



A call for freedom of speech in Nigeria

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Abstract

This article discusses the results of the data gathered concerning freedom of speech limitations in Nigeria. Case studies such as *Cybercrime Act* (2015), *Frivolous Petitions Prohibition Bill* (2015), *NGO Regulatory Bill* (2017), and *Protection from Internet Falsehoods and Manipulation Bill* (2019) helped to experiment with a step-by-step approach to Faircloughian Critical Discourse analysis. The social events analyzed were in the text taken from two newspapers – *The Irish Times* (2019) and *Sahara Reporters* (2019). The outcomes of the analysis point to a call for continuous campaign from civil society organizations to shape the transitional justice process in the country's interest.

Keywords: Repression, criminalize, control, power, freedom of expression, draconian, tyranny, Nigeria.

Introduction

This study examines the weaknesses in news stories limiting freedom of speech and the influence of social media legislation on protest groups. It also reflects the need for digital regulations in Nigeria. The study contributes to method and theory by presenting a step-

by-step approach to conducting research using Faircloughian Critical Discourse and multimodal discourse analyses. It contributes knowledge by revealing resistance to proposals depicting censorship by Nigerian human rights organizations.

This article develops Fairclough's dialectical-relational approach to Critical Discourse Analysis (Fairclough, 2008; 2013) to explain the results of the material gathered on freedom of speech in Nigeria (*Frivolous Prohibition Petition Bill*, 2015; *Cybercrime Act*, 2015, *NGO Regulatory Bill*, 2017; *Protection from Internet Falsehoods and Manipulation Bill*, 2019). The social events analyzed in this article are two newspaper articles that reveal the support of the *Protection from Internet Falsehoods and Manipulation Bill* (2019) by the first lady of Nigeria, Aisha Buhari. They are; the *SaharaReporters* article (SaharaReporters, Nov. 30, 2019) and The *Irish Times* article (Hayden, Dec 2, 2019).

SaharaReporters.com is an outstanding, ground-breaking news website that encourages citizen journalists to report ongoing corruption and government malfeasance in Africa. Using photos, text, and video dynamically, the site informs and prompts concerned African citizens and activists globally to act, denouncing officially-sanctioned corruption, the material impoverishment of its citizenry, defilement of the environment, and the callous disregard of the democratic principles, enshrined in the constitution

(*SaharaReporters*, Nov 30, 2019).

Similarly,

The *Irish Times* delivers top-quality news, opinion, and analysis since it was first published in 1859. As media technologies evolve, so do our methods of storytelling and delivery. The *Irish Times* continues the transition from print to multiplatform publication while upholding the journalistic principles that earned it the reputation as Ireland's paper of reference (O'Neill, Dec 17, 2019).

We chose *SaharaReporters* and The *Irish Times* because the *SaharaReporters* newspaper organization is an independent, established online platform that mediates the people of Africa through its struggle for human rights. The organization is based in New York and is independent. However, we chose to compare *SaharaReporters* with *Irish Times* Dublin newspaper outlet because *Irish Times* has a long-standing presence in global news reports, especially on critical events.

A Critical Discourse Analysis of *SaharaReporters* (SaharaReporters, Nov 30, 2019) and *The Irish Times* (Hayden, Dec 2, 2019)

In analyzing the texts mentioned above, I utilized Fairclough's (2003) notion of

CDA, which examines vocabulary and grammar in cognizance of the issues surrounding the language used in news stories. In doing so, we challenged the writer's position and suggested ways in which news discourse would have been presented. Similarly, we examined external and internal relations within the text, which is categorized into "three types of meaning – action, representation, and identification," as suggested by Fairclough (2003, p. 27). According to Thomson (2007, p. 4), action illustrates the text's format regarding declaration, persuasion, interrogation, and implication – a point also reiterated by Okon et al. (2018). The description of actions, people, and places are representations.

An example is the number of news stories that followed the second reading of Nigeria's *Protection from Internet Falsehoods and Manipulation Bill* (2015). The wife of the president of Nigeria – Aisha Buhari, was represented with different language choices in various news stories, such as; the first lady, Buhari's wife, and the like. Such representations of the text's intent are referred to as identification (Folayan et al., (2018). However, Teo (2000, p11) suggests that CDA helps in recovering and unlocking social meanings and ideologies of discourse, which distinguishes CDA from critical linguistics and other forms of analysis.

