

LONDA 2023

DIGITAL RIGHTS AND INCLUSION IN AFRICA REPORT



NIGERIA

Published in April 2024

Report produced by Paradigm Initiative

This publication may be reproduced for non-commercial use in any form provided due credit is given to the publishers, and the work is presented without any distortion.

Copyright © 2024 Paradigm Initiative

374 Borno Way, Yaba, Lagos, Nigeria

Email: media@paradigmhq.org

www.paradigmhq.org

2



CREDITS

Country Report:
Khadijah El Usman

Editorial Team:
'Gbenga Sesan
Nnenna Paul-Ugochukwu
Thobekile Matimbe

Translators:
Paper Bag Africa

Copy Editor:
Sabine Matsheka

Design & Layout:
Kenneth Oyeniya



Nigeria

EXECUTIVE SUMMARY

This report thoroughly examines Nigeria's digital landscape following the 2023 elections, offering insights into internet freedom, media liberties, data governance, and emerging technologies. The report underscores the nation's unique moment for positive transformation, recognising challenges such as limited internet access, media censorship concerns, and transparency issues within the Universal Service Provision Fund implementation. Despite hurdles, notable advancements include the Nigeria Data Protection Act 2023 and the growth of the Fintech sector. The report concludes with recommendations for improving internet infrastructure, strengthening media freedoms, enhancing data governance, ensuring transparency in fund utilisation, and supporting the burgeoning Fintech industry. These recommendations aim to guide Nigeria towards a more inclusive and rights-respecting digital future.

Introduction

Nigeria is a multi-ethnic and culturally diverse federation of 36 autonomous states and the Federal Capital Territory. It boasts of the largest economy and population in Africa.⁶⁹⁹ The political landscape is partly dominated by the ruling party, the All Progressives Congress (APC), which controls the executive arm of government, holds majority seats in both the Senate and House of Representatives, and has the highest number of state governors. The most significant marker of the year in view was that general elections were held in February and March 2023, which brought in a new administration sworn in May 2023 with the mantra, “Renewed Hope”.⁷⁰⁰ Following this change, the country has a unique opportunity to improve and change its path to be one that respects and upholds rights while creating sustainable solutions for inclusion.

699 World bank, (2023), Country overview: Nigeria. Available at: <https://www.worldbank.org/en/country/nigeria/overview#1> (Accessed January 4th 2024)

700 APC News, (2023) First Inaugural Speech by President Bola Ahmed Tinubu. Available at: <https://apc.com.ng/home/first-inaugural-speech-by-president-bola-ahmed-tinubu-29-may-2023/> (Accessed November 1st 2023)

► Country Analysis

Access and Affordability

The country's current National Broadband Plan of 2020–2025 aims to expand broadband penetration to 70% by 2025.⁷⁰¹ Three years into implementation, as of August 2023, the Nigerian Communications Commission (NCC) reported a broadband penetration rate of 45.57%.⁷⁰² The 2022 Londa Nigeria Report highlighted the launch of 5G network in the country after public bidding by internet service providers. Despite the presence of the service with the capacity of delivering up to 20 Gigabits-per-second (Gbps), 60.47% of all subscribers in the country only have access to 2G networks, 9.5% utilise 3G networks, 29.13% use 4G and only 0.83% have been able to tune into the use of the 5G network.⁷⁰³

In January 2023, SpaceX's Starlink launched in Nigeria. Its availability brought competition and innovation to the country's sector and potentially means higher-quality internet connectivity.⁷⁰⁴ Despite former President Buhari's assertions that Starlink's deployment raised Nigeria's internet penetration rate to 100%⁷⁰⁵, the effect on connection is still uncertain. Upon its launch, the hardware was stated to go for \$600 with a monthly subscription of \$43. This comes alongside the World Bank's report of an estimated 84 million Nigerians living below the poverty line⁷⁰⁶, making it too costly for most Nigerians to access. Additionally, while there are complaints of all other internet service providers having network downtimes, Starlink seemed to have joined the fold due to complaints of irregular service during bad weather.⁷⁰⁷

