

**NIGERIAN SCHOOL ON  
INTERNET GOVERNANCE**



**NSIG**

**2023**

**Policy Brief by the 2023 Cohort**

*On*

**Privacy, Digital Rights, and Human Right  
issues**

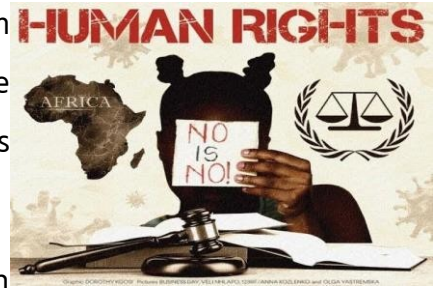
**(by Group A)**

*And*

**TOWARDS A SECURE AND INCLUSIVE DIGITAL  
FUTURE FOR NIGERIA: BALANCING  
REGULATION, CYBERSECURITY, AND  
EMERGING TECHNOLOGIES (by Group B)**



Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.



Also, Privacy and Digital rights are both fundamental human rights which are as fundamental as the Offline human right and as such should be treated as same.

Privacy and digital rights are very similar and, in most areas, are faced with similar challenges.

Nevertheless, let us look at them separately.

## **Privacy**

What is privacy?

Privacy is a fundamental right, essential to autonomy and the protection of human dignity, serving as the foundation upon which many other human rights are built.



Privacy enables us to create barriers and manage boundaries to protect ourselves from unwarranted interference in our lives, which allows us to negotiate who we are and how we want to interact with the world around us. Privacy helps us establish boundaries to limit who has access to our bodies, places and things, as well as our communications and our information.

For this paper, we'll focus more on Data privacy.

Data privacy is faced by challenges such as:



1. Data mining for identity theft
2. Privacy setting loopholes
3. Location settings
4. Harassment and cyberbullying
5. False information
6. Malware and viruses
7. Insufficient Data Privacy Plans
8. Data Trading
  - Identity theft
  - Data hostaging
  - Targeted advertising
9. Data Hoarding

To mention a few.

Though in Nigeria today, the privacy issue has been combated to a reasonable extent with the enactment of the Nigerian Data Protection Act of 2023, Nevertheless, there are still challenges in combating it. These are:

## **Inadequate Sensitization on Data Protection**

Despite the issuance of the NDPR in 2019, there is still a lack of awareness on its existence much less its provisions. Many data subjects including the educated and uneducated are ignorant of their rights with respect to the protection and integrity of their personal

data. Equally, data controllers who process personal data do so with insufficient or non-existent understanding of the provisions of the NDPR and their respective obligations. It is also common to find many data controllers misconstrue their obligations under the NDPR such as erroneously assuming that they are only subject to the provisions of NDPR when they process the personal data of up to 2000 data subjects.

## **Lack of an Independent and Regulatory Authority**

There have always been concerns with respect to the degree of independence of Nigerian Data Protection Commission (NDPC) from government control. This is because NDPC is government funded. Without a doubt, the various levels of government in Nigeria outstrip the private sector when it comes to the volume of personal data collected and processed. In fact, the digital economy policy of the federal government is primarily anchored on data collection and processing. Consequently, the need for an independent data protection agency that can hold the government accountable for its use and processing of personal data cannot be overemphasized.

In addition to having an independent regulatory agency, it is also vital to ensure that the agency has sufficient man-power and technical resources to discharge its duties efficiently.

## **Digital rights**

Digital rights are those human rights and legal rights that allow individuals to access, use, create, and publish digital media or to access and use computers, other electronic devices, and telecommunications networks.



Digital rights are an extension of human rights for the Internet age.

## **Digital rights issues**

Digital rights are synonymous to those fundamental human rights enjoyed offline, but now adapted to a new age of technology. Bolstering this position, the United Nations Human Rights Council unanimously agreed that the human rights people enjoy offline also applies online.

To wit, these rights are not novel, but an extension of those fundamental human rights to

digital spaces to aid protection online. Digital rights constitute unrestricted internet access to all, freedom of expression, communication, and association online, access to information, right to privacy and data protection, right to be forgotten, protection of minors online and the governance and regulations of digital spaces. It protects users from online abuses.



It has been reported that, as people surf and carry-on businesses online, their movements, preferences and information are often tracked and divulged to some online corporations who use them for marketing purposes, without the consents of data subjects[6]. For instance, a person who makes a search on a particular vendor on the internet will find many suggestions of similar vendors by such app. This also resonates the susceptibility of individuals' data online, and further risks of third-party invasion which usually results to recurring cyber theft.

