy Ilado
Graphic design: Senay Mekonnen

Supported by **SWEDISH
ARTSCOUNCIL**

Published in partnership with



Foreword

The year 2022 was significant for Selam; We celebrated our organisation's 25th anniversary, which gave us an opportunity to put together our five-year plan for the continent. This plan includes advocacy and lobbying strategies inspired by the African Union's Plan of Action on Cultural and Creative Industries, whose objectives include, among others, Fostering creativity and innovation for socio-political development, job and wealth creation, and Creating an enabling environment for the growth of Africa's cultural and creative industries. As part of our efforts to contribute to an enabling environment for creatives to freely express themselves, we carried out research in eight African countries to assess the state of artistic freedom in order to understand the lobbying and advocacy strategies required to advocate for creatives' freedom of expression.



The research was part of our Pan African Network for Artistic Freedom project, which was launched in 2021 to promote artistic rights through research, capacity building, network building, and lobbying governments for better policies for the sector. PANAF is being implemented in collaboration with culture and civil society organisations in Nigeria, Kenya, Rwanda, Ethiopia, Uganda, Mozambique, Zambia and the Gambia. The researchers examined the legal frameworks that govern artistic expression, identified the major government agencies, national stakeholders, and artistic unions to be engaged in the lobbying process, and provided an overview of how copyright laws protect artistic works and whether practising artists benefit from them.

The reports note that authorities limit this right across the eight countries, particularly with regard to artists perceived to be government critics. Through direct and indirect means, these artists' ability to perform, display, or disseminate their work is constrained. As a result, few artists remain willing to publicly express their critical opinions or explore contentious themes in their work as a result, and those who do risk facing harsh repercussions. The methods used by the authorities to stifle critical artistic expression, include harassment, intimidation, threats, interference, legal pressure, arrest, imprisonment, and torture with a majority of victims being musicians, film-makers and cartoonists. Finally, the report contains a number of recommendations to authorities and other stakeholders for concrete steps needed to improve the situation of artistic freedom of expression in each country. This report is very essential as it will help sustain Freedom of expression which is at the heart of artistic practice and mission. The sustainability of artistic freedom of expression is critical to the continent's democracy; increasing transparency and accountability within the governments and leaders.

Selam is proud of our partners and researchers for overcoming the challenges and completing this research, especially given the sensitivity of the subject matter. We also want to express our gratitude to all the stakeholders and artists who took part in the data collection process. And finally, the results and achievements of our work are simply not possible without the support of our donors, the Swedish Arts Council. To that end, Selam will continue to work with its partners and other cultural organisations to lobby governments to make it possible for artists to freely express themselves and distribute their work in the interests of socioeconomic development and job creation. In addition, this year will see the launch of a literature review and study to provide context for the challenges faced by women in the cultural and creative sectors, as well as feasible recommendations for achieving gender equality.

A handwritten signature in black ink that reads "Teshome Wondimu". The signature is fluid and cursive, with a long horizontal stroke at the end.

Teshome Wondimu

Founder and Executive Director - Selam

April, 2023



***Expression
is a Right***

Acknowledgements

The writers are most grateful to the management of the Pan African Network for Artistic Freedom (PANAF) for affording us this engaging experience of interrogating the level of artistic freedom in Nigeria. We want to most genuinely appreciate Mr. Fidelis Duker for not only supervising this research but also providing the platform (Abuja International Film Festival) wherein the focus group interview was conducted. In a special way, we want to appreciate the participants in the focus group interview, particularly the panelists such as: Amb. Imaobong Abia (Former Chairperson Association of Movie Producers AMP, Abuja Chapter), Nze Frank White (National Publicity Secretary AMP), Chief Queen Julietta Ofuyeta, (President, Creative Industry Professionals Association), Mr. Holy Steve (CEO, Play TV Africa), Prof. Gowon Ama Doki (National President-Society of Nigerian Theatre Artists SONTA), Dr. Victor Okhai (National President-Directors Guild of Nigeria DGN), Dr. Camillus Uka (National President, Association of Nigerian Authors ANA), Madu C. Chikwendu (Former National President, Association of Movie Producers AMP) and Prof. Amanze Akpuda (Film scholar/Critic). We are equally thankful to the filmmakers and creatives who participated in the digital questionnaire which was shared across many social media platforms.

On another note, the researchers are grateful to artists who sufficed testimonies of various forms of brutalization by the government or religious/traditional institutions. Thus we appreciate artists such as: Nengi Ilegba (Prose writer), Bode Ojoniyi (drama writer), Frank Raja Arase (filmmaker), Pascal Amanfo (filmmaker), Allison Ogbu (filmmaker), Promise Charles (filmmaker), Fidelis Duker (filmmaker), Folu Ogui (Poet), Chimalum Nwankwo (Academic/poet), Izu Ojukwu (filmmaker), Teco Benson (filmmaker), Obi Emelonye (filmmaker), Jellili Atiku (Stage director/performer) who willingly availed us interview audience. It has been an exciting research outing and we wish to thank all who have contributed in one way or the other for the success of this research.

Executive Summary

The research undertaken focused on assessing the level of artistic freedom within Nigeria's creative industry, encompassing various forms of artistic expression such as literary works, film, music, performance, and visual arts. Through the utilisation of a digital opinion poll across social media platforms used by practitioners, as well as conducting a comprehensive focus group discussion with key individuals, the study aimed to explore instances of artistic reprisal and gain insights from artists who have faced retribution for expressing their artistic freedom.

During the research process, a range of factors influencing artistic freedom were identified, including political, religious, cultural, economic, financial, sociological, and psychological aspects. Through meticulous analysis of interviews and questionnaires, the study proposed the introduction of a "creative expression licence" law as a potential solution. If implemented by the Nigerian government, this law would grant creative artists in Nigeria and Africa the freedom to express themselves, safeguarding them from any form of brutalization or humiliation inflicted by government officials, religious institutions, or cultural organisations.

Furthermore, the research delved into the examination of challenges and limitations encountered by the creative sector in Nigeria, particularly concerning copyright administration and enforcement. Recognizing the importance of fostering collaboration between government agencies and the creative industry, the study emphasised the need for enhanced cooperation to promote a better understanding of artists' rights and to cultivate an environment of respect within the sector.

In conclusion, the study underscored the utmost significance of protecting artistic freedom within Nigeria's creative industry. It strongly recommended the implementation of legal measures, such as the proposed creative expression licence law, to safeguard artists' rights and prevent any forms of reprisals they may face. Additionally, the research emphasised the imperative of fostering improved collaboration between government entities and the creative sector to address the challenges hindering the industry's growth and development.

We extend our sincere appreciation to Selam for their generous support, which played a pivotal role in enabling the successful completion of this crucial research on artistic freedom in Nigeria. The invaluable contributions of the researcher shed light on the challenges faced by artists and proposed practical solutions to protect and promote artistic expression within the country's creative industry. Their collective efforts aim to foster an environment where artists can freely express themselves, contributing to the vibrant and diverse cultural landscape of Nigeria.



A handwritten signature in black ink, appearing to read 'Fidelis Duker', written over a horizontal line.

Fidelis Duker

Covener & Creative Director Creative Artiste Network

Acronyms and Definitions

AADP	Artists Against Desolation
CRAD Centre	Creative Arts for Development Centre
EFCC	Economic and Financial Crimes Commission
ICCPR	International Covenant on Civil and Political Rights
MOPICON	Motion Picture Council of Nigeria
NCC	Nigeria Copyright Commission
NVFCB	National Video and Film Censors Board
NFC	Nigerian Film Corporation
NVFCB	National Video and Film Censors Board
PPP	Public Private Partnership
STEM	Science, Technology, Engineering and Mathematics
SRA	State Repressive Appartus
AIFF	Abuja International Film Festival

Table of Contents

1. Conceptual Framework	10
1.1 Introduction and Research Design	10
2. Literature Review	11
2.1. Evolution of Artistic Freedom	11
2.2. Arts and the Philosophies of Ideal Republic and Poetic License	13
2.3 Artistic Freedom in Nigeria Creative industry: Critical Analyses	14
3. Legal Framework to Artistic Freedom in Nigeria	16
3.1 Nigerian Law and Creative Expression License	16
3.2 Review of Nigerian Government Agencies and “Creative Expression License”	16
3.2.1 The Role of Nigerian Copyright Commission in Artistic Freedom	17
3.2.2 The Role of NFVCB in Artistic Freedom	17
3.3 Other Factors Influencing Artistic Freedom in Nigeria	19
3.3.1. Political Factor	19
3.3.2. Religious and Cultural Factors	19
3.3.3. Economic Factor	19
3.3.4. Sociological and Psychological Factors	19
4. Panel Discussion	22
4.1 PANAF Panel Discussion: A Critical Analysis	22
4.2 The PANAF Digital Opinion Poll: Analysis of Responses	23
4.3 SWOT analysis of artistic freedom in Nigeria	27
4.3.1 Evaluating the strengths of artists	27
4.3.2 Analysing the weaknesses of artists	27
4.3.3 Examining artists’ opportunities	28
4.3.4 Analysing threats to artistic expression	28
5. Creative Expression License	30
5.1 Critical Analysis of Interviews of Nigerian Artists in relation to Artistic Freedom	30
5.1.1 Creative writers	30
5.1.2 Filmmakers	32
6. Conclusion and Recommendation	36
Reference	37

1. Conceptual Framework

1.1 Introduction and Research Design

Within the last one and a half decade or so, Nigeria's Nollywood has maintained its status as the second largest producer of films in the world after Bollywood and ahead of Hollywood. Within the context of literature, the country has also produced a number of acclaimed writers like Chinua Achebe, J. P. Clark, Wole Soyinka, Mamman Vatsa, Buchi Emecheta and others whose works influenced the development of African literature. This population of writers, and some others not mentioned here, have created some kind of literary tradition and pedestal upon which the works of contemporary writers like Chimamanda Adichie, Helon Habila, Teju Cole, Elnathan John, Biyi Bandele, Soji Cole, Kaine Agary, Seffi Atta, Chika Unigwe, Adaobi Tracie Nwaubani amongst others stand. Currently, the literary writings from Nigeria are expanding the frontiers of African literature and opening up new horizons for world literature. Apart from writing, Nigeria has also nurtured great names in the music industry starting from Fela Anikulakpo Kuti to the more recent ones whose voices in music have been critical, acclaimed and popular. All of these successes propose three assumptions: one is that there exists a commendable level of artistic freedom in Nigeria, or, that the artist in Nigeria, impelled by their creative urge, have been defiant to sorts of repression by the government or religious or cultural agencies, or more sarcastically, that Nigeria is a "lawless" state where anything can go irrespective of any state law restricting or challenging such "anything".

However, looking closely at these Nigerian artists, there have been hitches and strings of suppression to their artistic expression while having their works published, and therefore, our first assumption is gradually opposed. Fela Anikulapo Kuti's music that are critical to the issues of the society and the government met restrictions and, Fela Kuti himself was many times imprisoned. Achebe's *There was a Country* and Adichie's *Half of a Yellow Sun* which delved into the Biafran War stories saw some challenges against being published or even marketed in Nigeria. Idris Abdulkarim's *Nigeria Jaga-jaga* (Hiphop-Music which critiques the democratic administration of president Obasanjo) met with a lot of reprisal from the government. Again, Biyi Bandele's adaptation of Chimamanda's novel to film, *Half of a yellow Sun* which explores the Nigeria-Biafra war met strict resistance by the National Film and Video Censors Board (NFVCB) who insisted that a lot of allegedly provocative scenes be cut off before its eventual release. These are a few of the Nigerian artists in that category. So, a critique on artistic freedom is imperative beyond assumptions on the subject.