The Texts

The first text is from the African lower and middle-class market newspaper - *SaharaReporters.com*. This newspaper

targets ordinary citizens of the African heritage. The second article is from the Irish market *Irishtimes.com*. This newspaper's audience is global as it publishes newspaper articles about social events that affect the everyday life of citizens positively and negatively. *The Irish Times* lists the author of the text, which was represented as Hayden Sally (Hayden, Dec 2, 2019). Whereas *SaharaReporters* did not include an author of the text (*SaharaReporters*, Nov 30, 2019). This development could result from how news is published in different newspaper establishments because Bell (1991, p33) suggests that articles are edited and written by 12 or more people. Every newspaper organization has its style of writing to attract preferred audiences (Bell, 1991, p47).

Internal Relations

In as much as both articles refer to the same event of *the Protection from Internet Falsehoods and Manipulation Bill* (2019) in Nigeria, how they are handled are disparate. Fairclough's internal relations, as initially described, are adopted in examining the differentiation in the newspaper articles in the following sessions.

Action

As argued by Fairclough (2003, p27), action describes the intent of the text, relating the event to the text. The differences in which both texts report event series are the representations. The

clauses are structured as declarative in both texts.

Representation

In the text's representation, the writers convey the message to the world (Ibid.). *SaharaReporters* and *The Irish Times* chose different approaches to represent how the authors want to deliver the news.

Vocabulary

Differentiations in newspaper texts are observed first via the vocabulary used in the headlines to lead the readers into the news story. According to Caldas-Coulthard (1996, p. 257), "in newspapers, the headline and the lead (the first paragraph of the text), in most cases, fulfill the dual function of the abstract and the orientation. For all periodical articles, the lead is the most important paragraph of the story". *SaharaReporters* article begins with; Buhari's wife backs Hate Speech Bill, Says Nigerian Government Needs to 'Control' Like China (*SaharaReporters*, Nov. 30, 2019).

Furthermore, the sub-headline of *SaharaReporters* reads; According to her, since China, with about 1.3 billion people, can do so, there was nothing wrong with Nigeria adopting the first such measure (Ibid.). Such representations of the first lady of Nigeria as Buhari's wife in the headline inform the reader to picture the event as a political control discourse, which contains discourses of bias from the writer of the article.

The sub-headline goes further to inform the reader to picture the event as a repressive discourse since it mentions the state's vocabulary supporting China's repressive state model. The *Irish Times* headline, in contrast, begins with the Nigerian social media Bill under fire as the first lady suggests emulating China (Hayden, Dec. 2, 2019). The sub-headline reads; New rules would criminalize insulting the government online with three years in jail (Ibid.).

Firstly, the *Irish Times* headline refers to the wife of the president of Nigeria as the first lady, which is her official status in Nigeria, and moves on to reveal the in-house formal style of headline writing, in the sense that the vocabulary used in the writing of the headline does not suggest bias. Secondly, the verb "suggests" in the headline informs the reader to picture the event of the *Protection from Internet Falsehoods and Manipulation Bill* (2019) as a call for debate.

However, *SaharaReporter's* verb usage of "control" informs the reader to picture the event as a discourse that is not debatable. Similarly, the *SaharaReporters* subheadline portrays the event to the reader that the state authorities do not perceive a liberal authoritarian style of governance as wrong, as the quest to exercise powers on dissenting platforms is applauded. However, the subheadline of *the Irish Times* appeals to the reader the intent of the author to relay a message to the rest of the world about a new social media bill that

criminalizes dissenting public discourse with a punishment of three years in jail.

SaharaReporters article representation of events is different from the *Irish Times*' representation of events. The former did not make mention of the punishment that goes with insulting the state authorities on

digital platforms but rather represents its bias towards the state, as the vocabulary "control" and "nothing wrong" suggests to the reader that there is a problem that needs to be tackled. The different vocabulary used in the *SaharaReporters*, and the *Irish Times* are presented in the table below:

Table1: Vocabulary explaining the Protection from Internet Falsehoods and Manipulation Bill 2019

Sahara Reporters		The Irish Times	
Vocabulary	Times used	Vocabulary	Times used
Hate speech bill	1	Social media bill	4
Stiff	1	Criminalize	1
Control	3	Control	4
Social media	3	Social media	6
Tweet	1	Tweeted	1
Adopt such measure	2	Emulate	1
Aisha Buhari	4	Citizens	2
		Activists	1
		Draconian	1
		Defamation	1
		Protests	1
		Freedom of expression	2
		Constitution	1
		Regulate	1
		Prejudicial to national security	1
		Diminish public confidence	1
		Power	2
		Arrested	1
		Under fire	1
		Curating	1
		Aisha Buhari	4