At the heart of digitalization in Nigeria is the social media, as it's usage increases, however, hatespeeches, discrimination, defamation and the intimidation of users as well as shutdown of the internet by authorities has been recurrent. These issues, amongst others, emphasize the need for digital protection.

In understanding the scope of Digital Rights, it is pertinent to understand that it overgoes activities that accrue online, to encompass some non-internet related activities, such as biometric data collection and telecommunication services.

## Problems facing Digital Rights

Although the Nigerian constitution made provisions for individual privacy and freedom of expression in sections 37 and 39 respectively, the absence of express provisions of digital rights has left the floodgate of unlawful violations ajar.



As aforementioned, some Nigerian legislations, pointedly, the Cybercrime Act, have undemocratic elements that work hardship on citizens. Since its enactment, there has been an upsurge in the shutdown of internet and arrest of journalists and bloggers, owing to elusive provisions

which give government agencies unruly powers. For instance, sections 23 and 24 provide for the divulgence of personal information of individuals by service providers to government agencies, giving them the power to act on discretion without court checks.

This precipitated the shutdown of Twitter in 2020 when the federal government, acting insolitary, purported that Twitter would evoke crisis across the country.

In 2019, a journalist, Obimma D. Norman of Online Realm News, was arrested in Abia state by the police on frivolous claims of harassment. In another instance, the government ordered the shutdown of telecoms services in some Northern States like Zamfara in 2021, which is an ineffective way of fighting banditry as opposed to their claims. All these infringes on digital rights vital to human existence.

Another digital endemic is the susceptibility of individual data to the risks of cyber threats and invasion. In the face of this, the Central Bank Consumers Protection Framework prohibits financial institutions from divulging personal customers' information and ensuring appropriate measures to safeguard data, only retrievable upon individual's consent.



Source: NicoElNino/stock.adobe.com

Similarly, the National Information Technology Development Agency (NITDA) in 2019, issued the Nigerian Data Protection Regulations (NDPR), to regulate the management and prohibit unconsented use of individuals' information by data controllers.

Notwithstanding, there are instances where telecommunication providers often divulge to financial loaners the contact lists of runaway debtors, with which they call clueless third parties to inquire about the whereabouts of such debtors.

## **Cross Border Data Governance (e-commerce) and data localization/Data Privacy**

E-commerce has become a game changer in the international trade arena. One may argue that it is just another form of trade, but we need



to keep pace with the changes it brings to the trade environment and provide innovative solutions to deal with them.

Efficiency of clearance and delivery of low value and small parcels is especially crucial. To manage e-commerce transactions, Customs administrations need to engage with all relevant stakeholders with a view to collectively defining the appropriate approach to adopt both from a trade facilitation and enforcement perspective.

The world is promoting data privacy on one hand and cross-border data flows on the other hand. There is a huge challenge in balancing the two competing requirements. The digital infrastructure and capability required in Nigeria would be strengthened to meet and balance these global requirements.

Cross-border data flows refer to the transfer of data from one country to another, which has become increasingly important in today's interconnected world. The importance of cross-border data flows lies in its ability to enable global trade, communication, and innovation. However, it also poses risks and challenges associated with privacy, security, and data protection. The regulation of cross-border data flows is essential to ensure that data is transferred in a responsible and ethical manner that respects individual privacy and promotes innovation. With the continued growth and evolution of data flows, it will be crucial to strike a balance between enabling the free flow of information across borders and safeguarding privacy and data protection. Regulating cross-border data flows is a complex issue that requires a multi-stakeholder approach, involving governments, businesses, and civil society. There are several regulatory approaches to cross-border data flows. Some countries may restrict data flows through measures such as data localization requirements or strict data protection regulations that apply to cross-border data transfers. Other countries may facilitate data flows through mechanisms such as mutual recognition agreements.

International agreements also regulate cross-border data flows.

For instance, the



World Trade Organization's (WTO) General Agreement on Trade in Services (GATS) includes provisions related to the free flow of information across borders (World Trade Organization, 1995). Additionally, the European Union's General Data Protection Regulation (GDPR) includes provisions related to cross-border data transfers, including requirements for data protection safeguards and the possibility of adequacy decisions that allow for data transfers to third countries that meet certain data protection standards.

