

Towards the recognition of internet access as a human right in Nigeria: a theoretical and legal perspective

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ABSTRACT

The Internet has become a ubiquitous and essential aspect of daily life, facilitating seamless communication and access to information. Despite its significance, many countries, including Nigeria, do not formally recognise internet access as a human right, although there is growing global support for considering internet access as integral to the enjoyment of other rights, such as freedom of expression. Meanwhile, internet shutdowns have become a common method of restricting access, significantly undermining citizens' ability to freely access, disseminate, and impart information. Against this backdrop, this article employs human rights theory, with a focus on positive and negative rights, alongside networked society theory, to argue that the Nigerian state has both a legal and moral obligation to recognise and protect internet access as a human right. Through these theoretical frameworks, it examines how two recent judgments by the ECOWAS Community Court of Justice – *Amnesty International Togo & Ors v The Togolese Republic* and *SERAP v FRN* – along with relevant provisions of the *Nigerian Communications Act 2003* and the *Universal Access and Service Regulations 2007*, provide a basis for advancing the recognition of internet access as a human right in Nigeria.

KEYWORDS

Internet access; human rights; Nigeria

1. Introduction

In June 2021, the Nigerian government gained international attention after it indefinitely suspended Twitter's operations in response to the platform removing a tweet by President Muhammadu Buhari for policy violations (BBC 2021; CNN 2021; Reuters 2021). The suspension, which lasted seven months, was met with significant criticism both within Nigeria and globally. Twitter, for many Nigerians, is far more than just a social media site – it serves as a crucial space for civic engagement, economic transactions, and free expression (Anyim 2021; Moses, Targema, and Ishaku 2022). This ban not only impeded communication but also suppressed dissent, disrupted business

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activities, and raised concerns about the government's commitment to safeguarding digital rights (Mohammed and Adelakun 2023).

This incident was not isolated; Nigeria has a history of internet shutdowns and restrictions on access to online platforms (Endong 2022). The first notable case occurred in 2015, before the general elections. In February of that year, Freedom House reported that the Nigerian Communications Commission (NCC) blocked an SMS short code used by the opposition party, the All Progressives Congress, for fundraising during their campaign (Freedom House 2015). Many viewed this action as politically motivated (Freedom House 2015). The effects of these shutdowns often disproportionately impact those uninvolved in the events that prompt them. For instance, from 2013 to 2014, the government-imposed telecommunications blackouts in Borno, Adamawa, and Yobe states as part of its efforts to combat Islamist insurgents (Jacob and Akpan 2015). These blackouts, which began in May 2013 and recurred in 2014, were ostensibly aimed at curbing terrorism, but in reality, they often endangered civilians. Reports indicated that residents had to travel to other states to access mobile or internet services, making them vulnerable to insurgent attacks (Audu 2013). Similarly, in 2021, the Kaduna and Zamfara state governments directed telecommunications providers to shut down base stations in specific local government areas, justifying the action as a means to address incidents of kidnapping and banditry (Princewill 2021). However, these security challenges persisted despite the shutdowns.

In an increasingly interconnected world, the Internet has become indispensable to the daily lives of individuals globally, serving as a critical platform for communication, access to information, and the exercise of various human rights. The United Nations (UN) has progressively recognised the significance of internet access, advocating for its recognition as a basic human right by 2030 (United Nations 2021). Advocates have similarly called for governments' internet policies to be rights-based and user-centered (Ben-Hassine 2018). Despite this growing international consensus, many countries, including Nigeria, have yet to explicitly enshrine internet access as a human right within their legal frameworks. This gap is particularly significant in Nigeria, where internet access plays a vital role in enabling the enjoyment of other rights, such as freedom of expression, access to information, and the right to assembly.

As of the first quarter of 2023, the estimated number of internet subscribers in Nigeria was 157,551,104, an increase from the 2022 first quarter estimate of 145,851,496 (NBS 2023). In early 2024, Nigeria reached 43.53% internet penetration, though it fell short of the NCC's target of 50% broadband penetration and the Nigerian National Broadband Plan's (NNBP) projected goal of 70% by 2025 (Okonji 2024). Furthermore, Nigeria ranks poorly in global internet speed, placing 99th for mobile speeds and 132nd for fixed broadband in August 2024 (Ookla 2024). With an average download speed of 27.62 Mbps, Nigeria lags behind the global average of 63.23 Mbps, leaving it out of the ranks of countries with the fastest internet speeds in Africa and globally (Akintaro 2024; Okafor 2024). Despite these challenges, the Internet has significantly transformed Nigerian society, improving access to information, healthcare (Abaya et al. 2023), and education (Eze and Nwambam 2019), fostering diverse cultural expressions (Okocha, Agbele, and Kente 2023), and creating a vibrant environment and platform for social commentary, journalism and civic activism (Olaniyan and Akpojivi 2020). Moreover, the Internet has

had a profound economic impact, with Nigeria's e-commerce market valued at \$8.8 billion in 2023 and projected to reach \$22.9 billion by 2030 (RationalStat LLC 2023).

The absence of explicit recognition of internet access as a human right in Nigeria has serious implications for the protection of civil liberties, particularly in the face of government actions such as internet shutdowns and restrictive legislation (Vareba et al. 2017, 27). These measures, often justified on grounds of national security or public order (Thumfart 2024, 7), have raised concerns about digital authoritarianism and the suppression of dissent (CIPESA 2023, 11). As such, there is a pressing need to critically evaluate Nigeria's legal and policy frameworks to assess whether they adequately protect the right to internet access and, by extension, the broader spectrum of human rights dependent on digital connectivity.

Through an examination of Nigeria's legal and policy frameworks, including the *Nigerian Communications Act 2003 (NCA)*, the *Universal Access and Service Regulations 2007 (UAS Regulations)*, and significant rulings from the Economic Community of West African States Community Court of Justice (ECCJ), this paper posits that internet access should indeed be recognised as a human right in Nigeria. This argument is grounded in two theoretical frameworks: human rights theory – specifically, the concepts of positive and negative rights – and networked society theory. While human rights theory provides the legal and ethical basis for recognising internet access as a right, networked society theory contextualises this right within the broader societal shifts brought about by digital technologies. Together, these frameworks offer an analytical lens for examining both the obligations of the Nigerian state and the broader societal impacts of its policies on internet access. Although Nigeria does not have a constitutional provision explicitly recognising internet access as a human right, a combined analysis of recent ECCJ judgments – such as *Amnesty International Togo & Ors v The Togolese Republic*¹ and *SERAP v. FRN*²— alongside national legislation, could serve as alternative approaches for advocating for the recognition of internet access as a basic right in Nigeria.

This paper is structured as follows: first, it introduces the theoretical frameworks that underpin the analysis, followed by a critical assessment of the relevant legal and policy frameworks. It then examines key ECCJ rulings and their implications for the right to internet access in Nigeria. Thereafter, it discusses restrictive measures that undermine not only individual freedoms but also social cohesion, economic development, and democratic participation. The concluding section reaffirms the necessity of a robust, right-based, and future-oriented legal framework governing internet access in Nigeria.

2. Internet access, human rights, and a networked society

The concept of internet access as a human right is rooted in the broader discourse on the right to freedom of expression and access to information. Freedom of expression aligns with the various benefits a social ecosystem seeks to nurture, encompassing a 'mutually supporting and reinforcing network of formal institutions and social practices and cultural patterns' (Chartier 2018). Jonathan Gilmore contends that the exercise of expressive activity, underpinned by freedom of expression, is instrumental in shaping and refining one's beliefs, desires, and values (Gilmore 2011). Based on article 19 (2) of the *International Covenant on Civil and Political Rights (ICCPR)*, freedom of expression refers to '...freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either

orally, in writing or in print, in the form of art, or through any other media of his choice'.³ In a similar vein, article 10 of the *European Convention for the Protection of Human Rights and Fundamental Freedoms* asserts that '[e]veryone has the right to freedom of expression', including the freedom to hold opinions and to receive and share information and ideas without interference from public authorities and across borders.