Sahara Reporters, in contrast to *The Irish Times*, stressed how the wife of the President of Nigeria supports the enactment of the *Protection from Internet Falsehoods and Manipulation bill* (2019). Aisha Buhari was explicitly mentioned four consecutive times, further represented as "stiffening social media regulations" and supporting China's control mechanism. The choice of languages used in the article suggests that the state is willing to control the nation compared to China, without explaining to its readers what the *Protection from Internet Falsehoods and Manipulation bill* (2019) entails in detail and also without revealing resistance to the bill.

However, the *Irish Times* article employs various languages to disseminate the meaning of the *Protection from Internet Falsehoods and Manipulation Bill* (2019), its implication, and resistance by activists. It begins by explaining to its readers an activist's opposition to the bill and ends with resistance by another activist. "Activists are rallying in Nigeria

after the country's first lady proposed using China as a model for how to control citizens' social media use" (Hayden, 2019, p. 1).

The Irish Times used the language "draconian" to explain the implication of the Protection from Internet and Falsehoods Manipulation Bill (2019). The news organization revealed that Deji Adeyanju, whom the state had previously arrested for defamation, was protesting against the enactment of the bill. Similarly, *The Irish Times* revealed how the state seeks to "take away the right to freedom of expression of the citizens which are constitutionally guaranteed in section 39 of the constitution" (Hayden, 2019, p. 1). The article also concluded with resistance from another activist, Amaize, who left the shores of Nigeria for the US six months before writing. He relocated due to threats from the state to re-arrest him because he continually curates dissenting public discourses on Kakaaki Social – a Nigerian television program (Hayden, 2019, p. 2).

Sahara Reporters		The Irish Times	
<i>Vocabulary</i>	<i>Times used</i>	<i>Vocabulary</i>	<i>Times used</i>
Stiff	1	Control	4
Control	3	Shot to death	1
		Diminish public confidence	1
		Draconian	1
		Tyranny	1
		Arrested	1
		Under fire	1
Stiff	1	Control	4
Control	3	Shot to death	1

Sahara Reporter's article does not emphasize the problematic stance of the bill but instead focuses on Aisha Buhari supporting the enactment of the bill. However, the Irish Times article makes its readers aware that there is a problem concerning the *Protection from Internet Falsehoods and Manipulation Bill* (2019) due to the more important choice of languages employed. Strong words such as "tyranny," "under fire," "draconian," "shot to death," and "diminish public confidence" suggest to readers that there is a problem.

Quoted Sources

SaharaReporters and *The Irish Times'* choice of sources for direct

quotes are contrasting. According to Coulthard (1994, p. 298), "the reporter only reports those part of the exchange that is significant for him/her according to his/her view of the world." *Sahara Reporters* cites two sources for direct quotes. The first source is a statement by the first lady of Nigeria condemning citizens' tweets and does not emphasize what the bill in question represents. The second source follows suit by revealing Aisha Buhari's support of China's social media control mechanism without revealing the implication of the social media bill to citizens.

The *Irish Times* article cites six direct quotes and four indirect quotes. The first two direct quotes

began with the first lady's support of controlling the public sphere compared to China's social media control mechanism. The article further revealed resistance from a quoted tweet by a Nigerian resisting her statements by explaining the negative implication of China's social media authoritarian model. The following three quoted sources presented resistance to the *Protection from Internet Falsehoods and Manipulation Bill* (2019) by different Nigerian activists, insisting that social media is the hope of the ordinary citizen.

The four indirect quotes came from the first lady, Human rights watch, and activists resisting the bill, suggesting further that the *Irish Times* did not rely on only sources from the state. Also, the news organization employed sources from human rights organizations and media activists to create a balance in mediating the impact of the *Protection from Internet Falsehoods and Manipulation Bill* (2019) to a global audience.

Identification

According to Fairclough (2003, p. 164), "what people commit to themselves to in texts is an important part of how they identify themselves, the texturing of identities." The social actors and events of *Sahara Reporters* and *The Irish Times* were presented in the previous sessions. This session

utilizes the representations to deduce the writer's ideologies.

