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DIGITAL RIGHTS AND INCLUSION IN AFRICA REPORT

NIGERIA

PARADIGM INITIATIVE
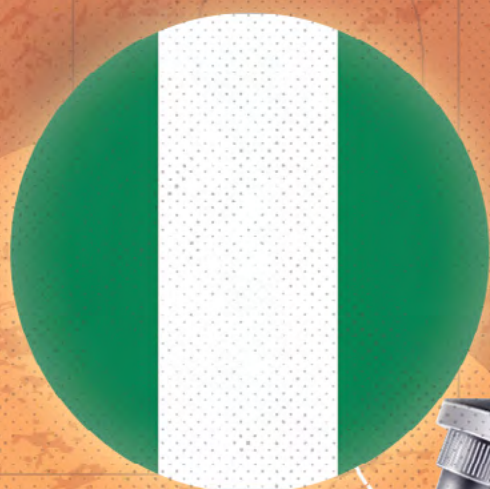
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Digital Rights and Inclusion in Africa Report 2022

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▸ Executive Summary

This report presents findings on Nigeria's broadband growth and expansion in 2022. It also details plans by the government to extend the rollout of its 5G mobile network in the country. Although individuals within the country regained access to the microblogging platform, Twitter, it took about a year for a notable pronouncement from regional courts, while local courts continue to be met with delays. Nigeria has also commendably begun the process of weaving together a policy to advance artificial intelligence in the country and made its sixth attempt at passing a data protection bill. Overall, this country report provides an overview of the advancements in Nigeria's digital rights landscape.

Nigeria

Introduction

Nigeria is one of the largest economies in Africa, with around 202 million people and one of the largest youth populations in the world.[1] Nigeria gained its independence from Great Britain on October 1960[2]. Since then, it went between military and democratic rule till 1999 and has maintained democratic rule since.[3] Nigeria has always valued its democracy as it always fought hard through different civil rights groups for it during different military rules.[4] Each Nigerian constitution since the country's independence has always had human rights highlighted in it and remains so for the present constitution which dates back to 1999.[5] Despite the recognition of these rights, Nigeria still goes through various human rights violations[6]. The Nigerian human rights ecosystem is still evolving to view Digital Rights as human rights which should be preserved both online and offline.

1   World Bank, *The World Bank in Nigeria - Overview*. https://www.worldbank.org/en/country/nigeria/overview , (accessed on 18 December 2022)

2   Nigerian Finder, How Did Nigeria Gain Independence In 1960, https://nigerianfinder.com/how-did-nigeria-gain-independence-in-1960/, (accessed on December 17, 2022).

3   IJOMAH, B.I.C. "Nigeria's Transition From Military To Civilian Rule: An Overview." Journal of Political & Military Sociology 28, no. 2 (2000): 293–310. http://www.jstor.org/stable/45292816. (accessed on December 18, 2022)

4   ChatHam House, Democracy In Nigeria
 https://www.chathamhouse.org/2022/06/democracy-nigeria (accessed on December 25, 2022)

5   Adu, A. M Ibitoye, M. O Adewumi, A. D. Fundamental Human Rights And The Nigerian State In Historical Perspectiveinternational Journal Of Advanced Research In Issn: 2278-6236 Management And Social Sciences Impact Factor: 7.065 Vol. 9 | No. 7 | July 2020 www.Garph.Co. Uk Ijarmss | 47, (accessed on December 20, 2022)

6   Amnesty International, Everything You Need To know About Human Rights In Nigeria.   https://www.amnesty.org/en/location/africa/west-and-central-africa/nigeria/report-nigeria/, (accessed on December 26, 2022)

Country Analysis

INTERNET FREEDOM

INTERNET ACCESS AND DISRUPTIONS

The internet has been one of the most important cornerstones of creativity around the world, improving lives and creating opportunities.[7] Nigeria accounts for 29 per cent of internet usage on the continent and 82 per cent of all telecommunications services subscribers. As a result, the nation is Africa's most significant market for information and communications technology (ICT).[8]

In 2020, Nigeria's president signed the country's second broadband Plan where he noted that "the need for ubiquitous broadband access cannot be overemphasised".[9] The second Nigeria National Broadband Plan (2020-2025) was launched with a target of achieving 70 per cent penetration by 2025. At that time, the penetration level stood at 39.85 per cent as there were 76 million fast-speed internet connections.[10]

However, according to the Nigerian Communications Commission, broadband penetration increased from 40.88 per cent in December 2021 to 45.55 per cent in October 2022.[11] Additionally, from a total of 143,564,481 customers in December 2021 to 152,710,160 subscribers in October 2022, there was a six per cent rise in the number of active subscribers for data (internet) services on each of the licensed service providers using the different technologies, i.e. GSM and CDMA.