Emerging trends are also shaping the regulation of cross-border data flows. The rise of cloud computing and the Internet of Things (IoT) is increasing the volume of data that is being transferred across borders and making trade flow measurement more challenging. The growing use of artificial intelligence (AI) is raising new questions about the protection of personal data. There's a strong relationship between cross-border data flows and A.I. A.I. technologies rely on vast amounts of data to learn and improve their performance, and this data often needs to be sourced from different countries and regions. Cross-border data flows enable the transfer of this data, making it possible for countries, companies and researchers to access the information

they need to develop and improve AI systems. Cross-border data flows also raise important ethical and legal issues related to A.I. For instance, there are concerns about the protection of personal data and the privacy of individuals whose data is being used to train AI models. Data flows that involve the transfer of sensitive or personal information may require additional safeguards to ensure that this information is protected against unauthorized access, use, or disclosure. There is growing interest in establishing ethical guidelines and principles for A.I., which may also be affected by cross-border data flows.

These guidelines may include provisions related to transparency, accountability, and human rights, which may require careful consideration when data is transferred across borders. As the use of AI continues to grow and evolve, it is likely that cross-border data flows will become even more important for the development and implementation of these technologies. As such, it will be critical to ensure that data flows are managed in a



meaningful universal connectivity means that anyone, anywhere, regardless of geographic location, socio-economic status, race, gender, or any other differentiating demographic, has access to affordable services and devices to connect to reliable and safe internet. The previous administration made marginal progress in this regard, but its claim of 100% broadband access was bogus.

To achieve the objective of universal access, the new administration must revisit the barriers that have been previously identified. These are affordability, web literacy and a lack of access to devices such as smartphones and computers; There must be a deliberate approach to address these issues. Also, emerging issues such as multiple digital taxation must be halted to avoid

killing the goose that's laying the golden egg and further alienating more people from digital access. The lingering problem of the right of way which has been a barrier to broadband penetration in Nigeria must be addressed. As a starting point, the new administration must revisit the pending commitment made during the COVID-19 pandemic and work with regional governments (states and local governments) to ensure the barrier is totally removed. In a nutshell, the state must be deliberate about its pursuit of universal access as a state policy, beyond clutching to a chance occurrence of a major player's entry into the Nigerian market. The new government can bridge the digital divide by promoting universal access to affordable and reliable internet connectivity. This can involve investing in infrastructure development and implementing policies that promote digital literacy and skills training. Special attention should be given to marginalized and underserved communities to ensure equal access and opportunities.

**4. Prioritize Collaboration and Stakeholder Engagement:** The previous government threw the phrase 'stakeholder engagement' around a lot. Any keen observer of the ecosystem however knew that the engagements were barely respected, and it did appear that they were employed to tick the boxes against what should have been a deliberate effort to benefit from the diversity of expertise that exist in and outside of

government. For example, it conspicuously omitted civil society or other public interest representation in the board of the data protection institution proposed in its data protection bill. Also, the feedback it received on the proposed amendment to the NITDA bill fell on deaf ears. It went as far as tampering with the report of the public hearing held by the Senate Committee on ICT and Cybersecurity on the bill, to give a false impression that the bill enjoyed stakeholder buy-in. The incoming administration should engage in meaningful consultations with academia, technology companies, civil society organizations and other stakeholders to develop and implement policies related to digital rights. Collaborative efforts can help identify and address emerging issues, as well as ensure that the government's actions align with the needs and aspirations of Nigerian citizens. The approach to digital governance by the previous administration failed to appreciate the significance and importance of a human-centric approach to digital regulation. Digital technologies offer economic, social, and political opportunities. However, without robust approaches to national policies and regulations, technology can have negative impacts and can worsen the very issues they seek to improve. As clearly articulated in a [report](#) on putting people at the Centre of Digital Policy by the Africa-Europe Cooperation and Digital Transformation, "The creation process for policies, regulations, and bills to protect against these risks lead to successful outcomes when all stakeholders – especially citizens and their representatives – are consulted in the policymaking process." This approach helps policymakers to gain a better sense of long-term issues related to technology, not only those issues that are important to the government now or to the more established stakeholders and their business interests. To put it succinctly, don't just seek stakeholders' input, be conscious about the process, ensure broad participation and allow their input to count.

**5. Institutional Capacity Building:** The government should invest in building the capacity of relevant institutions responsible for enforcing digital rights such as the National Human Rights Commission and the Judiciary. They must be empowered to address digital rights issues. Adequate resources, training programs, and technical expertise should be provided to ensure effective implementation and enforcement of digital rights by the commission.

