



Memorandum on the Twitter Ban by the Federal Government of Nigeria.

7 June 2021

Executive Summary

Owing to its necessity in daily activities, the use of social media cannot be overemphasized in Nigeria. These activities span from information sharing, relationship building, connecting brands, increasing visibility for businesses and civic engagements. Twitter, in particular, allows a broad reach and fosters globalization as it transcends the need for geographical proximity.

On the 4th of June 2021, the Minister of information and Culture announced the ban on Twitter, following the removal of President Muhammadu Buhari's tweet by the microblogging platform. The minister cited the use of Twitter for activities "capable of undermining Nigeria's corporate existence" and a further move on the part of the government to license all Internet streaming services and social media operations in Nigeria. While we understand the need for accountability and share the protective sentiments surrounding our corporate existence, we also note the necessity for policies and regulations to align with the Constitution of the Federal Republic of Nigeria (1999) and for policymakers to adopt regulatory rather than reactionary postures to perceived concerns with the use of social media.

Simultaneously, like every form of human interaction, social media comes with some apprehensions that can be treated with accountability tools deployed against misinformation, disinformation, cyberbullying and other challenges that are inherently

present in human interactions. Social media platforms give a bird's eye view to ongoing in individual and collective daily exchanges, thereby capturing the mood which can enable the government to strategically act to improve social cohesion without the demeaning constitutional right to freedom of expression, obstructing the ease of doing business, overturning the impact of the government's investments and milestones, and without dissuading foreign direct investments.

In this policy memorandum, we propose a balancing of regulation by analyzing the economic, social and political implications of the Twitter ban and proposed licensing of OTT's while making recommendations on strategies to curb the spread of fake news and negative information capable of undermining the peaceful and corporate existence of Nigeria.

The Implication of the Policy on Innovation and Entrepreneurship

In this section, we consider the negative implication of an outright ban on the innovation and entrepreneurship landscape in Nigeria. Fake news, hate and inciting speech, and misinformation are the dark side of social media and hence call for the need for accountability and tools of moderation; however, an outright ban deepens other problems such as the stifling of ideas, the slow growth of innovation, the increasing poverty as well as insecurity by pushing otherwise tech-savvy youth underground.

The policy directive and action by the Federal Government will have enormous implications on innovation and creativity in Nigeria. In many countries globally, non-technological and technological innovations are being overtly encouraged and incentivized to achieve economic growth, boost self-employment and strengthen development. This entails policy strategies such as creating an enabling environment for knowledge sharing, providing appropriate incentives for innovation, ensuring policy certainty, and upholding and respecting citizens' digital rights. Attempting otherwise, especially in a developing country, will further increase the development gap and reduce options for talent and economic growth.

According to a Private Enterprise Development (Egbetokun, 2011) research carried out in the last decade, Nigeria falls under the category of countries that lag on technological capability. While reports indicate that there has been a significant boom in certain types of innovation in Nigeria (Insights in Innovation Healthcare, 2020), it is evident that Nigeria is still lagging on many fronts. The Nigerian government must utilize its power and resources to encourage further innovation and industry. In his new year's address to the Nation, the President indicated the need and political will to support the innovative demography, particularly the youth population in Nigeria. Consequently, this policy directive against the use of Twitter in Nigeria and its directive on the licensing of all 'OTT and social media operations in Nigeria' raises genuine concern on the posturing of the current administration's interest in deepening innovation and digital enterprise.

The Impact of Policy and Process Uncertainty

As a result of the substantial financial, technical (and otherwise) efforts that go into innovation, innovators are usually wary of investing time and money in an economy that lacks regulatory stability and predictability. It is crucial that the government of a democratic society - such as Nigeria - assures its citizens and investors that the government does not make damaging decisions that can deter investments and signal high-handedness. Indeed, policy certainty is a form of incentive offered to encourage development, growth and innovation.

Both the substantive and procedural components of the Federal Government's actions are damaging to innovation in Nigeria. Procedurally, the Government did not show legal and democratic due process necessarily required for good governance to decide to ban the operation of Twitter in Nigeria as well as the licensing of OTT and social media. This inability to predict, trust, and authoritatively refer to what the law and due process are in developing and implementing policies can be discouraging to innovators and investors alike.

Knowledge Sharing and Collaboration for Innovation

According to NOI Polls, of the 61% of Nigerians who have access to the internet, 39.6 million are Twitter users. The social media app has served as a bridge between budding innovators in Nigeria and innovators worldwide who otherwise may not have been accessible to mentor, guide, support, and at other times collaborate with our indigenous innovators.