Internet access has always been expensive in Nigeria and was ranked 108th⁷⁰⁸ in the world in terms of affordability in 2023, costing \$46.4 per month on average for 100 Mbps.⁷⁰⁹ Various factors have contributed to these statistics such as regular power outages, which compromise the quality of internet service providers' offerings. News outlets report that 75% of the entire country relies on generators in Nigeria.⁷¹⁰ In 2023, another major hindrance to internet access was vandalism and the destruction of communication infrastructure, which was described as one of the reasons for complete network outages by Nigeria's Minister of ICT and Digital Economy.⁷¹¹

6

701 Nigerian National Broadband Plan 2020-2025. Available at: <https://ngfrepository.org.ng:8443/bit-stream/123456789/3349/1/NIGERIAN%20NATIONAL%20BROADBAND%20PLAN%202020-2025.pdf> (Accessed January 4th 2024)

702 NCC Statistics & Reports on Industry Statistics Available at: <https://www.ncc.gov.ng/statistics-reports/industry-overview> (Accessed November 16th 2023)

703 See n4

704 The Cable News: Elon Musk's Starkink now active in Nigeria- first in Africa Available at: https://www.thecable.ng/elon-musks-starlink-now-active-in-nigeria-first-in-africa#google_vignette (Accessed December 7th 2023)

705 Premium Times, Buhari Excited about Starkink, says Nigeria's broadband penetration now 100% Available at: <https://www.premiumtimesng.com/business/business-news/579615-buhari-excited-about-starlink-says-nigerias-broadband-penetration-now-100.html> (Accessed November 3rd 2023)

706 See n1

707 Nairametrics, Starlink Users in Nigeria lament poor connectivity whenever it rains. Available at: <https://nairametrics.com/2023/03/07/starlink-users-in-nigeria-lament-poor-connectivity-whenever-it-rains/> (Accessed November 24th 2023)

708 <https://surfshark.com/dql2023/insights?country=NG>

709 Picodi.com Reports and Analytics Bargain Hunting, Worldwide Comparison of Internet Prices in 2023- How much does internet cost in Nigeria? Available at: <https://www.picodi.com/ng/bargain-hunting/internet-prices-2023#:~:text=Nigeria%20ranked%20in%20the%20upper,us%20%2446.4%2Fmonth%20on%20average> (Accessed November 4th 2023)

710 Punch Newspaper, Nigeria relies on generators for 75% electricity. Available at: <https://punchng.com/nigeria-relies-on-generators-for-75-electricity-report/#:~:text=ABOUT%2075%20per%20cent%20of,and%20Climate%20Advisers%20Network%2C%20showed> (Accessed January 4th 2024)

711 Channel Television, Minister Blames drop calls, poor network on vandalism. Available at: <https://www.channelstv>

Internet Disruptions

To remind the Nigerian government of the significance of an open and unrestricted internet, Civil Society Organisations (CSOs) from all over the world co-signed an advocacy letter before the March 2023 Presidential Elections.⁷¹² Press conferences and stakeholder engagements were arranged by CSOs hosting government officials, social media platforms, and interested parties to advocate for the preservation of internet access and the upholding of freedom of expression.⁷¹³ As a result, despite widespread reports of election violence,⁷¹⁴ the government did not impose technological or legal controls over internet connectivity during the polls and throughout the year.⁷¹⁵

Media freedoms and Misinformation

The 2021 and 2022 Nigeria Londa reports observed that progressively the extent of the Nigerian security services' surveillance⁷¹⁶ and interception powers have come to light through huge government budgets and others, it also reported self-censorship getting worse in the country. Reports have previously noted how users, ranging from journalists to digital content creators, have been arrested repeatedly for their online activities under the 2015 Cybercrime Act. In 2023, Reporters without Borders noted that during the elections, journalists were often monitored, attacked and arbitrarily arrested. Still, some journalists continue to work in spite of possible consequences.⁷¹⁷

The Nigerian election of 2023 was marred by disinformation both before and after the election. Online misinformation was spread by political influencers, trolls, and bots in addition to candidates, staff(s) of the Independent National Electoral Commission (INEC) and supporters of various political parties. Numerous organisations launched an effort to fact-check and lower the spread of false information.⁷¹⁸