**6. Enhance the Capacity of NIRA:** The responsibility of the Nigeria Internet Registration Association (NiRA) should be further backed by act of parliament, mandating all organizations to use the Nigerian country code .ng as their domains. This will enable NIRA to have a full database of all the registered domains in the country. NIRA also, through this will have a stronger grip on the country's cyber space and be in position to also protect content in our cyberspace.

**7. Professional Bodies Should Take Responsibility:** Professional bodies in the technical community those established by act of parliament like the CPN, should be encouraged to take charge of the practicing of IT and computing in Nigeria. They should ensure the individuals practicing are properly trained and licensed to practice in accordance with laid down rules, ethics, and standards of the profession. They should ensure the professionals uphold the principles of morals and integrity as they carry out their functions. This will help sanitize the cyber space at the initial stage ensuring safety and morals, putting children and teenagers in consideration too.

The Profession bodies should strategize and take steps to properly regulate and monitor the activities of professionals within this space.

**8.** There should be deliberate collaboration of the stake holders to embark on serious awareness and sensitization campaigns.

**9.** Individual should ensure to properly read through the "terms and conditions" and decide to give consent or not.

**10.** Government agencies should strictly implement policies and guidelines forcing the institution to adhere to the data protection policies with stiffer penalties for defaulters.

**11.** Institutions should provide a proactive to data security and compliance.

**12.** Institutions should establish strong data protection frameworks and conduct a frequent risk assessment and build thorough data transfer procedures.

**TOWARDS A SECURE AND INCLUSIVE  
DIGITAL FUTURE FOR NIGERIA:  
BALANCING REGULATION,  
CYBERSECURITY, AND EMERGING  
TECHNOLOGIES.**

**(Group B)**



## **Summary**

To achieve a safe and inclusive digital future in Nigeria, a comprehensive policy strategy that includes three important pillars: strong internet governance, a strong focus on cybersecurity, and balanced regulation of new technologies is required. Within this framework, several critical issues must be addressed such as the engagement of youth and the encouragement of multistakeholderism in internet governance in Nigeria. Additionally, the issue of access and inclusion is a vital issue to be considered in enhancing internet connectivity and access in Nigeria, especially in underserved areas. It is also crucial to ensure that social media is regulated in a balanced way, and issues of internet shutdown and regulation of misinformation and disinformation should be approached with caution and dealt with equitably.

This policy brief examines the issues of youth initiatives and multistakeholderism, internet governance issues, access and digital inclusion, social media, internet shutdown, misinformation, and disinformation. It outlines the problems under these sub-topics based on factual evidence and proposes recommendations for tackling these issues to ensure a safe, stable, and accessible internet in Nigeria.

## **Recommendations**



### ***Youth Initiatives and Multistakeholderism***

- **Effective Policy Co-Creation:** Establish youth advisory groups or councils that work closely with decision-makers to ensure their voices are heard and integrated into policy outcomes.

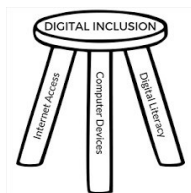
- **Empowering Youth-Led Organizations:** We recommend that a Youth Empowerment Fund should be established to allocate a reasonable portion of the national budget to youth dedicated to pushing internet governance issues.

- **Collaboration and Partnerships:** Encourage regular dialogue, knowledge sharing, and

joint initiatives to bridge the gap between youth initiatives and multi stakeholder processes.

- ***Inclusive Participation:*** Establish dedicated spaces and platforms that facilitate the active and meaningful participation of youth in decision-making processes.

- ***Addressing gatekeeping practices:*** By dismantling barriers, promoting equal access, and ensuring meaningful participation, youth initiatives can thrive, and multi-stakeholder processes can benefit from their perspectives, innovation, and expertise.



#### ***Access and digital Inclusion.***

- **Address the digital literacy gap** through educational programs and initiatives that teach people how to use digital technologies effectively.

- **Expand internet connectivity** by building new infrastructure, providing subsidies for internet access, and encouraging the use of mobile broadband.

- **Make digital services more affordable** by reducing taxes and levies on telecommunications services, and by providing subsidies for low-income households.

- **Address the challenge of power outages** by investing in renewable energy sources and improving the reliability of the power grid.

- **Promote competition in the ISP market through** promoting competition by issuing more licenses to ISPs and by regulating the market to prevent anti-competitive practices.

- **Educate consumers about cost-effective service options.** The government and other stakeholders can play a role in educating consumers through public awareness campaigns and educational programs.

- **Consider social and cultural factors:** When designing programs and initiatives to promote digital inclusion, it is important to consider the social and cultural factors that may influence people's

decisions about whether or not to use digital technologies.