The influence of knowledge sharing on innovation cannot be exaggerated. Daily, Nigerians benefit from donating their knowledge to help with problem-solving and gathering knowledge shared by others. All these are done quickly via social media platforms such as Twitter which have a wide range of users from several countries. Exposure of indigenous innovators to such an international audience boosts both the promotion of our local content and an increase in know-how. Additionally, social media platforms of global reach provide the opportunity to collaborate on innovative projects, products or services. "Acquiring knowledge and skills through collaboration has been effective and efficient means of successful innovation" (Adams et al. 1998)

This ban will significantly hamper exploratory and disruptive innovation and would only succeed to frustrate innovators by limiting access to key and quick resources and an opportunity to collaborate. According to Kremer et al., (2019), "It is unlikely that innovation occurs in the absence of knowledge sharing."

Loss of Jobs for many Nigerian Youths

Twitter has unarguably become the backbone of Nigeria's e-commerce sector, and a lot of businesses and jobs are dependent on its existence. For many Nigerian youths, Twitter has gone beyond being a source of communication for many hardworking youths. It is a place of work for many Nigerian youths to make money legally. The platform is used as a medium of advertisement and current jobs like social media influencing and managing, content creators, a mouthpiece for private organizations, politicians, or the government depend on it. With this suspension, companies and business owners that drive a lot of online traffic and engagement via Twitter will experience a downturn in patronage and revenue

The popularity of social media platforms such as Twitter has seen many young Nigerian influencers who public relations companies often recruit to promote brands. Over the years, the influencer marketing industry has been expected to continue its upward trajectory in the next few years to come.

According to Markets and Markets[1], an American research firm, the global influencer marketing platform market size alone is expected to grow from USD 5.5 billion in 2019 to USD 22.3 billion by 2024, at a Compound Annual Growth Rate (CAGR) of 32.4%. This has made a large number of Nigerian youths take advantage of the influencer marketing industry as a means of livelihood. The suspension of Twitter will halt their sources of income and also affect the reach of these brands.

Again, for small business owners that have built their livelihood around businesses and services that depend on Twitter as a primary means of marketing, lead generation, relationship management and business development, the suspension will have a further impact on the already declining employment rates in the country

Ease of Doing Business

The worst-hit economic index is the ease of doing business which translates to insurmountable challenges for self-employed persons ranging from freelancers to small and medium enterprises, which inherently affect revenue streams for the public and private sectors.

Nigeria's start-up scene has experienced tremendous growth in a short time, with \$3,77.4 million raised in 2019[2], although that figure fell to \$120.6 million[3] in 2020 due to the coronavirus pandemic. This has resulted in jobs for a significant number of people and revenue in taxes for the government. However, this suspension puts all of that at risk. For most start-ups, their businesses depend, in some part, on social media. Companies would take a hit without access to social media to run marketing campaigns or build relationships with their customers. Applications built using Twitter APIs have also been negatively impacted as well as those dependent on this technology.

Freelancers

The increase in Internet penetration has increased the number of people living off the Internet, specifically social media. Twitter has formed an essential driver for brand awareness, sales and revenue generation for the unemployed population in Nigeria. From App developers to social media managers, content creators and product managers photographers to using Twitter to get jobs, investors and fill vacancies, thousands of Nigerians have created careers off these platforms. This suspension puts these and their sources of livelihood are at risk.

Small and medium enterprises are vital to the growth of any economy, frequently providing as much as 60-70% of the economy with jobs. Numbering about 117.4 million, SMEs in Nigeria contribute[4] 48% of national GDP, account for 96% of businesses, and 84% of employment. Many SMEs have leveraged the Internet, especially social media, for business activities such as marketing and customer service. The number of vendors on Twitter and Instagram is a testament to this. While these businesses could move to other platforms, their posts might not gain as much engagement as Twitter provides. What's more? There are no assurances that a suspension on other social media platforms would not follow.

Easy Connectivity and Better Interaction

The majority of private businesses, organizations and government MDA have adopted Twitter as its medium in the dissemination of information from other channels. Twitter is also used for crowdfunding, advocacy, finding missing persons, emergency response initiatives, fact-checking, CRM tools for most companies, amongst other significant things. Customer service would be impacted negatively across the board since Twitter is often the platform where customers get redress on issues with Telecommunication companies, financial institutions, and government MDA's cutting through the much-established bureaucracies in getting redress on issues. In addition to resolving issues, the platform is used to inform customers of their product offerings and promotions. Corporate organizations and some government agencies might experience a large turn out of Nigerians at their customer service queue for complaints on issues that could easily be resolved on Twitter. This also has implications for the measures to reduce the spread and sustenance of the COVID-19 pandemic.

