

An Internet Freedom Charter for Nigeria

The Global Surveillance Panopticon

Over the last few months, governments, Internet service providers, and telecommunication companies have come under fire and are finding their moral high ground constantly eroded, following the continuous revelations of their activities with regard to the privacy of individuals online.

One clear outcome of the Snowden revelations has been the declining legitimacy of the US as one of the world's leaders in Internet freedom. This has given rise to a tense political situation with most of its allied countries and intense "gotcha" criticism coming from the other countries, notably China. While other countries like Brazil and India are becoming more vociferous in their engagement to lead the world on the parameters of what we should expect from governments with regard to privacy, daily revelations of the intrigues of states watching other states suggest that the sinners far outnumber the saints.

As policy wonks, analysts, media, states' spokespersons and civil liberty advocacy interests grapple with the knotty issues of online rights in a debate that will likely set the pace for the rest of the world, a relatively smaller but no less important privacy drama has been playing out in Nigeria.

Big Brother Nigeria

On the 29th of May, 2013, Paradigm Initiative Nigeria released a policy brief expounding on the looming threat to internet freedom in Nigeria. Calls for censorship from highly placed politicians, the presence of government sponsored privacy intrusion technology and a \$40 million dollar contract with Israeli based surveillance technology contractors, were identified as harbingers of future online repression.

All of these developments were highlighted against the backdrop of a historically militaristic political outlook to governance, and the lack of legislative due process frameworks to ensure that the rights of Nigerian citizens would not be trampled.

New information however makes it clear that the problem had already assumed critical dimensions that said brief didn't contemplate. Just around the time of the brief's release, an online technology

newspaper, Technology Times, revealed that DigiVox, a company that specializes in lawful interception services, listed the Nigerian State Security Service and all private telecommunications operators in Nigeria – MTN, Airtel, Etisalat, Glo – as its clients.

A consistent and disturbing thread that runs throughout these stories of government spying is corporate complicity in these clandestine acts of surveillance. On the 12th of July, a Guardian (UK) report claimed to have obtained top secret documents revealing that the true extent of Microsoft's aid of government surveillance of private citizens runs much deeper than the company had led the public to believe, having "collaborated closely with US intelligence services to allow users' communications to be intercepted, including helping the National Security Agency to circumvent the company's own encryption". This circumvention was reported to have been applied to the popular Hotmail, Skype and Outlook services.

The Nigerian companies listed as clients of DigiVox are not unlike Yahoo! Facebook, Google and Microsoft in that by virtue of the services they provide, they in turn are in a position to receive and store massive amounts of user data, which inevitably becomes of interest to the government for surveillance purposes. Many of these companies have since denied the allegations and asked for government to be more open in their dealings. The transparency report culture, that many of these companies have adopted, are encouraging, though more must be done to regain the trust of users.

Since February 2011, Nigerian telecoms companies have been mandated to conduct SIM card registrations and collect the personal information of their users. The most popularly touted benefit of this procedure is its utility for fighting crime but nothing has been said about the legal procedures that need to be instituted to ensure only lawful access to said information.

One can only presume that government's access to the personal information of millions of Nigerians is currently unfettered, though available information confirms the suspicion of compromise – a laptop sold by one of the contractors to a telecoms firm, to an unsuspecting buyer, had unprotected data of telecom subscribers who provided their personal data for the SIM registration exercise. We were not

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surprised to see a recent advert that boasted: "Get Nigerian GSM database phone numbers [98 Million] sorted out state by state for just N5,000 only."

Get GSM database for 5k.

Get Nigerian GSM database phone numbers sorted out state by state for just N5,000 only.

Yes you read it correctly, with just N5,000 you will get over 88million Nigeria phone numbers to send bulk sms to.

You can also sell these phone numbers either in pieces or as a whole at any price of your choice. Many so called internet 'gurus' sell these GSM database between 25k to 100k. So you see my dear, what i am offering you now is a gold-mine. You can't get it any where for 5k.

Be among the first 20 people to order for these package for just N5,000 only. Offer last till 25th October 2013. But if you order between now to Friday 18th October, i will give you a bonus of 1.5 million Nigerian email addresses. The bonus is limited to the first 20 people to order for these package.

Pay N5,000 into any of the bank accounts below.

Obviously, there are no guarantees that the uses to which such information will be applied are benign. If anything, what has become clear is that the Nigerian government not only possesses the will, but is also investing heavily in the means to infringe on the privacy of citizens with impunity, an uncomfortable circumstance that is further aggravated by the lack of legislative checks to abuse of these powers, the potential of which is real and not imagined.

Elbit Surveillance

The lack of legislative oversight leading to the awarding of the Elbit surveillance contract by the executive gave rise to a brief political and media firestorm and led to the call by Hon. Shehu Gusau, the Chairman of the House of Representatives Committee on Information and Communication Technology, on May 30th, 2013, to call for a suspension of the contract and a probe.

It however appears that this process has been halted. A new report by Premium Times, dated November 26, 2013, states that the surveillance contract is still being actively implemented. According to the report, Elbit Systems' officials have arrived Abuja, Nigeria, to commence the installation of the *comprehensive spying facility*.

It is believed that it will take two years to complete the project, and training for Nigerian surveillance personnel is already underway in Israel, with the first batch of trained officers expected to arrive sometime during the first week of December 2013. All of this in spite of negative public sentiment and ostensible legislative opposition.

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Nigeria remains partly free in Freedom House's 2013 Internet Freedom Report, but current trends

foreshadow a backward slide. Given the previous context, it is important that the public and internet freedom advocates present in the country present a united front and coherent position to meet head on, the looming era of unfettered government surveillance and resulting abuse of these powers.

Paradigm Initiative Nigeria convened an Internet Freedom Forum on the 20th of September, 2013, in Abuja, for the purpose of *crowdsourcing* a draft charter for internet freedom in Nigeria. In attendance were bloggers, civil society advocates, lawyers and ICT experts. Although invited to participate, most government and corporate stakeholders on the attendee list were absent.

Nevertheless, the gathering resulted in the articulation of broad principles of online freedom, pursuant to the provisions of Section 37 of the Nigerian Constitution (1999, as amended), which guarantees freedom of expression and association. The major aspects of the draft charter border on *Surveillance and Lawful Interception; Data and Information Privacy; Access and Content; and Freedom of Expression and Association*.

In this wise, ongoing work on a Nigerian charter for internet freedom is similar to, and complements the efforts of online rights advocates in other climes, notably the *Declaration of Internet Freedom* (internetdeclaration.org), which enjoys significant global endorsement, and the *Magna Carta for Philippine Internet Freedom* (#MCPIF).

According to Lee Hibbard of the Council of Europe, rebuilding trust is also a key point of introspection. "Who is watching the watchers? Do we need more democratic oversight and transparency? Are the laws overly broad? Are they too vague? Can we trust those people who conduct surveillance?"

Nigerian internet freedom advocates and civil society must continue to stand firmly, along with partners all over the world, to protect the civil liberties of humans of every race and creed. Whatever hurts internet freedom will not only be a violation of citizens' rights, but will also hurt the Internet Economy, and Nigeria cannot afford such!

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