To reach its 70 per cent target, Nigeria will need to boost broadband penetration by 25 per cent over the next three years at the current rate.[12]

In February 2022, the two telecommunications companies who won the bid of the 3.5 GHz spectrum auction to launch the 5G network in Nigeria, MTN Nigeria and Mafab Communications Limited, made their full payment of $273.6 million each. While Mafab halted roll-out after receiving NCC's approval for a five-month rollout extension that expired on December 31, 2022, MTN continued to

7   Nex data center(2015) the importance of the internet in life: Now and Tomorrow https://www.nexdatacenter.com/the-importance-of-internet-in-life-now-and-tomorrow/ (accessed on December 26, 2022).

8   The Borjen Project, The Implementation Of 5g In Nigeria, September 19, 2022
 https://borgenproject.org/5g-in-nigeria/ , (accessed on December 25, 2022).

9   Nigerian National Broadband Plan 2020-2025
https://www.ncc.gov.ng/documents/880-nigerian-national-broadband-plan-2020-2025/file, (accessed on December 25, 2022).

10   Samson Akintaro, Nigeria's broadband plan yields 5.24% penetration increase in two years, https://nairametrics.com/2022/11/09/nigerias-broadband-plan-yields-5-24-penetration-increase-in-2-years/, (accessed on December 26, 2022).

11   Nigerian Communications Commission, Industry Statistics, https://www.ncc.gov.ng/statistics-reports/industry-overview#view-graphs-tables-6, (accessed on December 27, 2022).

12   This Day, NCC to Auction Two Additional 5G Licences for $547.2m, https://www.thisdaylive.com/index.php/2022/10/23/ncc-to-auction-two-additional-5g-licences-for-547-2m/, (accessed on December 28, 2022).

expand its network.[13] Nigeria plans to auction two further lots of 100MHz – Lot A (3400-3500MHz) and Lot C (3600-3700MHz) specifically – in the 3.5GHz spectrum for the Fifth-Generation (5G) network for two additional operators, one year after its initial auction.

This is done in a bid to further deepen broadband penetration and encourage fair competition in the rollout of 5G services in Nigeria. Although the roll out comes as a welcomed development, it is being simultaneously hampered by low inland penetration of fibre, network security, lack of clarity around spectrum regulations, concerns on commercial viability, deployment deadlines, poor civil infrastructure, low purchasing power of 5G-enabled smartphones, cost of data, poor electricity supply, and a sluggish investment climate, among other issues that plague Nigeria at the moment.[14]

FREE SPEECH AND MEDIA FREEDOMS
The right to freedom of expression is contained in chapter 4 of the Constitution of Nigeria and other International Human Rights instruments to which Nigeria is a party such as the African Charter on Human and Peoples' Rights (African Charter) and the International Covenant on Civil and Political Rights (ICCPR). The exercise of this right is essential for guaranteeing human rights, democracy, and the rule of law. The media plays an important role in enabling that freedom, and digital technology has further democratised the public sphere.

In recent years, the Nigerian government has blocked online content and social media platforms. In June 2021, the government ordered Twitter to be blocked on most major networks. Days earlier, the platform had deleted a post from President Buhari's account and suspended it for 12 hours.[15] Following that, the government directed media groups to stop using Twitter and threatened to bring legal action against Nigerians who accessed the service via circumvention techniques. Twitter became accessible again in January 2022.[16] The ban was lifted, according to government officials, after Twitter complied with a number of requirements, including opening an office in the country, appointing a designated country representative to deal with Nigerian authorities, and paying taxes. The company, however, has not officially acknowledged complying with these requirements.[17]

Although different cases were initiated in court on the social media ban, there is still no traction from the local courts. However, on July 14, 2022 the Economic Community of West African States (ECOWAS) court decided on the matter, setting precedence and contributing to jurisprudence on this in Africa. The ECOWAS court ruled the decision by the Federal Republic of Nigeria on to suspend the use of the microblogging application Twitter in the country, as "unlawful and inconsistent with the country's international obligations".[18] It therefore ordered Nigeria to ensure the unlawful suspension would not reoccur and to take the necessary steps to amend its laws to be in conformity with the rights and freedoms enshrined in the African Charter established the African Commission on Human and Peoples' Rights and International Covenant on Civil and Political Rights. There has not been a similar reoccurrence since, but agitations exist in anticipation of the country's general elections