The creative industry in Nigeria consists of the literary works (prose, drama and poetry), film, music, performance and visual arts and creative arts beyond serving entertainment purposes are often employed by creative artists towards activism: interrogating and critiquing government and cultural policies. This research foregrounds the challenges of artistic freedom in Nigeria through interviews with some Nigerian artists such as Nengi Ilegba (Prose writer), Bode Ojoniyi (drama writer), Frank Rajah Arase (filmmaker), Pascal Amanfo (filmmaker), Allison Ogbu (filmmaker), Promise Charles (filmmaker), Fidelis Dukur (filmmaker), Folu Ogui (Poet), Chimalum Nwankwo (Academic/poet), Izu Ojukwu (filmmaker), Teco Benson (filmmaker), Obi Emelonye (filmmaker), Jelili Atiku (Stage director/performer) who have suffered one form of reprisal from either the government, cultural institution, family and friend for daring to express their artistic freedom.

Though most of the works of these artists are pure artistic expression, something that the UN Charter on Freedom of Expression guarantees, the artists as well as their relatives are still being harassed, victimised and intimidated in various ways either by the state, its agencies, traditional institutions or by the friends and family members of villains represented in the artistic work. That there is no enacted law such as "creative expression license" in the Nigerian Constitution which will legally protect the rights of creative artists justifies this research. The research aims at underpinning ways of enacting "creative expression license" law which will protect and enable freedom of expression of creative artists in Nigeria.

Research Design

The research adopted qualitative and quantitative research methods. Firstly, relevant literature which included existing legal frameworks on creative liberty/licence, Nigerian government policies and other relevant documents were reviewed. Thereafter, key informant interviews (KII) of twelve victims (artists) of molestation were conducted as well as a panel discussion which underpinned the effects of government regulations on artistic expressions. The discussion drew panellists from policy makers and substantially from the creative industry at various levels: film, music, literary works (prose, drama and poetry), performance and visual arts. Furthermore, sixty-two Google (digital) questionnaires were applied through various social media platforms of creative practitioners wherein opinions of various practitioners in the creative industry (on the subject matter) were sampled and analysed. SWOT analysis was carried out to ascertain the strength and weakness of detailed analyses of various generated data which aimed at ascertaining the level of restrictions/creative liberty as well as the untold stories of harassment being suffered by artists at various levels. Finally, a legal practitioner was co-opted to assist in the legal framework as well as suggesting ways in which creative freedom license can be achieved in Nigeria. .

2. Literature Review

2.1 Evolution of Artistic Freedom

Bieczynski traced the history of prohibition of the arts to Exodus 20: 4-6,

You shall not make for yourself an image in the form of anything in heaven above or on the earth beneath or in the waters below. You shall not bow down to them or worship them; for I, the Lord your God, am a jealous God, punishing the children for the sin of the parents to the third and fourth generation of those who hate me, but showing love to a thousand generations of those who love me and keep my commandments. (qtd in Bieczynski, 2021, p. 149).

Bieczynski argues that the breadth, depth and reach of artistic freedom, which were noted for being prohibited or strongly restricted in the early Western civilization, found their roots in this second commandment of the Old Testament. The ban on imaging simply translates to ban on artistic expression, and this ostensibly imparted a hefty influence on Plato.

The period that came after the time of absolute ban on imaging was the period of relative freedom of artistic expression. Bieczynski called it, "the period of conditional permission for artistic expression", averring that although art flourished in practice in Greco-Roman classicism, art was repressed in theory and rules that guided the making of imaging. With Plato's idealism playing a key role, artistic creation was handed over to slaves on whom it was easily censored and politicised. The concept of divine worship of emperors in Roman culture encouraged the making of pictures of great emperors and destruction of pictures of poor rulers. This cultural practice would soon blend to the new Christian religion which was becoming a state religion. From Canon 36 of the council of Elvira in 251 AD which prohibited paintings on the walls of churches to the adoption of the paintings of holy images as censored. This development was approved of by Pope Gregory II and by Charles the Great in the whole of Western Europe, after the Byzantium religious wars from 725 to 842 AD (Bieczynski, 2021, p. 150-151). Clearly in this period, artistic creations were read not for their aesthetic values but for the technical correctness of what they represented for religious values. So, even though the Second Council of Nicea in 787 AD approved of the use of images for religious worship wherein it declared that veneration of holy images does not translate to the worship of gods kicked against in the first commandment, and of artistic creation in a broader sense, the conditions of such approval were still vested on the church and the state control (Bieczynski, p. 152-153).

The provisions of the Council of Trent can serve as an example here. Artistic expression was allowed, but it became subject to strict control by bishops. Even the greatest artists could not escape censorship – genitals were painted out of Michelangelo's frescoes in the Sistine Chapel. Legal proceedings were brought by the inquisition against Paolo Veronese in 1573 for his thematically inappropriate painting *The Last Supper*. Marcantonio Raimondi, a close associate of Raphael, was arrested for publishing the pornographic illustrations *Modi* (Bieczynski, 2021, p. 153).

Art was instrumentalized to the tone of the church. The church wielded this power over arts and artists because it was, at least, until after the 13th century, as Bieczynski stated, the main sponsor of art (p. 154). Artists, therewith, worked for the dictates of their sponsors.

This is where the problem of sponsorship creeps in on artistic freedom, even in recent times. In Nigeria, there exists institutions that have the will to sponsor arts and the entertainment industry, but the problem is usually the wants of such institutions to control or influence the content and context of the project they sponsor. The Bank of Industry, for instance, proposes rigid guidelines for a film project, starting from the script, must be followed to pass for its sponsorship. As such, artists who may have great projects but don't want to compromise their ideas would be left without sponsorship, and for those who are in dire need of the sponsorship, they would have to compromise their artistic freedom.

Going back to the history of artistic freedom, after the period of conditional approval, there came a period of privilege for the artist. Because artists served the state and the church diligently, privileges were granted the artists "to do more than others". The implication was that the artists had special favour that protected him when, in his work, he goes beyond what the law permitted. This period also saw to the introduction of copyright to works of art, though this came through a case of "the plagiarism by MarcAntonio Raimondi of Albrecht Durer's work, which ended with the German Emperor granting the latter the exclusive privilege of making his own graphics with the signature 'AD'" (Bieczynski, 2021, p. 154).

The next three periods that came were, in the words of Bieczynski (2021), the period of legal positivity of artistic freedom, the period of freedom, and the period of protection. What earmarked the first of these last three phases was the French Revolution which emerged in 1789 that saw to the adoption of the Constitution and the Declaration of the Rights of the Man and of the Citizen of 1789. With these, artists ceased to have royal privileges but were as well "freed from their previous dependencies -they went from being craftsmen and courtiers to being self-deciding citizens" by generally applicable legislation" (p. 155).

Next was the period of freedom which was phenomenal for,

The establishment of Weimar Constitution in 1919, which for the first time in history elevated the principle of freedom of art to a constitutional norm: "Art, science, and instruction in them are free" (Article 142 of the Weimar Constitution). This declaration, however, did not mean the abolition of the supervision of art, as best evidenced by the 1921 trial brought against George Grosz for a drawing depicting Christ on the cross wearing a gas mask (Bieczynski, 2021, p. 157).

Glaringly, George Grosz's case revealed the shortcomings that faced artistic expression even with the freedom of art and of the artist being enshrined in the constitution. But gradually at the end of the Second World War, greater concerns aroused in developed nations and in the international community for the protection of the artist's freedom. This would lead to the period of protection which emerged in the wake of the 21st century. Bieczynski speaks of this period thus,

Since 2000, some new trends have emerged in legislation related to the issue of freedom of the arts. They can be perceived as a step towards developing constitutional guarantees at the level of secondary legislation. One example of this trend is the act on the protection of works of art in public space passed in France in 2015. A similar trend can be observed in the amendment to the Polish Penal Code of 2005, in which there is only one exception regarding the arts – so-called "hate speech" (Article 256(3)). This direction in legislation is also supported by UNESCO, which monitors the extent to which guarantees regarding freedom in the arts are respected by individual countries, both in Europe (2005) and worldwide (2018) (p. 159).

Evidently, the examples above propose that the 21st century holds good for the protection of artistic freedom as has been established by some developed countries and the UNESCO for the whole international community. A section will serve to discuss to what extent the protection of artistic freedom is respected by and represented in the constitutions of developing countries especially Nigeria.

What is obvious in this deliberation is that freedom for works of art thrives as society becomes more and more democratic and secular. And so, the rate at which current infringement on artistic freedom occurs in a particular society would buttress the status of such society's so-called democracy. Artistic freedom has passed through so many phases of historical evolution, spanning between the period of strict religious restrictions and the period of artistic protection.

2.2 Arts and the Philosophies of Ideal Republic and of Poetic License

The debate on artistic freedom and restriction has hitherto taken a centre stage among thinkers, philosophers, theologians, and politicians right from antiquity, even though Gordon (2020) posits that the crux of the debate favouring artistic freedom, what he calls "the philosophy of freedom and the fine arts" took place in the modern era through such discussions as philosophy of liberty and among such philosophers as "Hobbes and Locke in the 17th century (moving on through Bentham, Rousseau, Kant, Mill, Marx, and others in subsequent centuries)" (p. 5). Aristotle and Plato's debate on freedom of the artist in the Ideal Republic is one of the foremost arguments on the freedom of artistic expression. While Plato argued against the freedom of the artist in the ideal republic, recommending eviction for the artist, Aristotle exponentially defended the freedom of the artist in the realistic state. They both agreed on the vivid influence of arts and the artist on citizens. But the argument was that Plato believed the artist was dangerous to the morality of the state as his works can stir up emotions that play to the lower part of the soul. He argues, "Sex, anger, and all desires, pleasure and pains are fostered by poetic imitation, thus, Homer and tragic poets are not true examples for a citizen" (qtd in Baktir, 2003, p. 170). He went ahead to argue with some complications or put it as confusion, saying on the one hand that "reality cannot be represented" and so the imitation of the artist is "misrepresentation of truth", and on the other hand, Plato avers that "young people learn essentially through imitation", therefore the ideas and actions the artist represent should be controlled for educational and ethical interests, stipulating figures to be imitated as "brave, sober, pious and noble men" (p. 169-177). Plato's proposition became one of the earliest foundations of censorship of arts, which to some extent represses the arts and molests the artists.

Aristotle seems to have noticed these limitations in time, noting the good that free arts holds. He argued in contrast to Plato and advocated for artistic freedom for the development of the citizens and the faculties of the state. Holding on to the philosophy that it is natural for men to learn, grow and develop through imitation, Aristotle posits that the artist makes what is imitated, that is, the imitation of reality, pleasurable and attractive, therefore increasing learning. Pleasure is attractive to men as utilitarian thinkers have always stated that the only thing man wishes is pleasure and what he wishes not is pain. And so, the experiences we may fear to witness in reality because of the pain they hold, we may appreciate such experiences pleurably and learn from them through artistic imitations. Again, Aristotle cited Sophocles's *Oedipus Rex* as a story which had resided with the Greeks but by the manner Sophocles represented it, impacted the same Greeks with greater appeal and fresh details.

Artistic representations should not be limited to what Plato proposed for even when art represents tragedy, the audiences and spectators are purged of their feelings at the end of the play and they go home calm, free and with lessons. Hence, Aristotle makes the bold claim that the difference between the philosopher and the artist is that the philosopher presents absolute and thus subjective truths while the artist presents objective truths. The philosopher says how things are; the artist says how things should be (Aristotle in Baktir, 2003, p. 173-177). Therefore, it can be argued therewith that the philosopher prescribes stagnation while the artist prescribes progression.