In a ruling on October 23, 2023, the ECOWAS Court declared that Articles 9(1) & (2) of the African Charter on Human and Peoples' Rights (ACHPR) are violated by Articles 3(1)(1) and (2), as well as 15(2)(1) and Article 15(5)(1) of the Amendments to the Nigeria Broadcasting Code (6th Edition). Nigeria is bound by the provisions of the ACHPR since it has ratified and signed it. According to Article 3(1)(1) of the Code, broadcasters are not allowed to show any material that is "disrespectful to human dignity," "encourages or incites crime, leads to public disorder or hate," "repugnant to public feelings," or makes offensive references to "any person or organisation, alive or dead." The Nigerian government was also directed by the ECOWAS Court to harmonise these clauses with

com/2023/12/05/minister-blames-drop-calls-poor-network-on-vandalism/ (Accessed December 5th 2023)

712 Accessnow Report, Open Letter: The Government of Nigeria must keep the internet and the social media platforms open and secure during the 2023 general election and beyond Available at: <https://www.accessnow.org/press-release/keepiton-nigeria-elections-open-letter/> (Accessed November 10th 2023)

713 Leadership Newspaper, 2023: Stakeholders demand robust freedom of expression. Available at: <https://leadership.ng/2023-stakeholders-demand-robust-freedom-of-expression/> (Accessed November 15th 2023)

714 BTI Transformation Index, Nigeria: Widespread violence overshadows election. Available at: <https://blog.bti-project.org/2023/02/24/nigeria-widespread-violence-overshadows-election/> (Accessed November 23rd 2023)

715 Nairametrics, Nigeria escaped as sub-Saharan African lost \$1.74 Billions to internet shutdown in 2023 .Available at: <https://nairametrics.com/2024/01/08/nigeria-escaped-as-sub-saharan-africa-lost-1-74-billion-to-internet-shutdo/> (Accessed January 2nd 2024)

716 PremiumTimes, Special Report: Heightened surveillance by security operatives puts Nigerian journalists under a Climate of fear. Available at: <https://www.premiumtimesng.com/news/headlines/591048-special-report-heightened-surveillance-by-security-operatives-puts-nigerian-journalists-under-climate-of-fear.html>wns-in-2023-report/ (Accessed December 13th 2023)

717 Reporters Without Borders Report, Nigeria is one of West Africa's most dangerous and difficult countries for journalists, who are often monitored, attacked and arbitrarily arrested, as was the case during the 2023 elections. Available at: <https://rsf.org/en/country/nigeria/> (Accessed December 10th 2023)

718 International Center for Journalists Report, Combating Disinformation Around Nigeria's 2023 Election. Available at: <https://www.icfj.org/news/combating-disinformation-around-nigerias-2023-election/> (Accessed November 20th 2023)

its international commitments and to stop implementing them until they are consistent with the safeguards of freedom of expression found in the ACHPR. The outcome of the case has been hailed by civil society actors as a much-needed victory for media freedom and freedom of expression in Nigeria and throughout Africa. It underscores that nations are obligated to safeguard and promote these fundamental rights at the international and regional levels.⁷¹⁹

Data Governance

Section 37 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) establishes the fundamental right to privacy, which serves as the foundation for data protection in Nigeria. Nigeria's primary data protection law is the Nigeria Data Protection Act 2023 (NDPA), passed into law in June 2023 by the newly elected President and has remained in force ever since.

Before the NDPA came into force, the National Information Technology Development Agency (NITDA) published the Nigerian Data Protection Regulations (NDPR), 2019, which served as the de facto data protection policy even though it was a subsidiary legislation. There was also no established authority to supervise data protection in the country specifically. As such, the Nigerian Data Protection Bureau (NDPB) was created to assist with the data protection oversight role that NITDA took upon itself. It could be argued that neither of the organisations had legislative powers to take on that role. This anomaly was fixed when the NDPA was passed and the Nigeria Data Protection Commission (NDPC) was established to supervise data protection in Nigeria. The NDPB has become a part of the NDPC by virtue of Section 64 of the NDPA.