In the digital age, active participation in online spaces has become a key aspect of social life, significantly shaping one's social identity (Elford 2021). Internet access facilitates the exchange and dissemination of ideas (Chartier 2018), enabling individuals to engage in essential elements of well-being and personal growth (Crowe 2019). In this regard, the Internet not only bolsters freedom of expression but also reinforces democratic processes by promoting greater public involvement (Molnár 2015). Scholars like Graham underscore the Internet's capacity to enhance economic, social, and political engagement, positioning it not just as a communication tool but as a crucial pillar of contemporary society (Graham 2014). For advocates of this perspective, the Internet is viewed as an essential platform for the advancement and protection of human rights, providing individuals with the ability to express themselves freely, access critical information, and connect with others who share similar views or experiences (Graham and Dutton 2019).

Nevertheless, whether internet access should be recognised as a fundamental human right remains debated (Faturoti 2022; Tully 2014). While many countries have not specifically used the term 'internet access as a human right', some argue that universal access to the Internet is crucial for basic human living (Psaila 2022a; Tully 2014).⁴ Accordingly, the United Nations (UN) aims for all countries to recognise 'universal access to the Internet' as a basic human right by 2030 (United Nations 2021). This is because the Internet not only enables the enjoyment of other human rights, but is gradually becoming a fundamental right itself. Its importance was particularly evident during the COVID-19 pandemic, when it became the primary medium for staying connected while ensuring continued enjoyment of rights such as education, work, and healthcare (Mhlungu 2022). At a meeting on 7 June 2012, Information and Communication Technology (ICT) Ministers from African Union Member States jointly declared access to broadband as a human right, stating:

We declare access to broadband communication as a basic human right in Africa and commit to increasing broadband penetration to approximately 80 percent of the population by 2020 (South African Government 2012).

However, this declaration has not translated into concrete legislative changes, and broadband access is not yet widely recognised as a basic human right in many countries, including Nigeria. Even without explicit recognition, there is growing attention and support for considering internet access as integral to the enjoyment of other rights, particularly freedom of expression. The Internet provides a unique means for access to information which in turn enables freedom of expression (Ola 2014). Some contend that the right to freedom of expression is not just a right but an enabler of other rights such as right to education and right to freedom of association and assembly (Psaila 2022b). Thus, since the Internet facilitates the realisation of right to freedom of expression, by necessary implication, it can and should be extended to the actualisation of other rights that are enabled by this freedom (Araromi 2015). For these proponents, 'the internet is a catalyst

for the enjoyment of human rights ... most notably, the right to freedom of expression' (Psaila 2022b).

Still, the argument enures that caution should be exercised in interpreting the notion that the Internet is a means of enjoying certain fundamental human rights to mean that it is now in itself a human right. While the UN Special Rapporteur encourages countries to prioritise promoting and facilitating freedom of expression through internet access, it also recognises that instant achievement of universal access to internet is not possible for everyone worldwide (La Rue 2011). If internet access were to be recognised as a positive right, it would impose an affirmative obligation on states to ensure that their citizens have unhindered access to the Internet at all time. This would mean that governments may not be able to block or restrict access to the Internet or put in place filtering mechanisms, even for legitimate purposes. As Tully opines, it is ideal to balance a right of internet access against other human rights and public interests (Tully 2014). Just like other rights such as right to freedom of expression, restrictions on right to internet access should be permissible, as long as the test of predictability, transparency, legitimacy, proportionality, and necessity are met (La Rue 2011). For instance, measures put in place to protect children from accessing harmful content online would be considered legitimate public interest, even though access to the Internet may be restricted in some manner. As the court observed in *EMI Records (Ireland) Limited v Eircom Limited*⁵, '[s]ome would argue that it is an imposition on human freedom. There is no freedom, however, to break the law' (Nagle 2010). Thus, while restricting internet access can inhibit freedom, freedom cannot be used to justify unlawful activities.

To better frame the discussion on the recognition of internet access as a human right in Nigeria, this paper adopts a dual theoretical framework, drawing on human rights theory (with a focus on positive and negative rights) and networked society theory. These theoretical perspectives provide a robust foundation for arguing that the Nigerian state has both a legal and moral obligation to recognise and protect internet access as a human right. Together, the principles of human rights theory and the realities of a networked society offer an analytical lens for assessing the state's obligations and the societal implications of internet access, especially as the Internet has become so integral to daily life that denying access to it can be seen as a form of digital apartheid.

2.1. Human rights theory: positive and negative rights

Human rights theory is foundational for understanding the obligations of the state and the rights of individuals. Within this framework, rights are typically classified into positive and negative rights (Wibye 2022). Negative rights, also known as civil liberties, are rights to non-interference. They protect individuals from state encroachment, such as the right to freedom of speech or religion (Hirschl 2000). Positive rights, on the other hand, require affirmative action by the state. They guarantee access to certain goods or services, such as the right to education or healthcare (Hirschl 2000).

In the context of internet access, both positive and negative rights are relevant. Negative rights protect individuals from state censorship or surveillance that might hinder their access to the Internet. A negative right would mean that the government must not unjustifiably interfere with or restrict individuals' access to the Internet. This includes avoiding practices such as arbitrary internet shutdowns, censorship, or overly restrictive legislation

that limits the free flow of information online. This perspective is particularly relevant in the analysis of Nigeria's recent actions, such as the suspension of Twitter in 2021, which has been widely criticised as a violation of citizens' rights to freedom of expression and access to information (Ewang 2021). Further concerns arise from restrictive legislative proposals, such as the Prohibition from Internet Falsehood and Manipulations Bill (Social Media Bill) and the Independent National Commission for the Prohibition of Hate Speeches Bill (Hate Speech Bill), introduced in 2019.⁶

Conversely, positive rights require the state to take active steps to ensure that internet infrastructure and services are available and affordable for all citizens. As argued by Goldsmith and Wu, the Internet is a public good, like roads or bridges, that requires public investment and regulation for efficiency and effectiveness (Goldsmith and Wu 2006). In the Nigerian context, a positive rights approach would impose an obligation on the government to actively provide or facilitate universal access to the Internet. This could involve developing infrastructure, implementing regulatory policies to ensure affordable access, and launching initiatives aimed at bridging the digital divide, particularly in rural or underserved regions. As will be discussed, the provision of universal service, as set out in the *NCA* and the *UAS Regulations*, represents an effort to fulfil these positive obligations.

2.2. Networked society theory

Networked society theory offers a complementary perspective for understanding internet access within the broader context of modern social, economic, and political structures. Castell posits that the Internet is not merely a tool for communication but a fundamental infrastructure that underpins various aspects of contemporary life (Castells 2010). In a networked society, the ability to access and participate in digital networks is essential for full participation in society. The theory emphasises the critical role that networks play in shaping social, economic, political, and cultural dynamics.

Castells further contends that the networked society is not just a technological phenomenon but represented a new mode of organising social relations and institutions (Castells 2010). From this perspective, denying individuals access to the Internet effectively excludes them from full societal participation, with far-reaching consequences for social equality, economic opportunity, and democratic governance. The Internet enables the exercise of fundamental rights, including freedom of expression, access to information, and the right to assembly, all of which are crucial to a functioning democracy. In this sense, internet access is not only an enabler of other rights but also a foundational right in its own right, particularly in a networked society where digital participation is increasingly synonymous with social participation (Bardy and Rubens 2019). It is a tool for education, economic opportunity, civic engagement, and cultural expression. As noted in the IFLA Trend Report:

Internet access is swiftly becoming an indispensable economic and social enabler within a modern hyper-connected world – without Internet access it becomes increasingly challenging to take full advantage of existing human rights (such as freedom of speech, civil and political freedom as well as potentially social and economic freedoms) (IFLA 2013).

Networked society theory also shed light on the broader societal impacts of internet shutdowns or restrictive policies. In Nigeria, where several instances of internet shutdowns

have occurred, the consequences extend beyond the immediate suppression of dissent. Such actions disrupt social and economic activities, undermine trust in government, and exacerbate social inequalities, disproportionately affecting communities that depend on digital platforms for communication and economic opportunities. For instance, the Twitter shutdown, which subsisted for 222 days, led to enormous economic loss for the country and impacted many small and medium scale businesses that relied on the platform (Adepetun 2022).