13   ibid
14   The Guardian, Lessons, opportunities as Nigeria undertakes another 5G auction, December 25, 2022 https://guardian.ng/technology/lessons-opportunities-as-nigeria-undertakes-another-5g-auction/, (accessed on December 28, 2022).
15   Wion, Twitter suspends Nigerian president's account for 12 hours, https://www.wionews.com/world/twitter-suspends-nigerian-presidents-account-for-12-hours-389291, (accessed on December 29, 2022).
16   BBC News Pidgin, Twitter ban in Nigeria: President Buhari lift ban on Twitter afta seven months, https://www.bbc.com/pidgin/59969898 , (accessed on December 28, 2022)
17   Access Now, "Blocking access to Twitter in Nigeria is a flagrant violation of fundamental rights," January 13, 2022, https://www.accessnow.org/nigeria-blocks-twitter-keepiton/#:~:text=Bloc, (accessed on December 28, 2022)
18   Community Court of Justice, Ecowas Court Orders Nigeria To Guarantee Not To Repeat Unlawful Ban On Twitter, http://www.courtecowas.org/2022/07/16/ecowas-court-orders-nigeria-to-guarantee-not-to-repeat-of-the-unlawful-ban-on-twitter/, (accessed on December 29, 2022).

in 2023, as the trend in Africa has been internet shutdowns during election periods, a trend that will prove to be very costly to the country.[19]

OTHER REGULATORY ATTEMPTS

On June 13, 2022, the National Information Technology Development Agency (NITDA) issued a draft code of Practice for Interactive Computer Service Platforms/Internet Intermediaries (the "code").[20]

The code's goals include defining the best practices that Platforms must follow, securing Nigeria's digital ecosystem for Nigerians and foreigners, and defining countermeasures to harms like misinformation and disinformation that can be caused online.

The code is to apply to all interactive Computer Service Platforms/Internet Intermediaries and their agents in Nigeria and some of the affected platforms worthy of note are Twitter, Meta and Google. A few of the main asks of the code is: Mandatory Incorporation Of Large Service Platforms, Provision Of Information Pursuant To Court Order, Takedown Of Unlawful Or Prohibited Content), Complaint Channel creation, and Mandatory Filing Of Annual Compliance Report, among others. The code was met with distrust by different stakeholders as it was viewed as another attempt by the government "to regulate social media and quash freedom of expression"[21]

The provisions of the code also have the potential for abuse, for instance, in mandating the takedown of content within 24 hours of receiving notice from an authorised Government Agency of the presence of unlawful content. Unlawful content is defined under the code to mean any content that violates an existing law in Nigeria. The issue is that the Agency is not required to explain how or why the content is illegal, and the online platform is not given the opportunity or time to confirm the legality of the content, especially in cases when it is not clear whether the content is actually illegal. This section establishes a general duty to observe in addition to a lot of ambiguity that can be readily abused by an oppressive government because the code does not specify incorrect information or public disorder.

There was a call by various stakeholders for the code to be reviewed[22] as it is seen as a possible reincarnation[23] of the "hate speech bill" and "social media bill".

PRIVACY AND SURVEILLANCE

Nigeria's 1999 Constitution, which acknowledges privacy and free expression as basic rights, is where Nigerians' right to privacy originates. The privacy of citizens, their residences, correspondence, phone conversations, and telegraphic communications is guaranteed and protected, according to Section 37. In Nigeria, the gathering and storing of personal data permeates every aspect of life, raising significant concerns regarding the country's privacy laws in light of the dangers associated with both publicly and privately handled data.

19   Yomi Kazeem, An election internet shutdown would cost Nigeria $134 million a day, Yahoo Finance, https://finance.yahoo.com/news/election-internet-shutdown-cost-nigeria-142407821. html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAAKAgjWG QlybWcijaMk0zl7M47Fs15hQx3BB3OqLW5jIKPdJPf-1SQneIdcc4FOADF9DR8-iOUOtqhMvh_SmV7KMP8TQht55xs_ LsszUyzVrkDxcXy014ZlyLl12Gl5xF9pvO5oE5RSex4ZmrhQjqKmyWS2CflK4qnCXws8oHqauT , (accessed on December 27, 2022)
20   Code Of Practice For Interactive Computer Service Platforms/ Internet Intermediaries, https://nitda.gov.ng/wp-content/uploads/2022/06/Code-of-Practice.pdf, (accessed on December 26, 2022)
21   Davidson Oturu and Agboola Dosunmo, NITDA Code of Practice – potential impact on online platforms and social media, https://businessday.ng/news/legal-business/article/nitda-code-of-practice-potential-impact-on-online-platforms-and-social-media/, (accessed on December 28, 2022)

22   The Cave, Paradigm Initiative calls for review of NITDA's code of practice for online platforms, https://www.thecable. ng/paradigm-initiative-calls-for-stakeholders-to-review-new-code-of-practice-for-online-platforms, (accessed on December 30, 2022)
23   Gabriel Eze, What Digital Platforms and Intermediaries Should Know about NITDA's Code of Practice for Nigeria's Digital Space, https://infusionlawyers.com/nitda-code-of-practice-for-digital-platforms/, (accessed on December 21, 2022)