Poetic license as a word can be in different forms such as artistic license, dramatic license, narrative license, literary license, etc. The term poetic originated from the Latin word "poeta" meaning "poet" or "maker". The Oxford Reference refers to poetic license as the imaginative and the linguistic freedom granted to poets allowing them to depart from normal prose standards of factual accuracy, syntax, grammar or pronunciation where this may produce a more satisfying imaginative or metrical effect. Originally this word was used for poets who, in creating their poems, ignore some of the rules attached to the structure or diction of the work of art. Adaptation of plays or novels from text to screen is a good example of poetic license, albeit best referred to as dramatic license. As such, storylines may differ from its original form, wherein some scenes could be removed and other scenes added, but the general idea may remain. Whichever way a work of art is presented, it is presumed to have taken the creative ingenuity of the artist to have been made either in its original or represented form, not forgetting the truism that no work of art is said to be purely original.

According to Autumn Rivers, artistic license allows artists to distort facts, change rules or omit details to improve their work of art. In general, artistic license allows artists to be creative without getting into legal trouble for distorting real life or modifying original art/facts to create new artistic depiction of scenarios. Darren Hudson Hick, a sophisticated philosopher of art who understands the implication of law was inspired to go into research on artistic license when his friend, Billy Sunday was doing his best to justify his rampant illegal downloading of movies, music, and video games from the internet. Therefore, the zeal to prove his friend wrong led him into such tremendous research. His book explicates how author's rights are either protected or limited by law. He believes that the law more often protects others who want to sample, quote, adapt, or appropriate existing works of arts.

2.3 Artistic Freedom in Nigeria Creative Industry: A Critical Analysis

Another word for artistic freedom is freedom of expression. It is the right given to everyone to create and enjoy art. Marija Buric, Secretary General of the Council of Europe endorsed the manifesto on freedom of arts and culture that "freedom of artistic expression is part of freedom of expression, protected by Article 10 of the European Convention on Human Right". Thus, like everyone else, artists do not create their works in a vacuum, and as such have myriad needs and responsibilities that influence that artistic work (Barblan, 2016). According to Muluneh (2015), artistic freedom is the freedom to imagine, create, and distribute diverse cultural expressions which are free of governmental restriction, political intrusion or the pressures of non-state actors. It comprises the right of all citizens to have free access to these works and it is indispensable for the welfare of societies (p.1).

The forward in *Vivarta's Art and the Law* by Gurpreet Bhatti captures the essence of this research. According to Bhatti:

...there is art that soothes, pleases and comforts and there is art that prods, pokes and disturbs. Both kinds are magical and they both need to be available to audiences... Art tests our boundaries and limits and artists must be allowed and encouraged to investigate the most unbearable corners of existence because it is only by entering the shadow that we have awareness of light (p.5).

The United Nations Educational, Scientific and Cultural Organisation (UNESCO) had a convention in the year 2005 which implemented Sustainable Development Goals which monitored the promotion of human rights and fundamental freedom. UNESCO came up with measures and policies that promote and protect the freedom of creation, expression and participation in cultural life, also the social and economic rights of artists and cultural professionals. According to UNESCO (2005), "artistic freedom is the freedom to imagine, create and distribute diverse cultural expressions free of governmental censorship, political interference or the pressures of non-state actors. It includes the right of all citizens to have access to these works and is essential for the wellbeing of societies." In determining what artistic freedom is, the ambiguity in the definition of "artist" often arises. According to Whyatt & Reitov (2019), some creative endeavours are unmistakably "artistic." These creative endeavours often include but are not limited to visual artists like painters, sculptors, and art photographers; performers like actors, dancers, and musicians of all genres; and authors of fiction, poetry, plays, and screenplays. It is therefore often questioned whether designers in other fields, such as architects, documentary filmmakers, and photographers are also artists. Others, who are not instantly recognised as artists, are people who support the arts rather than producing it and without whom artists would find it difficult to accomplish their work. They are sometimes referred to as cultural workers, and they include festival directors, administrators, managers, curators, and theatre professionals. Then there are the "intangible" arts, which might include oral storytelling, traditional crafts, rituals (which may or may not have religious overtones), carnivals, and street festivals. Music is sometimes included in this category (pp. 8-9).



**Say no to
Censorship**

3. Legal Framework to Artistic Freedom in Nigeria

3.1 Nigerian Law and “Creative Expression Licence”

Since the inception of Nollywood, the Nigerian government has attempted at regulating its artistic expressions through various regulatory agencies such as National Video and Film Censors Board (NVFCB) (whose major aim is hinged on film classification and registration), the Nigerian Film Corporation (NFC) (whose mandate is to develop film industry in Nigeria) and MOPICON, an acronym for Motion Picture Council of Nigeria. Through these various institutions (agencies), the Nigerian government has continuously initiated programs with the notion of improving the Nollywood economy. However, such programmes most times end up restricting artistic liberty of the filmmakers. From the NVFCB proposed distribution framework, to Bank of Industry (BOI) Nollyfund Initiative and NFC proposed MOPICON, these propositions according to most filmmakers restrict their artistic expressions and hamper the quality of the outputs.

3.2 Review of Nigerian Government Agencies and “Creative Expression License”

The Nigerian Constitution (section 39; subsection 1 and 2; 1999) gives every person the right to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference. It provides Nigerians and everyone living in Nigeria the right to own, establish, and operate any medium for the dissemination of information, ideas and opinions which also covers the right for artists to express themselves through speech, art, music and other forms of communication through creativity. In addition, the British Council, through group-focus discussions with various stakeholders, carried out a research which delineated the creative industries in Nigeria. The effort identified the creative industries as: advertising; architecture (interior décor, landscaping, etc.); arts and crafts; fashion and design; film/television and radio; music; performing arts (carnivals, dance, drama, festivals, stand-up comedy, theatre); publishing (book fairs e-resources, literature, etc.); tourism and hospitality (cuisine, museums and monuments, night clubs, events managements, etc.); visual arts and animation (graphics design, drawing, painting, photography, sculpture, etc.). It is therefore paramount to ensure the existence of artistic freedom in these various areas of the arts. However, in Nigeria today, the laws and practices that protect and promote free expression are frequently misunderstood by practitioners as well as regulating and law-enforcing agencies.

The law itself is contradictory, and even the rights that underpin the laws are fraught with qualifications that can potentially undermine artistic free expression.

On Saturday, April 30, 2022, Unchained Vibes Africa, a cultural organisation and social enterprise whose goal is to develop arts and cultural projects in society, hosted a summit on censorship and artistic freedom. It was noted at the summit that artistic regulation is geared towards averting religious and ethnic crises, ensuring national security, limiting hate speech, and upholding public morality.

Following this notion, many artists have been detained, charged with crimes, and sentenced to prison in recent years for expressing political or religious views in their works of art or for disobeying the censors board's rule that content must be approved by the board before being released. It was discovered that one of the main reasons preventing Nigeria from having free artistic expression is the criminalisation and defamation of artists, and as a result, they are detained under criminalisation and defamation laws. While both the African Commission and the United Nations have condemned the use of criminal defamation laws and urged their abolition, defamation laws have been used to arrest, prosecute, and imprison people. While the African Commission and the United Nations have both condemned the use of criminal defamation laws and urged that they be repealed, defamation laws have been used in Nigeria to arrest, prosecute, and imprison artists.

Again, the Northern Nigerian blasphemy legislation severely limits the freedom of the arts. Artistic expression which is also guaranteed under the international law opens spaces for citizens to mirror the society, express their fears and grievances in a non-violent manner and forecast the future they want for themselves and the society.

According to Khan, 2015 (as cited in Muluneh, 2015), artistic freedom of expression is under threat worldwide because art has the astonishing capacity to express struggle and revolution, protest and optimism and inoculates a vigorous contribution to any burgeoning democracy (p.2). In Nigeria, this threat has many shades, News feed by Yinka Olatunbosun on This daylive.com 2022 reveals that Eedris Abdulkareem was recently honoured as the “first Freedom Vibes’ Artist of the month” in acknowledgement of his over two decades of brave song which has activist and advocacy themes for better Nigeria. At the “Artistic Freedom of Expression,” session which was moderated by cultural activist, Jahman Anikulapo, other artists were urged to employ arts towards edifying society. Artists were urged to eschew being agents of political bias, rather to be agents of social order and change. In that session, it was noted that the National Film and Video Censors Board (NFVCB) reportedly ordered cinemas nationwide to stop showing the movie, Sugar Rush in January 2020 for the supposed wrong depiction of the Economic and Financial Crimes Commission (EFCC) as an incompetent organisation. It was also observed that the Milkmaid movie was subjected to several edits to the point of cutting off 24 minutes of the original cut which were considered offensive by the government.

3.2.1 The Role of Nigerian Copyright Commission in Artistic Freedom

Copyright is an intellectual property right given to the owner of literary, educational, musical or other forms of artistic work to protect its original form of expression for a long period of time. According to Christopher Geiger (2018), ‘copyright was originally intended to serve creators as an engine of free expression, protecting them from the interference of others and from all risk of censorship’. In the United States, the history of copyright law is of expansion. For example, in 1790, copyright originally provided authors the exclusive right to sell books and maps for fourteen years of protection. Currently, copyright protects all original expression fixed in a tangible medium of expression which includes among other works: books, motion pictures, sound recordings, broadcasts of sporting events, and video games. It provides authors the exclusive right to control almost all uses of their writings including the ability to create new works based upon the original, while protecting the work from violation for seventy years after the death of the author (Ku, Sun & Fan, 2009).

The legal commission that oversees copyright in Nigeria is called Nigerian Copyright Commission (NCC). Over the years, since the country achieved independence, Nigeria has benefited immensely from the magnanimity of copyright related products. Section 1(1) of the Copyright Act provides protection and confers copyright status on the following innovative products: (a) literary works, (b) musical works (c) artistic works (d) cinematograph films (e) Sound recordings, and (f) broadcasts (Faga, 2011). In the Nigerian film industry, copyright law (and contract law) underpins the relationship arising from the filmmaking process. Last amended in 1999, Nigeria’s Copyright Act is of particular relevance to Nigerian creative artists (Oyewole in Wipo Magazine, 2014).

Nwogu, 2014 (as cited in Nwankwo, 2018) explains that the Nigerian Copyright Commission (NCC) is the statutory body charged with the enforcement of copyright laws. The commission is, however, bedevilled by numerous challenges. Some of these include poor funding, corruption, society's entrenched culture of buying pirated products, poor support by law enforcement agencies, the lack of basic logistic provisions, lack of security for commission's personnel, among others (p.13-14). Faga (2011) recommends that technological, legislative administrative, social and judicial measures be taken to curb the irregularities of the copyright framework.

From the above assertions, it can be deduced that copyright which was meant to protect the free expression of the artist does not most effectively promote the freedom of the same artist. These could be traced to reasons such as too many laws, rules and regulations that determine how, what, where and when an artist can create. An artist is allowed to imagine and think outside the box but is not allowed to effect certain changes in the society through their arts due to certain laws, rules and regulations in the industry. Even among artists, there are arguments about the amount of freedom artists need in creating a work of art due to historical, cultural and religious purposes which is also a problem. Saarika Singh, an Indian artist and educationist believes that,

“There should be freedom in the imagination of artists but limitations on their execution. Artists should not make art out of bothering people, hurting their sentiments, stirring up nuisance... It is insanity, not art to paint toilet seats with pictures of deities, whiskey bottles in the hands of Goddess Durga, nude pictures of deities, deities on shoes, etc. Such arts should be looked upon as a cognisable offence punishable by law. “Self Censorship” should be on artists.”