### ***Social Media, Internet shutdown, Misinformation, and disinformation***

- **Legislation regulating internet shutdown:** We recommend that a law against internet shutdown should be enacted in Nigeria.

- **Established rules guiding shutdown decision:** We suggest that the law establish a general rule against internet shutdown and list out criteria in line with the Nigeria constitution and international human rights standards where a shutdown decision will be taken.

- **Shutdown decision to be determined by the Court of Law:** We recommend that the legislation stipulates a mandatory legal requirement: prior to any decision regarding an internet shutdown, it must receive formal authorization from a Nigerian Court of Law.

- **Clarity on the difference between misinformation and disinformation:** we also propose that laws and policies concerning misinformation and disinformation should include explicit definitions for these terms. Additionally, a set of clear criteria should be established to distinguish intentional misinformation from unintentional misinformation when assessing posted information.

- **Encourage establishment of fact checking organizations:** We also suggest incentivizing fact-checking organizations to operate in Nigeria by offering specific incentives to be determined by the Nigeria Communications Commission, the regulatory authority in this regard.

- The metrics for fact checking should be clearly outlined to avoid true information being classified as false information.

- Fact-checking companies should be encouraged to develop products, such as mobile applications or tools, that individuals and businesses can use to fact-check information before sharing it on their platforms or pages.

- Fact check companies should be owned by private organizations or non- governmental organizations only to safeguard its independence. Politically exposed persons should not be a director or shareholder in such organizations.

### ***1. Youth Initiatives and Multistakeholderism Internet Governance Issues.***

#### ***Problem***

**Who is a Youth?** According to the United Nations, a youth is anyone within the age of 15 to 25, however, in Nigeria, according to the National Youth Policy, a youth in Nigeria is an individual between the age of 18 and 35.



**What are Youth initiatives?** A youth initiative refers to a project, campaign, or organization that is primarily led and driven by young people. It aims to address a specific issue or bring about positive change in society. Youth initiatives can cover a wide range of areas, such as social justice, environmental sustainability, education, health, entrepreneurship, and community development.

The purpose of a youth initiative is to empower young individuals to actively participate in decision-making processes and act on issues that affect their lives and the lives of their communities. These initiatives provide young people with a platform to voice their concerns, ideas, and solutions, and to collaborate with others who share similar interests and goals.

Youth initiatives can take various forms, including:

1. **Advocacy campaigns:** young people may organize campaigns to raise awareness about social issues, promote policy changes, or advocate for specific causes.



2. **Community service projects:** Youth initiatives often involve engaging in community service activities, such as volunteering at local organizations, organizing clean-up drives, or providing support to marginalized groups.

3. Entrepreneurship and innovation: Some youth initiatives focus on empowering young entrepreneurs and innovators, providing them with resources, mentorship, and networking opportunities to turn their ideas into successful ventures.
4. Youth-led organizations: young people may establish their own nonprofit organizations or youth-led groups to address specific issues or provide a platform for youth empowerment.
5. Skill development programs: Youth initiatives often include workshops, training programs, and educational initiatives to equip young people with the necessary skills and knowledge to lead and contribute effectively.

The impact of youth initiatives can be significant, as they not only address existing challenges but also foster leadership skills, critical thinking, and social responsibility among young individuals. These initiatives provide a platform for youth to make their voices heard and contribute to positive change in their communities and the world at large.

Beyond participation, it is about driving innovation. It is not just about having youth around.

Young people are the driving force behind the digital age, and their active engagement in Internet governance is crucial to ensure the development of policies that reflect their interests and perspectives. However, they are often [underrepresented](#) in multistakeholder Internet governance processes. Barriers such as age restrictions, limited access to decision-making spaces, and a lack of awareness hinder their participation, limiting the diversity of voices and perspectives.

Youth initiatives and multistakeholderism are two essential components of effective and inclusive Internet governance. This policy brief explores the synergies between these two concepts, acknowledging the unique perspective and expertise that youth bring to the table. It underlines the importance of empowering youth and integrating their voices within the multistakeholder framework. The following are few of the identified key issues:

***Limited Youth Representation:*** This speaks to the intentional under-representation of youths in the multistakeholder internet governance process, due to the presence of strategic barriers such as age restrictions, secluded decision-making spaces, etc.

**Limited Collaboration:** and limited collaboration between youth and other stakeholders hinder effective multi-stakeholder dialogue. Strengthening communication channels and enhancing collaboration mechanisms can foster better understanding and cooperation.

