

## NIGERIA TWITTER BAN: AN EROSION OF FREEDOM OF INFORMATION?

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### ABSTRACT

*Of the three basic human liberties: the freedom of speech; the freedom to pursue tastes and the freedom of association, John Stuart Mill (1644) in his paper "On Liberty", concluded that the first is of the highest importance. The press which represents the pinnacle of freedom of speech has continued to occupy a place of prominence in practising democracies, performing vital roles of being source of information, acting watchdog on those in authority and being the champion of the downtrodden. This is even as governments, from time immemorial have relied on the press to communicate with the public on policies that shapes their everyday living. The introduction of the Internet, especially the social media networks have further expanded the two-way information traffic between government and people -while making the process more flexible, accessible and feedback quicker. Ironically, in the age where technological innovation and advancement in knowledge have revolutionized the way people conduct their affairs; the media has seen its freedom on a downward slide the world over. The right to seek and disseminate information through independent media is under severe attack as can be seen. This paper examines the Nigerian authority's efforts at restricting press freedom and specifically, the 2021 Nigeria Twitter suspension. Various implications the country may be confronted with as aftermath are here considered. The paper relied on secondary data collection method. Finding shows that the Nigerian government is apprehensive on account that citizens are championing the cause for the respect of their fundamental human rights; for due process and constitutional jurisprudence. It is therefore advised that government should shed its antagonistic toga and open the media space in order to enable freedom of expression and deepen democracy.*

**Keywords: Twitter, Freedom-of-information, Social Media, Nigeria, press-censorship.**

### Introduction

#### Background Considerations

The press as watchdog and government as custodian of the society are supposed to enjoy a mutual and symbiotic engagement — but the media has always been seen at thorn in the flesh of government in most societies. In Nigeria, even before the nation got her name and eventually independence; the media has always been seen by government as the enemy. From the colonial authority's enactment of 1891 *Official Secret Ordinance*; the *Newspaper Ordinance* of 1903; the 1909 *Seditious Offenses Ordinance*; to the 1917 *Abortive Censorship Law* — the government have unremittingly attempted to gag the media (Daramola, 1999).

The military junta which brought Gen. Muhammadu Buhari as head of state in 1983, through a coup d'état brought with it a new high in press censorship. Buhari enacted his infamous *Decree 4 of 1984*, which made it punishable by imprisonment, a fine or both for any media house that publishes or broadcast anything, even if true, to embarrass and possibly bring government officials or government itself to ridicule or disrepute (Daramola, 1999:34).

General Ibrahim Babangida who toppled Buhari in another coup d'état of 1985, and in order to endear himself to the press and the people, quickly repealed Buhari's *Decree No. 4*. He (Babangida) would later, replace *Decree 4* with his own version, *Decree 2 of 1990*. Several media houses and journalists were trampled under military Jack boots and jailed on account of both draconian enactments.

Basically, press freedom denotes the right of every person to own a printing press, to publish whatever information or ideas that pleases him, to decide the editorial policy of a publication and to enforce it upon his staff and to distribute freely without having to be self regulated (Okorie, 2010). Moreover, international human rights laws, the Nigerian constitution and as set out in the Declaration of Principles on Freedom of Expression in Africa (adopted in 2002 by the African Commission on Human and Peoples' Rights), guaranteed the right to free expression and access to information, while making provision that any restriction to this right must be justifiable in a democratic society (UNESCO, 2018).

The problem now lies with the very leaders who are supposed to abide by the tenets of these promulgation – but turning around to stand them on their heads. This is the adversarial relationship the media shared with successive governments in Nigeria, even up to the advent of what citizens still refer to as 'nascent democracy.'

To underscore the unhealthy environment the media has operated in under authorities who declined to imbibe democratic ideals and principles – in 2021, Nigeria was ranked 120th out of 180 countries in the *Reporters Without Borders* (RSF) World Press Freedom Index. In that infamous club with Nigeria are countries pundits describes as failing or failed nations, such as; Afghanistan, Jordan, Zimbabwe, Palestine, Qatar and South Sudan. The RSF analysis said the index data reflected a "dramatic deterioration in people's access to information and an increase in obstacles to news coverage" and that Nigeria falls under the countries classified as having "very bad", "bad" or "problematic" environments for press freedom" (Mbamalu, 2021).