On the contrary, the centre for artistic activism postulates that there are nine reasons why there must be artistic activism. Artistic activism is defined as “a dynamic practice combining the creative power of the arts to move us emotionally with the strategic planning of activism necessary to bring about social change.” The nine reasons for artistic activism according to the Centre for Artistic Activism are:

1. Artistic activism mobilises, affect and effect
2. Artistic activism thrives in the contemporary landscape
3. Artistic activism has been used throughout history
4. Artistic activism creates opportunity to disrupt people's preconceived notions of art and protest
5. Artistic activism is accessible
6. Artistic activism stimulates a culture of creativity
7. Artistic activism energises people and organisations
8. Artistic activism creates sustaining and lasting change demands in values, beliefs and patterns of behaviour, that is: cultural change
9. Artistic activism is peaceful and persuasive

3.2.2 The Role of National Film and Video Censors Board in Artistic Freedom

The National Film and Video Censors Board (NFVCB) is a Nigerian film Censorship Organisation which was established as a regulatory body in 1993 and has grown with the Nollywood industry. Like the Nigerian Copyright Commission, the global concept of and the challenges of the philosophical underpinnings of censorship were all imported into the Nigerian film space. While film industry activities are normally present in many of the thirty-six states of Nigeria, a few of the states and Federal Capital, Abuja, dominates the activities. Classification rather than censorship has become the buzzword for regulation of film content. This is understandable as ‘censorship’ carries with it the notion of suppression of creative expressions while ‘classification’ suggests grouping films into identifiable categories that arm its patrons with forehand information of film contents (Dugga, 2020). Thomas Adebayo in “Regulating Nollywood in a Global Economy”, points out the challenges in the Nigerian film industry which NFVCB works effortlessly to curb. They include piracy, influx of unregulated content, nonchalant attitude to classification, lack of professionalism, lack of access to fund, low level of technology input, etc

3.3 Other Factors Influencing Artistic Freedom in Nigeria

Censorship, which can be a bridge to limitless freedom of an artist, is seen in two different perspectives: those who are in agreement with censorship and those who are not in total agreement with censorship. An artist is said to be free to imagine and create but there are factors that limit the extent to which and what an artist creates and how an artist expresses himself in the society. It is also believed that the freedom of a person ends where the privacy of another person begins. But sometimes, these artworks intend to bring to limelight certain anomalies in a society, for positive changes to be effected. There are also works created out of unique creative imaginations that are not allowed to thrive. An online blog, Action for Justice, Nigeria reveals that "governments are duty bearers who have the responsibility of promoting, protecting and fulfilling the right to freedom of expression. However, it is an unfortunate reality that there are more incidences of government abuse of the freedom of expression in Nigeria than its promotion, protection, and fulfilment. In October 2020, Nigerian youths took to the street and online to express their displeasure about police brutality and demanded for changes by the government. However, the government made several attempts to restrict the exercise of their freedom of expression by declaring an impromptu curfew and sending the Military against the protesters. The government went further to freeze the bank accounts of some protesters, seized the international passport of some, and arrested some, while accusing some protesters of terrorism and trying to overthrow the government". Such incidences negate the freedom of expression which is claimed to be protected by certain organisations.

3.3.1 Political Factor

The Guardian Paper (2017) reveals that for many artists and cultural producers around the world, freedom of expression has increasingly become a luxury item going out of reach. Most societies are getting increasingly intolerant and repressive of artists who use their arts to speak out against rogue regimes. It is still reported that In Nigeria, bloggers have been arrested and even killed. Visual Performer, Atiku Jelili spent days in jail for his performance while Nengi ilagha, a writer, spent months in jail for his artistic work that spoke against his traditional ruler, Amanyanabo of Nembe, Dr Edmund Daukoru.

3.3.2 Religious and Cultural Factors

There have been cases where artists are not allowed to express themselves due to disagreement from religious leaders and bodies. A recent case is traced to the situation of a skitmaker in Nigeria, known as a famous deacon who has been warned by the Catholic Church to stop making a caricature of their religion. He is a social media actor who produces comedy skits. He is costumed to look like a catholic Reverend Father and every scenario of the skit is made to look like a confession setting. In real life, confession is done by Catholics as a prerequisite ritual for reconciliation with God. This act is considered very holy; between the Reverend father and the one who confesses. The Reverend Father takes the role of God in this act and offers penance to the one who confesses, to carry out some activities out of repentance and be free from sin, clean enough to receive communion. It can be said that the artistic freedom of Deacon Famous is bridged by religious leaders of the Catholic Church. This is because his skit tends to reduce the essence of holiness attached to this religious ritual. He was asked to discontinue every skit that takes this form.

3.3.3 Economic and Financial Factor

An artist could have inventive works to create but the cost of registration, sponsoring the work of art from one regulatory body to another in order to protect his work could stand as a major challenge. Without these, an artist is not sure of marketing his work of art for people to patronise and going straight into marketing some works without these backings could be very risky. A filmmaker could create a work, but is not able to push through other processes it might take to publicise his film. A writer, artist or dramatist could face the same challenge. This is the reason artists majorly don't have their arts as their main source of income but mostly out of derived passion.

3.3.4 Sociological and Psychological Factors

Sociological and psychological factors refer mainly to the way the people around an artist and even how an artist himself aside the government, influences his artistic freedom. Freemise blog (2021), reveals the case of a film artist whose artistic freedom was not only affected by the government, but also affected by people around him, including fellow artists. "Nigerian filmmaker, Aminu Nasara (given name Aminu Umar Mukhtar) is the victim of various types of persecution, including physical assault, as well as attacks on his property. Since 29th December 2021, two days after the release of the trailer for Nasara's new film, Makaranta, he received numerous threats from Kano state and non-state actors, including a public call on violence on a state-wide radio station. Article 19 of the International Covenant on Civil and Political Rights (ICCPR) of which Nigeria is a state party, grants freedom of expression, leaving the possibility to restrict this right only out of respect of the rights or reputations of others or protection of national security, public order or morals. Nasara's film, which tackles the issues of gender equality, lack of sex education and public health in Nigeria, by no means, neither under Nigerian laws or international convention, is in breach of moral norms or a threat to national security."

In the course of this research, a lot of artists were indifferent to agreeing to incidents of their lack of artistic freedom. This is because of the inbuilt feeling of insecurity. They believe it could be a trap set by enemies to indict them. Many artists have also been so affected psychologically that they do not imagine or create works outside the box. Their ideas are usually crafted to suit the law, rules, regulations that can give their artwork suitable platforms to be seen. These are psychological factors that affect artistic freedom.

Artistic Rights First



4. Panel Discussion

4.1 PANAF Panel Discussion: A Critical Analysis

The researchers held a panel discussion as part of the activities during Abuja International Film Festival which took place from 31st October through 4th November, 2022. Dr. Charles Okwuowulu who coordinated the panel session introduced the programme and gave a detailed background of the incursion of artistic rights in the Nigerian creative industry. He underpinned the necessity of enacting laws that will restrain the government from impeding artistic freedom and liberty; so that artists can freely express themselves without fear of molestation and intimidation by the government. He cited examples of artists who have been molested and intimidated by the government for expressing themselves through arts and entertainment.

In the panel session, which employed a blended system (physical and virtual participation) were key practitioners in the creative industry including: Amb. Imaobong Abia (Former Chairperson Association of Movie Producers AMP, Abuja Chapter), Nze Frank White (National Publicity Secretary AMP), Chief Queen Julietta Ofuyeta, (President, Creative Industry Professionals Association), Mr. Holy Steve (CEO, Play TV Africa), Prof. Gowon Ama Doki (National President-Society of Nigerian Theatre Artists SONATA), Dr. Victor Okhai (National President-Directors Guild of Nigeria DGN), Dr. Camillus Uka (National President, Association of Nigerian Authors ANA), Madu C. Chikwendu (Former National President, Association of Movie Producers AMP) and Prof. Amanze Akpuda (Film scholar/Critic).



PANAF panellists engaged in discussion during the panel session.

The panel session featured robust discussions by panellists across Nigeria who had divergent views about artistic freedom. Professor Amanze Akpuda observed a strong need for the enactment an artistic freedom law, noting that when Cyprian Ekwensi's *Jagua Nana's Daughter* was written, it received general acceptance by both the government and the teeming Nigerian audience; however, when it was commissioned to be produced as a feature film after so many years, the same script aroused the attention of the government, accusing the script of being pornographic in nature. Prof. Akpuda observed that this happened because the filmic medium is highly influential and can easily change perceptions, adducing this reason as why the government is censoring film productions. Madu Chikwendu who participated through the virtual medium observed that film censorship is an aged-long practice in various parts of the world. He gave a short history of various ways in which the creative industry had engaged the Nigerian government over the years in various areas. According to him, this engagement has not always proved very successful. While supporting the notion that the influential nature of film (towards opinion moulding) is the reason in which the government regulates motion picture contents, he feels that artists cannot create freely in a caged environment. Conclusively Mr. Chikwendu believes that constant engagement with the government will arouse the need for a significant level of artistic licence for Nigerian Artists.



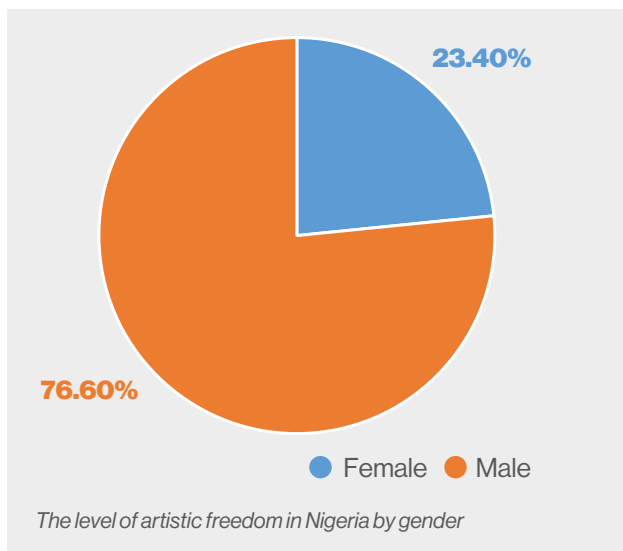
In addition, Dr. Victor Okhai, DGN National President who also participated through virtual means observed that if artists could get involved in pushing the enactment of creative licence laws, artistic freedom will be achieved. He recounted a proverb of a goat who could not attend a meeting where it was decided that goats will be used for sacrifice. Malam Abdullahi Danja (Former National President, Association of Nigerian Authors ANA) who represented Dr. Camillus Uka (the current National President Association of Nigerian Author ANA) observed that though it is difficult for the government to allow the artists to produce without censorship, he noted that there is a need for a town hall meeting wherein artists will engage the government on the subject matter. Other panellists such as Amb. Imaobong Abia, Nze Frank White, Chief Queen Julietta Ofuyeta and Mr. Holy Steve cited various examples of many artists who have faced one form of brutalization or the other and decried that the Nigeria government often met inhuman treatment to artists who criticise their activities and policies.

Finally, the panel proposed a platform which will bring Nollywood guild-heads together for a robust discussion aimed at engaging the Nigerian government in order to advance possible ways for the enactment of creative licensing laws in Nigeria.