**Limited Access/Awareness:** Many youths lack awareness and understanding of multi-stakeholder principles and how they relate to Internet governance. Limited capacity-building initiatives hinder their ability to meaningfully engage and contribute to discussions and decision-making processes.

**Tokenism:** Youth participation in Internet governance can sometimes be tokenistic, with limited opportunities for meaningful engagement and decision-making power. Overcoming this challenge requires creating avenues for genuine collaboration and ensuring that youth voices are heard and valued.

**Policy Relevance:** Considering that youth are natives of the internet and are strategically left out of the internet governance process, policies and regulations often fail to address the rapidly evolving digital landscape and the unique challenges faced by young people. It is crucial to develop responsive policies that consider the needs and aspirations of youth and reflect their lived experiences.

**Gatekeeping:** Gatekeeping can have implications for youth initiatives and multistakeholderism in Internet governance. When pioneers or established entities adopt gatekeeping practices, it can create barriers for youth engagement and limit the effectiveness of multi-stakeholder processes.

### **Policy recommendation**

**Addressing gatekeeping practices:** Addressing gatekeeping practices is essential to foster an inclusive and vibrant multistakeholder Internet governance ecosystem that embraces the contributions of youth. By dismantling barriers, promoting equal access, and ensuring meaningful participation, youth initiatives can thrive, and multi-stakeholder processes can benefit from their perspectives, innovation, and expertise.



**Effective Policy Co-Creation:** Beyond discussions, there is a need to incorporate youth perspectives in policy development processes through co-creation mechanisms. Establish youth advisory groups or

councils that work closely with decision-makers to ensure their voices are heard and integrated into policy outcomes.

**Collaboration and Partnerships:** We also need to establish dedicated platforms for effective communication and collaboration between youth and other stakeholders. Encourage regular dialogue, knowledge sharing, and joint initiatives to bridge the gap between youth initiatives and multi stakeholder processes.

**Inclusive Participation:** Establish dedicated spaces and platforms that facilitate the active and meaningful participation of youth in decision-making processes. Ensure representation of diverse youth voices, including those from marginalized communities, and actively involve them in policy discussions and development.

**Empowering Youth-Led Organizations:** We recommend that a Youth Empowerment Fund be established to allocate a reasonable portion of the national budget to youth dedicated to pushing internet governance issues. The fund should be in the form of grants, capacity-building programs, and mentorship opportunities for youth-led organizations. This fund should operate transparently, with an independent oversight body such as the Nigeria Communications Commission, and actively engage youth representatives in decision-making processes. By implementing these measures, the Nigerian government can harness the potential of youth-led organizations to drive positive social change, foster innovation, and cultivate the next generation of leaders.

## 2. **Access and digital Inclusion.**

Digitalization has fostered an interconnectedness of the world, creating a borderless world for netizens to interact, transact, access information, etc. However, despite the diverse opportunities on the internet, it is perplexing to note that some people still do not have access to the internet.



According to the Nigerian Communications Commission (NCC) industry statistics of internet subscriber data, as of September 1, 2023, only about 159,534,913 have access to the internet. This shows that 71% percent of the estimated 224 million Nigerians do not have access to the internet.

While the current percentage of Nigerians with access to the internet may seem considerably fine, it is pertinent to note that a large fraction of the 71% still do not have stable and meaningful connectivity.

This demonstrates that the digital divide in Nigeria remains pronounced. It is imperative to emphasize that without widespread internet access, achieving digital inclusion remains a distant goal. This lack of access hinders Nigerians from harnessing the benefits of digitalization, which, as evident in more advanced countries, has the potential to revolutionize societies and position them at the fore of conversations on innovation. At the 2023 Business Day CEO Forum, which held recently in Lagos, Ralph Mupita, the President and CEO of MTN Group, He noted that Africa currently accounts for only ~1% of the global digital economy, a stark contrast to 68% in the United States, 22% in China, and 27% in Asia. He suggested that this gap represents a significant opportunity for growth. According to an International Finance Corporation Report, 230 million jobs in Sub-Saharan Africa will require digital skills by 2030, creating over 650 million training opportunities.

There are diverse issues that results in the current statistics of internet users, which includes the following:

**Digital literacy:** This entails the ability to use digital technology, communication tools or networks, such as computers, smartphones, and the internet, to locate, evaluate, use and create information. Without digital literacy, the widespread adoption and utilization of the internet and digital tools would remain limited, hindering individuals and communities from fully benefiting from the vast resources and opportunities offered by the digital age.