Notwithstanding the advent of the Internet, the press and people's access to information have continued to suffer invariably. The New media have revolutionized the way information is generated, gathered, processed and distributed. The Internet has grown so pervasive that it now permeate people's everyday life and to a certain extent, shapes their views on issues (Ekwueme, 2008, p. 25).

Furthermore, with the Internet came the big tech companies who made available life changing social media platforms. As of today, Mark Zuckerberg's *Facebook*, who also own the messaging App, *Whatsapp* and picture sharing App, *Instagram*; Jack Dorsey's *Twitter*; *Snapchat*, *YouTube*, *LinkedIn*, *Google Duo*, *Facetime*, *Telegram* and sundry other social media platforms have continued to dominate the cyberspace, breaking new grounds and creating multifaceted innovations.

So far, social media remains a medium for millions of Nigerians, especially young people, who rely on it to connect with with others, galvanize for public action, make contacts, do business and access information. *Twitter*, was instrumental in this regard — especially during the tense occasion of the October 2020 #EndSARS protests against police brutality and other campaigns calling for government accountability. As with its jackboot tradition with the traditional media, the authority proposed certain legislation criminalizing criticism of the government on these networking platforms.

Social media clamp down by the Buhari government has swirled around for a while. In this direction, there have been standing social media regulation bills before the Nigerian National Assembly. A version tagged “*Frivolous Petitions Prohibition Bill 2015*”, was introduced in 2016 during the 8th National Assembly but was shut down on account of the heated protests it generated from concerned Nigerians.

Again, there are two other bills before the Nigerian Senate concerning this subject matter; the first one is the reintroduced *Hate Speech Bill*, and the second is the *Social Media Bill*. Before the chambers of both national assembly are two versions of the *Hate Speech Bill*: one before the Senate and the other before the House of Representatives — this bill is tagged: “*Hate Speech Prohibition Bill 2019*.”

In equal manner, another *Hate Speech Bill*, otherwise called the *National Commission for the Prohibition of Hate Speeches (Est. etc.) Bill 2019*, was sponsored by Senate deputy chief whip, who argued for the establishment of commission to regulate his subject matter. According to Emmanuel (2019), anyone found guilty of hate speech is liable to life imprisonment and if it leads to the death of another, the guilty party should be sentenced to death by hanging. The backlash from the Hate Speech Bill has seen its sponsor remove the attached death penalty and the senate distancing itself from the charade (Umoru, 2019).

On the opposite side and in order to give citizens access to information about government policies and decisions; the Nigeria's *Freedom of Information Act (FOI)* was passed into law in May of 2011. Its passage was to enable the public have access to certain government information, so as to hold government accountable and ensure transparency (Coker, 2011).

Conversely, in 2019, Nigeria President, General Muhammadu Buhari Rtd, declined to sign the *Digital Rights Bill*. The bill was supposed to protect the fundamental rights of Nigerians on the Internet and ensured that their safety and well-being are guaranteed. But President Buhari hinged his assent decline on the grounds that the bill covered too many ‘technical subjects’ and fails to address any of them extensively (Emmanuel, 2019).

From the foregoing therefore, it stands to be debated that the *Twitter* ban may follow what appears to be a pattern of attacks aimed at muzzling free speech in Nigeria — albeit, a practicing democracy.

## **The Problem:**

### **Twitter Ban — An Overview**

*Twitter*, a global micro-blogging platform, upset the powers-that-be when it (*Twitter*) took down a tweet by President Muhammadu Buhari, which the presidency considered offensive. Government’s irritation was on account that *Twitter* failed to release same hammer on tweets posted by the leader of the Indigenous

Peoples of Biafra (IPOB), Mazi Nnamdi Kanu, who is now facing a seven-count terrorism charges. The IPOB leader who had sought shelter in Britain, was rallying followers in order to seek a referendum to decide the fate of the Nigerian nation before he was allegedly picked up in Kenya with the help of INTERPOL. Government argued that Kanu was inciting violence with his posts on Twitter and while the platform turned a blind eye; it nonetheless wielded its hammer on the president's post.

*Aljazeera* (2021) reported that Nigeria's Information minister, Lai Mohammed, later countered the claim that the presidency was upset with *Twitter* on account that the President's tweet was removed – saying the suspension had nothing to do with Buhari's tweet being deleted, but rather with “separatists inciting violence” online.

