Internet Filtering in
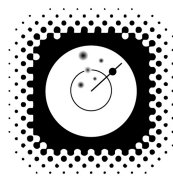
Nigeria

OpenNet Initiative

Overview

From 80,000 Internet users in 2000 to 11 million in 2008, Nigeria's online population is growing dramatically.[1] The government has arrested and threatened journalists, but there are no known cases of Internet filtering. New legal provisions, including the draft Computer Security and Critical Information Infrastructure Protection Bill, may support filtering or content control policies.

Background

In April 2007 Nigeria underwent its first democratic transition between two civilian governments. The election took place among rumors of fraud and widespread voting irregularities, and opposition candidates Atiku Abubakar and Muhammadu Buhari (Nigeria's former vice president and former military ruler, respectively) both appealed the Presidential Election Tribunal's decision to uphold President Shehu Musa Yar'adua's highly contested victory. Their appeals were later dismi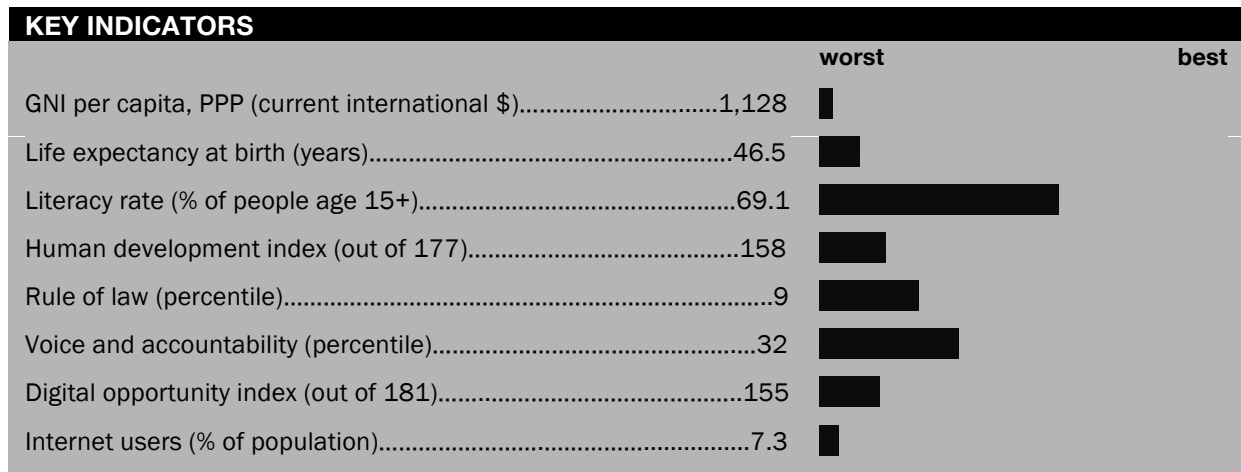ssed.[2] Abubakar and Buhari took their complaints to the Supreme Court,[3] which in December 2008 ruled in favor of Yar'adua.[4]

Significant tensions exist between Christian and Muslim groups in Nigeria; these tensions are sometimes exacerbated by political violence. There are over three hundred ethnic groups in the country, and while the Hausa, Yoruba and Igbo remain the largest, others have gained stronger voices over the past few years. However, ethnic groups in the oil-producing Niger Delta region of Nigeria – which is well known for frequent and pervasive violence – have continued to speak of their marginalization. Their demands led to the creation of a special Ministry of the Niger Delta in 2008, though many human rights activists have criticized the ministry as a bureaucratic expansion rather than a sign of real change.[5]

Political dissent has enjoyed fairer treatment since the beginning of civilian rule in 1999, especially due to the active role played by the judiciary.[6] Still, the government remains largely unaccountable to citizens, and few channels for citizen participation in government exist.

RESULTS AT A GLANCE					
Filtering	**No evidence of filtering**	**Suspected filtering**	**Selective filtering**	**Substantial filtering**	**Pervasive filtering**
Political	●				
Social	●				
Conflict/security	●				
Internet tools	●				

Other factors	**Low**	**Medium**	**High**	**Not applicable**
Transparency				●
Consistency				●

The relationship between Nigeria's government and the media is poor. Journalists face arrest and physical attacks, media outlets have been closed, and the government has proven itself intolerant of media reports that question the well-being of the president, who is known to have health issues.[7] Even though popular political blogs and citizen journalist Web sites exist, the government has not been known to filter or block any sites. At least two journalists have been arrested for publishing online articles and photos critical of the government.[8]

Internet in Nigeria

Nigeria has over 100 licensed ISPs, but only a third of these are active, and none holds a substantial share of the market. Until a few years ago, all ISPs obtained their upstream bandwidth from foreign service providers. Despite the arrival of Nigeria's communication satellite and the SAT3 submarine cable system connecting Africa to India (both of which have had significant problems), the majority of Nigeria's ISPs have maintained relationships with their foreign service providers, to whom they mostly connect through VSAT. The originally state-owned ISP NITEL (operator of the SAT3 cable) has been privatized.[9] The Nigerian Internet Exchange Point (NIXP) was established in 2007 and is increasingly gaining the cooperation of the country's ISPs. The country's top-level domain, .ng, is managed by the independent Nigerian Internet Registration Association (NIRA).[10]

The most recent statistics from the International Telecommunications Union put Nigeria's Internet user population at 11 million,[11] but the figure is likely higher due to multiple access opportunities (such as mobile phones and fixed wireless services) and shared access points where users connect to the Internet through the same public terminal. The Internet penetration rate is just over 7 percent.[12]

Most citizens connect to the Internet at work or at Internet cafés, though an increasing minority now have access at home. Other than at the relatively affordable cafés, which offer 60 minutes of Internet connection time for prices ranging from USD0.70 to USD4.00 depending on speed, Internet access is extremely expensive in Nigeria. Each month, individual home users pay about USD100 for access, while corporate users pay as much as USD1,500 for bandwidth costs (after the usually expensive initial setup and equipment fees). Broadband access is available but unpopular due to its high cost, and many service providers use the word "broadband" for speeds that are significantly slower.