**Connectivity:** means having access to the internet via broadband, wi-fi, and mobile devices. Given the digitized world that we are in today, internet connectivity has become a necessity for economic and human development in both developed and developing countries.

**Digital infrastructure:** The lack of access to the internet, particularly in rural areas, is a major barrier to digital inclusion. This is due to a number of factors, including the high cost of building and maintaining infrastructure, the remoteness of some areas, and the non-profitability of such areas to the internet service providers (ISPs).

**Affordability:** Despite the regulator's intervention to ensure competitive data and call prices among ISPs, some Nigerians still lament the unaffordability of these telecommunication services. Additionally, government policies and taxes on telecommunications services can contribute to higher costs for

consumers. Taxes and levies imposed on ISPs may be passed on to customers, making services less affordable.

**Poverty level:** Poverty is a major barrier to digital inclusion. People who are living in poverty may not be able to afford the cost of data, devices, or electricity. They may also live in areas where there is no internet infrastructure. Additionally, the prevailing economic conditions in Nigeria, such as inflation rates and volatile economy, can significantly impact the affordability of telecommunications services. When the cost-of-living rises, individuals and households may find it challenging to allocate funds for data and call services.

**Power supply:** Nigeria is yet to attain reliable power supply, so power supply is a major challenge to digital inclusion, as people living in rural areas suffer significantly from frequent black out. Power outages can make it difficult or impossible to use ICTs. This is a particular problem in rural areas, where power outages are more frequent.

**Limited Competition:** Despite regulatory intervention, limited competition within the ISP market can lead to higher prices. When consumers have fewer options to choose from, ISPs may have less incentive to lower prices.

**Consumer Education:** The Lack of awareness and understanding of cost-effective service options and data management practices can also impact affordability. Consumers may not be fully informed about how to optimize their usage and minimize costs.

**Social and Cultural Factors:** Social and cultural factors may influence the prioritization of spending, with some individuals and households opting for other essential needs over telecommunications services.

### ***Policy recommendation***

**Address the digital literacy gap:** This can be done through educational programs and initiatives that teach people how to use digital technologies effectively. These programs should be tailored to the specific needs of different communities and groups.



**Expand internet connectivity:** This can be done by building new infrastructure, providing subsidies



political, social, economic and several forms of activities are circulated in real-time to keep people informed through these platforms. Based on the critical importance of these tools to individuals, businesses, government bodies, and other stakeholders in Nigeria, the regulation of social media must be approached with caution and with a balanced approach that considers all stakeholders in the Nigerian digital economy.

There are several issues plaguing social media use in Nigeria however the paper is focused on two major issues: internet shutdown and misinformation and disinformation.

### ***Internet shutdown in Africa***

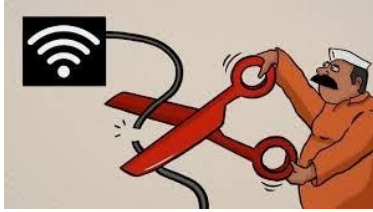


Internet shutdown is an abominable practice that several African governments have engaged in, in violation of the fundamental human rights of expression and access to information of citizens, in a bid to cover up political and socio-economic issues from the glare of the global community. According to [Access Now](#), In Africa, seven countries imposed shutdowns nine times, a significant decrease from 2021 where 12 countries disrupted the internet 19 times. In 2022, authorities shutdown the internet across Africa in: Burkina Faso, Ethiopia, Nigeria, Sierra Leone, Somaliland, Uganda, and Zimbabwe.

Nigeria experienced the consequences of a regrettable policy decision when Twitter, now known as X Inc., was subjected to a ban that lasted for an extended period of several months. Regrettably, such policies not only impose upon the fundamental rights of individuals but also have a far-reaching impact on various facets of society.

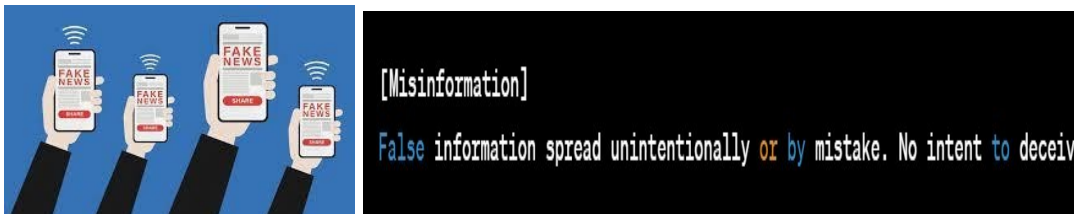
Unfortunately, these policies do not just affect people's fundamental rights, the effect is wide ranging. For example, According to data collected by [Top10VPN](#), an independent website focusing on internet privacy, Nigeria ranks 8th among the countries that felt the most economic impact of internet shutdowns in 2022. Africa's largest economy lost \$82.7 million due to the infamous seven-

month Twitter ban from June 2021 to January 2022.



