

# THE WHITE COLLAR

IDOWU OLOFINMOYIN

idowu.olofinmoyin@norfolk-partners.com



## Digital Rights and the Nigerian Democracy

When young people speak about the Internet, it is easy to simply dismiss it as the domain of adolescence. The pastime of those who are frivolous or who cannot make a meaningful contribution the way "adults" or "normal" people do. People who would rather spend time online than in the "real world" are often labelled as lazy and unproductive, however there are certain correlations between nations with high Internet penetration (i.e. the percentage of a nation's population that has access to the Internet) and socio-economic development.

For instance there is an obvious link between Internet usage and literacy levels, however what is perhaps less known is the direct correlation between Internet penetration and national Gross Domestic Product, showing that the latter in fact is a driver of the increased growth of the former. An analysis of nations and their Internet penetration~ 'Internet Penetration and its Correlation to Gross Domestic Product: An Analysis of the Nordic Countries'- shows that "ICT growth occurs, and as the population becomes more comfortable with the technology and more productive, the GDP level begins to increase as well." And while this growth usually lags behind Internet penetration by about two to three years it is indicative of the power of the Internet in economic activity.

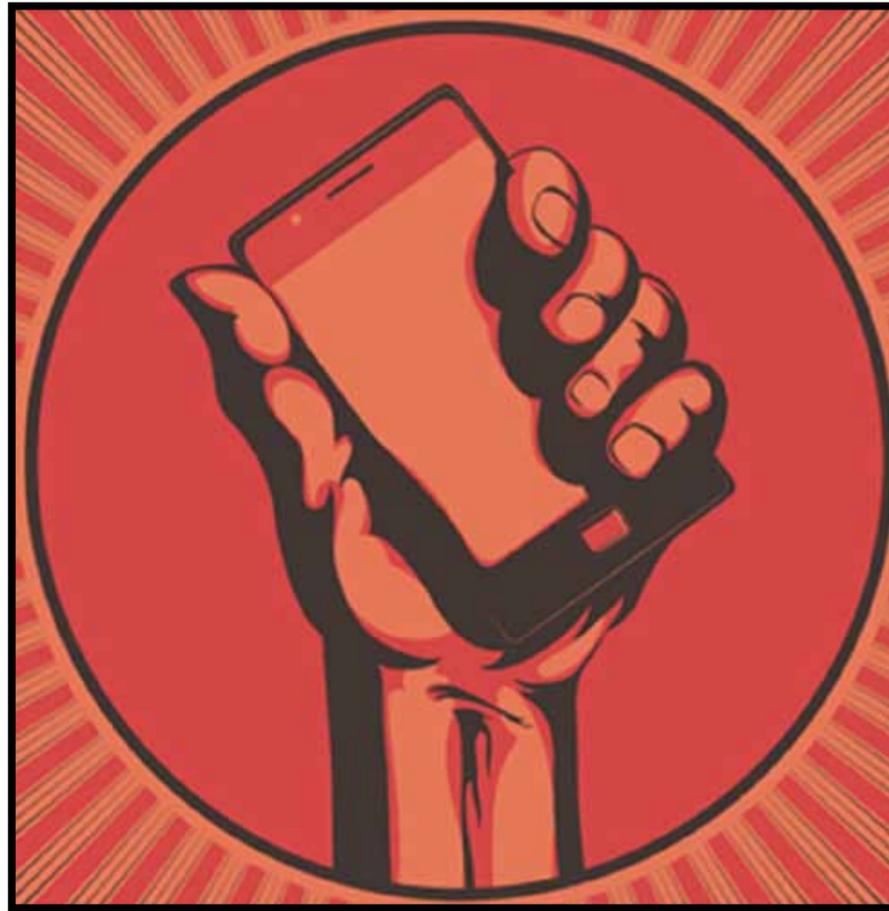
### Informing the World

In 2009, when Iran held its Presidential Elections on the ominous date, June 12, those elections were marred by allegations of election malpractice and while the Iranian Government struggled to censor news and information coming from Tehran about mass protests and violence by jamming media satellites and shutting down news agency websites, **Twitter**, the Internet based social networking website was delivering the news of what was happening, moment by moment, to the rest of the world.

### The Internet is Big Business

And if the power of the Internet is still not clear, then content yourself with the knowledge that the top ten Internet companies by revenue account for nearly \$2 Trillion today. One of those companies, Facebook, whose CEO Mark Zuckerberg visited Yaba's developing tech hub in Lagos a few weeks ago, is worth \$340 billion. The Internet is the foundation of the businesses of tomorrow.

But beyond mere numbers and revenue we are seeing on a daily basis how the Internet is giving a voice to parts of the Nigerian populace that till now had none. There are over 86 million Nigerians online today, some 46% of our entire population, making us the nation with the 7th most pervasive Internet penetration. With Nigeria's population of over 170 million and the fact that about 70% of this population is under 30, a demographic group traditionally open to the adoption of technology and a strong Internet presence, it is fast becoming the choice medium of communicating political views. In 2012 we saw #OccupyNigeria protests against the removal of Fuel Subsidy, in 2013 the #ChildNotBride protests against Child



Brides, in 2014 the world witnessed the #BringBackOurGirls protest which has been used at least 3.3million times and has seen world personalities such as Michelle Obama, the First Lady of the United States and former Prime Minister of the United Kingdom, David Cameron join in protests with a deeply Nigerian origin.