Nigeria collects a lot of biometric data; the state collects this data for banking, digital identity, licenses and more. In the private sector, data is collected through applications such as money lending applications, banking applications and others. Numerous privacy concerns are connected to the use of biometric data systems, including fraud and social sorting, as well as identity theft made possible by unauthorised parties hacking biometric databases and causing data breaches.[24] The

rights of individuals to privacy, security, and data protection are seriously affected by this. One may no longer have control over biometric data once it has been compromised, as it poses problems with mass surveillance and

tracking.[25]

The 2022 total defence sector budget was 2.7 trillion Naira budget with 83.8 billion toward defence and security equipment. The police had a budget of 1.1 billion naira for its intelligence equipment and the navy had a budget of 1.27 billion for its surveillance equipment.[26] Nigeria's security budget which often includes surveillance has increased by 12 trillion[27] over the past seven years and yet there were a number data and cyber security breaches over the year in review. It was reported that small and medium-scale enterprises faced an 89 per cent increase in cyber-attacks compared to the year 2021[28]. There were also other notable breaches such as one where the data of 75,000 citizens were exposed online[29].

In spite of these notable breaches and the existence of the Nigerian data protection regulation enacted in 2019 there have not been up to 10 fines issued. However, according to the most recent Nigeria Data Protection Regulation (NDPR) Performance report[30] for 2020-2021 from NITDA, released in 2022, 1,350 calls were received from Nigerians reporting data breaches. In 2021, 105 compliance and enforcement notices were issued lower than 230 notices issued in 2020. Compliance issues resolved rose from 790 in 2020 to 2080 in 2021. A total of 17 data breaches were investigated and 15 million naira fines issued in total. These numbers unfortunately do not reflect the number of privacy issues experienced. Stakeholders have expressed the expectation that investigations and sanctions significantly increase with the establishment

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24   Samuel C. Uzoigwe (Esq.), Biometric Technology In Nigeria: Examining Data Privacy Concerns, March 21, 2022. https://aanoip.org/biometric-technology-in-nigeria-examining-data-privacy-concerns/

25   ibid

26   Budgit, Federal Government of Nigeria approved budget 2022,https://budgit.org/fg-budget-dashboard/, Accessed January 28, 2023

27   Abdul Seye, Budget: Despite extra N12 trillion in seven years, security remains elusive, as education, health suffer, Daily post , https://dailypost.ng/2021/10/15/budget-despite-extra-n12-trillion-in-7-years-security-remains-elusive-as-education-health-suffer/, Accessed January 23, 2023

28   Adeyemi Adepetun, Cyber attack on Nigerian SMEs up by 89 per cent in 2022, The Guardian, https://guardian.ng/business-services/cyber-attack-on-nigerian-smes-up-by-89-per-cent-in-2022/, Accessed January 16, 2023

29   Peoples gazette, Nigerian agency data breach exposes 75,000 personal details of citizens online, https://gazettengr.com/nigerian-agency-data-breach-exposes-75000-personal-details-of-citizens-online/?tztc=1, Accessed January 16, 2023

30   Nigeria Data Protection Regulation Performance Report 2020-2021, National Information Technology Development Agency (NITDA) https://ndpb.gov.ng/Files/hhNITDA_Compiled%20NDPR%20Draft%202020-2021_0701.pdf, Accessed January 16, 2023

of the Nigeria Data Protection Bureau.[31]

DATA GOVERNANCE

DATA PROTECTION AUTHORITY AND REGIME

Although the Nigerian state has been collecting biometric data for almost two decades, the data protection framework was segmented into different sectors until 2019.[32] The Nigeria Data Protection Regulation 2019[33] was the first step toward a practical data protection framework in the country but the instrument was inadequate[34] for many reasons including its limited scope of enforcement and punitive measures. It was no wonder then that the relevant stakeholders continued to clamour for a better instrument – an act of Parliament – to govern data governance in the country. However, ahead of the instrument, Nigeria's president commissioned the National Data Protection Bureau (NDPB) in February 2022[35] and on October 4th 2022 the NDPB eventually released a draft Data Protection Bill, 2022.