From all indications, the *Twitter* ban portrays a larger political game plan yet unfolding as the nation move toward the 2023 general elections. Can the drama, whose script writers have elected to invigorate by muddling the waters of press freedom embellish the nation's democratic credentials among the committee of nations? Can Nigeria, in the age globalization enabled by technological advancement, survive the hurricane about to be unbound by supposed political leaders?

### **Theoretical Framework**

Pundits in communication and media studies have put forward several theories that seek to explain how and why people use the media and for what purpose – this is on one hand. At the other end are theories which explains what influence the media exerts on the audience, how the media operates or behave in different environments and how people or those in position of authority serve as gatekeepers through press censorship or other means. Two of these media theories underscore this paper – they are; Uses and Gratifications and Authoritarian media theories.

To begin with, Uses and gratifications theory is an off-shoot of the Minimal Effects Interface. It is a communication theory which seeks to understand why and how people actively seek out specific media to satisfy specific needs. The theory is an audience-centered approach to understanding mass communication (Severin, et al., 1997). The theory is a classic explanation of how and why users choose *Twitter* for interaction and as well as information source. Katz & Elihu (1959) declared that diverging from other media effect theories that question, "what does media do to people?", Uses and Gratification focuses on "what do people do with media?". They postulates that media is a highly available product and the audiences are the consumers of the same product.

In the light of this theory, the traditional media platforms such as radio, TV and the likes in the era of the Internet and the New media have ceased to be the sole producer and distributor of mass mediated messages. The advent of social networking sites such as *Twitter*, *Facebook* etc, have provided alternatives and catapulted the audience from being mere consumers of media products, to becoming producers and distributors of information.

As it relates to the Authoritarian Media Theory, Fred et al (1984) stated that of the four theories of the relation of the press to society or to government, the Authoritarian theory has been most pervasive both

historically and geographically. It is the theory which was almost automatically adopted by most countries when society and technology became sufficiently developed to produce what today we call the “mass media” of communication. It furnishes the basis for the press systems in many modern societies; even where it has been abandoned, it has continued to influence the practices of a number of supposed democratic governments which theoretically adhere to libertarian principles. The term “authoritarian”, according to McQuail (2010: 111) aptly defines press arrangements in societies where the media first began — monarchies in which the press was subordinated to state power and the interests of a ruling elite.

The instruments of authoritarian control of the media in contemporary times are many and varied, and they are employed in various combinations by different authoritarian governments as have and being experienced in Nigeria. They include repressive legislation, heavy taxation, direct or subtle state control of staffing of media establishments and of essential production inputs such as newsprint, and even such objectionable measures such as prior censorship, and punitive suspension of publication as the case with the *Twitter* ban. In the words of Olukotun (2004), total proscription has indeed been employed in a few cases of media perceived as unfriendly to the government of the day – this, in essence appears to be the objective of the government in trying to muzzle press freedom via social media regulation.

### **Literature Review**

Restrictions on the freedom of expression by constituted authority have been a sad disequilibrium long before what we now know as mass communication came to play. Censorship of the press began not long after the invention of the printing press. For instance, Pope Alexander VI issued a notice in 1501, requiring printers to submit copy to the church authorities before publication in order to prevent heresy. Penalties for bypassing the censors included fines and excommunication. (Infoplease, 2012).

From time immemorial, press restriction has taken two dimensions. The first may be either censorship or mandatory licensing by the government in advance of publication; the second is punishment for printed material, especially that is considered by the government to be seditious libel.

In England, where the struggle for press freedom first began, the appearance of unauthorized publications resulted in a royal proclamation of 1534 requiring prepublication licensing. John Milton, in his paper, *Areopagitica* of 1644, had attacked the licensing law and called on Parliament to suppress offensive publications after their appearance if necessary. Milton's grievance with prior censorship ultimately transformed to a cornerstone of press freedom, even up to the modern times, as his ideal and proposition continued to be held high. It was however, not until 1695 that the licensing and censorship laws were abolished in England. Severe restrictions on the press continued in England through the 18th and 19th centuries.

According to Udofa (2011) Freedom of expression is one of the fundamental rights, which are universally recognised and protected. Indeed, the constitutions of most countries of the world, including Nigeria have expressly provided for the protection of this right because of its importance and relevance to the enhancement of personal liberty and democracy. The right to freedom of expression is also protected under the Universal Declaration of Human Rights and the various regional Instruments and Conventions on human rights, including the *African Charter on Human and Peoples Rights*. Obligations and duties are imposed

on the State or its agencies and on individuals to protect and promote human rights and fundamental freedoms.