SaharaReporters

SaharaReporters article opens with a headline that attracts the reader's attention with the use of "Buhari's wife" to emphasize the statement, followed by a lead paragraph that describes its use of "Buhari's wife" to begin the headline of the article. The next words follow a narrative structure. As observed in the sentence headline, the writer evaluated the narratives in the headline through its sentence: "Buhari's wife backs hate speech bill, says Nigerian Government Needs to 'control' like China" (Sahara Reporters, Nov. 30, 2019, p. 1). According to Francis (1994, p. 85), "a retrospective label serves to encapsulate or package a stretch of discourse ... it is presented as equivalent to the clause or clauses it replaces". This notion is employed in the headline of *Sahara Reporters*, as the catastrophic use of the word 'backs' serves as the writer's evaluation of how the state supports the hate speech bill.

The evaluation is revealed further through quotes from the first lady's speech: "on the issue of social media, you cannot just sit in the comfort of your house and tweet that the Vice President has resigned. It is a serious issue". The article also ends with the quote, "If China can control over 1.3bn people on social media, I

see no reason why the Nigerian Government cannot attempt controlling only 180m people" (Ibid.). The writer is taking a stance against the social media bill but reporting its concerns emotionally by revealing only the repressive statements from the first lady without adding a broader analysis to the bill.

The Irish Times

The *Irish Times* article begins with a headline that attracts readers' attention through the phrase 'under fire' (Hayden, Dec. 2, 2019, p. 1), followed by a sub-headline that captivates the message to its readers. However, the *Irish Times* gives more information to the content of the social media bill through its narratives, in opposition to the evaluative stance in the *SaharaReporters* article. The events are narrated, and every paragraph of the article explains the repressive nature of the social media bill by non-state actors.

Multimodal Discourse Analysis

Fairclough (1999, p. 146) suggests that it is important to include visual images while carrying out CDA because readers perceive events through the images. *Sahara Reporter's* article included one image that can be analyzed, but the *Irish Times* did not include any image. According to assertions (Kress & Van Leeuwen (1999, p. 370; Omojola, 2016),

viewing the objects from a distance affects image perception, including six distances such as:

- Intimate distance – can view the head only
- Close personal distance – can view head and shoulders
- Far personal distance – can see the person from the waist up
- Close social distance – can see the entire person
- Far social distance – the person is viewed with space around them
- Public distance – four or five people cannot be viewed.

The only image used in the *Sahara Reporters* article (*SaharaReporters*, Nov. 30, 2019) shows the first lady of Nigeria – Aisha Buhari, giving a speech, addressing an audience while standing far away. Readers are connected to the action in the image through the photograph taken at a distance far away. This connection suggests to the readers that this is the preferred handling of the situation.

Discussion

This article aligns with liberal democratic values (Vincent & Tunde, 2018). How can we differentiate between data that threatens national security and data that seeks to question the legitimacy of the state? For instance, a bill such as the

Frivolous Petitions and Prohibitions Bill (2015) proposes to give a death sentence to online data containing anti-military/anti-governmental discourse. What specific class of data can be classified as hate speech? Is it data generated by human rights activists intending to advocate for a better democratic nation, or is it user-generated data with grievances towards the state? Or data from extremist terrorist groups? Narratives of state-run hegemony come to play here, considering state censorship in the Nigerian digital media sphere.

The President Buhari administration supported the Frivolous Petitions Prohibitions Bill (2015) and suggested that hate speech offenders be punished in line with the *Anti-Terrorism Act* (2011) (Oladapo & Ojebuyi, 2017, p. 107). According to the Nigerian state authorities, continuous religious insurgents from the Boko Haram terror group in Nigeria informed the decision to draft the proposal. In the state's opinion, hate speech and fake news disseminated via social media promote Nigeria's organizing and mobilizing of religious militia terror groups (Ibid.).

The Frivolous Petition Prohibitions Bill (2015) led to an uproar among Nigerian Citizens concerning freedom of expression. Visibility was inherent through protests on Twitter, with the hashtag #NOTOSOCIALMEDIA BILL

(Oladapo & Ojebuyi, 2017, p. 107), in addition to the collective action on physical environments, with the hashtag #MARCHTONASS, to resist enactment of the proposal (Ibid.). This article argues in line with the collective actions of ordinary Nigerian citizens that aided in the withdrawal of such a bill to limit freedom of online speech, which was supported by President Muhammadu Buhari, the Executive President of Nigeria (Eribake, 2015). Offensive and false statements connote different meanings (Omojola, 2008) because abusive statements could be termed hate speeches and false statements as fake news. As such, they should be separated rather than stating that it is prohibited to post any abusive statement that is false. The spread of fake news on social media is a problem that many repressive regimes around the globe are making efforts to tackle, such as China, Russia, Egypt, and France (Nikolayenko, 2019; McKeever, 2019; Unver, 2019).