This ban has considerably impacted revenue streams for the public and private sectors. According to the NetBlocks Cost of Shutdown Tool[5], it estimates the economic impact of internet disruption, mobile data blackout or app restriction using indicators from the World Bank, ITU, Eurostat and U.S. Census has cost Nigeria N 2,177,089,05 in the last twenty-four hours and for every day the access to Twitter is restricted.

International Reputation and Foreign Direct Investments

The suspension sends a strong signal to investors and Silicon Valley, home to many start-ups and global technology companies, that Nigeria is a hostile environment for foreign investment and can stifle actions on free expression. Political stability is one of the factors that investors consider while making investment decisions. By suspending Twitter and directing the National Broadcasting Commission to start licensing OTT services in the country, investors are not likely to jump at the opportunity of investing in Nigerian start-ups, depriving the country of much-needed revenue generation through Foreign Direct investments (FDI).

Political Implication

The 'Giant of Africa' title is reflective of the position Nigeria occupies within the circle of democratically elected governments in Africa. As an age-long practice, the country has been accepted to lead democratic trends and an outright ban on Twitter reflects poorly on the current administration. Understandably, this policy directive has drawn disapproval and criticism from the international community, a trend that brings any democratically elected administration to disrepute globally.

Government agencies are increasingly using social media to engage with citizens, share information, debunk fake news and deliver services more quickly and effectively than ever before. Nigerians use Twitter to complain, argue and give feedback to the government and its agencies, which in turn harness them to improve policies and regulatory framework. It is effective and has contributed to the growth of democracy by creating a hybrid feedback mechanism from citizens to elected representatives. This has increased citizens' trust in some government MDA's and provided a platform to support the security agencies with intelligence information during sting operations. The suspension of Twitter will decrease citizens' perception of governments credibility and political intent. Other specific implications are:

Users' Constitutional Rights

The Policy directly affects the human rights of social media users as it unconstitutionally derogates from their rights to freedom of expression and peaceful assembly/association as provided under Sections 39 and 40 of the Constitution of the Federal Republic of Nigeria (as amended). Other treaties that regulate digital rights in Nigeria are:

- African Declaration on Internet Rights and Freedoms
- Universal Declaration of Human Rights
- International Convention on Civil and Political Rights
- International UN resolutions and instruments on cybersecurity.

The Federal Government must be aware that the protection and respect of its citizens' human rights have been proven to influence investment in the economy (Voigt et al., 2007). That is, if a government is known to blatantly disrespect fundamental rights, then it reduces the chance of investments being made to further its economy. This is rather an important point because the amount and quality of investment in any economy will directly affect the level and quality of innovation in that economy.

Other Unintended Consequences

The ban and move to restrict media has pushed scores into patronizing the dark web and VPNs. The dark web as we know is the part of the internet invisible to search engines and sustained through user anonymity. The dimension of wicked problems emanating from this ban and its accompanying implications have grave consequences for the work already done by the ICPC, EFCC, DSS and other security agencies in Nigeria.

Additionally, the policy directive by the Federal Government will also produce ripple effects that are probably not being considered or anticipated by the government. One of such effects is the Massive Risk of Data Breach. While the government may be focused on ensuring that citizens stay off Twitter and/or only use social media in a government-prescribed way, it may not appreciate that there exist third-party service providers who offer circumvention to citizens. Amongst these service providers are those who operate with the ulterior motive of data collection and an eventual breach. Citizens who therefore use these platforms are more exposed and vulnerable to the breach of their data. Hence, not only is the Federal Government going to be ineffective in successfully suspending all Nigerian Twitter users from accessing the platform, but the government will also create the perfect opportunity for data breaches that otherwise could have been avoided. The damage as a result of this would not be quantifiable and would be unjustifiable. The Federal Government, therefore, in its duty to serve and protect its citizens' need to discontinue the implementation of this policy.

An Objective Overview of Twitter's Precedents

In objectively considering the precedents of Twitter and other social media platforms, we must also mention that certain proscribed groups have been left to propagate their hateful, harmful and inciting messages which, left unregulated, might impact the current secessionist calls in Nigeria. The need to collaborate with existing social media giants to moderate content cannot be overemphasized in the fight against insecurity. This does not, however, translate to a need for an outright ban and stifling the use of social media in Nigeria.

A brief review of Twitter's terms of reference reveals that in taking responsibility for the powerful roles they play in society, social media companies have taken steps to curb the extent to which social media can be misused by effecting policies and regulations in line

with global standards for the protection of human rights. All users of these platforms, regardless of status or standing, are bound by the policies and regulations and as such will be held to the terms and conditions stated therein.