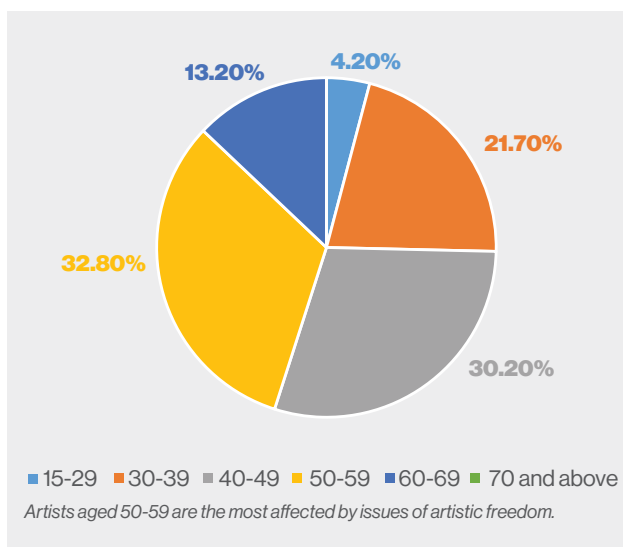
4.2 The PANAF Digital Opinion Poll: Analysis of Responses

A survey to underscore the level of artists' molestation in Nigeria was conducted digitally. The survey which targeted artists practising in the Nigerian creative industry (which includes movie, music, theatre and creative writing), is aimed at foregrounding their experiences on the level of artistic freedom in Nigeria. To that effect, sixteen questions were sent out to ascertain their responses.

When asked to indicate their gender, 56 persons responded to the question, of which 43 were male and 13 were female. Thus, 76.6% of the respondents are male while 23.4% are female. This reveals that more male artists responded to the questionnaire, which suggests that male artists are more concerned with or affected by issues of artistic freedom.



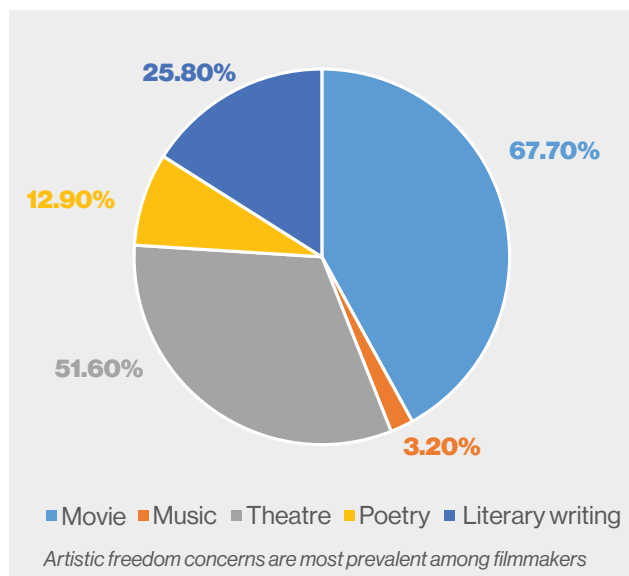
To identify the age bracket of the respondents in order to know which age bracket is affected most with the issues of artistic freedom, the researchers grouped the age brackets as: 15-29, 30-39, 40-49, 50-59, 60-69, and 70 and above. Fifty-five responses were received. The breakdown of the responses according to the age bracket, is illustrated below:



Age bracket	Number of respondent	Percentage
15-29	1	4.2
30-39	12	21.7
40-49	17	30.2
50-59	18	32.8
60-69	7	13.2
70 and Above	0	0.00

The responses suggest that artists within the age brackets of 50-59, 40-49, and 30-39, in that descending order, are more affected by the issues of artistic freedom.

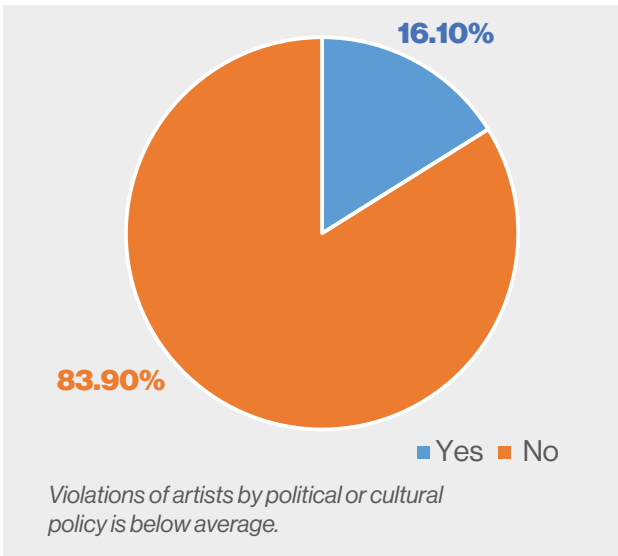
On the area(s) of entertainment component(s) being practised in the creative industry, 62 responses were received. 42 (67.7%) of the respondents indicated the practice in the movie industry. 2(3.2%) practice music. 32 (51.6%) practice theatre. 8 (12.9%) practice poetry, and 16 (25.8%) indicated that they practise literary writing.



The responses above indicate that movie practitioners are more concerned with and affected by the issues of artistic freedom, followed by the theatre practitioners than every other area(s) of artistic component(s).

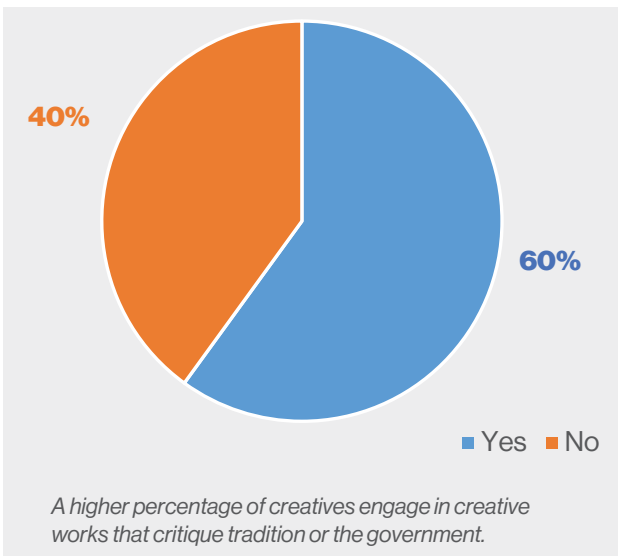
60 respondents indicated the state they practise in. 10 practice in Lagos; 10 practice in Kano; 6 practice in Kaduna; 6 practice in Plateau; 4 practice in Ogun; 4 practice Abuja; 4 practice in Benue; 2 practice in Rivers; 2 in Oyo; 2 in Niger state; 2 in Imo state; 2 in Ekiti state; 2 in Osun state; 2 in Kwara state and Abia state.

When asked if any government or cultural/religious policy has hampered their (artists) creativity and practice, 62 responses were received. 10 respondents (16.1%) said yes while 52 respondents (83.9%) said no. This implies that artist's molestation by the government or cultural policy is below average.



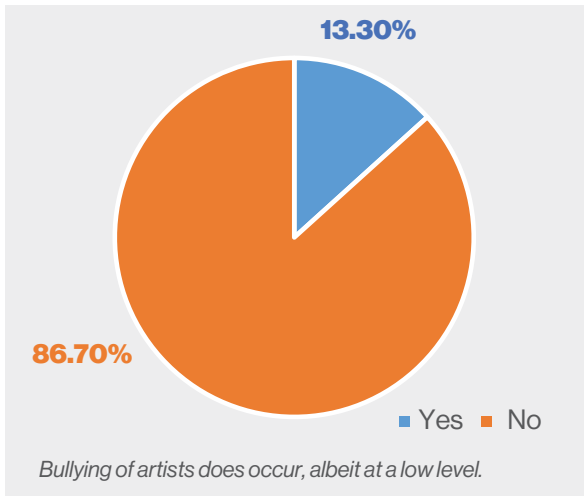
10 of the respondents who said yes randomly indicated the issue of Censors Board restrictions, religious intolerance. According to some respondents, some subject matters on self-determination activism are flagged as offensive or treason. One of the ten respondents specified that he/she was once asked to remove some scenes from his/her movies due to some revealed body parts of an actress.

Going forward, the respondents were asked if they have ever produced or been parts of the project that criticised the government or tradition, 60 responses were received. 36(60%) indicated yes while 24 (40%) indicated no. The responses revealed that more than average of respondents takes part in creative works that criticise the government or tradition.



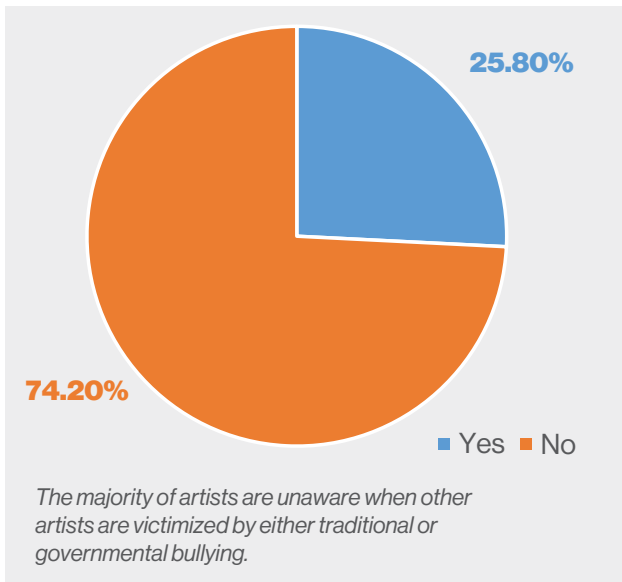
When asked if they have been bullied, arrested or jailed as an artist by government or cultural/religious agencies, 60 responses were received.

8 respondents (13.3%) indicated yes and 52 respondents (86.7%) indicated no. The result is that bullying of artists exists, though below average.



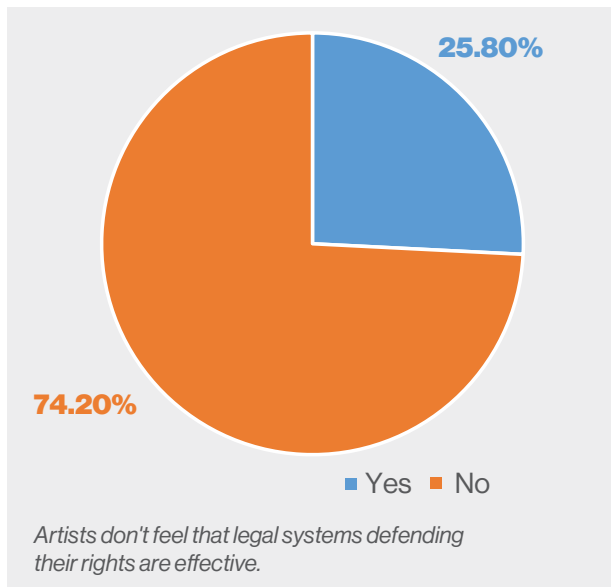
Commenting on the bullying experiences, one respondent specified that he was bullied for turning the Nigeria map upside down in a stage production.

In ascertaining if the respondents know other artists that might have been bullied by either the government/traditional religious leaders, 16 respondents (25.8%) indicated yes while 16 respondents (74.29%) indicated no.

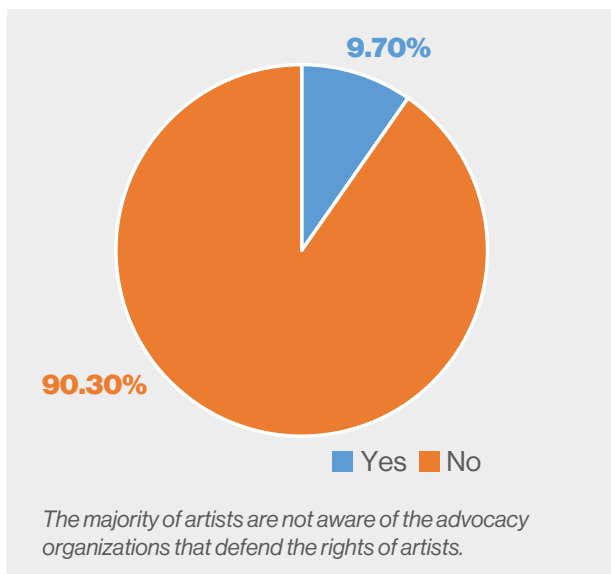


Those who said yes were asked to mention the names of such artists and they randomly mentioned Fela Anikulapo Kuti, Esiaba Irobi, Eedris Abdul Kareem, Wole Soyinka, Shehu Sani Ligard, Damola Olatunji, Nengi Bina Ilangha, Bode Ojoniyi, Mr. Folu Ogoi, Prof. Chimalum Nwankwo, Frank Rajah Arase, Pascal Amanfo, Teco Benson, Izu Ojukwu, Promise Charles, Fred Ateke, and Alison Ogbu.