The Bill came as a welcome development as it outlines principles and lawful bases for the processing of personal information. The Bill admittedly improves on the already existing Nigeria Data Protection Regulation (NDPR) in areas where it expressly states the principles of fairness, transparency, and accountability. It also covers the conducting of Data Protection Impact Assessments (DPIAs), the appointment of a data protection officer (DPO), and data subject rights, including the right to object, withdraw consent, and data portability, and right not to be subject to a decision based

solely on automated processing of personal data.[36] It further seeks to legitimise the NDPB as an independent and effective regulatory commission to superintend over data protection and privacy issues and supervise data controllers and data processors within the private and public sectors. Similarly, legitimate interest is recognised as a lawful basis.[37]

This Bill will be Nigeria's 6th attempt at passing a data protection law and amplifies certain

gaps, some of which are potential issues of independence. Under the African Union Convention on Cybersecurity and Personal Data Protection, the Economic Community of West African States Supplementary Act of Personal

31 Adeyemi Owoade, NITDA chased a thousand, NDPB will chase ten thousand, https://www.linkedin.com/pulse/nitda-chased-thousand-ndpb-chase-ten-adeyemi-o-owoade?trk=portfolio_article_card_title, Accessed January 16, 2023

32 Jumoke Lambo, Chisom okolie, Data Protection Laws and Regulations Nigeria 2022, July 8, 2022 https://iclg.com/practice-areas/data-protection-laws-and-regulations/nigeria, (accessed on December 29, 2022).

33 Nigeria Data Protection Regulation 2019 https://ndpb.gov.ng/Files/NigeriaDataProtectionRegulation.pdf, (accessed on 21 December 2022)

34 Olumide Babalola, The Inadequacies Of Nigeria Data Protection Regulation 2019 : Review https://olumidebabalolalp.com/nigeria-data-protection-regulation-2019/, (accessed on December 28, 2022)

35 Maryam Abdullahi, Buhari approves creation of data protection bureau, appoints Olatunji as CEO, the cable , February 4, 2022, https://www.thecable.ng/buhari-approves-creation-of-data-protection-bureau-appoints-olatunji-as-ceo, (accessed on December 29, 2022)

36 Data Guidance, Nigeria: NDPB releases draft Data Protection Bill, October 2022, https://www.dataguidance.com/news/nigeria-ndpb-releases-draft-data-protection-bill (accessed on December 29, 2022)

37 Ridwan Oloyede, The new data protection bill in Nigeria, October 2022, https://www.linkedin.com/pulse/new-data-protection-bill-nigeria-ridwan-oloyede-?trk=pulse-article, (accessed on December 28, 2022)

Data Protection, the Declaration of Principles on Freedom of Expression and Access to Information in Africa, and Convention 108 of the Council of Europe, one of the measures of independence is not being tied down by the executive arm of the government. This is not the case with the NDPB, as the bill confers a lot of power on the Minister of Communications and Digital Economy, giving him certain supervisory powers that potentially undermine the independence of the agency.

DIGITAL IDS
Governments the world over have taken steps to roll out digital identity systems to promote effective governance and economic development. Nigeria is no exception, with its National Identity Management Commission (NIMC), established by the NIMC Act No. 23 of 2007, having the mandate to establish, own, operate, maintain and manage the National Identity Database in Nigeria. Through the database, persons covered by the Act are registered and assigned a Unique National Identification Number (NIN) and eventually issued General Multi-Purpose Cards (GMPC).[38]

The use of digital identity systems can bring about several privacy concerns and affect the privacy rights of individuals in various ways.

The government further mandated SIM registration and linkage to the national identity system and threatened disconnection of SIM cards that were not linked. This measure was met with some resistance as individuals are concerned with the country's lack of efficient data protection practices, which leaves the data collected open to abuse. Failure to put privacy-preserving measures early on will exacerbate the risk as the national database grows.

Another concern has been the multiple identity databases maintained by government agencies which often lack effective oversight and accountability mechanisms. This unfettered access by State authorities raises more concerns about surveillance. The president has been noted to have authorised some law enforcement agencies to access identity databases through mere Executive pronouncement when the surveillance should only be hinged on existing law.[39]

In spite of these issues, the Director General of the National Identity Management Commission, Eng. Aliyu Aziz, says the Commission has so far captured 89 million persons in the ongoing nationwide National Identity Number (NIN) enrolment.[40] It is reported that N36.76m has been allocated for the renewal of the maintenance support agreement for the National Identity Management System infrastructure in the 2023 proposed budget.[41]

REVIEW OF THE UNIVERSAL SERVICE 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

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38   National Identity Management Commission (NIMC), About Us, https://nimc.gov.ng/about-us/, (accessed on December 29, 2022).