In the Nigerian setting, the right to freedom of expression is guaranteed and protected in *Section 39* of the *1999 Constitution of Nigeria* in the following terms; every person shall be entitled to freedom of expression, including freedom, to hold opinions and to receive and impart ideas and information without interference; Without prejudice to the generality of sub section (1) of this section, every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions provided that no person, other than the government of the federation or a state, or any other person or body authorised by the president on fulfillment of a condition laid down by an Act of National Assembly, shall own, establish or operate a television or wireless broadcasting station for any purpose whatsoever.

Moreover, the right to freedom of expression is also guaranteed under the various international instruments on human rights and fundamental freedoms. In this direction, *Article 19 of the Universal Declaration on Human Rights* provides as follows: everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinion without interference and to seek, receive and impart information, and ideas through any media and regardless of frontiers. In the same regard, *Article 19 of the International Covenant on Civil and Political Rights* provides for the right to freedom of expression as follows: that everyone shall have the right to hold opinions without interference: everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds etc. The *African Charter on Human and Peoples Rights Article 9* also made provision for the protection of the right to freedom of expression (Udofa, 2011:2).

All of these enactments available to enable freedom of information has however not deter governments from trampling on this fundamental human right. A 2012 US Department of State's Human Rights Report described Nigeria as "partly free" in the *Freedom of the Press 2011* report published by the Freedom House. According *SaharaReporters* (2020), on April 26 2020, Reporters without Borders (RWB) World Press Freedom Index ranked Nigeria 115 out of 180 countries surveys. The report cited killing, detention and brutalization of journalists alongside targeted attempts to shrink the civic space by the Nigerian Government as reason for the ranking. The report opined that in 2019, more than three journalists were abducted and arbitrarily detained for their works in exposing corruption.

It listed the names of the victims to include: Agba Jalingo of *Cross RiverWatch*, Omoyele Sowore of *SaharaReporters* and Dadiyata, a vocal social media critic of President Muhammadu Buhari and others. The *RWB* report declared that "Nigeria is now one of West Africa's most dangerous and difficult countries for journalists, who are often spied on, attacked, arbitrarily arrested or even killed.

In 2013, the *Human Rights Watch* put together a report titled: *Harassment of journalists and restrictions on press freedom*. In the report, *HRW*(2013) examined the Nigerian government's efforts at press censorship. According to the paper, a look on a superficial level may show that the media seem to enjoy considerable freedom in Nigeria, but that a closer scrutiny of the nation's press milieu would prove otherwise. It stated that there have been numerous incidents in which officials have intervened directly in an attempt to prevent coverage of events judged detrimental to the image of the government. The paper cited a report by *Media*

*Rights Agenda (MRA)*, a Lagos-based nongovernmental organization which promotes press freedom and freedom of expression. *MRA* was said to have recorded more than fifty cases of reported abuses against journalists and other violations of freedom of expression between June 2002 and September 2003; including at least nine cases of physical assault by the police, as well as other forms of harassment, intimidation and obstruction, such as destruction or confiscation of journalists' cameras.

It cited two instances during President Olusegun Obasanjo's administration, where in June 2003, all printed copies of the June 30 edition of the weekly *Tell magazine* were bought up by agents of the Organizing Committee of the All Africa Games (COJA). The magazine contained an article on corruption in the award of contracts for coverage of the All Africa Games, due to take place in Nigeria in October 2003. The article concluded by recommending that government should ensure that all individuals are allowed to express their views freely and openly without fear of arrest, violence or other forms of intimidation.

Again, considering the place social media platforms have come to occupy in the political electioneering process and specifically, the use to which *Twitter* has been put to by individuals, political parties and organizations involved in the process; Bethany et al (2015) conducted a study in the United States, in order to shed light on social media dynamics by examining inter-media agenda-setting effects among *Twitter* feeds of the 2012 US presidential primary candidates – *Twitter* feeds of the Republican and Democratic parties, and articles published in the nation's top newspapers. Daily issue frequencies within the media were analyzed, using time analysis series.