### Attacks on Rights and Civil Liberties

The new impetus Nigerians have for speaking out through the Internet is not one that is universally shared. Across Africa especially various Governments have attempted to censor the free use of the Internet for various reasons. In Ethiopia for example in the run up to their general elections in May 2015 many opposition websites were shut down, the arrest of Internet bloggers has become common place and even Ethiopian Internet Journalists in the diaspora have been hacked by sophisticated programs designed to prevent their Internet presence. In Tunisia, during the last Presidential Election, the Independent Electoral Commission's website was attacked affecting Voter's registration and bloggers have been arrested and jailed simply for speaking against the Government.

### The Digital Rights and Freedom Bill

It is in order to protect the sovereign rights and authority of the Nigerian people to continue to express their chosen views and take advantage of the new digital frontier presented by the Internet and various new technologies that the a bill- the **Digital Rights and Freedom Bill of 2016**, has been presented in the House of Representatives. It is premised on the protection of Internet Users from infringement of their Fundamental Human Rights and ensures the application of those principles in the use and administration of digital platforms.

The Bill, which has passed the Second

Reading in the House seeks to prohibit unlawful interference with Digital Privacy (section 3), protects the right to communicate anonymously online (section 4) and guarantees the confidentiality of private data (section 6). Section 10 of the Bill- "Surveillance and Lawful Interception" attempts to temper the all too often powers of investigating authorities involved in intercepting personal data with proper scrutiny by mandating that such powers be exercised only under the authorisation of a Court Order and within the principles of necessity, without discrimination by gender, religion or political belief. Subsections 17 and 18 of the same section create a right to protection from sanctions for Whistleblowers and an entitlement to compensation for persons whose rights under the proposed law have been unlawfully impinged.

Coming to the issue of freedom of opinion online which was roused by the Frivolous Petitions Bill, section 12 stipulates that "Freedom to opinion and expression on the Internet shall not be subject to any restrictions, save as provided in the 1999 Constitution... and other relevant laws". Section 16 then creates offences ranging from abuse of Data held Online, the Infringement of the Right to Free Opinion and Expression, Publishing of Hate Speech to Illegal Surveillance. The Bill also entrusts the administration of the proposed law to the National Human Rights Commission.

### Resisting the Future

There still remain many challenges to the Digital Rights of Nigerians today, not least of these is the dearth of telecommunications infrastructure to support the 2018 target of 30% broadband i.e. faster more encompassing internet technology, in Nigeria set by the Federal Government. Another less obvious attack on the gains made in the area of

Internet penetration may actually be another proposed Bill- **the Communications Tax Bill** which seeks to impose a 9% charge on Voice and Data Calls, Data/Internet Services such as Pay Per View TV, Texts Messaging and Multimedia Messaging Services, all traditionally areas of technology and economic activity that are value-adding services creating gains in the telecommunications sector, and unsurprisingly, which are already taxed. The disconnect between government policy to create an inviting environment for business growth and laws such as this proposed Communications Tax Bill, that will inevitably stifle internet services and economic activity, is jarringly apparent. The end effect is therefore a sort of censorship by economic means, is it not?

### Enabling Democracy

Nonetheless, while the Digital Rights and Freedoms Bill may appear to be "another Bill" with little or no assurance of proper enforcement, what it does present is the foundation for the next frontier of the political conversation in Nigeria. Just like the Internet created a global market and removed the restraints of time and place, it is set to do the same for political involvement. "Why?" you may be tempted to ask, and obligingly, the answer is the availability of information. Information enables scrutiny, it enables accountability and it informs decision-making. Today the Freedom of Information Act, though still far from its full potential, sets the basis for demanding information from government offices and agencies. The Digital Rights and Freedoms Bill could become the next level of protection in that framework entrenching national and global interaction on all things including how we are governed and how government authority and resources are used. It simply means that the constraints of time and location are eradicated as savvy political movements take advantage of the Internet to reach their electorate and that electorate becomes more sophisticated in using the Internet to demand accountability and, even penalty for unacceptable levels of performance.

### The Revolution Will Not Be Televised, It is Online

Sometimes it is hard to remember that unlike many nations the sovereign authority and decision making power in Nigeria belongs to the Nigerian people, not a monarch, not the President and not even the National Assembly. It is the God-given right of the people of this great nation. That power is only devolved to the Government for periods to be used in the people's best interest, therefore it is imperative that we continue to remind ourselves of this fact by passing laws that support and entrench that reality. Today we struggle with questions of accountability, checks and balances, the use and abuse of power and the like because there is an absence of information. The Internet however, is the new frontier and the great equaliser where millions of Nigerians can soon go and with the click of a button demand for the type of governance they require. As we move closer to that time, we must endeavour to remember we become the choices we make, we are the Nigeria we create by what we do and no one will come to save us, unless we choose to do it ourselves. The rights and freedoms enshrined in the Constitution are ours and we ought to claim them. If you do not get an audience with your elected representatives, remember all you have to do is go online and there are millions there who will listen and join your hashtag.