39   Tech Hive advisory, The Right to Privacy in the Digital Age, https://www.ohchr.org/sites/default/files/documents/issues/digitalage/reportprivindigage2022/submissions/2022-09-06/CFI-RTP-Tech-Hive-Advisory.pdf, (accessed on December 29, 2022)

40   Emmanuel Elebeke, NIN enrollment: We 've captured 89m people – NIMC DG, Vanguard, September 2022, https://www.vanguardngr.com/2022/09/nin-enrollment-we-ve-captured-89m-people-nimc-dg/, (accessed on December 29, 2022)

41   Sami Tunji, NIMC gets presidential approval to replace weak infrastructure October 2022, Punch, https://punchng.com/nimc-gets-presidential-approval-to-replace-weak-infrastructure/, (accessed on December 29, 2022)

service to information and communication technologies (ICTs) in rural, un-served and under-served areas in Nigeria.

The Universal Service Provision Fund (USPF) Secretariat resides in the Nigerian Communications Commission (NCC), the NCC itself is an agency of Federal Ministry Of Communications And Digital Economy as such the implementation of the fund is not free of government influence. The Fund is being managed to facilitate the widest possible access to affordable telecommunications services for greater social equity and inclusion for the people of Nigeria.[42] Some of its projects over the years include Accelerated Mobile Phone Expansion (BTS), Rural Broadband Initiative (RUBI), School Knowledge Centres (SKC), Community Resource Centres (CRC), among others.

The Universal Service Provision Fund published annual reports in 2011, 2012 and 2018[43]. These reports highlighted the structure of the USPF, its vision, research and projects undertaken in those years as well as limitations and challenges faced. The 2018 report further covered a project goal timeline from 2018 till 2022. However, 2018 was the last published report of the USPF with little to no information about its activities since then. With the reports that have been published, there is need for added detail as there's a notable lack of specificity with regards to projects and the Poor Information on tenders and Procurement.[44] It also raises concern around the lack of sustainability of its projects, The USPF has not been transparent in its dealings despite a 2019 Senate report noting it has a total recurrent expenditure of 1.9 billion Naira.[45]

The Universal Service Provision Fund,

under its 2022 budget, has been noted to invite qualified, competent and reputable contractors and service providers to bid for Goods, Works, Installation of ICT & Assistive Tech to Institutions and Schools Catering for Challenged Groups and Supply of Computers and Accessories. Overall, the fund has had an uneventful few years including 2022.

DEVELOPMENTS IN ICT AND EMERGING TECHNOLOGIES

Nearly 80 per cent of exports in Nigeria are accounted for by oil, making the sector one of the biggest contributors to Nigeria's economy. Yet, Nigeria's oil output was at its lowest since 1990 in August 2022.[46] This is where technology comes in as between 2021 and 2022 ICT has floored the oil sector in boosting the GDP of

Nigeria. According to the National Bureau of

42   The Universal Service Provision Fund (USPF), /www.uspf.gov.ng (accessed on December 28, 2022)
43   The Universal Service Provision Fund (USPF),https://www.uspf.gov.ng/media-centre/downloads, (accessed on December 28, 2022)
44   Budgit,Universal Service Provision Fund Operational And Fund Management Desk Analysis, https://yourbudgit.com/wp-content/uploads/2017/11/USPF-REPORT.pdf, (accessed on January18, 2023)
45   The Senate, Federal republic of Nigeria, Report Of The Committee On. Communications On The Universal. Service Provision Fund (USPF) Budget 2019 (accessed on January 18, 2023) https://placng.org/i/wp-content/uploads/2019/12/Report-of-the-Senate-Committee-on-Communications-on-the-Universal-Service-Provision-Fund-Budget-Proposal-for-the-Year-Ending-31st-December-2019.pdf (accessed on January 18, 2023)
46   Omowumi Iledare, Nigeria is producing less and less oil. Here's why (September 2022) https://theconversation.com/nigeria-is-producing-less-and-less-oil-heres-why-191199 (accessed on January 18, 2023)
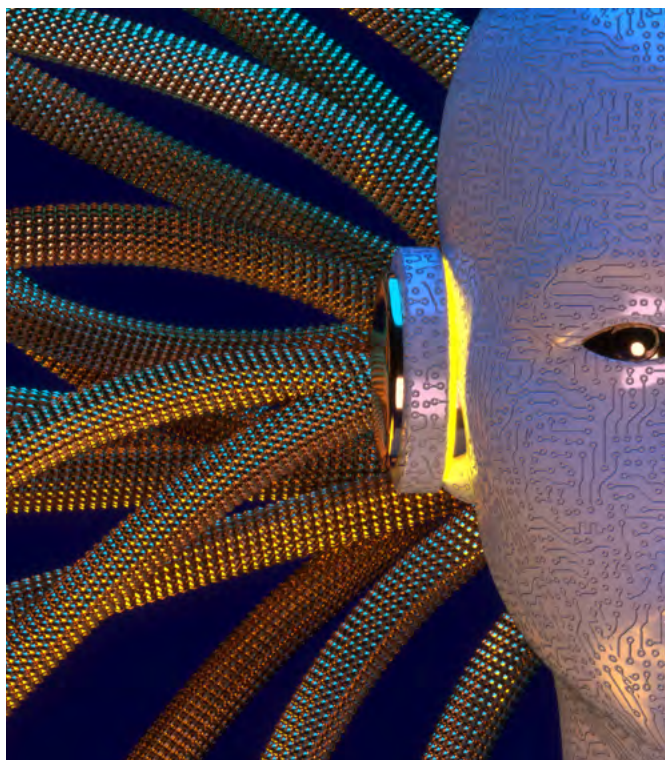
Statistics (NBS), the oil sector contributed only 6.63 per cent in Q1 2022 and 6.33 per cent to the total real GDP in Q2 2022, while ICT, especially telecommunications companies, contributed 18.44 per cent to Nigeria's GDP in the second quarter of 2022. The sector saw a 6.55 per cent growth rate from Q1 2022 and pushed the non-oil sector to contribute 93.67 per cent to the nation's GDP in Q2 2022. In Q2 2021 and Q1 2022, the non-oil sector led by ICT also contributed 92.58 per cent and 93.37 per cent, respectively.[47] All highlighting the notable boom in the sector in Nigeria in 2022[48].