3. Universal access and service and right to internet access

Human rights are central to Nigeria's democratic system as they ensure every citizen is treated with dignity and respect. The *Nigerian Constitution* guarantees various human rights, such as freedom of expression, religion, and privacy.⁷ However, it does not explicitly recognise internet access as a human right (Kenna Partners 2021). While section 39(1) of the *Nigerian Constitution* recognises the right to freedom of expression,⁸ it does not contain any provision extending its applicability in the context of internet access. Similarly, other legislative instruments, such as the *NCA* and the *UAS Regulations*, provide a foundation for expanding access to telecommunications services, including the Internet. However, like the *Nigerian Constitution*, these laws do not explicitly recognise internet access as a basic right. Instead, their focus is on promoting universal access and service, particularly in unserved and underserved areas. Consequently, a brief examination of these legislative frameworks is necessary to understand the existing legal landscape before evaluating how they support or hinder the recognition of internet access as a fundamental human right. This involves assessing both the state's positive obligations to provide access and its duty to protect citizens' freedoms, whether online or offline.

3.1. Justiciability of rights

Under Nigerian legal jurisprudence, rights are categorised as either justiciable or non-justiciable (Linus 2017). Justiciable rights are guaranteed and can be enforced in a court of law. Fundamental human rights outlined in Chapter IV of the *Nigerian Constitution*,⁹ such as the right to freedom of expression, the right to life, and the right to personal liberty, fall into this category. In contrast, non-justiciable rights, found in Chapter II,¹⁰ represent aspirational goals that the government is encouraged, but not legally obligated, to achieve.¹¹ Section 6(6)(c) of the *Nigerian Constitution* excludes matters relating to these rights from being enforced in Nigerian courts. Examples of non-justiciable rights include the right to free education, work, adequate medical and health facilities.¹² One clear expression advocating for internet access as a fundamental right is found in the NNBP (2013–2018), where it is stated that:

Broadband is an essential right and basic utility for societal transformation and development and that prioritised focus on the rapid spread of mobile broadband will ensure that all Nigerian citizens enjoy World Class wireless broadband as a basic access medium for broadband (Presidential Committee on Broadband 2013).

Policies, such as the NNBP, essentially give an indication of government's direction on issues, and often form the basis for subsequent enactment of appropriate legal framework

to ensure enforceability. However, they do not enjoy the same level of enforceability as legislation, thereby bringing them into the realm of instruments that, though important to understand a government's direction, are not legally enforceable as legislative instruments. Since the right to internet access is not expressly contained under Chapter IV of the *Nigerian Constitution* as a fundamental human right, it would fall under the category of non-justiciable rights (Kenna Partners 2021).

To address the non-justiciability of the right to internet access, one possible pathway is the enactment of a comprehensive national legislation specifically focused on digital rights, similar to the proposed Digital Rights and Freedom Bill, which has yet to be passed into law (Garrett et al. 2022). The National Assembly has the constitutional authority to legislate on non-justiciable rights under Chapter II, thereby making them justiciable.¹³ This has been done for other rights, such as the right to education¹⁴ and environmental protection,¹⁵ and could similarly be extended to internet access. However, due to the lack of clear recognition of the right to internet access by any legislation, the Nigerian government has taken various actions that have impeded unfettered access to internet. As will be discussed, certain legal frameworks permit the government to direct Internet Service Providers (ISPs) to take down websites, while other laws allow network operators to slow internet speeds, intercept communications, or shut down network facilities. Also, the *Cybercrimes Act*,¹⁶ particularly section 24,¹⁷ has a chilling effect on internet use, particularly with regards to freedom of expression, as it can be used by politicians to suppress bloggers and online commentators (Obia 2023; Olasupo 2020).¹⁸

Notably, the current NNBP (2020–2025) does not contain provisions similar to the previous plan, which referred to broadband access as an essential right (Federal Ministry of Communications and Digital Economy 2020). Therefore, the current NNBP cannot be relied upon as a foundation for advocating internet access as a human right. Nevertheless, it remains crucial to examine other legal frameworks, such as the *NCA* and the *UAS Regulations*, to determine whether they address internet access as a standalone human right.

3.2. *Nigerian Communications Act*

The *NCA* is the cornerstone of Nigeria's telecommunications regulatory framework, governing the provision and regulation of communication services, including internet access. The Act establishes the NCC which has the responsibility to ensure that communications services, including internet services, are available throughout the country, particularly in areas that are unserved and underserved. This objective is achieved through the principle of universal service, which aims to provide access to basic communications services for everyone, regardless of their location, physical ability, or income. The idea of universal service has sparked debate over whether it reinforces access to the Internet as a human right (OHCHR 2023). Some argue that since universal service principles aim to make communication services affordable and accessible to all citizens, it should be viewed as a basic right (OHCHR 2023). Moreso, when citizens are unable to access or use these services, it can lead to social inequality and exclusion (Orji 2018).

Before the liberalisation of the telecommunications sector, Nigeria had one of the most underserved telecommunications markets in Africa (Lancaster 2022). As of 1999, Nigeria had only 400,000 telephone lines for a population of approximately 120 million people

(Ochonogor 2022). The sector was dominated by a single national carrier, Nigeria Telecommunications Limited (NITEL), whose infrastructure, primarily copper-wired connections, was neither widely available nor affordable (Adeyanju 2022). Recognising the need for a change, the government developed the National Policy on Telecommunications (NPT) with the aim of ensuring that ‘all Nigerians have access to all forms of modern information and communications technologies and services’.¹⁹ To achieve this, the NPT proposed several regulatory measures to promote open market entry in unserved areas, including the establishment of a universal service fund (USF) to finance initiatives aimed at expanding communications services to underserved regions. This fund would be primarily financed by contributions from licensed telecommunications operators, with additional support from government sources or donor agencies as needed.

This policy formulation subsequently became a part of the *NCA*. Section 1(c) stipulates one of the objectives of the Act as promoting ‘the provision of modern, universal, efficient, reliable, affordable, and easily accessible communications services and the widest range thereof throughout Nigeria’. To ensure the proper implementation of this objective, section 4 of the *NCA* designates the NCC as responsible for ‘designing, managing and implementing Universal Access Strategy and programme in accordance with Federal Government’s general policy and objectives thereon’. This makes it clear that the NCC is responsible for realising the government’s universal access and service policies. Specifically, section 112 of the *NCA* mandates the NCC to establish a system (‘Universal Service Provision’) to:

promote the widespread availability and usage of network services and applications services throughout Nigeria by encouraging the installation of network facilities and the provision for network services and applications services to institutions and in unserved, underserved areas or for underserved groups within the community.

While the *NCA* provides a strong foundation for promoting universal access, it stops short of explicitly recognising internet access as a human right. The Act’s focus is primarily on the technical and economic aspects of service provision rather than on the legal recognition of digital rights. However, by facilitating the expansion of Internet access, the *NCA* indirectly supports the argument that access to the Internet is an essential service that should be universally available. Its emphasis on universal service aligns with the concept of positive rights, where the state bears an obligation to ensure citizens have access to essential services.

3.3. Universal Access and Service Regulations

The *UAS Regulations* were introduced as subsidiary legislation to the *NCA*, designed to operationalise the provisions concerning universal service and access. These regulations establish the framework through which the NCC implements the objectives of universal access and service in Nigeria. Under regulation 43 of *UAS Regulations*, universal access is defined as the condition in which ‘100 percent of a designated population can obtain, at a minimum, public access to a particular service at a specified quality, through reasonably available and affordable public or community facilities’. Universal service, on the other hand, means that ‘100 percent of a designated population are reasonably able to privately subscribe to and use a particular service at a specified quality on an individual, household or institutional basis’. In essence, while universal

access ensures the availability and affordability of services, universal service focuses on ensuring these services are usable and accessible to individuals and households. This dual, but complimentary, approach aims to guarantee that all Nigerians can access, afford, and utilise telecommunications services, including internet connectivity.