According to Oladapo and Ojebuyi (2017), global media and human rights activists resisted the Frivolous Petition Prohibition Bill (2015) to limit freedom of speech in Nigeria. Nigeria is a nation that suffered repressive regimes during the military era (Akor, 2017), and forwards to the aftermath of the attainment of democracy in 1999; the nation still records low ratings in

press freedom compared to other democratic-led African nations (House, 2015). Cases of censorship on media-government relations are recorded, as well as frequent clamping down of journalists and media houses (Human Rights Watch, 2017). However, the press system of operations in Nigeria has evidenced narratives of partisanship and lack of "professionalism as a result of ownership influence" (Ojebode & Oladapo, 2018), institutional, political bias, and house style.

Moreover, this article observes evidence of resistance to the Frivolous Petition Prohibition Bill (2015) from human rights activists in Nigeria and citizens. The International Press Centre and a former Governor of Ekiti State of the People's Democratic Party, Governor Peter Ayodele Fayose, resisted the bill in his tweets. BBC News Pidgin published the tweets on the 4th of March 2018, stating that "on this issue of hate speech, I stand with Nigerians and anything they say to improve the country. Those of us occupying public offices are doing so in trust for the people; we are not their lords. The power of the people is greater than that of the people in power" (Chiakera, 2019).

Similarly, more resistance to the bill to limit online free speech is evidenced in an article (Thompson, 2018). Professor Adibe of political science at Nasarawa state university

resisted the bill by stating that "it could be used to curtail speech, to frighten people, the whole essence of freedom of speech, which is the bedrock of democracy itself, would be killed." It is tough to distinguish between what people call hate speech and offensive speech. Offensive speech may be uncomfortable, but it is generally accepted and contributes to the whole marketplace of ideas on which democracy thrives (Ibid.).

Professor Adibe added that with the rising ethnic tensions in Nigeria, a free and transparent media is vital to the democratic process in the 2019 elections, at the time of writing, as the earlier conducted 2015 election recorded a first-hand peaceful democratic transition of government. Similarly, the head of reporters without borders in Africa – Arnaud Froger, resisted the bill. He asserts, "we feel like the legislation could be turned into an instrument of censorship. Instead of getting more and more people rightfully pursued hate speech, we find more and more outspoken journalists prosecuted for hate speech" (Thompson, 2018).

The Frivolous Petition Prohibition Bill (2015) presented a narrative on how citizens of a nation can utilize the powers vested on social media to uphold freedom of expression (Oladapo and Ojebuyi, 2017, p. 109). The reactions of many ordinary Nigerians through Twitter and other social media platforms

pushed for the rejection of the bill's enactment. The bill's timing coincided with the global movement for the inclusion of youths in ensuring accountability in governance (Action Aid, 2015). The kind of direct involvement in governance, which ActionAid proposes, remains an inspiration in Nigeria, where governance is still the preserve of the old politicians who have continued to recycle themselves in power (Omodia, 2007; Ogundiya, 2010; Charles and Osah, 2018). In the current democratic dispensation at the time of writing, Nigeria slides backward in youth representation in governance as known old faces were nominated, elected, and appointed into principal political offices (Oladapo & Ojebuyi, 2017, p. 109).

Nigerians have constituted a virile community of civil activists on social media, and Twitter has emerged as the hub of civic mobilization in the country (Chiluwa & Adegoke, 2013). While they are structurally excluded from mainstream political power, Nigerians, mainly youths, utilize Twitter and other social media to contest and negotiate the actions and decisions of government in the light of the implications of those actions and decisions on the citizens' democratic development. Traditionally, the role of defending democracy is entrusted to the press. That is why constitutional protection

of the freedom of the press is characteristic of democratic countries. Over the years, constitutional provision for freedom of the press does not automatically translate into a free press (Ibid.). However, Price (2019) asserts that democracy has a binary character, and the reality in the West is that it is systemic. In other words, in the West, democracies survive through institutionalization in three forms:

- It is not the institutionalization of political parties but the institutionalization of party systems that have fostered the prospects for democratic survival in Europe.
- There is a threshold of systemic institutionalization that, once reached, will avoid democratic collapse.
- Systemic-over institutionalization does not seem so perilous for the survival of the democratic party (Casal Bertoa, 2017).