The advent of social media affords a fresh set of challenges affecting every facet of human endeavour. Among these challenges are the overt and covert uses of social media for disinformation, misinformation, targeted harassment, propaganda and a host of other means of causing social unrest, disunity, insecurity and ultimately, disrupting peaceful coexistence. The prevalence of coordinated inauthentic behaviour perpetuated by fake accounts created largely to manipulate the public is of grave concern. Sadly, several reports have flagged accounts promoting key politicians, a good number serving in government currently. Political messaging, characterized by propaganda and false and misleading information is certainly not adequately checked on the microblogging platform.

In December 2020, Aljazeera reported Twitter's expansion of its policy on hateful speech to include "language that dehumanizes people based on race, ethnicity and national origin" and added that it "will also continue to surface potentially violative content through proactive detection and automation." This announcement came in between a series of deleted tweets by then US President, Donald Trump and shortly before his eventual suspension on January 8th, 2021. In addition, its policy against hateful conduct prohibits direct attacks or threats to any group based on race, ethnicity, age, disability, gender identity, religious affiliation etc. (Twitter, 2020). During the #ENDSARS protests in 2020, many tweets were reported and taken down for either reporting fake news, making incendiary statements or targeted attacks and harassment of groups or individuals.

It is important to reiterate that all users of social media platforms are bound by terms and conditions which they agree to before use and reaffirm each time these policies are updated and as such must adhere strictly to the terms of use or be penalized accordingly. While some infringements can be flagged and reported by individuals, there are algorithms powered by artificial intelligence that can pick out words that are triggers and automatically flag tweets and penalize users accordingly. Twitter has stated its commitment to develop and improve its algorithms to ensure impartial and unbiased tracing and resolution of noncompliance on its platform.

In addressing its grouse with Twitter, it is important for the Nigerian government to carefully consider its stance and deploy policy and regulatory ideas that reinforce open democratic governance values that will compel Twitter to improve its surveillance for Nigerian content and ensure vigorous enforcement of its own rules. The current administration should seek to be remembered as an administration that successfully evaded the landmines that beleaguer the ethical use of social media and has thus protected democracy.

In hindsight, Twitter was a very useful tool for the 2015 and 2019 election campaigns and remains one of the more effective means for citizen engagement. It will be beneficial to seek a reconciliatory response to Twitter's actions, a response that will not portray the administration as being undemocratic or intolerant of dissenting opinions.

Recommendations

In addressing the challenges with the use of social media, the laissez-faire approach of technology platforms to issues around anonymity which enables the proliferation of fake accounts and cyberbullying can be regulated. Regulation through effective frameworks requiring technology platforms to mitigate the risks associated with anonymity can be enforced, side by side maintaining free speech and legitimate use of social media in Nigeria.

Secondly, the use of stipulated mandatory quality and safety requirements ensures that digital platforms intentionally provide mechanisms to combat fake and inciting news or information. This would serve as a preventive and accountability measure. This is possible without having to stifle the constitutionally guaranteed freedom of expression while portraying policy certainty and direction.

Additionally, the enforcement of requirements mandating the use of social media moderators to ensure that fact-checking can be duly undertaken before new information goes viral. In this regard, newly viral content is temporarily prevented from spreading while real-time fact-checking is underway. This places the onus on users to share verifiable information and on the microblogging platforms to sustain accountability measures.

Lastly, education of political actors on the impact and use of social media is necessary. If by the actions of political actors online, harm and undesirable use is perpetuated, the impact on cohesion and other vital democratic practises such as elections become threatened. Similarly, issues of legitimacy may have a knock-on effect on law enforcement and actual governance. As pointed out earlier, social media has become the platform of choice for entrepreneurs and has strengthened the bonds of society through collective efforts to support charity causes. It is therefore necessary that all these attributes are in consideration to calibrate holistic policy ideas for our developing society.

Conclusion

According to research conducted by Iyoboyi & Na-Allah (2014), empirical studies reveal a strong relationship between economic growth and innovation proxied by technology-embodied capital imports. Innovation impacts positively on economic growth, consequently the Federal Government is directly hampering economic growth through the new social media/Twitter policy. According to the NOI Polls, Nigerians list the following as the benefits derived from Twitter: easier connectivity, advocacy, better social interaction,

advertisement, instant information and employment opportunities. Each of these benefits is important to the fostering of innovation in Nigeria.

Additionally, over the years, many small businesses have come to rely on the platform to get customers and grow their ventures. But it's not just small businesses alone. Large corporations understand the power of social media and hire teams to engage actively on various platforms, taking their business and solutions closer to their customers. The Twitter ban implies that millions will lose revenue while some will lose their jobs as they were hired solely to handle Twitter accounts and nothing more. The government would do well to backpedal on this pronouncement and contemplate the increase in already high unemployment rates that is imminent if this ban is not reversed.

References

Footnotes

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Email: hello@apiintelligence.org

Tel: +234 907 545 0934