Carrying out the objectives of universal access and universal service provision is meant to ‘promote greater social equity and inclusion for the people of Nigeria’.²⁰ A key mechanism for actualising this is the USP Fund, which supports the provision of network facilities and services across the country. All telecommunications operators, including ISPs are required to contribute a percentage of their gross revenue as an annual operating levy to the NCC,²¹ part of which is allocated to the USP Fund.²² Where need be, the USP Fund is augmented by grants from the federal government, gifts, loans, and aids from different donors.²³ The USP Fund has been instrumental in implementing projects that enhance internet access and connectivity in previously unserved and underserved areas of Nigeria (USPF, n.d.). The NCC’s commitment to universal access is reflected in its mission statement – to support a market-driven communications industry and promote universal access – and its vision statement, which aspires to create ‘a dynamic regulatory environment that ensures universal access to affordable and equitable service and supports the nation’s economic growth’ (NCC 2020).

The *UAS Regulations* reinforce the state’s obligation to provide the necessary infrastructure to ensure universal access to the Internet. However, like the *NCA*, the regulations do not explicitly recognise internet access as a human right. Instead, they concentrate on the practical aspects of expanding service provision. The *UAS Regulations* can be viewed as a mechanism for fulfilling positive rights by ensuring that infrastructure is in place to support widespread internet access. However, the absence of a rights-based framework within the regulations limits their effectiveness in safeguarding citizens’ digital rights, particularly in situations where government actions may restrict access.

4. ECOWAS Community Court of Justice rulings

As previously discussed, Nigeria’s domestic legal framework does not explicitly recognise internet access as a human right (Jimoh 2024). This is further evidenced by the fact that Nigerian courts have yet to extend the application of constitutional provisions to encompass the right to internet access.²⁴ Nevertheless, a combined analysis of two recent rulings by the ECCJ and the existing legal frameworks already discussed suggests an alternative approach for advocating internet access as a human right in Nigeria.

The relevance of considering ECCJ jurisprudence lies in its binding authority over member states of the Economic Community of West African States (ECOWAS). While Nigeria adheres to a dualist approach under section 12 of the *Nigerian Constitution* – requiring foreign treaties to be domesticated by legislative action – fundamental principles of contract law and public international law obligate states to honour commitments made under treaties they have signed (Chuma-Okoro 2015). Article 15(4) of the *ECOWAS Revised Treaty* stipulates that ‘[j]udgements of the Court of Justice shall be binding on the Member States, the Institutions of the Community and on individuals and corporate bodies’. The principle underpinning the enforcement of international court rulings is *pacta sunt servanda*, as reflected in article 26 of the *Vienna Convention on the Law of*

Treaties,²⁵ which can be construed as meaning that any treaty in force is binding on the parties and must be performed in good faith (Anene-Maidoh 2018). Importantly, applicants are not required to exhaust all local remedies (domestic courts) before bringing cases to the ECCJ (Ogunlana-Nkanga 2022).

With respect to enforcement, article 22(3) of the *ECOWAS Revised Treaty* obliges member states and institutions to enforce ECCJ rulings by taking necessary actions for their execution, often through domestic courts. Typically, each member state is obligated to determine the competent national authority that will be responsible for ensuring enforcement of the ECCJ judgment within their territory in compliance with the provisions of article 24 of the *2005 Supplementary Protocol to the ECOWAS Revised Treaty*. So far, nine of the 15 member states, including Nigeria, have designated such authorities, reinforcing the binding nature of ECCJ decisions on Nigeria (ECOWAS Community Court of Justice n.d.).

4.1. Amnesty International Togo & Ors v The Togolese Republic

In this landmark case,²⁶ a group of non-profit organisations and a journalist filed a case against the Togolese Republic in 2018, claiming that internet shutdowns during anti-government demonstrations held in 2017 violated their right to freedom of expression. In its 2020 ruling, the ECCJ held that internet access falls within the scope of the right to freedom of expression. Consequently, the court found that shutting down internet access in such circumstances constituted a violation of human rights. The Togolese government was ordered to take the necessary measures to prevent similar future occurrences and to compensate the applicants for the breach of their rights.²⁷ As Krapiva notes, the ECCJ's decision sets a significant precedent by affirming that the Internet functions as an enabler of human rights and merits legal protection (Krapiva 2020). This also aligns with the provision of paragraph 22 of the Report of the UN Special Rapporteur, which states that 'the right to freedom of opinion and expression is as much a fundamental right on its own accord as it is an 'enabler' of other rights, including economic, social and cultural rights' (La Rue 2011). By expanding individuals' capacity to exercise their right to freedom of opinion and expression, the Internet contributes to economic, social, and political development (Powell, Bryne, and Dailey 2010). Although the ECCJ did not explicitly declare internet access as a standalone human right, its ruling underscores the critical role of internet access in upholding fundamental rights.

A key point in the judgment is the ECCJ's reliance on Togo's lack of a legal framework authorising internet shutdowns as a basis for ruling that the government violated the applicants' right to freedom of expression under articles 9(1) and (2) of the *African Charter on Human and Peoples' Rights (ACHPR)*. Commentators have suggested that the ECCJ might have upheld the shutdowns had Togo possessed a legal provision allowing such derogations at the time (Ogunlana-Nkanga 2022). This raises the question of whether the proportionality requirement, which the ECCJ did not explicitly address, would have been met under such a law. As the UN Human Rights Committee noted in General Comment No. 34 regarding article 19 of the *ICCPR*,

Restrictions must not be overbroad ... restrictive measures must conform to the principle of proportionality; they must be appropriate to achieve their protective function; they

must be the least intrusive instrument amongst those which might achieve their protective function.²⁸

Thus, even if existing laws permit internet shutdowns, their implementation must be scrutinised for proportionality to ensure they are the least intrusive means to achieve their intended objectives. Although the ECCJ did not explicitly recognise internet access as an independent human right, it affirmed that internet access is essential for the realisation of other fundamental rights, particularly freedom of expression. This ruling aligns with the concept of negative rights, as it obligates the state to refrain from unduly restricting access to the Internet, especially in circumstances where such restrictions undermine citizens' ability to exercise their rights.

4.2. *SERAP v FRN*

The case of *SERAP v FRN*,²⁹ represents a pivotal moment in the jurisprudence of digital rights in Nigeria and the broader West African region. The complaint was brought before by the ECCJ by a coalition of civil society organisations, including the Society Economic Rights and Accountability Project (SERAP), against the Federal Republic of Nigeria, following the government's suspension of Twitter's operation across Nigeria in 2021. The suspension was justified by the government on the grounds of protecting national interests. The Applicants argued *inter alia* that this action violated article 9³⁰ of the *ACHPR* and article 19³¹ of the *ICCPR*. They also contended that the suspension constituted a breach of government's obligations to these treaties and prevented the citizenry from engaging in social commentary.

In its 2022 ruling, the ECCJ held that the Nigerian government's suspension of Twitter's operations from June 2021 to January 2022 violated the Applicant's rights to the enjoyment of freedom of expression, access to information and media freedom, as guaranteed under the *ACHPR* and *ICCPR* (Premium Times Nigeria 2022). The Court clarified that these provisions 'not only guarantee freedom of speech but also provided for a derivative right to access information, which is not a stand-alone right but a complementary right to the enjoyment of the right to freedom of expression'.³² The ECCJ ordered the Nigerian government to align its policies and regulatory measures to give effect to the rights and freedoms enshrined in the *ACHPR* and *ICCPR* (Access Now 2022; BBC News Pidgin 2022; Media Rights Agenda 2022).

The ECCJ's decision is significant in its alignment with the concept of negative rights. Negative rights require the state to refrain from actions that would interfere with individual freedoms. In this context, the right to freedom of expression imposes a negative obligation on the government to avoid undue interference with citizens' access to communication platforms such as Twitter.³³ As such, government has a duty to provide the necessary legal and policy framework to safeguard these rights for which internet access is paramount. Laws and policies that have the potential to limit internet access, stifle the free flow of information or limit access to knowledge must incorporate strong safeguards to prevent abuse by implementing officers. The Court's ruling therefore emphasised that the suspension of Twitter constituted an unjustifiable interference with these rights, as the government failed to demonstrate that the suspension met the criteria of necessity and proportionality – a key standard in international human rights law.