Opportunities have been offered for transparent democratic operations in Nigeria through the opportunities of a public hearing, for the entire citizens to debate and deliberate on policies that do not affect their daily lives positively and for inclusion to be the social order of the day (NASS, 2019). The recent

enactment of data privacy by NITDA that protects Internet users in Nigeria from infringement of fundamental freedoms guarantees the application of human rights for users of digital media platforms without state interference (Greenleaf, 2019). Okunrinboye (2019) petitioned the Nigerian state on a social media bill that criminalizes hate speech with 79,208 signatures. Such an event suggests that mass resistance to legislative proposals that criminalize the spread of dissenting public discourse is a global problem.

The mainstream media in repressive regimes such as Nigeria, Ghana, China, Spain, and Egypt, are controlled by the state, and activists utilize social media to improve campaigns for change (Randall, 1993; Lee, 2000; Kurlantzick, 2003; Lynch, 2011; Sabido, 2019, p119). Thompson (2018) referred to online hate speeches as offensive speeches because, in his opinion, offensive speech is needed for citizens to mediate on issues affecting society. *Sahara Reporters* article and the *Irish Times* article possess strengths and weaknesses in conveying the message of the *Protection from Internet Falsehoods and Manipulation Bill* (2019) to its readers. The *Irish Times* did not include any image in reporting the bill's support by the first lady of Nigeria at the time of writing, but they both convey the message of restrictions on freedom of speech.

However, *Sahara Reporters* included an image representing how the state establishes and maintains order through regulations of dissenting public discourse.

This development is similar to the British colonial rule in Nigeria, where the "colonial officials successfully arrogated to themselves extensive legal powers to deal with perceived threats to law and order" (Ibhawoh, 2002, p. 74). Although *Sahara Reporters* presented an image to present its analysis, there was minimal information on the content and intent of the bill. Similarly, the *Irish Times* did not include any image. However, the content and intent of the bill were more apparent to its readers through a broader analysis of the bill revealing sources from the state and non-state actors.

Findings from this article reveal that there are calls for closing civic spaces through drafting legislative proposals and presenting such legislations to the lower and upper chambers of the National Assembly of Nigeria (Olowolagba, 2017). The past and present democratic regimes from 2009 to date contributed to the development in a bid to limit dissenting public discourse. However, resistance measures by civil society organizations such as *Spaces For Change*, Centre for Social Justice, leaders of NGOs, and human rights activists are against such state

ensorship (Ibid.). This article suggests that some speeches that could be classified as hate speeches may not be criminal per se but are uttered intending to promote democratic values and mediate society.

Furthermore, for hate speech to be labeled as a hate crime, it should pass through proper vetting by an unbiased director of the hate crime office. Similarly, it should contain contents such as those represented by the recent IPOB movement group in Nigeria (Ugwuanyi & Ekwueme, 2018; Ojukwu & Oni, 2018; Ekpo & Agorye, 2018) and the Boko Haram Terrorist Group (Clubb, 2018; Nnam et al., 2018; Onuoha & Samuel, 2018). Some dissenting public discourse criticizing the state could be uttered for the state to make amends to stringent policies or attract local or international bodies on lousy governance. Similarly, this paper argues for good governance that guarantees a higher standard of living and better democratic values.

The United States, United Kingdom, and Germany support local NGOs and human rights organizations in Nigeria to promote human rights (Hoffman, 2016; Sandlin, 2018; Gegout, 2019). Moreover, in some situations where assistance is provided for internally displaced persons, the values are misrepresented, and the representatives often face a crisis

(Ahmad, 2017). For instance, the victims of the Boko Haram crisis are supported by ICRC - a German NGO with relief materials (Brauman, 2017, p. 5). Similarly, the organization faces challenges because the terrorist group members attack them repeatedly. They do this by performing acts of violence and demanding the state shut down the operations of international humanitarian organizations (Emmanuel, 2015, p. 285).

Human rights activist groups resisted the 2017 *NGO Regulatory Bill* (Olowolagba, 2017). One of them is the group headed by Femi Falana, a human rights activist in Nigeria. In his statement to an indigenous newspaper in Nigeria – *Daily Post*, he termed the bill in Nigeria a "worst piece of legislation in the history of Nigeria" (Ibid.). Similarly, the bill threatens the existence of a free and fair, independent civil society in Nigeria. He attended the National Assembly public hearing of the *NGO Regulatory Bill* (2017) on December 13 and 14, 2017. There he urged Speaker Dogara to reject the bill, as it goes against the constitutional rights of the citizens of Nigeria, as provided in section 40 of the 1999 Nigerian constitution, Articles 21 and 22 of the International Covenant on Civil and Political Rights to which Nigeria is a state party (Olowolagba, 2017).