Regardless of these strides, the technology sector is yet to reach its full potential as Fintech and other technology based start-ups could be contributing more to the country. This could be achieved with an enabling environment hence the establishment of the Nigerian Start-up Bill 2021.[49] This Bill was passed into law in October 2022 with the aim of covering these gaps. Some of the objectives of the Nigeria Startup Act is to bridge the engagement gap between start-ups and regulators and ensure that harmful regulations that hinder their growth are shut down. Among other things, the Bill also seeks to encourage the establishment, development and operation of startups in the country via incentives like establishment of cluster hubs, tax breaks, government loans, and credit guarantee schemes.[50] The Act is still young and we are yet to see it implemented.

AI STRATEGIES

Artificial Intelligence (AI) based technologies are becoming increasingly integrated into the modern lives of many Nigerians, and there is a need to consider the ways in which such technologies impact the fundamental rights of Nigerians. From the initial design to the sale of tools and services that utilise AI to Nigerians (where applicable) and then its ultimate end use, there are several ways that the use of AI may advance or undermine human rights protections in Nigeria.[51]

The Minister of Communications and Digital Economy, recently directed the National Information Technology Development Agency (NITDA) to develop a National Artificial Intelligence Policy (NAIP).[52] The road toward creating an effective AI strategy in a country is often a complex one, where steps such as a needs assessment in the country to identify

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47   National bureau of statistics,Nigerian Gross Domestic Product Report (Q2 2022), https://nigerianstat.gov.ng/elibrary/read/1241219

48   Marketforces Africa, Digital Economy Booms as ICT Contributes 18.44% to Nigeria's GDP, August 2022 https://dmarketforces.com/digital-economy-booms-as-ict-contributes-18-44-to-nigerias-gdp/ (accessed on January 18, 2023)

49   A Bill For An Act To Provide For The Creation And Development Of An Enabling Environment for Technology-Enabled startups in Nigeria and For related Matters. Executive Bill, Enacted by the National Assembly of the Federal Republic of Nigeria 2021, HB1886, https://placbillstrack.org/upload/HB1886.pdf, (accessed on January 23, 2023)

50   Timi Odueso, The Nigeria Startup Bill has been approved, Tech Cabal, https://techcabal.com/2022/10/19/the-nigeria-startup-bill-has-been-approved/, (accessed on January 23, 2023).

51   Jake Okechukwu Effoduh, Towards A Rights-Respecting Artificial Intelligence Policy for Nigeria, Paradigm Initiative, November 2021, https://paradigmhq.org/wp-content/uploads/2021/11/Towards-A-Rights-Respecting-Artificial-Intelligence-Policy-for-Nigeria.pdf , (accessed on December 27, 2022)

52   Hadiza Umar, NITDA Directed to Develop National Artificial Intelligence Policy, PR Nigeria, August 11, 2022, https://prnigeria.com/2022/08/11/nitda-directed-develop/ , (accessed on December 27, 2022)

who the stakeholders are, who the users and enablers are, and get future projections for AI in the country is a necessity. A press statement signed by the NITDA spokesperson, Hadiza Umar, stated that the development of the NAIP is envisaged to "maximise the benefits, mitigate possible risks, and address some of the complexities attributed to using AI in the daily activities of Nigerians." It further stated that "The policy is expected to benefit the country, the people, and institutionalise the National Centre for AI and Robotics (NCAIR)."[53]

Attempts to establish an AI policy are laudable and one of the most progressive in Africa at this time but there needs to be various considerations before establishing the policy and the steps toward developing the strategy to be taken by NCAIR were not made public. Various experts have highlighted important steps to take on for a world class strategy which include creation of a national task force similar to what the government of Malta did, which was to appoint a national task-force aimed at creating the "Malta.ai strategy". The members of the taskforce came from different walks of life and brought to the table a right mix of experience and enthusiasm.[54]

An effective AI policy requires an understanding of how AI and other related technology developments can be used to achieve national goals and help solve a host of local problems. This will need extensive consultation and contributions from stakeholders in different sectors.