5. Curtailing internet access

Despite the progressive legal framework for expanding access to communication services, as exemplified by the provisions of the *NCA* and *UAS Regulations*, internet shutdowns remain a common method through which governments curtail citizens' access to the Internet. Notably, the shutdowns implemented by the Kaduna and Zamfara state governments in 2021, purportedly to address security challenges such as kidnapping and banditry, were ultimately ineffective in resolving these issues (Enyiocha 2021; Princewill 2021). As discussed further, there are legal bases allowing the government to mandate ISPs to shut down internet platforms. However, the key question is whether these measures were necessary and proportionate to address the purported infractions, with some commentators suggesting that such actions could signal the onset of digital authoritarianism in Nigeria (Elega, Mohammed, and Oloyede 2023).

Apart from incidences of internet shutdowns, the Nigerian government has sought to enact laws that could impinge on citizens' right to free expression, particularly through online platforms. In 2006, the *Internet Service Provisioning Guidelines (ISP Guidelines)*, which predominantly imposes obligations on ISPs, were published by the NCC. One provision with significant implications for internet access is paragraph 12, which requires ISPs to have procedures in place to take down internet content upon receiving takedown notices from the NCC or other legal authorities. The scope of content susceptible to takedown is not explicitly defined, and due to the broad language used, it may extend beyond what is listed in paragraph 5.³⁴ Additionally, the term 'legal authority' is not defined in the *ISP Guidelines*, potentially allowing for wide interpretation. This ambiguity creates room for the guidelines to be used by the government to control internet access for specific users. For instance, the federal government directed ISPs to block access to the online radio station Radio Biafra, operated by the Indigenous People of Biafra (IPOB), a group advocating for an independent Biafran state (Endong and Obi 2022).

Similarly, the *Internet Code of Practice 2019* empowers Internet Access Service Providers (IASPs) to engage in traffic management in a transparent manner to ensure the efficient operation of their network. This provision qualifies the extent to which net neutrality or the open internet principle is upheld in Nigeria. Specifically, paragraphs 3.3 and 3.4 permit IASPs to block access to lawful content and throttle internet traffic for 'reasonable network management'. The circumstances under which such practices would be justified are outlined in paragraph 3.7, which includes preserving network integrity and security, preventing network congestion, and complying with legal orders. These provisions are broad in scope and grant IASPs considerable discretion in restricting internet access, not only in specific situations but also in potentially omnibus circumstances. In a related vein, sections 54 and 55 of the *Copyright Act*³⁵ mandate ISPs to lawfully takedown or disable access to any content hosted on their network or system that infringes copyright. While this provision aims to protect intellectual property,³⁶ it may also impede internet access and freedom of expression, especially given the unclear boundaries between legitimate copyright enforcement and potential censorship of protected speech. Copyright law, intended to balance public access and creators' rights, risks being misapplied to stifle dissent and limit access to information, undermining its original purpose of fostering cultural expression and knowledge sharing (Chuma-Okoro 2018).

Moreover, the introduction of the Social Media Bill and the Hate Speech Bill in 2019 sparked further concerns about governmental overreach in regulating online expression (Nwabufo 2020; Omilana 2019). The Social Media Bill prohibits statements on social media deemed likely to harm national interest or diminish public confidence in the Nigerian government, effectively criminalising government criticism and granting the government the power to order ISPs to restrict or block online services (Lawal 2022; Mabika and Ogu 2022). The Hate Speech Bill proposes the establishment of a government agency empowered to enforce its provisions. Under the bill, individuals found guilty of hate speech could face life imprisonment. Although the initial draft included the death penalty for speech that resulted in a person's death, this provision was removed after public backlash. While neither bill has been passed into law, they reflect the lengths to which the government might go to restrict internet access and online expression.

The societal implications of internet shutdowns and platform restrictions are profound. In a networked society where digital connectivity is essential for participation in economic, social, and political life, restricting access to the Internet not only curtails individual freedoms but also undermines social cohesion and democratic governance. The Nigerian government's use of internet restrictions has the potential to erode public trust in institutions and exacerbate social inequalities, particularly for marginalised communities that rely heavily on digital platforms for communication and economic opportunities.

6. Conclusion

The recognition of internet access as a fundamental human right in Nigeria is a pressing issue, particularly given the growing reliance on digital connectivity for the exercise of various rights, including freedom of expression, access to information, and participation in democratic governance and the experience of culture. While Nigeria has made notable progress in expanding internet access through legislative frameworks like the *NCA* and the *UAS Regulations*, these efforts have largely focused on infrastructure development and economic considerations, rather than explicitly framing internet access as a human right. This gap in the legal framework leaves digital rights vulnerable to government interference, as demonstrated by Nigeria's history of internet shutdowns and platform restrictions. The integration of human rights theory and networked society theory highlights the broader societal implications of these legal gaps.

The human rights theory, focusing on positive and negative rights, provides a useful lens through which to assess the Nigerian government's obligations regarding internet access. While the promotion of universal service aligns with the state's positive obligation to provide access, the frequent imposition of internet shutdowns and restrictions highlight the government's failure to protect citizens' negative rights, which include the freedom to access and communicate via the Internet without unjustified interference. Networked society theory further highlights the societal importance of internet access, not only as an enabler of other rights but as a foundational right essential for full participation in social, economic, and political life. The Nigerian government's restrictive measures threaten individual freedoms, social cohesion, economic development, cultural experience and democratic engagement in a networked society.

Key judgments from the ECCJ strengthen the argument for recognising internet access as a human right. The rulings in *Amnesty International Togo & Ors v The Togolese Republic*

and *SERAP v. FRN* affirm that internet access is integral to the exercise of fundamental rights, particularly freedom of expression, and that any restrictions must meet strict standards of necessity and proportionality. These decisions provide a legal pathway for challenging internet shutdowns and restrictions in Nigeria, especially in cases where such measures disproportionately limit citizens' ability to exercise their rights.

As internet access becomes increasingly indispensable for the exercise of fundamental rights in the digital age, Nigeria faces a critical juncture in its approach to digital rights. The path forward requires a concerted effort from policymakers, civil society, and international bodies to ensure that the legal framework governing internet access in Nigeria is robust, rights-based, and future-oriented.

Notes

1. *Amnesty International Togo & Ors v The Togolese Republic* ECW/CCJ/APP/61/18.
2. *The Registered Trustees of the Socio-Economic Rights and Accountability Project (SERAP) & 3 ORS. v Federal Republic of Nigeria*, Application No: ECW/CCJ/APP/23; 24; 26 & 29/21 Judgment No: ECW/CCJ/JUD/40/22.
3. *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171.
4. However, countries like Finland, France, Estonia, and Costa Rica that have, either through legislation or case law declared internet access as a basic right.
5. [2010] IEHC 108 at para 9.
6. Discussed later in this paper.
7. *Constitution of the Federal Republic of Nigeria 1999*, ss 33-46.
8. 'Every person shall be entitled to freedom of expression, including the freedom to hold opinions and to receive and impart ideas and information without interference'. See s 39(1), *Constitution of the Federal Republic of Nigeria 1999*.
9. *Constitution of the Federal Republic of Nigeria 1999*.
10. Fundamental Objectives and Directive Principles of State Policy.
11. A position upheld by the Supreme Court in *Archbishop Olubumi Okogie & Ors. v Attorney General of Lagos State* [1981] 2 NCLR 337.
12. See generally chapter II, ss13-24 of *Constitution of the Federal Republic of Nigeria 1999*.
13. See s4 and Item 60(a) of the Exclusive Legislative List contained under the Part 1 of the Second Schedule of *Constitution of the Federal Republic of Nigeria 1999*. See also *Attorney General of Ondo State v Attorney General of the Federation & 35 Ors* [2002] 9 NWLR (Pt. 772) 222, a landmark case which established the precedence for the judicial pronouncement that the right to compulsory and universal primary education and free junior secondary education for all qualified Nigerian citizens are enforceable rights in Nigeria under the *Free Universal Basic Education Act 2004*.
14. Right to free basic education at the primary and secondary school level made justiciable through the enactment of the *Child Rights Act 2003* and the *Free Universal Basic Education Act 2004*.
15. *Federal Environmental Protection Agency Act 1988*.
16. *Cybercrimes (Prohibition, Prevention, Etc.) Act 2015* (as amended in 2024).
17. Cyberstalking carries a fine of up to 7 million naira and a maximum three-year jail term for knowingly sending false online messages to cause annoyance, danger, or insult to another person.
18. In 2022, the wife of the Nigerian president instructed the police to arrest a university student based on a tweet, accusing the student of cyberstalking her. The translated tweet read 'Mama is feeding fat on poor people's money.'
19. Chapter 9, *National Policy on Telecommunications* (May 2000) 26.
20. Regulation 1(2)(a) of the UAS Regulations.