The respondents were asked if they have got legal representation to protect their rights as artists, 62 respondents answered. 6(9.7%) said yes while 56(90.3%) said 'No'. This reveals that legal frameworks protecting the rights of artists are poorly felt by the artists.

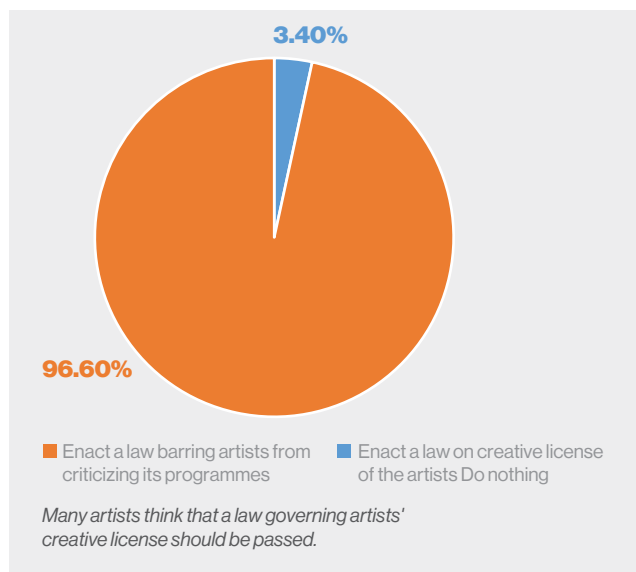


When asked if they know any advocacy group that protects the freedom of artists to perform in Nigeria, 6 respondents (9.7%) said "Yes" while 56 respondents (90.3%) said "No". Those who said "Yes" specified law firms, house of law attorneys, Nollywood associations, especially DGN and AGN as advocacy groups.



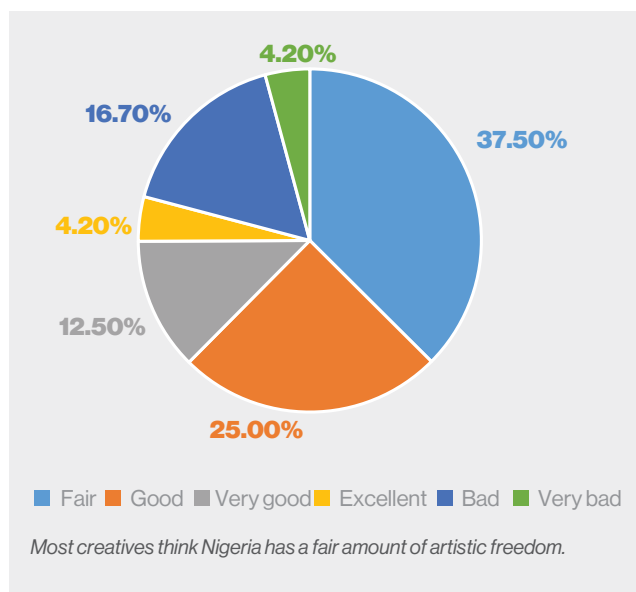
On what they would have the government do to promote artistic freedom, 58 of the respondents chose from the options given. 1 respondent (3.40%) chose that a law barring artists from criticising its

programmes should be enacted. 56 (96.60%) chose that a law on creative licence of the artists should be enacted. None of the respondents subscribed to the option of 'do nothing'.



From the responses, almost all the respondents need a law protecting artistic freedom to be enacted.

The respondents were asked to rate the level of artistic freedom in Nigeria. 48 responses were received. 18 respondents (37.5%) were of the opinion that it is fair. 12 (25%) said 'good'. 6 (12.5%) indicated 'very good'. 2 (4.2%) said 'excellent'. 8 (16.7%) were of the opinion that it is bad while 2 (4.2%) indicated very bad.



The responses reveal that the level of artistic freedom in Nigeria is average.

4.3 SWOT Analysis of Artistic Freedom in Nigeria

4.3.1 Evaluating the strengths of artists

One of the enduring fundamentals upon which Nigerian artists and by extension, arts is known is its ability to take on the system, the political class, religious class, individuals, powers and principalities, and other State Repressive Apparatus (SRA). This tradition is bequeathed on the nation by the earlier artists such as Wole Soyinka, Christopher Okigbo, Chinua Achebe, J.P Clark, Mamman Vatsa, Fela Kuti amongst others whose works questions the Nigerian society of the time in spite of restrictive military decrees. The same tradition was picked up by artists by what many referred to as the second, third and emerging generations of artists who write, design, paint, create, perform the stagnation of Nigeria in the face of restrictive laws and policies, written and unwritten. Years of resistance across diverse military juntas and regimes have created a solid ground for the Nigerian artists to confront any kind of government policies that attempt to take speech or speakability from its burgeoning population. As a result, Nigerian artists can be said to have agency irrespective of repressive laws or policies.

The population strength is borderless as there are more Nigerian artists in the Diaspora as in Nigeria. This is followed by a large presence and access to the internet resulting in mass followership and agency where government laws restrict speakability or audibility. Today, the Nigerian arts or creative market is the biggest thing after crude oil, thanks to the creative output of Nigerian artists. Currently, through the arts, Nigeria is edging towards a national culture and identity. For example, Nigerian music and film is creating borderless culture as artistic contents are enjoyed, irrespective of tribe or tongue; class or creed. Nigerian artists currently have more online and offline followership than politicians or any religious leaders. A quick look into the followership of artists such as Davido, Wizkid, Yemi Alade, Tiwa Savage, Burna Boy, Don Jazzy, Funke Akindele amongst others show that Nigerian artists has the power of mobilising over 67% of the Nigerian population. This itself is a strength which cannot be undermined. With this kind of followership, Nigerian artists have the soft power of pulling down or perpetrating the agenda or policies of government; bringing about positive change and/or probing the in/action of policymakers. In fact, all that is needed in deploying soft power in engaging Nigeria's youthful population towards a certain direction is, arguably, premised on how far policymakers are able to position Nigerian artists.

On the economic front, the country's artists are in the forefront of Nigeria's orange economy pursuit. The entertainment scene, performing arts and events currently account for one-third of Nigeria's income. The sector provides the most job opportunities for Nigerian youths. This is something that is worth identifying with as the country strives to assert itself both within the continent and in the global stage.

4.3.2 Analysing the weaknesses of artists

One of the essential weaknesses of Nigerian artists is the inability to form a united front in using the art to address identified aspects of Nigerian life. Arts-based projects such as the Artists Against Desolation (AADP) organised by the Creative Arts for Development Centre (CRAD Centre), Zaria is struggling to survive due to paucity of funds. Artists are more concerned about the economic aspect of the arts than its functional value. While this may be due to the economic reality of the country, artists may not have made enough advocacy for funds for the arts from the government or solicits for support or grants from without. This has contributed to less and less funding for the arts as Science, Technology, Engineering and Mathematics (STEM) gets most of the fundings from the Nigerian government. Today, the arts are being devalued by the Nigerian government because artists seem not to have done enough to speak for or stand for the centrality of the arts in the Nigerian society.

Furthermore, it is imperative for Nigerian artists to provide basic answers to questions relating to the artists' commitment in a fast changing world with harsh economic reality; what do the Nigerian art or artist secure in terrorised space? In what ways can Nigerian artists be socially responsive and engaging in a digital world? These and many more are questions that are pressed for answers by Nigerian artists.

4.3.3 Examining Artists' Opportunities

As in other areas or sectors of the economy, myriads of opportunities abound for Nigerian artists. Some of these opportunities include sourcing for external funds for the arts through its Diaspora connect or population, either by the artists' guilds or associations, or by home country office; remittances from indigenous arts exhibitions abroad, advocacy for increased funding through public private partnership (PPP).

In view of its large market and its contributions to Nigeria's orange economy, arts education is one minefield that artists should immediately consider. With a population of over 200 million people, Nigeria has an already made market for arts to thrive only if arts education is intensified and value placed on both tangible and intangible cultural artefacts. The idea that art does not have any economic or functional value has been proven to be false. The arts is Nigeria's highest employer of labour. It occupies an enviable third position of Nigeria's gross domestic product and export to the outside worlds. It has also shown its potential as a tool for mass mobilisation. Facilitating young Nigerians to value arts and, or, opt for the arts has the potential of creating a civilisation. Great cities in today's [modern] world are built on the strength of the arts, its philosophies and knowledge. Science is only a recent development as far as arts is concerned. Arts education is imperative for every civilization. This is an opportunity for Nigerian artists.

4.3.4 Analysing threats to artistic expression

With the growing influence of the arts irrespective of funding from within and without, there is an increasing fear of more government laws, policies or regulation to keep artists in check. The political class for example blames the performing arts for the increased spate of ritual killing amongst the youthful population due to the glamorization of extra-logical money or wealth in many films, music, music video contents, and the social media. The #EndSARS Protest of 2020 has also shown the potential of the artists in mobilising Nigerians for mass action. All of these constitute serious threats to artistic expression. Artists are currently being blackmailed and targeted. Government apparatuses such as the Nigerian Films and Video Censors Board, the Nigerian Broadcasting Corporation are currently intensifying efforts to choke the spaces of artistic expression. Select media outlets and artists who speak truth to power are harassed with the State Security Services or any government security outlet in a Gestapo style, threatened with jail term and in some cases their family members targeted by thugs. Only recently, Twitter, one of the social media platforms Nigerian artists used in disseminating their arts was banned by the Nigerian government. With all of these haranguing, and the successes the government of the day have achieved in gagging free speech, future state powers or the deep states within government may have seen the possibility in exercising control over artistic expression by formulating policies to seize arty speeches from artists and more so, take over on of their agencies of dissemination, the social media. It is from this lens that the Nigerian artists should advocate for a creative freedom licence.



5. Creative expression licence

This section will treat creative expression licence through discussing interviews conducted with some artists identified in the questionnaire as having encountered physical or mental intimidation by either one or all of the forces of government, culture and religion. The interviews provide evidence of the extent to which creative expression licence is guaranteed, controlled, and suppressed in Nigeria.

5.1 Critical analysis of interviews of Nigerian artists in relation to artistic freedom

At this point of the discourse, it is plausible to infer that the profundity and fecundity of arts in provoking thoughts, provoking actions, aspirations, change and development are nearly the locus that explain the serious attention arts, artists and institutions of arts receive in every society. One cannot talk about the pillars of the society, by all honest considerations, without the arts. As we may count on government, culture and religion, and arts in the list of the pillars of the society, arts is one pillar that puts all other pillars, including those not explicitly mentioned here, in perspective, in question, and in judgement. People, government, culture and religion, behaviour; to be concise, human engagements in the society feed the artist with experiences and imaginations for his creativity. Yet, when the artist launches his work to put these experiences in perspective, in question and in prospect for change and innovation, government and cultural and religious agencies would always want to play the watchdog. And in some cases, they do this to protect their own secrets from being divulged by the artist. To this end, the interviews granted to this discourse by some astute Nigerian artists namely, Nengi Ilagha, Bode Ojoniyi, Mr. Folu Ogoi, Prof. Chimalum Nwankwo, Frank Rajah Arase, Pascal Amanfo, Teco Benson, Izu Ojukwu, Allison Ogbu, and Promise Charles have become as vital as revealing.