Furthermore, the *NGO Regulatory Bill* (2017) offers the deregistering of NGOs that are not

working in the state's interest. The bill denies local and international associations and suggests the denial of the registration of new NGOs with the goal of human rights advocacy on vague grounds, stating that they are not in line with the government's programs.

Moreover, charity associations and organizations operating without registration shall face criminal convictions as provided in the bill. Femi Falana further states that the bill "places undue restrictions on the right to freely associate, which is a fundamental freedom and essential component of democracy, as recognized by the United Nations Human Rights Council" (Olowolagba, 2017). He suggests that if the bill eventually gets enacted, he shall "vigorously challenge it in court on the grounds of its unconstitutionality and incompatibility with Nigeria's international and regional human rights obligations and commitments" (Ibid.).

Other activists also joined in the resistance to the *NGO Regulatory Bill* (2017). Bishop Matthew Hassan Kukah of the Catholic attended the public hearing and mentioned that "he stands with the civil society. Without civil society, democracy would be in danger. Civil society is central to democratic governance and performance, which formed part of the reason why I formed the Kukah

Centre. The debate is important because the political class has developed a feeling of disregard for the value of civil society. Although the bill's intentions are noble, the approach needs to be reviewed" (Olowolagba, 2017). Human rights activist Abdul Oroh also resisted the *NGO Regulatory Bill* (2017), stating that it intends to cripple civil society organizations in Nigeria, which only seek good governance in Nigeria (Ibid.).

Leaders of Nigerian Civil Society organizations in Nigeria did not support the NGO bill. They argued that "there is sufficient legal framework for regulating civil society and charitable operations in Nigeria" (Ibid.). Similarly, s. 15 and s. 20 of the *NGO Regulatory Bill* (2017) were also resisted by the Centre for Social Justice in Nigeria, stating that the provisions are vague and offer unchecked discretionary powers to the Minister of Interior. The BEARS foundation also resisted the provision that surrenders assets to the regulatory commission. Amnesty International rejected the bill because it violates freedom of expression and attempts to limit how individuals organize themselves.

The Centre for Democracy and Development stated in the hearing that organizations like theirs would be put at risk if *NGO Regulatory Bill* (2017) was enacted. In the hearing, the sponsor of the

NGO Regulatory bill (2017) was not present to defend the bill, as observed by Seun Onigbinde of BudGIT, representing Open Alliance (Olowolagba, 2017). *SPACES FOR CHANGE* director - Victoria Ohaeri believed that the *NGO Regulatory Bill* (2017) violates the provisions of constitutional rights in the Nigerian Constitution. She further questions the bill, wondering how Nigeria, which faced recession in recent times and is trying to recover from the recession, would secure funds for establishing a regulatory agency for NGOs (S4C, 2018)?

The *NGO Regulatory Bill* (2017), which connotes state censorship, is similar to China's new overseas NGO management law, enacted in the state's interest. (Hsu and Teets, 2016). In the case of Nigeria, the restriction of freedom of speech limits the ability of the media and citizens to defend the nation's democracy despite "the fundamental assumption that survival of democracy is unsure without a free press that provides a good platform for the public debates" (Oladapo & Ojebuyi, 2017, p. 107).

Given the partisan nature of the conventional media in Nigeria (Ismail, 2011; Ayodele, 1988; Jibo, 2003; Oso, 2012), the use of social media created an alternative media platform where citizens can freely air out their views on specific policies of the state and disaffections of

democratic values (AModu et al., 2019; Ekeli & Onobakhare, 2013). They do this through debates in the digital media sphere. Ordinary Nigerian citizens utilize the affordability of social media to communicate as provided by Web 2.0 technologies in disseminating socio-political commentary (Campbell and Kwak, 2012; Chatora, 2012; Vesnic-Alujevic, 2012, cited in Oladapo and Ojebuyi, 2017, p. 108).

The public hearings organised by the legislative arm of government in Nigeria provide opportunities for ordinary citizens to participate in the process of enactment of legislation that could affect them positively or negatively. If a bill would impact negatively, the social media space offers people a platform to oppose it. So, why are such practices criminalized? Furthermore, this article suggests that providing opportunities for public hearings in democratic processes in Nigeria is just for formality because the elites of the society are not ready to embrace human rights and decolonize the justice system.