21. 2.5% for network operators and 1% for non-network operators. See regulation 3 of the Annual Operating Levy Regulations, 2022.
22. s114 of the NCA, regulation 71 of the UAS Regulations.
23. s114(2)(a) and (c) of the NCA.
24. cf. jurisdictions such as India where the Supreme Court has highlighted the importance of internet access for fundamental rights protected by the Indian Constitution. See *Anuradha Bhasin v. Union of India and Ghulam Nabi Azad v. Union of India*, (2020) 3 SCC 637.
25. United Nations. *Vienna Convention on the Law of Treaties*, May 23, 1969, United Nations Treaty Series, vol. 1155, p. 331.
26. *Amnesty International Togo & Ors v The Togolese Republic* ECW/CCJ/APP/61/18.
27. Ibid.
28. *General Comment No. 34. Article 19: Freedom of Opinion and Expression* (No CCCPR/C/GC/34, UN Human Rights Committee, 11 July 2011).
29. *The Registered Trustees of the Socio-Economic Rights and Accountability Project (SERAP) & 3 ORS. v Federal Republic of Nigeria*, Application No: ECW/CCJ/APP/23; 24; 26 & 29/21 Judgment No: ECW/CCJ/JUD/40/22
30. 'Every individual shall have the right to receive information ... Every individual shall have the right to express and disseminate his opinions within the law'.
31. 'Everyone shall have the right to hold opinions without interference ... Everyone shall have the right to freedom of expression ... regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice ... '.
32. Application No: ECW/CCJ/APP/23; 24; 26 & 29/21 Judgment No: ECW/CCJ/JUD/40/22, para 67.
33. Significantly, the ECCJ in *SERAP v FRN* noted that the Internet, just like Twitter, is one of the media through which the right to free speech can be exercised and any act that restricts such rights will be deemed to be inconsistent with the provisions of articles 9 of the ACHPR and article 19 of the ICCPR. See Application No: ECW/CCJ/APP/23; 24; 26 & 29/21 Judgment No: ECW/CCJ/JUD/40/22, paras 69–71.
34. Para 5(e) uses the phrase 'any other unlawful purposes, including ... '.
35. *Copyright Act, 2022 (Act No.8 of 2022)*.
36. S2(1) and S108(1), *ibid*.

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References

- Abaya, Samuel Terungwa, Ezeoke Uchechukwu Enuma, Blessing Chidera Chukwueze, Aziba-anyam Gift Raimi, Daniel Josephine Kakwi, and Morufu Olalekan Raimi. 2023. "Prevalence, Determinants and Benefits of Use of Internet for Health-Related Information among Adults in Abuja, Nigeria." *AfricArXiv*. <https://africarxiv.pubpub.org/pub/etl0i8k2/release/1>.
- Access Now. 2022. "ECOWAS Court Victory: Twitter Ban in Nigeria Declared Unlawful." <https://www.accessnow.org/press-release/ecowas-court-nigeria-unlawful-twitter-ban/>.
- Adepetun, Adeyemi. 2022. "FG Lifts Twitter Ban after 222 Days, N546.5b Economic Losses." *The Guardian* January 13, 2022. <https://guardian.ng/news/fg-lifts-twitter-ban-after-222-days-n546-5b-economic-losses/>.

- Adeyanju, Sola. 2022. "Digitization and the Future of Communication Policy in Nigeria." In *Media and Communication in Nigeria: Conceptual Connections, Crossroads and Constraints*, 197. London, UK: Routledge.
- Akintaro, Samson. 2024. "Internet Speed: Nigeria Ranks 7th in Sub-Saharan Africa, Improves in Global Ranking 2024." *Nairametrics* July 17, 2024. <https://nairametrics.com/2024/07/17/internet-speed-nigeria-ranks-7th-in-sub-saharan-africa-improves-in-global-ranking-2024/>.
- Anene-Maidoh, Tony. 2018. "Enforcement of Judgments of the ECOWAS Court of Justice." <https://ir.nilds.gov.ng/bitstream/handle/123456789/387/ENFORCEMENT%20OF%20JUDGMENTS%20OF%20THE%20ECOWAS%20COURT%20OF%20JUSTICE.pdf?sequence=1&isAllowed=y>.
- Anyim, Wisdom Okereke. 2021. "Twitter Ban in Nigeria: Implications on Economy, Freedom of Speech and Information Sharing." *Library Philosophy and Practice*. <https://digitalcommons.unl.edu/libphilprac/5975/>.
- Araromi, Marcus Ayodeji. 2015. "Regulatory Framework of Telecommunication Sector: A Comparative Analysis Between Nigeria and South Africa." *African Journal of International and Comparative Law* 23 (2): 273–290. <https://doi.org/10.3366/ajicl.2015.0121>.
- Audu, Ola'. 2013. "Borno Residents Want Phone Network Restored as Boko Haram Gets Deadlier." *Premium Times Nigeria* September 29, 2013. <https://www.premiumtimesng.com/news/145640-borno-residents-want-phone-network-restored-boko-haram-gets-deadlier.html>.
- Bardy, Roland, and Arthur Rubens. 2019. "The Public Good of Internet Usage and Its Social Impact: A Business Ethics Approach." *Business Ethics and Leadership* 3 (2): 63–71. [https://doi.org/10.21272/bel.3\(2\).63-71.2019](https://doi.org/10.21272/bel.3(2).63-71.2019).
- BBC. 2021. "Muhammadu Buhari: Twitter Deletes Nigerian Leader's 'civil War' Post" 2 June 2021 <https://www.bbc.com/news/world-africa-57336571>.
- BBC News Pidgin. 2022. "Twitter Ban: ECOWAS Court Declare Twitter Ban Unlawful, Order Buhari Goment Not to Repeat Am," July 14, 2022 <https://www.bbc.com/pidgin/articles/cd1x3v98217o>.
- Ben-Hassine, Wafa. 2018. "Government Policy for the Internet Must Be Rights-Based and User-Centred." <https://www.un.org/en/chronicle/article/government-policy-internet-must-be-rights-based-and-user-centred>.
- Castells, Manuel. 2010. *The Rise of the Network Society*. 2nd ed. Chichester, UK: Wiley-Blackwell.
- Chartier, Gary. 2018. "An Ecological Theory of Free Expression." Switzerland AG: Springer Nature, <https://doi.org/10.1007/978-3-319-75271-6>.
- Chuma-Okoro, Helen. 2015. "The Nigerian Constitution, the Ecowas Treaty and the Judiciary: Interplay of Roles in the Constitutionalisation of Free Trade." *Global Journal of Comparative Law* 4 (1): 43–78. <https://doi.org/10.1163/2211906X-00401002>.
- Chuma-Okoro, Helen. 2018. "Nigerian Copyright Reform and Implications for Access to Teaching and Learning Materials (TLMs) in the Digital Age." *The African Journal of Information and Communication* 22:1–28. <https://doi.org/10.23962/10539/26172>.
- CIPESA. 2023. A Decade of Internet Freedom in Africa: Recounting the Past, Shaping the Future. <https://cipesa.org/2023/09/sifa2023/>.
- CNN. 2021. "Nigeria Bans Twitter after Company Deletes President Buhari's Tweet" June 5, 2021. <https://www.cnn.com/2021/06/04/africa/nigeria-suspends-twitter-operations-intl/index.html>.
- Crowe, Jonathan. 2019. *Natural Law and the Nature of Law*. Cambridge University Press.
- ECOWAS Community Court of Justice. n.d. "The Gambia and Niger Designate Their Authorities for the Enforcement of the Judgments of the ECOWAS Court." <http://www.courtecawas.org/2023/06/03/the-gambia-and-niger-designate-their-authorities-for-the-enforcement-of-the-judgments-of-the-ecowas-court/>.
- Elega, Adeola Abdulateef, Abdullateef Mohammed, and Felix Oloyede. 2023. "'The Fall of a Dry Leaf Is a Warning to the Green Ones': Exploring the Twitter Ban and the Impending Dangers of Data Politics, Algorithmic Governance, and Mass Surveillance in Nigeria." *First Monday* 28 (4): 1. <https://doi.org/10.5210/fm.v28i4.12692>.
- Elford, Gideon. 2021. "Freedom of Expression and Social Coercion." *Legal Theory* 27 (2): 149–175. <https://doi.org/10.1017/S1352325221000124>.