We strongly believe that social media shutdown or internet shutdown at large is a barbaric practice that should not be heard of in a democratic state. To prevent such a situation from arising again in Nigeria we recommend that a law against internet shutdown should be enacted in Nigeria. We suggest that the law establish a general rule against internet shutdown and list out criteria in line with the Nigerian constitution and international human rights standards where a shutdown decision will be taken. Such measures should be proportionate, necessary, and time-limited, with strict oversight by the judiciary.

We also suggest that it be established in the law that before a decision can be made on the shutdown of the internet a Nigerian Court of Law must sanction it. This will ensure that such decisions are not taken arbitrarily and forced upon telecommunications companies. We believe that taking this policy approach would not only safeguard the fundamental rights of citizens to expression and information. It would also guard against economic loss and heinous human right atrocities in Nigeria.



### ***Misinformation and Disinformation***

Another menace plaguing the social media space across the world and in Nigeria particularly is the issue of misinformation and Disinformation. Under disinformation unscrupulous actors deliberately create and disseminate false or misleading information aimed at undermining trust in an individual, institution or movement. Individuals and institutions who are not careful also circulate false and inaccurate information due to misunderstandings, or lack of verification. This situation can lead to dangerous consequences politically, economically, Healthwise and in other vital areas of the lives of Nigerians.



A vivid example of misinformation in Nigeria arose during the outbreak of Ebola and the COVID-19 pandemic, where there was several inaccurate information circulating about the origin, prevention, and treatment of the virus and pandemic. During the outbreak of Ebola virus, [a piece of fake news](#) claiming Ebola could be prevented by drinking and bathing with salt water went viral. According to Symplur, a company that tracks health misinformation on Twitter, Nigerians began using the words “Ebola,” “salt,” “water” and “drinking” together in tweets from 2014 on August 4. Four days later, two persons were reported dead in Jos, the capital city of Plateau State. They had consumed an excessive amount of saltwater.



The endsars protest in 2020 was a period where the example of widespread disinformation played out. One significant example was the dissemination of misleading information about protest deaths and injuries. On social media sites, misleading photographs and videos were published, purporting to portray occurrences from the protests when, in fact, they were unrelated or from other locations and dates.



The issue of misinformation and disinformation have been addressed and attract penalties under existing laws in Nigeria such as the Cybercrime Act, Anti-terrorism Act, etc. Also, regulatory

authorities and lawmakers have also produced different bills and policies such as Anti-social media Bill 2019, the National Information Technology Development Agency (NITDA) issued the draft Code of Practice for Interactive Computer Service Platforms/Internet Intermediaries 2022 to regulate this issue. However, these legal and policy approaches have been considered coercive and have not been successful in tackling the issue despite the coercive approach.

We recommend that in dealing with this issue the meaning of misinformation and disinformation should be clearly defined in the laws and policies guiding these issues as this will be crucial in determining the policy approach to curbing these problems. There should be a set of parameters which can be used to determine if an information posted was intentional or not. These parameters will be instrumental in determining the appropriate policy approach to tackling these issues.



We also recommend that fact-checking organizations should be encouraged to do business in Nigeria by providing some incentives to be determined by the Nigeria Communications Commission, which is the regulatory body. Currently, Nigeria only has a few fact-checking organizations, such as FactsMatterNG, The Cable, Africa Check, Factcheck Hub, and Dubawa. Fact-checking companies should be encouraged to create a mobile application or a product that individuals and businesses can access to fact-check information before posting it on their platforms or pages.

To ensure clarity and effectiveness in fact-checking, it is essential to establish clear and transparent metrics for verifying information. This ensures that accurate information is not mistakenly labeled as false. Such a system not only combats the dissemination of inaccurate news but also has the potential to foster new businesses in this field within Nigeria.

Furthermore, it is crucial that fact-checking enterprises should be owned by private organizations or non-governmental entities. This ownership structure helps maintain their independence and credibility.

To uphold this independence, it is imperative to prohibit politically exposed individuals from holding positions as directors or shareholders in these organizations. This safeguard ensures that fact-checking remains impartial and free from undue influence.

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