The new NDPA lists the following as its objectives “(a) safeguard the fundamental rights and freedoms, and the interests of data subjects, as guaranteed under the Constitution of the Federal Republic of Nigeria, 1999 ; (b) provide for the regulation of processing of personal data ; (c) promote data processing practices that safeguard the security of personal data and privacy of data subjects ; (d) ensure that personal data is processed in a fair, lawful and accountable manner ; (e) protect data subjects’ rights, and provide means of recourse and remedies, in the event of the breach of the data subject’s rights ; (f) ensure that data controllers and data processors fulfil their obligations to data subjects ;(g) establish an impartial, independent, and effective regulatory Commission to superintend over data protection and privacy issues, and supervise data controllers and data processors ; and (h) strengthen the legal foundations of the national digital economy and guarantee the participation of Nigeria in the regional and global economies through the beneficial and trusted use of personal data.”⁷²⁰

The Act covers the inclusion of legitimate interest as a lawful basis for processing personal data, the processing of data of children and individuals lacking legal capacity, cross-border data transfers, and others.⁷²¹ The NDPC since its establishment reports that it has undertaken investigations of major banks and issued them fines worth over 200 million naira⁷²². At the time of this report, it was undertaking investigations on major players on privacy concerns such as Opay, DHL, and Meta.⁷²³

8

719 International Press Institute Report , Nigeria: IPI welcomes ECOWAS Court decision protecting freedom of expression standards. Available at: <https://ipi.media/nigeria-ipi-welcomes-ecowas-court-decision-protecting-freedom-of-expression-standards/> (Accessed November 30th 2023)

720 Nigeria Data Protection Act, 2023, ACT No. 37, A 723, Laws of the Federation of Nigeria, https://ndpc.gov.ng/Files/Nigeria_Data_Protection_Act_2023.pdf Available at: (Accessed January 2024)

721 Aellex Law Firm, Highlights of the Data Protection Act, 2023 | Nigeria. Available at: <https://www.aellex.com/highlights-of-the-data-protection-act-2023-nigeria/> (Accessed November 7th 2023)

722 Techpoint.africa Report, Nigerian banks and institutions fined over N200 million for data privacy violations. Available at: <https://techpoint.africa/2023/06/20/nigerian-banks-fined-200-million-data-privacy-violations/> (Accessed November 18th 2023)

723 Techcabal, OPay, DHL, Meta may face steep fines as NDPC begins investigation into alleged data privacy violations. Available at:

<https://techcabal.com/2023/10/10/opay-dhl-meta-risk-fines-as-ndpc-begins-privacy-investigation/> (Accessed December 8th 2023)

Review of Universal Service Provision Fund

The Nigerian Communications Act (2003) conferred on the President of the Federal Republic of Nigeria the power to constitute an 11 member Universal Service Provision Board to, among other functions, provide broad policy directions for the management of the Universal Service Provision Fund (USPF). The USPF was established by the Federal Government of Nigeria to facilitate the achievement of national policy goals for universal access and universal service to information and communication technologies (ICTs) in rural, un-served and under-served areas in Nigeria. Londa, 2022 reported Universal Service Provision Fund published only its annual reports of the years 2011, 2012 and 2018 on its website, making it at the time the only accessible reports to the public on how the fund had been used since its inception. The USPF has, since publishing this report, updated its website with the reports from 2011 until 2021⁷²⁴. The 2021 Nigeria USPF report⁷²⁵ reiterates the fund's mandate of providing quality and affordable access to ICT to all Nigerians. It reported establishing 72 Digital Nigeria access centres⁷²⁶ which are an avenue to help in the training of students to acquire ICT skills and bridge the digital divide in all 36 states of the country under its access program. In 2021, six similar centres were established in tertiary institutions as well as others, according to the Fund. The 2021 USPF report also noted some major challenges to implementation such as lack of critical infrastructure facilities, non-availability of power supply, non-cooperation from stakeholders, the COVID-19 pandemic, security concerns and inflation. That year recorded a total revenue of \$6,784,645 compared to the 2020 revenue of \$8,514,247 and a total expenditure in 2021 of \$13,612,009 compared to the total expenditure of \$1,212,635⁷²⁷ according to the published reports.