- Endong, Floribert Patrick C. 2022. "Internet Blackouts in Africa: A Critical Examination, with Reference to Cameroon and Nigeria." *Digital Policy Studies* 1 (1): 39–51. <https://doi.org/10.36615/dps.v1i1.1149>.
- Endong C, Floribert Patrick, and Paul Obi. 2022. "Cyber Space as Battlefield for Nationalist and Separatist Groups." In *Digital Dissidence and Social Media Censorship in Africa*, 120. Routledge: Taylor & Francis Group.
- Enyiocha, Chimezie. 2021. "Banditry: Kaduna Govt Shuts Down Telecoms Services In Some LGAs, Bans Motorcycles." *Channels TV* September 29, 2021. <https://www.channelstv.com/2021/09/29/banditry-kaduna-govt-shuts-down-telecoms-services-in-some-areas-bans-motorcycles-for-three-months/>.
- Ewang, Anietie. 2021. "Nigeria's Twitter Ban Follows Pattern of Repression." *Human Rights Watch* <https://www.hrw.org/news/2021/06/07/nigerias-twitter-ban-follows-pattern-repression>.
- Eze, Ijeoma P, and Sunday Aja Nwambam. 2019. "Impact of Internet on Students and Lecturers in Nigeria Higher Institutions of Learning." *International Journal of Humanities Social Sciences and Education* 6 (6): 14–19.
- Faturoti, Bukola. 2022. "Online Learning during COVID19 and beyond: A Human Right Based Approach to Internet Access in Africa." *International Review of Law, Computers & Technology* 36 (1): 68–90. <https://doi.org/10.1080/13600869.2022.2030027>.
- Federal Ministry of Communications and Digital Economy. 2020. *Nigerian National Broadband Plan 2020–2025*. <https://ngfrepository.org.ng:8443/handle/123456789/3349>.
- Freedom House. 2015. *Freedom on the Net 2015 - Nigeria*. <https://www.ecoi.net/en/document/1189144.html>.
- Garrett, Thiago, Ligia E Setenareski, Leticia M Peres, Luis CE Bona, and Elias P Duarte Jr. 2022. "A Survey of Network Neutrality Regulations Worldwide." *Computer Law & Security Review* 44. <https://doi.org/10.1016/j.clsr.2022.105654>.
- Gilmore, Jonathan. 2011. "Expression as Realization: Speakers' Interests in Freedom of Speech." *Law and Philosophy* 30 (5): 517–539. <https://doi.org/10.1007/s10982-011-9096-z>.
- Goldsmith, Jack, and Tim Wu. 2006. *Who Controls the Internet? Illusions of a Borderless World*. New York, NY: Oxford University Press.
- Graham, Mark. 2014. "A Critical Perspective on the Potential of the Internet at the Margins of the Global Economy." In *Society and the Internet: How Networks of Information and Communication Are Changing Our Lives*, edited by Mark Graham and William H. Dutton, 301–316. Oxford: Oxford University Press.
- Graham, Mark, and William H. Dutton, eds. 2019. *Society and the Internet: How Networks of Information and Communication Are Changing Our Lives*. Oxford: Oxford University Press.
- Hirschl, Ran. 2000. "'Negative' Rights vs. 'Positive' Entitlements: A Comparative Study of Judicial Interpretations of Rights in an Emerging Neo-Liberal Economic Order." *Human Rights Quarterly* 22 (4): 1060–1098. <https://doi.org/10.1353/hrq.2000.0044>.
- International Federation of Library Associations and Institutions (IFLA). 2013. *IFLA Trend Report Expert Meeting*. https://trends.ifla.org/files/trends/assets/ifla-trend-report-expert_meeting_synthesis_2013-04-26.pdf.
- Jacob, Jacob Udo-Udo, and Idorenyin Akpan. 2015. "Silencing Boko Haram: Mobile Phone Blackout and Counterinsurgency in Nigeria's Northeast Region." *Stability: International Journal of Security and Development* 4 (1): 8–8. <https://doi.org/10.5334/sta.ey>.
- Jimoh, Lukman Taiye. 2024. "Digital Rights in Nigeria: A Review of Alternative Pathway for the Enforcement." *Lawrit Journal of Law* 3 (2): 34–44.
- Kenna Partners. 2021. "Justiciability of the Right to Internet." <https://kennapartners.com/justiciability-of-the-right-to-internet/>.
- Krapiva, Natalia. 2020. "ECOWAS Togo Court Decision: Internet Access Is a Right That Requires Protection of the Law." Access Now. <https://www.accessnow.org/ecowas-togo-court-decision/>.
- Lancaster, Henry. 2022. "Nigeria: Telecoms, Mobile and Broadband – Statistics and Analyses." BuddeComm. <https://www.budde.com.au/Research/Nigeria-Telecoms-Mobile-and-Broadband-Statistics-and-Analyses>.