5.1.1 Creative writers

Creative writers are a school of artists who have a history of hitches in publishing works that are critically expedient to society but mock the ills and stagnation of government and of culture. Nigerian authors such as Wole Soyinka, Chinua Achebe, Chimamanda Adichie, Ahmed Yerima, Femi Osofisan, Nangi Illeggha and Bode Ojoniyi have had their shades of experience in this regard. And here, we have the interviews of Nengi Illeggha and Bode Ojoniyi to wit.

5.1.1.1 Nangi Ilaha is a creative writer, journalist and broadcaster. A native of Nembe, Bayelsa State, he read English and Literary Studies at the University of Port Harcourt. He took commitment to becoming an acclaimed writer early enough in life. For this, he was called Shakespeare at secondary school. Ilagha could not wait to see his name written on a book and see hundreds of people hold copies of that book. This was, to him, one great way of contributing to society. As he began his writing journey while at the university, encountering Ola Rotimi, an acclaimed Nigerian playwright whom he presented his script to and the playwright commended, boosted his conviction on the creative path he has chosen. Ilagha has served as Speech Writer and Special Adviser on Research & Documentation to the Governor of Bayelsa State. He has written collections of poems and essays respectively and also has some books to his name. Some of his works include: Apples & Serpent, I Want to Be a Senator, January Gestures, A Birthday Delight, The Militant Writes Back, Sand House & Bones, Epistle to the Enemy, A Drop of Pentecost, Epistles to the Small Brave City-State, Epistles to the President and Big Daddy, Epistle to Maduabebe which led him to incarceration by the government, and Freedom at Last which he wrote in the prison and published few months after his release. Having won the Association of Nigerian Authors, ANA, Poetry Prize in 1995 with his first collection of poems, Ilagha is noted as a fine writer whose works have a touch of confrontation targeted to make society better the society.

Advocating for a change to some cultural practices is one of the aspects wherein artists receive strong opposition by ardently conservative cultural agents who forget outright that culture is constructed and can be deconstructed, that culture grows, changes with the changing times, and, according to Edward Said, that culture includes and excludes. It is one of the duties of artists to project these ideals and keep people

conscious of them, even though encountering some resistance. The material of Ilagha's interview bears the molestation of the artist by cultural agents in collaboration with the government for raising questions in Epistle to Macabebe that seek changes to some cultural practices in Nembe deemed crude and cruel by the artist.

According to Ilagha in an interview with the researcher, there was this cultural practice of burying the first child to die from a mother's line faced down, naked and with all sorts of debris poured on its corpse. This practice connotes that the first death to visit a mother's child is a bad omen and must be rejected. It happened that Ilagha's sister who lost her life to a fatal road accident in Kaduna suffered the fate of being the first child of Agha's mother to die. Traumatized by the death of his sister, especially the manner at which she was buried, Ilagha was awakened and determined to write an Epistle to Maduabebe wherein he questioned such a cultural practice among other questions. It was this book, after being published and presented to the paramount ruler of Nembe that landed Ilagha in prison as he spent 135 days between 2015 and 2016 behind bars. According to Ilagha, the paramount ruler frowned at the contents of the book, took the issue personally and collaborated with the government to get Ilagha incarcerated. Not stopping there, Ilagha noted that the government of Timipre Sylva, the then Governor of Bayelsa State went as far as gathering hundreds of copies of the book and burnt them. Till date, decried Ilaghi, this book is still barred in Nembe, no one sets an eye on it there, even though it has been available outside Nembe.

Ilagha revealed that as a creative artist, he spent his prison days interviewing fellow inmates, about a 100 out of 500 of them, and found a lot of them sharing spectacular experiences as his. Moved by the situation that got him behind bars, he started writing a book on his incarnation right there inside the prison. The book was later published as *Freedom at Last* three months after he was freed from incarnation.

On his release, he revealed one of the roles of artistic guild system in protecting artistic rights as Ilagha stated that the Association of Nigerian Authors (ANA) of which he was the pioneer chairman of its Bayelsa State chapter, came for him when he was in prison and mounted pressure on the government, which was undeniably significant to his release.

5.1.1.2 Bode Ojoniyi in his own interview, sets out the threats that greet an artist for expressing his creative licence. Ojoniyi is a director, actor and award winning playwright. He became a lecturer at the Department of Theatre Arts, University of Maiduguri, Borno State, Nigeria after the purported scandal at University of Osun that got him accelerated sacked as lecturer by the University management. The scandal was that he was found with a woman, but it was not investigated by a panel of the university as is the standard to ascertain what he was doing with the woman before he was hurriedly sacked. And this happened just after Ojoniyi had reported a case of result discrepancy which was to the detriment of some 'senior' members of the staff. To Ojoniyi, the so-called scandal was a set up to get him out of the University for confronting and advocating for justice. He later won the case, five years later in the court, but then he had moved on to University of Maiduguri. This same sense of confrontation to what is unfair and advocating for what is right for the society has informed the thematic thrusts of his plays such as *The Primate and the Lost Clergy* (2010), *Once upon an Evil Genius* (2011), *Beasts of No Nation*, *The Infidel and the Blood suckers* (2010), *Our Wife Had Gone Mad* (2016), *For the Love of Sisyphus*, and *A Dance of Beasts*.

In his interview with the researchers, Ojoniyi (2022) asserted that one of the challenges an artist could face is apprehensiveness of the people around him who warn him to keep off certain vital issues that affect the society just to avert being molested by the government or any of its agencies. He explained that students, the entire university community, and family members always make him feel unsafe by warnings and threats for always raising, in his works, critical issues that the government authorities would frown at. And of course, it is the witnessed ordeals of artists in the hands of authorities that have made people apprehensive about what becomes of the artist when he treats critical matters towards the government. The loads of these warnings and threats become negatively dousing to the burning spirit of the artist. Thus, there is a mental molestation given to the artist as regards his artistic freedom.

5.1.1.3 Mr. Folu Agoi is the president PEN international, Nigeria Chapter. He is a poet of international repute. He has won several awards with his poetry and he engages his poems towards sanitising societal ills. In an interview with him, he observed that his poems are often self-censored, being occasioned by the fear often expressed by close relatives. According to him, he has never been molested by either the government or cultural agencies but the severe pressure coming from close relations/family members often moderate his use of languages, therefore forms a subtle threat. Amongst notable books written by this author are *Service to fatherland* (2013), *I Know the Smell of My Lover's Skin – A Spring of Lyrics Powered by Love* (2017), *Candid Lyrics* (2001) among other works.

5.1.1.4 Prof. Chimalum Nwankwo, a poet and an academic of international repute equally shared his experience on his poetry collections. Particularly, he gave insight on a threat to his life after he read his poem "Toward the Area Zone" at the British council in Enugu, during General Babangida's regime. After reading the poem at the British council, two unknown gunmen followed him to his house in his village. About 2:00 AM, they had a confrontation with his gateman who could not allow them into his compound. According to him, he does not know who sent them but for the fact that the incident coincided with the night he read his political poem at the British Council begs for serious questions.

5.1.1.5 Jelili Akiku is a stage director who is based in Lagos. He is deeply involved in activist stage performances. He has produced many stage plays and notable amongst them is: *Aragamago Will Rid this Land off Terrorism*. He shared his experience of 2016 incarceration with the researchers. According to Atiku, he was arrested because his stage performance, *Aragamago Will Rid this Land off Terrorism* interrogated the barbaric practice of the traditional ruler who had instructed that some women who stole in the market be punished in a barbaric manner. Atiku observed that seven false criminal charges were levied against him and after 6 months of trial in court, the case was dismissed. The incident that inspired Atiku took place in Lagos around 2014. Two women who stole pepper were caught in the community market and were stripped naked. The security men employed by the king prepared a concoction of dry pepper with hot gin and poured it into their private parts. The incident became a national issue and the people involved were arrested. Drawing from this incident, Atiku took to the stage to express his misgivings against this inhumane treatment. The performance inferred that the king had given the instruction to the security officers who carried out the barbaric act and supposes that it was the king who instilled domestic terrorism. The real king got Atiku arrested after accusing him falsely and got him, some family members, and some witnesses to the play incarcerated in jail. The king also allegedly sent some men to destroy his house, studio, and everything. Jelili Akiku expressed his passion for the arts, stating the fact that whatever way his freedom is being barred will not deter him from artistic engagements.

5.1.2 Filmmakers

Filmmakers appear to be more checked than other creative artists by the government. This is because film includes visual, auditory and textual elements that make the filmic medium powerful and arguably more realistic in representations and presentations when compared to other artistic mediums such as literature, music, theatre, radio, and the fine arts. The Nigeria government, through the Censors Board, reviews films produced in Nigeria for rating before granting them access for public viewership. The government believes film is so potent to influence thoughts and actions of the citizens, and so can bar entirely any film it terms sensitive or dangerous. The problem, however, is that the government has been accused of using its power to suppress great films that criticise its corrupt practices so that the citizens will not be awakened to rise against such practices. Interviews of Frank Raga Arase, Pascal Amanfo, Allison Ogbu and Promise Charles as will be discussed here brings home the above propositions.

5.1.2.1 Frank Rajah Arase is a famous and multiple award winning actor, director, movie producer and entrepreneur. With roots in Edo State, Nigeria, he went into the entertainment industry at a very young age. He was a dancer for the National Theatre Troupe and participated in stage plays. Following his path and that of a Nollywood director and actor Paul Obazele, Arase had the opportunity of being mentored in the movie industry by Obazele. After featuring in some films such as *Scores to Settle*, *After School Hours* and having worked as a crew member, he was motivated to start directing his own films. He directed such films as *In My Country* (2017), *The Groom's Bride* (2012), *Iyore* (2015), *Somewhere in Africa* (2011), *Scars*, and *The Bad Man* to mention a few. Filmically, he is noteworthy as one of the exponents of visual narrative technique in Nollywood, and thematically, some of his works are distinguished for its historicity and/ or topicality to national issues and national development, and this has attracted certain restrictions to some of his films, thereby limiting his artistic expression.

According to Arase (2022) in an interview with the researchers, *In my Country*, a feature film directed by him could not get to the Nigerian market or be exhibited in the cinema because the Nigerian Censors Board refused to approve of it, requesting the expungement of some vital scenes from the film before it could get censorship approval. These scenes, said Arase, were frowned at by the government simply because they criticise its corrupt practices and would move youths to action. Expunging these scenes would deter the essence of the arts work according to him, and so it was impossible to take that action. He noted that Netflix later purchased the film and placed it on their website. Incidentally, it was not long after that that the EndSARS protest broke out in Nigeria, and those particular scenes from the film, which the Nigerian government held against the film were spread on the social media by the protesting youths, perhaps having cut the scenes from the full film on Netflix, because they relate to their yearnings.

The role of the internet in democratising the media is reflected on getting *In my Country* to Netflix, and then scenes of it on social media during the EndSARS campaign. Thus, it is deductive from Arase's experience that the new media is one of the constellations of technologies aiding free artistic expression. To confirm some truism in what has been posited about the democratised media, Arase revealed that his film, *Scars* did not see the light of the day because the government through the Censors Board barred it and as at that time, there was nothing like social media. But with the new media alternatives which have later emerged and the experience of *In My Country*, Arase did not mind taking another of his film, *The Bad Man* for censorship as the film exposes a fraudulent Nigerian politician who is trying to elope to a foreign country with public funds but gets caught. According to Arase, the story was informed by Abacha's loot and the likes in more recent times.