The researchers found a symbiotic relationship between agendas in *Twitter* posts and traditional news, with varying levels of intensity and differential time lags by issue. While traditional media follow candidates on certain topics; on others they are able to predict the political agenda on *Twitter*. They also examined the extent to which campaigns and parties are reliant on major news outlets to provide content for regular *Twitter* posts or choose to communicate a unique agenda that may then predict media content. This was investigated in the context of the 2012 presidential primary – the first presidential election in which *Twitter* was heavily used. While the newspaper-to-*Twitter* relationship suggests news media are influencing candidate and party reactions on *Twitter*, the reverse indicates *Twitter* may constitute a resource to bypass media gatekeepers, serving as a new source for journalistic content.

In other words, rather trying sometimes to bypass bottlenecks put in place by media gatekeepers, news source can easily put such information on *Twitter* which command the same appeal and reach like the traditional media. Their findings suggests both are taking place – the influence between *Twitter* and the top newspapers in the U.S. is reciprocal, generally speaking. The trio stated that over the last few years, the increase in social media use has had a direct effect on political campaign strategy, particularly on the Social Media platform, *Twitter*. Its unique platform allows users to showcase their political opinion. *Twitter* is currently being viewed as a platform for political advancement the report concluded.

### **Research Methodology**

In the course of this research, secondary data collection method was employed. In this regard, available resources on the subject matter, which included newspaper and magazine reports, journals, articles and other online resources were gathered, analyzed and discussed.

## **Presentation/Discussion**

### **Political Implications**

Nigeria as a nation does not live in isolation, its foreign policy to begin with, has primarily been pro-West, despite its non-aligned profession. The two-way street engagement therefore, demands that whatever action the country takes which has profound domestic and international dimension, is bound to exert response from members of the international community as it affects their countries' socio-economic and political interest. In the wake of *Twitter* suspension, foreign Missions domiciled in Nigeria took to their respective *Twitter* handles to express their opinion or outrightly denounced the platform's suspension.

Firstly, the Swedish Embassy in Abuja said Nigerians have a constitutional right to exercise their freedom of expression and a right to access information. This, according to it, must be respected — "Safeguarding free, independent media and civic spaces for democratic voices is an important part of Sweden's drive for democracy" (Odutola, 2021).

In the same light, the High Commission of Canada to Nigeria said that freedom of speech, used responsibly online and off line and access to reliable information are fundamental human rights protected by Nigeria's constitution and a cornerstone of democratic life around the world. "These human rights should be fully protected, while preventing inflammatory rhetoric and hate speech that could fuel tension and conflict (ibid).

Following their comments on *Twitter*, Nigeria's Minister of Foreign Affairs, Godfrey Onyeama, had invited the envoys of the United States, United Kingdom, Canada, the Republic of Ireland, and the European Union to a meeting in Abuja. At the closed-door meeting, US Ambassador to Nigeria, Mary Beth Leonard, on behalf of her five envoy-colleagues reiterated their earlier position that the ban on *Twitter* by the Nigerian government violated the freedom of expression of Nigerians, irrespective of concerns by the government that the platform was being used to perpetuate hate speech and criminality.

The positions assumed by these countries has serious political implications for the nation Nigeria, since it does not operates in a vacuum. The country being a developing nation is more or less tied to the apron strings of the developed world on most fronts, to whom it goes, cap in hand — for aids, loan, grants and sundry matters. If government decision to continue with its ill-advised strategy of muzzling the press; the advanced democracies of world may not just fold its arm and look

### **Economic Implications**

The advent of the Internet has provided millions of Nigerians, especially young people with the opportunity to turn their situation around, despite government failures on many fronts going forward. Quarterly statistical reports claimed the Nigerian economic kept improving— the reverse however, is the reality on the street, where youth are unemployed, underemployed, frustrated for absence of opportunities and majority are depressed.

On account of the unwholesome situation, social media platforms have become an escapist strategy and a veritable tool for startups and an economic advancement pedestals for businesses ran by the youth. These

young persons are capitalizing on technology and the Internet to turn around their beleaguered situation or solve local problems. Recent trends have shown that from financial technology to entertainment, health and even politics — the youth are making inroads into the ‘tech-world’ where the next financial goldmine lies.

According to Tankovska (2021) in 2019, there were about 24.59 million social network users in Nigeria, a figure projected to grow to 44.63 million users in 2025, as more users are able to access the Internet and others begin to understand the role that social media plays in business, job creation, advocacy, and politics.