- La Rue, Frank. 2011. United Nations Human Rights Council. *Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression*, Frank La Rue. Geneva: United Nations.
- Lawal, Temitope. 2022. "The Role of Internet Governance in Geopolitical Conflicts, Economy and Energy Crisis, Climate Change from a Global/Regional/National Comparative Perspective." <https://www.qmul.ac.uk/ccls/alumni/events/items/the-role-of-internet-governance-in-geopolitical-conflicts-economy-and-energy-crisis-climate-change-from-a-globalregionalnational-comparative-perspective.html>.
- Linus, Nwauzi. 2017. "Justiciability of Fundamental Objectives and Directive Principles of State Policy: Under the 1999 Nigerian Constitution." *International Journal of Law* 3 (5): 29–37.
- Mabika, Verengai, and Emmanuel Ogu. 2022. "Internet Impact Brief: Nigeria's Protection from Internet Falsehood and Manipulation Bill 2019." Internet Society. February 21, 2022. <https://www.internetsociety.org/resources/2022/internet-impact-brief-nigerias-protection-from-internet-falsehood-and-manipulation-bill-2019/>.
- Media Rights Agenda. 2022. "Media Rights Agenda, Others Win Suit over Twitter Ban as ECOWAS Court Rules Nigerian Government's Action Unlawful." <https://mediarightsagenda.org/media-rights-agenda-others-win-suit-over-twitter-ban-as-ecowas-court-rules-nigerian-governments-action-unlawful/>.
- Mhlungu, Gugulethu. 2022. "Why Internet Access Needs to Be Considered a Basic Human Right." Global Citizen. <https://www.globalcitizen.org/en/content/internet-access-basic-human-right/>.
- Mohammed, Abdullateef, and Lateef A Adelakun. 2023. "The 2021 Nigerian Twitter Ban: A Text-Analytics and Survey Insight into Public Reactions and Outcomes in the Early Weeks of the Ban." *Communication and the Public* 8 (4): 390–401. <https://doi.org/10.1177/20570473231209077>.
- Molnár, Péter. 2015. *Free Speech and Censorship around the Globe*. Budapest, Hungary; New York, NY: Central European University Press.
- Moses, John Maikomo, Tordue Simon Targema, and Jesse Ishaku. 2022. "Tale of an Ill-Fated Scapegoat: National Security and the Struggle for State Regulation of Social Media in Nigeria." *Journal of Digital Media & Policy* 15 (1): 27–45. https://doi.org/10.1386/jdmp_00100_1.
- Nagle, Eva. 2010. "'To Every Cow Its Calf, to Every Book Its Copy': Copyright and Illegal Downloading after EMI (Ireland) Ltd and Ors v. Eircom Ltd [2010] IEHC 108." *International Review of Law, Computers & Technology* 24 (3): 309–316. <https://doi.org/10.1080/13600869.2010.522338>.
- National Bureau of Statistics (NBS). 2023. *Telecoms Data: Active Voice and Internet per State, Porting and Tariff Information (Q1 2023)*. <https://nigerianstat.gov.ng/elibrary/read/1241374>.
- Nigerian Communications Commission (NCC). 2020. *NCC Strategic Management Plan (2020-2024)*. <https://ncc.gov.ng/docman-main/industry-statistics/policies-reports/886-ncc-2020-2024-strategic-management-plan-aspire-2024/file>.
- Nwabufu, Fredrick. 2020. "Do You Know Hate Speech Bill Is Still Alive and Well at the Senate?" *TheCable* July 7, 2020. <https://www.thecable.ng/do-you-know-hate-speech-bill-is-still-alive-and-well-at-the-senate>.
- Obia, Vincent. 2023. "Regulatory Annexation: Extending Broadcast Media Regulation to Social Media and Internet Content." *Communication Law and Policy* 28 (2): 99–123. <https://doi.org/10.1080/10811680.2023.2206382>.
- Ochonogor, Christopher Ifeakachukwu. 2022. "Digital Media Revolution and Information Overload in Nigerian Cyberspace: The Challenges and Prospects." In *Bruce Mutsvairo, Nnamdi T Ekeanyanwu, Media and Communication in Nigeria: Conceptual Connections, Crossroads and Constraints*, 237–251. London, UK: Routledge.
- Office of the United Nations High Commissioner for Human Rights (OHCHR). 2023. "It May Be Time to Reinforce Universal Access to the Internet as a Human Right, Not Just a Privilege, High Commissioner Tells Human Rights Council." <https://www.ohchr.org/en/news/2023/03/it-may-be-time-reinforce-universal-access-internet-human-right-not-just-privilege-high>.
- Ogunlana-Nkanga, Mojirayo. 2022. "Internet Shut Down and The Pivotal Role of The Ecowas Court: Togo's Case." LawPavilion. <https://lawpavilion.com/blog/internet-shut-down-and-the-pivotal-role-of-the-ecowas-court-togos-case/>.

- Okafor, Chinedu. 2024. "10 African Countries with the Fastest Internet Speed at the Start of 2024." *Business Insider Africa* February 22, 2024. <https://africa.businessinsider.com/local/markets/10-african-countries-with-the-fastest-internet-speed-at-the-start-of-2024/50s56w4>.
- Okocha, Desmond, Damilare Agbele, and Josiah Kente. 2023. "New Media and Indigenous Cultural Identities in Nigeria." *Journal of Communication and Media Research* 15 (1): 104–117.
- Okonji, Emma. 2024. "With 43.53% Spread, Nigeria Still Far From Attaining 70% Broadband Penetration By 2025." *Thisday* May 16, 2024. <https://www.thisdaylive.com/index.php/2024/05/16/with-43-53-spread-nigeria-still-far-from-attaining-70-broadband-penetration-by-2025/>.
- Ola, Kunle. 2014. "Fundamental of Open Access." *European Intellectual Property Review* 36 (2): 112–123.
- Olaniyan, Akintola, and Ufuoma Akpojivi. 2020. "Transforming Communication, Social Media, Counter-Hegemony and the Struggle for the Soul of Nigeria." *Information, Communication & Society* 24 (3): 422–437. <https://doi.org/10.1080/1369118X.2020.1804983>.
- Olasupo, Abisola. 2020. "Why Nigeria Needs to Sign Digital Right and Freedom Bill into Law as the World Goes Digital." *The Guardian* July 2, 2020. <https://guardian.ng/features/why-nigeria-needs-to-sign-digital-right-and-freedom-bill-into-law-as-the-world-goes-digital/>.
- Omilana, Timileyin. 2019. "Nigerians Raise Alarm over Controversial Social Media Bill." *Aljazeera*. December 18, 2019. <https://www.aljazeera.com/news/2019/12/18/nigerians-raise-alarm-over-controversial-social-media-bill>.
- Ookla. 2024. "Nigeria Median Country Speeds Updated August 2024." <https://www.speedtest.net/global-index/nigeria>.
- Orji, Uchenna Jerome. 2018. *Telecommunications Law and Regulation in Nigeria*. Newcastle upon Tyne, UK: Cambridge Scholars Publishing.
- Powell, Alison, Amelia Bryne, and Dharma Dailey. 2010. "The Essential Internet: Digital Exclusion in Low-Income American Communities." *Policy & Internet* 2 (2): 161–192. <https://doi.org/10.2202/1944-2866.1058>.
- Premium Times Nigeria. 2022. "ECOWAS Court Declares Nigeria's Twitter Ban Unlawful," July 14, 2022. <https://www.premiumtimesng.com/news/headlines/542583-ecowas-court-declares-nigerias-twitter-ban-unlawful.html>.
- Presidential Committee on Broadband. 2013. "Nigeria's National Broadband Plan 2013–2018." https://nesgroup.org/download_policy_drafts/The%20Nigerian%20National%20Broadband%20Plan%202013_19May2013%20FINAL_1661855370.pdf.
- Princewill, Nimi. 2021. "Phone and Internet Shutdown in Nigerian State Enters Sixth Day as Security Forces Target Kidnappers." *CNN* September 9, 2021. <https://www.cnn.com/2021/09/09/africa/phone-services-suspended-zamfara-intl/index.html>.
- Psaila, Stephanie. 2022a. "Right to Access the Internet: The Countries and the Laws That Proclaim It." *Diplo*. <https://www.diplomacy.edu/blog/right-to-access-the-internet-countries-and-laws-proclaim-it/>.
- Psaila, Stephanie. 2022b. "'UN Declares Internet Access a Human Right' – Did It Really?" *Diplo*. <https://www.diplomacy.edu/blog/un-declares-internet-access-human-right-did-it-really/>.
- RationalStat LLC. 2023. "Latest Nigeria E-Commerce Market Report." October 9, 2023. <https://finance.yahoo.com/news/latest-nigeria-e-commerce-market-080000057.html/>.
- Reuters. 2021. "Nigeria Says It Suspends Twitter Days after President's Post Removed" June 5, 2021. <https://www.reuters.com/technology/nigeria-indefinitely-suspends-twitter-operations-information-minister-2021-06-04/>.
- South African Government. 2012. "Inaugural ICT Indaba: African ICT Ministerial Declaration." <https://www.gov.za/inaugural-ict-indaba-african-ict-ministerial-declaration>.
- Thumfart, Johannes. 2024. "Digital Rights and the State of Exception. Internet Shutdowns from the Perspective of Just Securitization Theory." *Journal of Global Security Studies* 9 (1), <https://doi.org/10.1093/jogss/ogad024>.
- Tully, Stephen. 2014. "A Human Right to Access the Internet? Problems and Prospects." *Human Rights Law Review* 14 (2): 175–195. <https://doi.org/10.1093/hrlr/ngu011>.

- United Nations. 2021. *Our Common Agenda – Report of the Secretary-General*. https://www.un.org/en/content/common-agenda-report/assets/pdf/Common_Agenda_Report_English.pdf.
- Universal Service Provision Fund (USPF). n.d. "Programmes." <https://www.uspf.gov.ng/programmes>.
- Vareba, Anthony Leva, Vivian Peace Nwinaene, Singto Barigborme Theophilus, and B Ken Saro-Wiwa Polytechnic. 2017. "Internet Censorship and Freedom of Expression in Nigeria." *International Journal of Media, Journalism and Mass Communications* 3 (2): 25–30.
- Wibye, Johan Vorland. 2022. "Reviving the Distinction between Positive and Negative Human Rights." *Ratio Juris* 35 (4): 363–382. <https://doi.org/10.1111/raju.12363>.