The struggles of Arase as regards his artistic freedom have incidentally brought him to untimely retirement from the film industry. Arase would prefer his films to be produced on DVDs and other compatible devices wherein the product can be made available in the markets, to be purchased by the citizens and viewed on television than producing on the social media. So, although the new media has provided a platform that enhances the artist's liberty to express his creativity, Arase (2022) averred that one of the reasons why he has retired from filmmaking is because he is not a social media person. That is to say, the features of the new/ social media platforms are not satisfactory to him as a filmmaker and perhaps are not convivial to his civilization. He further revealed a couple of incidents that contributed to his decision to retire. Narrating in his interview, Arase was in USA and heard that his studio in Ghana has been looted. This made him lose important equipment and records in the studio. Following this first incident, he shot a film and decided to edit it in a hotel in Ghana and thereafter to travel to U.S.A with the tape in order to safeguard it. When he got to the airport with the tape, robbers attacked him and the only thing he seized from him was that tape. It was at this point that Arase knew his life was under threat as he was being monitored by some agents who were trying so hard to clamp down his artistic expression.

5.1.2.2 Pascal Amanfo in a spectacular account reiterated the government's clutching down of a work of art that especially criticises and forewarns the government. Pascal Amanfo is a Nigerian filmmaker. Born and brought up in Owerri, Imo State Nigeria, he however practises primarily in Ghana as a film director but his films are largely consumed in Nigeria. Being a talented and award-winning film director, Amanfo stirred up the Nigeria and Ghana film industry in 2013, insisting on the premier of his film titled Boko Haram which was barred by the Nigerian and Ghanaian governments through the Censors Board, even after he retitled the film as *The Nation Under Siege*. According to Amanfo in his interview, the Nigerian Censors Board sat on *The Nation Under Siege* for over two years due to some religious sentiments and claims that the film was too sensitive. The Censors Board refusal to release the film caused a commercial failure deeply felt by the filmmaker. Amanfo argues that the film remained an artistic masterpiece, which later found its way on the social media, YouTube precisely, and there, it took a new title, *National Crisis*. When Boko Haram insurgency gained ground, Amanfo avers that what the film forewarned played out. Could the government have permitted the film, studied its theme and taken into cognizance the forewarnings therein as with other films of such capacity, the insurgency could have been ameliorated. This premise is not dissimilar to Ladipo Akintola walking out of Hubert Ogunde's stage performance which criticised his corrupt practices and forewarned him of possible revolt. Just a year later, Akintola was assassinated. Clearly, it is pertinent that artistic freedom, especially relating to creative expressions that criticise the government and its agencies, should not be jeopardised, but allowed to be projected for its functionality. Arase (2022) decried that the government is selective in their so called censorship. A lot of sexual content is allowed. Ritual contents that present the country in bad light and scare foreigners from dreaming to come to Nigeria are largely not restricted. But when it comes to films that treat issues that are pertinent to the nation, the Censors Board will rise against it. To Arase, visual creation is visual creation, therefore, tell it as it is with regard to rights to freedom of expression. However, it is arguable as to whether the artist should, at all times, tell it as it is, or at sometimes tell it as it should be.

5.1.2.3 Teco Benson, in his interview, asserted that he has not been physically molested by the government but has, many times, been threatened by the Nigerian government through the Nigerian Film and Video Censors Board. Teco Benson is a Nigerian filmmaker who is noted for the initiation of the Action Film genre as well as popularising it in Nollywood. In such films of his such as *Executive Crime*, *Formidable Force*, *The Senator*, and *Accidental Discharge*, his authorial leitmotif is usually to expose the secrets of crimes and corruption especially involving the government functionaries.

According to Benson, his film *Accidental Discharge* which portrayed a character of a Censors Board personnel was banned from being released by the Nigerian Censors Board, claiming the film presented the Censors Board in bad light. In the film, Hank Anuku played the role of a filmmaker who shoots a film that gets banned by the Censors Board. Rita Donmic who played Hank's girlfriend in the film then goes to sleep with the Censors Board character while the film-in-the-film gets released. When the real film was produced, it took Teco Benson many months of waiting for the Nigerian Censors Board to rate it, of which he was mandated by the Board to expunge that part, which criticised it before the film was released. In *The Senator*, Teco equally noted that the Censors Board delayed him unjustly from releasing the film until Eddie Ugbomah (who was the then Board chairman for NFVCB) stepped into the case. He noted that apart from these two incidents, other Censors Board directors merely rated his film as adult (18+).

5.1.2.4 Allison Ogbu, a Nollywood director, is of the opinion that the Nigerian government has been fair enough in supporting artists and allowing artistic expression. He argues that the Nigerian film industry is doing well globally. According to Ogbu (2022), people do not watch Hollywood films in Nigeria today as they used to. Everybody is now interested in and viewing Nollywood films. By this, Ogbu argues that Nollywood actors have become household names more than Hollywood actors especially among the younger generation, and this, according to him, is because governments do not interfere with artists and their artistic freedom. To make clear his point on why the government does not and cannot interfere with artists, Ogbu posits that artists independently finance and produce their works, and thus, the government has no place to suppress such works of independent artists which it did not sponsor. He went ahead to laud the Nigeria Censors Board for making an effort to unite all Nigerian filmmakers of various specialisations in one body. Ogbu also recounted how the government of President Goodluck Ebele Jonathan sponsored some Nigerian actors and directors abroad for training to improve the filmic culture of Nollywood.

5.1.2.5 Promise Charles- a Nollywood director equally believes that the Nigerian government has been fair enough in supporting artists and allowing artistic expression. He argues that his family members are those who often incite fear in him to downplay his language in his productions.

5.1.2.6 Izu Ojukwu, an outstanding Nigerian filmmaker whose name was mentioned as one of those who were molested by the Nigerian government for a film titled 1976, which centres on the 1976 failed coup attempt in Nigeria, refuted the purported incident of him being molested. Dispelling the rumour, he affirmed that what caused delay in releasing the film after its shoot was him not being financially buoyant as at that time for the post production which was done in film format outside the country. He revealed that he got the authority of the Nigerian military to shoot the film and it was favourably censored. In any case, one of the commonest ways to investigate the assumptions of molestation towards him is the historical disposition of the government to vitiate such works.

5.1.2.7 Fidelis Dukar- a notable Nollywood director and the CEO of Abuja International Film Festival equally narrates his ordeal during the production of the film: King of Money (1999). King of Money is a film that tells the story of Eze Ego, an Igbo money-bag from Ihiala, Anambra state who is believed to be involved in serious ritual money. According to Dukar, Zack Orji (a Nollywood star actor) who was the first cast for the role of 'Eze Ego' later declined to play the role owing to severe threats by unknown people. Due to the unavailability of GSM phones in those days, Zack Orji had come on set on the day of the shoot to inform the crew about the threat on his life and family members because of the role he is to play in production. Thereafter, he declined to play the role. Determined to produce the film, Dukar had to quickly arrange for a replacement. Again, after seven days of shoot, the second person also declined due to the threat to his life and that of his family members, thereby wasting a whole period of the shoot. Dukar noted that every part where the second actor had acted was removed and a new actor was engaged to play the role, which he eventually completed. After the shoot when Dukar thought their problem was over, it merely started as some men were paid by supposedly the wife of the real 'Eze Ego' to kidnap the director of the film; Fidelis Dukar. Dukar's mother suspecting the movement of the men who had come to kidnap her son in their apartment raised alarm. In addition, NFVCB refused to censor the film because it had court injunctions. Again, the attempt to push the film into the market met strong resistance.

6. Conclusion and Recommendation

Prominent writers and advocates have taken up topics concerning artistic freedom but to the best of knowledge, none proposes out rightly, the need for the enactment of “creative expression licence” which will grant more freedom from censorship than already exists. Evidently, this study seeks to call the attention of lawmakers towards creating a better atmosphere for the artists in Nigeria and worldwide to practise. This will enable creative ideas to be communicated not partly or partially but fully in order to actualize the true purpose of artistic works.

The brutalization suffered by several creative artists who have over the years attempted to explore their creative licences are unfounded and greatly impede Nigerian image before the international community. From the analyses of interviews and digital questionnaire, this research proposes the enactment of “creative expression licence” law, which if upheld by Nigerian government will give the creative artists in Nigeria and Africa in general, the liberty of expression and mitigate against brutalization and humiliation by some government leaders in the Nigerian society.

References

- A-Arts News Review Interview. (2022). Protecting creativity through participatory reforms by Unchained Vibes. <https://www.africanartswithtj.com>
- Action for Justice Nigeria. (2017). Legal areas/right to freedom of expression. https://nigeria.actionforjustice.org/legal_areas/right-to-freedom-of-expression-2/right-to-freedom-of-expression/
- Anyanwu, C. (2020). The prospects and challenges of film publicity in Nigeria. *Department of Mass Communication*, 9, 121-138.
- Asogwa, et al. (2015). The representation of indigenous culture in Nollywood. *Journal of Scientific Research*, 7(2), 97-107.
- Baktir, H. (2003). The concept of imitation in Plato and Aristotle. *Sosyal Bilimler Enstitüsü Dergisi Sayı*, 15(2), 167-179. Retrieved from <https://www.researchgate.net/publication/267416112>
- Barblan, M. (2016). Copyright as a platform for artistic and creative freedom. *George Mason Legal Studies Research Paper: Association of American Publishers*, 23(4), 16-25.
- Bennett, H. (2016). Creative freedom: Nature's Secret. <https://www.researchgate.net>
- Bieczyński, M. (2021). The History of artistic freedom as a legal standard in Western culture: An attempt at periodization of the process of its formation. *Santander Art and Culture Law Review*, 1(7), 145-170
- Enahoro, A. (1989). African council on communication education. *African e Journal*, 3(3). <http://digital.lib.msu.edu/projects/africanjournals/>
- Faga, H.P. (2011). The legislative and institutional framework of environmental protection: limits of copyright protection in contemporary Nigeria. *African Journals Online*. <https://www.cigol.info>
- Geiger, C. (2018). Freedom of artistic creativity. *Uclrvine Law Review*, 8(413), 413-458.
- Gordon, R. (2020). The philosophy of freedom and the history of art: An interdisciplinary view. *Philosophies*, 5(18), 1-12. doi:10.3390/philosophies5030018
- Jewel, C. (ed). (2014). *Wipo magazine*. World Intellectual Property Organisation, 1-36.
- Ku, R. et al. (2009). Does copyright law promote creativity? An empirical analysis of copyright's bounty. *Vanderbilt Law Review*.
- Lange, P.G. (2014). *Kids on youtube: technical identities and digital literacies*. Left Coast Press
- Mason, J.T. (1926). Creative freedom. *International Journal of Ethics*, 36(4), 435. <https://doi.org/10.1086/intejethi.36.4.2377642>
- Muluneh, A. (2015). *Lumières d'Afrique exhibition*. UNESCO
- Nwankwo, A. (2018). Harnessing the potential of Nigeria's creative industries: issues, prospects and policy implications. *Africa Journal of Management*. DOI:10.1080/23322373.2018.1522170
- UNESCO. (2019). *Artistic freedom*. Denmark: Ministry of Foreign Affairs of Denmark.
- Vaver, D. (2022). *Principles of copyright: cases and materials*. World International Property Organisation.
- Vivarta. (n.d.). *Art and the law*. National Lottery through Arts Council England. www.vivarta.org
- Whyatt, S., & Reitov, O. (2019). *Arts: Protecting and promoting artistic freedom*. UNESCO. www.arts-rights-justice.de
- Yinka, O. (2022). Unchained Vibes Honours Eedris Abdulkareem, Mulls Artistic Freedom. *thisdaylive.com*. <https://www.thisday.com/index.php/2021/11/12/unchained-vibes-honours-eedris-abdilkareem-mulls-artistic-freedom/>