While undertaking this research, Paradigm Initiative wrote to the NCC and the Chairman of the USPF board under Nigeria's Freedom of Information Act⁷²⁸ in an FOI request acknowledged by both recipients dated December 4th 2023, noting the legal requirement to respond to Freedom of Information requests in seven days.⁷²⁹ Paradigm Initiative received a response in a letter dated January 12, 2024 with the following, outlining our questions and NCC response:

S/N	Request	Response
1.	What has the fund been used for since 2021	Facilitating the provision of Access and Connectivity programme.
2.	Are there other places where the USPF report is available to the public?	Yes, on the USPF website (www.uspf.go.ng).

724 Universal Service Provision Fund Publication, Available at: <https://www.uspf.gov.ng/media-centre/publications>(Accessed November 2023)

725 Universal Service Provision Fund Report 2021. Available at:<https://www.uspf.gov.ng/images/files-temp/USPF-Annual-Report-2021.pdf> (Accessed November 2023)

726 Universal Service Provision Fund, Digital Nigeria Centers. Available at: <https://www.uspf.gov.ng/2014-09-20-22-37-38/2014-09-30-15-59-52/12-dnc-digital-nigeria-centres/> (Accessed November 2023)

727 Exchange Rates, Central Bank of Nigeria, Available at:

728 Freedom of Information Act, 2011 <https://www.cbn.gov.ng/rates/exchratesbycurrency.asp> (Accessed January 2024)

729 Section 4(7) Freedom of Information Act, 2011

3.	What was the revenue of the 2022 and 2023 fund considering the steady increase in internet penetration? Has there been increase or decrease in revenue?	USPF revenue is based on the NCC collection of the Annual Operating Levy (AOL).
4.	What was the fund focused on in 2022 and 2023	To facilitate the extension of Access and Connectivity interventions to rural, unserved, and underserved communities in Nigeria.
5.	Was there a focus on disadvantaged groups or areas? If yes, which ones?	Yes, the USPF E-Accessibility Intervention Programme, was designed to accommodate the physically challenged in the society, eg the visually impaired, deaf, and dumb.
6.	How many individuals have been beneficiaries of the access programme, connectivity programme and social & economic benefits programme and to what extent, in the year 2022-2023	USPF targets are mainly toward groups and associations, etc. Several Communities & learning institutions across the six (6) geopolitical zones of the Country have benefitted from various USPF interventions.
7.	To what Extent has the USPF achieved its strategic focus and what is the next strategic focus starting from 2023?	The fund is consistently striving to attain major targets consistent with its guiding policy documents (HM-FMCIDE blueprint. Strategic Management Plan. However, some challenges (see No.8 below) are hindering speedy roll out of some interventions by the USPF.
8.	What were the major challenges of 2022-2023 in the implementation of the fund?	<ul style="list-style-type: none"> • Funding Gaps. • Delays in obtaining Right of Way Permits for USPF projects. • Security issues and vandalism of ICT equipment. • High cost of Bandwidth. Inadequate network infrastructure. (Access Gaps). • Inadequate public power supply. • Inflation and exchange rate volatility. • Difficulty in securing Forex for equipment importation by implementers. • Multiple levies and taxes on telecom infrastructure & services. • Deficiency in basic ICT skills among end users.

9.	What are the opportunities and areas of collaboration for the implementation of the fund in the coming years?	<ul style="list-style-type: none"> • Intensify sensitivity & awareness programmes on the importance of USPF interventions. • Explore other sources of funding from multi-national donor organisations. • Partner with relevant stakeholders to ensure sustainability of USPF interventions.
----	---	--

The questions were answered very broadly and careful not to reveal in depth detail. For instance, as at the time of writing, the 2022 and 2023 USPF reports were not accessible on the website and question three and six mentioned no specific numbers. The response to question two shows that the only place the information on the Fund is accessible is its website, proving the disservice it does to the public by not publishing yearly and in a timely manner. The response does, however, highlight the challenges the Fund has faced especially in living up to its own strategic plan.