Proshare (2021) concluded that in a nation that ranks second in global unemployment table, with an estimated 13 million young unemployed people, and unemployment rate of 27.1%, uncountable number of small business owners in Nigeria operates on *Twitter*, either through targeted ads or organic engagement; not to mention uncountable social media ‘celebrities’ the platform has created (these are users with huge followings usually referred to as *Twitter* or social media Influencers). Multinational companies, organizations and even government leverage on their popularity, following and influence to push products, services, issues and policies to the public domain.

Moreover, in terms of attracting Foreign Direct Investment (FDI), Ghana, Nigeria’s neighbor-country has become its (Nigeria) economic rival and the beautiful bride for foreign investors. In April, 2021, Jack Dorsey, *Twitter* CEO, announced that it was setting up operations in Ghana. Dorsey opined that Ghana was a more conducive environment for business and that the West African country upholds press freedom, and supports open Internet. The move did not come to pundits as a surprise. During the EndSARS protests against police brutality, oppression, and extra-judicial arrests and killings, which were held across various states of the federation and overseas in October of 2020; *Twitter* amplified the hashtag - #EndSARS, which quickly gained traction and trended across multiple countries - with Jack Dorsey sharing donation links to fund the protests across Nigeria. This in essence may be what triggered the discourse on regulating social media by Lai Mohammed, with certain northern governors and politicians playing.

In addition, Onuh-Yahaya, (2021) agreed that the suspension sends a clear message: “Nigeria remains unsafe destination for foreign investments.” Moreover, the suspension will do nothing but worsens the country’s economic woes and ruin its reputation as an increasingly volatile political environment - which Nigeria is proving critics to be. Investors would simply continue to choose Nigeria’s economic rival Ghana, or South Africa’s relatively stable economy or even the emerging super ‘tech-hub’ in East Africa — Rwanda; if not Kenya that could also serve as investment haven.

For the large Tech companies such as *Google, Facebook, Amazon* etc; the country (Nigeria) may be a huge haven for investment and is projected to become Africa’s largest tech hub and yet the Nigerian government continue to place restrictive policies that discourage growth and threaten what would otherwise be a successful transformation. This would eventually hamper its dream of diversifying the economy away from dependence on oil in the coming years, while capitalizing on ICT as springboard for the nation’s economic advancement.

Additionally, investors pay critical attention to the policy direction of governments prior to making an investment. These policies drive macroeconomics variables such as inflation, exchange rate, political stability, fiscal deficit and unemployment — these variables ultimately affect the general performance of an economy and the ability of businesses to thrive (Onuh-Yahaya, 2021).

### **Legal implications**

As government hammer drops on *Twitter*, the very act of tweeting (posting comments on *Twitter*) become a crime in its reckoning. The aftermath was government's threat to prosecute *Twitter* users. The declaration was consequent upon Nigerians circumventing the system by bypassing network providers' access block to *Twitter* through using several VPNs applications available. In a report by Paquette (2021), the demand for these firewall-circumventing apps jumped by more than 1,400 percent over the weekend of the suspension, according to TopTenVPN, a tracker in London. On June 5, the Association of Licensed Telecommunications Operators of Nigeria announced that its members had received and complied with instructions from the authorities to block access to *Twitter*.

Several prominent Nigerians and organizations defied the government's threat and continue to be active on the platform. The General Overseer of The Redeemed Christian Church of God, Pastor Enoch Adeboye, tweeted his defiance, when states; "The Redeemed Christian Church of God is domiciled in more than 170 nations and territories. The tweets here are in accordance to *article 19 of the UN declaration of Human Rights*" *Twitter*, 2021). Others who continue to use *Twitter* includes but not limited to; Alhaji Atiku Abubakar, former Vice President, Femi Fani Kayode, former Aviation minister; Ayodele Fayose, former Ekiti state governor, Segun Awoniyi, a.k.a segalinks, lawyer and *Twitter* influencer; Senator Shehu Sani, former Kaduna state senator, Linda Ikeji, publisher of *lindaikejisblog*, Senator Ben Bruce, former Bayelsa state senator, the People's Democratic Party, (PDP), *The Guardian*, *Punch*, *PremiunTimes* and *Saharareporters* newspapers, etc.

On the heels the pronouncement, the Nigerian government directed its broadcast regulator, the National Broadcasting Commission, NBC, to intensify its gate-keeping responsibility and regulate social media platforms. The Agency as a result, ordered all broadcast houses to suspend "patronage of *Twitter* immediately" and stop using the social media company as a "source of information gathering for news and programmes." According to a statement published on *Facebook*; "It will be unpatriotic for any broadcaster in Nigeria to continue to patronize the suspended *Twitter* as a source of its information, therefore strict compliance is enjoined" (William, 2021).