Data is also heavily involved in directing AI making it necessary for there to be an established data governance regime for a successful implementation. Finally, the policy has to be human rights-centric.

INCLUSION OF ICTS IN NATIONAL ACTION PLANS OR STRATEGIES.

Nigeria has considered ICTs in its policy frameworks since it presented a National Information Technology Policy in 2001. ICTs have found a more common place in Nigeria since the establishment of NITDA and the Ministry of Communications and Digital Economy (previously referred to as the Ministry of Communications Technology). There have since been notable policies such as Nigeria Digital Agriculture Strategy[55], National Policy on Information And Communication Technologies (ICT) in Education.[56]However, the lack of implementation leaves the policies redundant.

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53   Johnstone Kpilaakaa, How to contribute to NITDA's National Artificial Intelligence Policy, https://www.benjamindada.com/nitda-national-artificial-intelligence-policy. (accessed on December25, 2022)

54   Digwatch, Malta establishes task force to develop national AI strategy, https://dig.watch/updates/malta-establishes-task-force-develop-national-ai-strategy, (accessed January 28, 2023)

55   Nigeria Digital Agriculture Strategy (2020-2030)
https://nitda.gov.ng/wp-content/uploads/2020/11/Digital-Agriculture-Strategy-NDAS-In-Review_Clean.pdf(accessed on December 30, 2022)

56   National Policy On Information And Communication Technologies (ICT) In Education, 2019 https://education.gov.ng/wp-content/uploads/2019/08/NATIONAL-POLICY-ON-ICT-IN-EDUCATION-2019.pdf, (accessed on December 30, 2022)

Conclusion and Recommendations

Overall, Nigeria made strides in its attempts at better infrastructure and legal instruments. The country also saw less violations in 2022 compared to previous years. However, there have been certain recurrent gaps in the country's landscape such as near attempts at passing a Data Protection law and a Digital Rights and Freedom law, attempts through legislation to quash free expression and arbitrary biometric data collection with the potential for abuse.

GOVERNMENT	PRIVATE SECTOR	CIVIL SOCIETY
• The government must ensure connectivity gets to the rural areas and the underserved in accordance with the Nigerian broadband plan. This can be achieved through the use of the Universal Service Provision Fund. • The government must further ensure that in its expansion of connectivity, said connectivity must be meaningful, affordable and accessible to all. • The government must take active steps toward creating an enabling environment for ICTs and emerging technologies in the country by increasing access to tech based education and scholarships. Awareness around the privileges in the Start Up Act must also be created such as tax reliefs. • The government must respect and implement treaties and resolutions made by regional bodies and courts in line with its international human	• Private sector actors must entrench digital security and data protection best practices in their processes. • Private companies that handle data must appoint data protection officers and set up complaint units while keeping up with global best practices • Where artificial intelligence technologies are being adopted by private actors they must also ensure respect for human rights	• Civil society actors must continue to hold governments accountable through their activism • Civil society actors should further carry along the underserved in their activism sharing accessible information. This can be done by taking advocacy messages outside capital cities and translating them into local languages • Civil society actors should continue to advocate for passing of beneficial digital rights bills while monitoring the legal landscape for violations. • Civil society actors must continue to address violations of digital rights through litigation in order to address violations and create case law promoting digital rights.

GOVERNMENT	PRIVATE SECTOR	CIVIL SOCIETY
rights obligations.		
· The government, in establishing the new Data Protection Authority and Data Protection law, must ensure its independence from the Executive. The mass registration of digital identities is still ongoing, while a proper data governance framework is yet to be passed into law. The Nigerian government should expedite these efforts in order to adhere to international standards and gain public trust.		
· The government must make the use of the Universal Service Provision Fund, its projects and procurements public and transparent with accessible quarterly or annual reports.		
· In establishing an AI policy in Nigeria, the government must enact a policy that protects human rights and to do that, it must conduct a needs assessment, stakeholder mapping and robust consultative processes with stakeholders in the sector to shape the policy.		
· The government must integrate ICT into various sector policies and establish an effective implementation plan for each.		