Whenever there is time for an election, one begins to find various bills from the leaders in a bid to restrict the public sphere. Democratic nations should be living in an era where human rights advocates should be elected to official positions for sustainable policies to be enacted in favor of all classes of people, which

goes against elitism (Idike et al., 2019).

This development, in turn, would improve the growth of the economy and society at large. This article contributes to knowledge by extending Yusuf's (2018, p. 27) argument that there is "a need to engage with the implications of colonization, as it will shape and condition transitional justice processes." Similarly, this article contributes to knowledge by revealing Greenleaf's (2019) notion of the need for Nigeria to have a Data Protection Act that is free from state interference. The article calls on the NITDA to produce a Data Protection Act similar to the United Kingdom's *2018 Data Protection Act*.

This article is against such anti-social behaviors by the ordinary citizens against the state authorities. However, as regards hate speech, if the economy of democratic nations continues to improve rather than fall into recession, and policies are put in place to foster good democratic values, then dissenting public discourses on social media platforms would be reduced to a minimum. If most citizens are unhappy with the state's policies and the economy does not favor them in a nation like Nigeria, where there is a growing ethnic and class antagonism (Yakubu, 2019), scathing criticisms will not cease on social media.

President Olusegun Obasanjo, in his swearing-in speech at the advent of democratic governance in 1999 in Nigeria (Gore and Pratten 2003, p. 212), promised to protect democracy. To promote transparency in the Nigerian society and for social justice to prevail, this article suggests that any elected officer to man the nation's affairs in building a sustainable economy should enact policies that would improve the growth of democratic values. According to Okoh and Chukwueke (2016, p. 2), s. 38 of the *Cybercrime Act* (2015), which gives service providers consent to store users' data, is a "regulatory load, particularly on the telecommunication sector and interferes with the regulatory competence of the Nigerian Communications Commission - NCC. The measure is a duplication of efforts, such as the SIM registration initiative. It may indeed be redundant as the NCC is empowered by s. 64 of the *Nigerian Communications Commission Act* (2003) to gather the same information" (Ibid.).

Similarly, s. 21 of the *Cybercrime Act* (2015) was resisted, stating explicitly that; the duty imposed by s. 21 is potentially arduous, requiring the report of all attacks or disruptions to the Nigeria Computer Emergency Response Team (CERT). However, the Act neither defines these terms nor refers

to the attack's severity or success. A financial institution's ordinary business may be subject to multiple attempted breaches or other disruptions. The requirement to report all such occurrences within seven days imposes a substantial duty on institutions, and a mandatory fine is imposed for failure to do so. Additionally, CERT may further disrupt the institution's operations by denying it Internet access under s. 21 (Ibid.). Evans (2019) also suggests that the enactment of legislation to monitor hate speeches in the digital media sphere in Nigeria, especially during and after election periods, is to minimize dissenting public discourse and to promote the selfish desires of the state.

In new media spheres such as Facebook and Twittersphere, which promotes political participation, for ordinary citizens to participate and communicate freely on social media, some regulations restrict the everyday practices while participating/communicating on such technology-driven platforms. The deregulation of the digital media space in Nigeria is a condition for social justice in Nigeria.

The advocates of peace, justice, and reconciliation need to utilize social media as a means of mediating in society for democracy as opposed to the failed transitional justice system by General Abdusalami Abubakar (Yusuf, 2018,

p. 16). Suppose a policy is existent in Nigerian society that tends to criminalize human rights advocacy, such as the *NGO Regulatory Bill* (2017). In that case, this paper begs a straightforward question: Do the Nigerian state authorities benefit from restrictions on freedom of speech? The Nigerian state authorities may benefit from the restriction of freedom of speech to "continue a colonial tradition of law-making" (Ibid.).

If democratic values are suppressed and the elites continue to control their resources in a self-serving, class antagonism becomes aggravated. How can such discourses be averted? The Nigerian Legislative Arm of Government organizes public hearings before enacting any legislation. Although human rights lawyers and activists have attended hearings to resist the *NGO Regulatory Bill* (2017), as shown above, the ordinary citizens of Nigeria should engage in continuous protests digitally and physically to remind the leaders of their constitutional rights. They should continue in their quest for the "shaping of transitional justice processes" (Yusuf, 2018, p. 27) in Nigeria.

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