Emerging technologies

The Information and Communication Technology sector in Nigeria has seen significant growth and development in recent years. The sector contributed 15.97% to Nigeria’s real Gross Domestic Product (GDP) in Q3 2023, according to the National Bureau of Statistics (NBS).⁷³⁰

Projections for 2023 in Nigeria by news outlets predicted the growth of the Fintech sector due to its undeniable rise as an industry in the country.⁷³¹ The Fintech sector today includes a wide range of areas, including regulatory compliance, credit, and blockchain, having grown far beyond payment services. The widespread use of digital financial services and enhanced industry cooperation to promote innovation have been the main drivers of this expansion. True to those projections, as of August 2023, Fintech ventures represented over 40% of all startups in Nigeria, as shown by the data, and these startups had garnered 42% of the total funds secured by tech ventures in the country. Lending and financing accounts for 20% of Nigerian Fintech startups followed closely by 13%, 9.5% to investech, and personal finance taking 8%.⁷³² The Fintech sector has the capacity to reduce the digital divide and provide financial inclusion for all. However, despite the robust growth the Nigerian Fintech sector has seen thus far and the enormous potential of the field to address societal and financial challenges, a number of barriers are impeding the sector’s expansion in the nation, including infrastructure, investment funds, data security, regulatory issues, and consumer management.

730 National Bureau of Statistics Report. Available at: <https://www.nigerianstat.gov.ng/> (Accessed December 2023)

731 Punch Newspaper, Nigeria’s ICT sector. Available at: <https://punchng.com/nigerias-ict-sector-in-2023/> (Accessed November 2023)

732 Fintech News Africa, Despite Growth and Potential, Fintech Development Faces Challenges in Nigeria. Available at: <https://fintechnews.africa/42741/fintech-nigeria/despite-growth-and-potential-fintech-development-faces-challenges-in-nigeria/> (Accessed November 2023)

▶ Conclusion & Recommendations

Conclusion

Nigeria's 2023 report provides a nuanced exploration of Nigeria's digital landscape, emphasising the need for continued efforts to enhance internet accessibility, protect media freedoms, ensure robust data governance, and address challenges hindering technological advancements. The report also shows that the 2023 elections served as a backdrop for the ongoing struggle to balance technological progress with safeguarding fundamental rights.

Recommendations

Government

- » Allocate resources and implement policies to enhance broadband infrastructure, meeting the targets outlined in the National Broadband Plan.
- » Collaborate with stakeholders to address power outages and infrastructure vulnerabilities affecting internet service.
- » Strengthen legal protections for journalists and content creators to foster an environment of free expression, including immediate implementation of ECOWAS court judgments. .
- » Develop and implement measures to combat disinformation while preserving freedom of speech during election periods and beyond.
- » Ensure full compliance with the Nigeria Data Protection Act, addressing any legislative or regulatory gaps.
- » Enhance transparency and accountability in the operations of the Nigeria Data Protection Commission (NDPC), and support its independence as established by law.
- » Respond promptly to Freedom of Information requests to uphold transparency in the Universal Service Provision Fund (USPF).
- » Publish comprehensive reports on Fund utilisation, strategic focus, and achievements to keep the public informed.

Private Sector

- » Collaborate with the government to invest in and expand broadband infrastructure, contributing to the achievement of National Broadband Plan targets.
 - » Explore innovative solutions to provide affordable and reliable internet access, especially in underserved areas.
 - » Establish partnerships with media organisations to support and protect journalists, fostering an environment conducive to free expression.
-

-
- » Engage in self-regulation to combat disinformation, promoting responsible content dissemination.
 - » Invest in robust data security measures to ensure compliance with the Nigeria Data Protection Act (NDPA).
 - » Collaborate with the NDPC to establish industry best practices for data protection and privacy.

Civil Society

- » Continue advocacy efforts to encourage the government to prioritise and invest in improving internet access nationwide.
 - » Strengthen media watchdog initiatives to monitor and report instances of censorship, surveillance, and attacks on journalists.
 - » Collaborate with fact-checking organisations to counter disinformation during election periods and beyond.
 - » Conduct awareness campaigns to educate the public about their rights under the NDPA.
 - » Advocate for the NDPC to maintain independence and receive adequate resources for effective oversight.
 - » Advocate for transparency within the USPF, urging prompt responses to Freedom of Information requests and the regular publication of comprehensive reports.
 - » Engage in public awareness campaigns to highlight the importance of transparency in the allocation and utilisation of universal service funds.
-



www.paradigmhq.org

Copyright © 2024