Again, Abubakar Malami, Minister for Justice and Attorney General of the Federation, after his initial threat to *Twitter* users, directed the Director of Public Prosecution of The Federation, DPPF, to liaise with the Ministry of Communication and Digital Economy, National Communication Commission (NCC) and other relevant government agencies to ensure the speedy prosecution of offenders without any further delay (Danielle, 2021). The threat elicited numerous condemnation and backlash from stakeholders and concerned Nigerians, which made the federal government, did an about-face, denying that it ever threatened to prosecute *Twitter* users.

The House of Representatives joint committee on Information, National Orientation, Ethics and Values alongside the National Security, Justice and Commerce, equally added their voice to the raging imbroglio by staging a controversial hearing. At the hearing, the Minister of Information, Lai Mohammed declared that the Nigerian government had relied on the constitution and specifically, the *National Security Act*, the *Cybercrime law, section 45 of the 1999 Constitution* and *Companies and Allied Matters Act, CAMA*, in order to put the hammer on Twitter's operations. He nonetheless, denounced the role played by *Twitter* during the EndSARS protests of October, 2020, while accusing Jack Dorsey of not only retweeting messages of the protesters, but also that he raised funds for the objectors.

In a report by Onyekwere (2021), notable Nigerian legal experts and Human rights lawyers rose to defend the rights of Nigerians to free press while condemning government action. Human rights lawyer, Ebun-Olu Adegboruwa, (SAN), considers the threat to prosecute anyone found violating the policy of the government on the suspension of Twitter worrisome:

*I believe even as I write this now, there is still no law in force in Nigeria, making the use of Twitter an offence. It is thus doubtful therefore, if the threat of prosecution is to be based upon the declarations of the minister of information alone or the arbitrary disconnection of Twitter users by the telecommunication companies.*

According to him, *Section 36 (12) of the Constitution* provides that "a person shall not be convicted of a criminal offence unless that offence is defined and the penalty therefore is prescribed in a written law; and in this subsection, a written law refers to an Act of the National Assembly or a Law of a State, and subsidiary legislation or instrument under the provisions of a law.

Emeka Okpoko (SAN), declared that to determine the legality of prosecuting those who violate Twitter ban, it must be examined from the prism of the Constitution:

*Remember that this ban was made pursuant to the pronouncement of the Minister of Information and Culture. At best, that statement can be a policy statement and therefore not traceable to any written law such as an Act of the National Assembly, Law of a State Assembly or Subsidiary Legislation.*

Human rights lawyer and the 2018 International Bar Association (IBA) Human Rights lawyer of the year, Adeola Oyinlade, believes that the directive is illegal and unconstitutional and that the executive order, cannot override the 1999 Constitution. According to him, in plethora of cases decided in Nigeria, the Supreme Court has held that before a crime can be committed, it has to be defined by law validly enacted by the National Assembly or States House of Assembly with punishment described:

*Arrest and prosecution of Nigerian citizens for using Twitter contravenes the grundnorm, which is the constitution of Nigeria. I humbly remind the office of the AGF that mere directive from the government cannot take a place of law. The purported order if not quickly reversed, will lead to arrest of citizens who cannot be arraigned within the timeframe stipulated by the Constitution in breach of their fundamental human rights.*

Femi Falana, (SAN), declared that the order is a provocative infringement of Nigerians' right to freedom of information in the country:

*This is a confirmation of the suspension of Chapter 4 of the Nigerian Constitution. The NBC has been authorised to impose harsh fines on local media houses that embarrass the Federal Government as a pretext for possible ban. The suspension of Twitter may soon be extended to the BBC, VOA and other international media platforms accused of publishing seditious or defamatory information against the government and its officials ( Odutola, 2021).*

### **Socio-Economic Rights and Accountability Project (SERAP) and ECOWAS Court Ruling**

Socio-Economic Rights and Accountability Project (SERAP), a local human rights body, alongside 176 other concerned Nigerians, had approached the Court of Justice of the Economic Community of West African States, (ECOWAS), in order to challenge the infringement.