Legal and Regulatory Frameworks

Multiple agencies are involved in Internet legislation in Nigeria, including the Nigerian Communications Commission, the National Information Technology Development Agency and the Economic & Financial Crimes Commission. Still, Nigeria has no law restricting online content, and Internet-focused laws are thus far directed toward fighting cybercrime and protecting critical information infrastructure. The Computer Security and Critical Information Infrastructure Protection Bill, proposed in 2005, requires ISPs to retain user data and make it available to law enforcement. The bill may also serve as gateway to more extensive filtering or Internet controls.[13] At the time of publication, the bill was still undergoing debate and revisions.[14]

The overwhelming amount of spam originating from the country has led to recent government interest in curbing cybercrime. The Nigerian Cybercrime Working Group, an interagency body consisting of representatives from government and the private sector, was established in 2004 to develop legislation on cybercrime.[15] In 2007, the government established the Directorate for Cybersecurity (DfC), an agency charged with "respond[ing] to security issues associated with growing usage of internet and other information and communication technologies (ICTs) in the country," and gave it a N1.2 billion (approximately USD9.8 million using 2007 exchange rates) budget to carry out its mission.[16]

In September 2008 the government proposed revisions to existing cybercrime legislation. The new bill, titled "A Bill for an Act to Provide for the Prohibition of Electronic Fraud in all Electronic Transactions in Nigeria and for other Related Matters," will provide for prison sentences of up to 14 years for those convicted of committing financial crimes online or of illegally intercepting e-mail messages. Sending "unsolicited" pornographic images is punishable by one year in prison or a N250,000 (USD1695) fine.[17]

The Lagos State Task Force on Environment and Special Offence recently initiated a crackdown on pornographic films, seizing DVDs and arresting their sellers, and on May 29, 2009, the state government issued an executive order forbidding the "sales, broadcast and display of pornographic materials" in public places, though it is unclear whether this prohibition applies to the Internet.[18] Though no national law expressly forbids the viewing of pornography online, many Internet cafés insist that users not access explicit Web sites.

The lack of Internet-specific laws does not mean the government has ignored online media. In 2008 two online journalists were detained and questioned,[19] and it is not unreasonable to believe that the government may apply existing media law to constrict online media. In the enforcement of existing media law, the government has shut down the operations of a television station, arrested journalists and seized equipment from the offices of a newspaper house.[20] Even though the present government claims to adhere to the rule of law, it has been known to take action against the media for political reasons.[21]

The government has taken steps to prevent cybercrime in the past by asking Internet cafés to register. All ISPs must obtain a license from the Nigerian Communications Commission before commencement of operations, but this is a simple process that includes demonstrating that they have the technical and financial competence to run such businesses. For users, requirements for obtaining Internet access depend on

the provider: some operators (e.g. mobile phone companies that offer Internet access) do not require any information, but others (regular ISPs and fixed wireless access service providers) require customer registration. Internet cafés do not require customers to provide identification. However, in August 2008 the Nigerian Communication Commission announced that, due to the rising use of mobile phones to aid criminal activity, the government would begin requiring all mobile phone owners to register their SIM cards.[22]

Surveillance
To date, there have been no reported cases of Internet surveillance, and there is no legal framework that directly addresses surveillance. It is, however, widely known that the State Security Service carries out surveillance of the media and takes action in response to content the government considers inappropriate.[23] In June 2009, the government announced a USD5 million plan to support government-friendly web sites and prevent government-critical web sites from influencing Nigerian public opinion.[24] Approximately 50 "patriotic" web sites are scheduled to be launched before the 2011 elections.

The recent announcement by government that all mobile phone service providers should register all SIM card owners and subsequent suggestions that service providers would be required to retain user data have not been challenged by any private party. At the moment, there are no court cases or decisions related to Internet surveillance.

Some Internet cafés monitor the use of their terminals to ensure that cybercrime is not being carried out, as many cafés have been blacklisted by ISPs in the past for enabling cybercrime. In 2008 Nigerian authorities began conducting raids on

Internet cafés from which suspected scammers operate, arresting over 130 people throughout the country on cybercrimes charges.[25]

ONI Testing Results
ONI conducted testing in January 2009 on six ISPs in Nigeria: VGC Communication, Nigerian Limited Communications, Swift Networks, Starcomms, Multi-Links Telecommunications and Direct On PC. Testing revealed no evidence of filtering. These results concur with testing conducted near the 2007 elections, during which ONI concluded that no filtering occurred.[26] Though some Internet users in Nigeria suspect that the government may be monitoring the Internet for cybercrime incidents through the Economic and Financial Crimes commission, ONI has found no evidence of this.

Conclusion
The Nigerian government appears to be primarily concerned with fighting cybercrime, and not with regulating online content.

NOTES

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