The applicants had argued that the *Twitter* suspension escalated repression of human rights and unlawfully restricted the rights of Nigerians and other people to freedom of expression, access to information, their fundamental human rights and for breaching its international obligations by banning *Twitter*, *Aljazeera* (2021) reported. While giving its ruling; a statement by SERAP, quoted the Court as saying it was restraining the government from acting against citizens or media outlets over the use of *Twitter*, pending a substantive ruling on the core issue.

The ECOWAS Court, exercising its power under *Article 79 of the Rules of Procedure* of the Court, granted the measure, holding that it recognizes that access to *Twitter* provides a platform for the exercise of freedom of expression and any interference with the access will be viewed as an interference with the right to freedom of expression. By extension, such interference will amount to a violation of a fundamental human right which falls within the competence of the Court pursuant to *Article 9 (4) of the Supplementary Protocol (A/SP.1/01/05) Amending Protocol (A/P1/7/91)* relating to the Community Court of Justice.

Inasmuch as the court's decision prevents the Nigerian government from prosecuting and targeting individuals for their use of *Twitter*, says Vishwanath (2021); it refused to order the Nigerian government to lift the suspension on the use of the platform.

### **Conclusion/Recommendation**

This paper has succinctly dissected the circumstance and aftermath of the pronouncement of the Federal Government of Nigeria suspending the operation of the micro-blogging platform *Twitter*. It has looked at the hypothesis; "Is the *Twitter* ban an erosion of freedom of information in Nigeria?" From all indices and the plethora of reports of secondary data presented and analysed here; it can be arguably concluded that the current Nigerian government is bent on circumventing the right to free speech in the country.

Looking at the multifaceted implications identified here, which the nation and its people are facing and may have to encounter on account of the *Twitter* suspension; it is a considered opinion that government should take early measure to nip the crisis in the bud.

Since the uproar erupted, *Twitter* has in a way maintained a conciliatory posture, giving the green-light that it was ready for parley. This is a commendable stance which the Nigerian authority has now taken advantage of. Government should shed its antagonistic toga and embrace dialogue with diplomatic humility which would allow a mutually assured compromise moving forward.

Since the government has now sent representatives to meet with *Twitter* executives and certain compromise is being reached; the tempo should be kept and both sides are encouraged to make efforts so as to come to a beneficial conclusion.

Then again, freedom of information thrives where democratic ideals and respect for human rights are well grounded and constitutionally established and respected. Nigeria as a nation must strive to build strong institutions rather the worship of individual leaders as it is now being experienced in the polity. Strong institutions would protect the people's right in the face of abuse of power by those in authority.

Furthermore, for the sake of the nation's democratic credentials in the midst of the committee of nations and in order that citizens should not be left behind in the emerging and developing technological advancement via the Internet that has come to revolutionize socio-economic, political and cultural realities, there remains the urgent need for government to temper its intemperance by opening up the avenue for citizens to express their opinions on diverse policies, situations and incidents which shape their existential struggles.

In addition, it is generally agreed that for there to be participatory democracy, the freedom to hold and transmit thought is non-negotiable. The stifling air of press restrictions needs to be eased, and the time is now, as the nation moves toward the 2023 general elections amidst socio-economic woes and security challenges across board.

While freedom of information should be balanced against other equally important interests, such as the right to privacy, protection of reputation and national security and public interest; government must deem it necessary to, at all times and situations act under the rule of law and the confines of the constitution in dealing with supposed breach of public peace and national interest.

Above all, the social media has come to stay as a veritable vehicle for socio-economic, political and cultural diffusion — even as its information dissemination and aggregation of thoughts between the government and the governed cannot be overemphasised; government should rather leverage on this advantage for seamless engagement with the citizens as it concerns public policies — their conception, design and implementation.

Government has countered critics opinions that it acted out of vindictiveness, while saying its decisions were duly guided by public interest (while putting the ban in motion) — the very reason citizens gave it(government) the mandate to protect and preserve their rights, dignity and ultimately, their lives. It should however, be noted that the principle of public interest is a broad concept and its interpretation is difficult to define. This definition or interpretation may vary depending on the circumstances of each case. It should left as a matter for the courts, acting in good faith with the specific aims of each act in mind.

On the other hand, the press and media rights advocates must consolidate their efforts at making effective the *Freedom of Information Bill (FOI)* that has been signed into law. The press should continuously capitalize on its agenda setting and agenda building function to call attention to the law as this would afford it access to government's confidential information so as to better perform its constitutional function and hold government to account and responsibility.

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