REGULATORY ANNEXATION AND THE MATRIX OF DEPENDENCE: THE REGULATION OF SOCIAL MEDIA IN NIGERIA

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To God Almighty

PREFACE

Extracts from chapter six have been published in the *Makings* Journal – '*Are Social Media Users Publishers? Alternative Regulation of Social Media in Selected African Countries*'. Volume 2 Issue 1 (2021). See Appendix 4. https://makingsjournal.com/are-social-media-users-publishers-alternative-regulation-of-social-media-in-selected-african-countries/

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When I began the PhD a little over three years ago, I took to blogging to document my experiences throughout the journey. In many ways, that blogging stands as a chronicle of the ups and downs, the ebbs and flows that I faced. For my very first post on 6 November 2019, I wrote:

> I came in thinking this (the PhD) would be hard, but after two meetings with my supervisors, I thought, "Wow, this is easy." Then I went about writing my draft proposal and I pretty much felt like I had reached my breaking point. This is hard, I screamed. Back and forth I seem to be going.

Even if you caught nothing from my scribbling, one thing shines through: there was considerable instability and uncertainty at the beginning. I needed grounding, and one group of people were there always to provide the anchor that would steady me on this course – these are my team of supervisors: Dr Yemisi Akinbobola, my Director of Studies and Dr Oliver Carter, my second supervisor. Both Yemisi and Oli gave me excellent support, guiding me through the early phase of my studies. They were later joined by Dr Robert Lawson, my third supervisor, who shepherded me through the world of corpus linguistics. As a team, their job was a difficult one. They were tasked, as it were, with separating the chaff from the wheat, the dross from the precious stone, the wobbly PGR from the expert academic. They were to make me into one of them. To this end, they gave their all, and I am indebted to them and grateful for the success they made out of me. I owe a lot to them for the Best Student Paper Awards that I won first for my paper on Regulatory Annexation at the International Communication Association (ICA) 2022 Conference in Paris and second for my paper on the Matrix of Dependence at the Association of Internet Researchers (AoIR) 2022 Conference in Dublin.

My studies would also not have been possible without funding and support from the Commonwealth Scholarship Commission (CSC) in the UK. I thank the CSC for the various opportunities they provided me to take part in regional networking events and training sessions. One of these was the Cumberland Lodge weekend workshop on Freedom of Religion and Beliefs, where I met wonderful Commonwealth and Chevening Scholars. The CSC also brought me in contact with colleagues such as Eunice Deladem, Humayra Ibrahim, Daniel Kasasa, Olamide Eso, and Karyncia Lloyd, all of whom I am still in touch with.

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My PhD journey was filled with fun and extra-curricular activities. These include the position I held as Lead Communication Officer for the Postgraduate Network of the Media, Communication, and Cultural Studies Association (MeCCSA-PGN). Here, I worked with colleagues such as Dr Sharon Zheng, Dr Emma Kaylee Graves, Rebecca Jones, Dr Bissie Anderson, Rukhsar Hussain, Ruohan Tang, Carolyne Lunga, and Jen McLevey. I also took part in research projects for the Sir Lenny Henry Centre for Media Diversity. In this regard, many thanks go to Prof Diane Kemp, Prof Marcus Ryder, and Marverine Duffy. I also appreciate the Brilliant Club for the opportunities they provided me to teach my PhD research to pupils in underserved communities.

Finally, none of this would be possible without the support of my loved ones – family and friends. The PhD journey has been lonely, but these cherished ones have been there as my emotional strength and stay. Many others helped, supported, and encouraged me that I cannot mention here for lack of space. All I can is that I am deeply grateful.

So, after all these years, I am now at the point where I can write one of my final blogposts in my PhD diary. The date is 7 November 2022, and I write:

> As I submit my final thesis draft, I am conscious of how far I have come. The journey has not been easy, but it has been rewarding. It has given me the confidence to seek new horizons, knowing fully well that the end of one odyssey signals the beginning of another.

ABSTRACT

Regulatory Annexation and the Matrix of Dependence: The Regulation of Social Media in Nigeria

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This research addresses social media regulation targeted at users in Nigeria, while also considering issues related to the regulation and governance of social media and new media technologies across the world. This includes debates over online safety versus freedom of expression, platform power versus state influence, and structural inequalities that exist between the Global North and South in terms of the use, design, and regulation of new media technologies. The thesis centres around political economy and theoretical insights drawn from studies into internet and social media regulation, the securitisation of online harms, and practical approaches to regulating social media content. The analysis is based on a methodology that combines policy analysis, case study, interview, and social media analysis to explore how social media regulation can be understood from the standpoint of policy, politics, opposition, and alternatives. Based on these, the study argues that social media regulation in Nigeria mirrors broadcasting regulation in what I call regulatory annexation, given the matrix of dependence that relegates the Global South to regulatory decisions made by governments and platforms in the Global North.

To establish this argument, I define the matrix of dependence as Nigeria's reliance on the West for new media regulatory outcomes of virtually any kind. Platformatisation further places Nigeria on the disadvantaged side of a balance of power with global tech platforms. The country, therefore, turns to users, intending to maintain on social media the same level of control it wields over the traditional media – a concept that I introduce for the first time as regulatory annexation. This results in the opposition that users deploy on Twitter, the central platform for activist discourse, using othering tactics that often shape state-citizen relations in Nigeria. I conclude the thesis by suggesting the need for research that expands on regulatory annexation and the matrix of dependence, focusing on the implications that they portend for regulatory interventions in other contexts, particularly in the Global South, the kind of regulation that is more likely to target users.

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INTRODUCTION

This study explores attempts to regulate social media in Nigeria, where there have been recent efforts to regulate social media usage, including the introduction of social media bans. Using political economy as a central theoretical concept, I aim to examine four strands concerning regulatory discourses in this area – policy, politics, opposition, and alternatives; I develop a comprehensive mixed-methods approach for this purpose. Overall, I found first that social media regulation in Nigeria mirrors broadcast media regulation, a concept which I call regulatory annexation. The reason for this, I argue, is the need that the political establishment has to extend the control it wields over broadcasting to social media and internet content. Second, I found that social media regulation in Nigeria is defined by the global structural order, where countries like Nigeria in the Global South are reliant on regulatory decisions made by governments and platforms in the Global North, a phenomenon which I introduce as the matrix of dependence. Based on these findings, the study suggests the need for research that considers how users interpret and perceive regulation, the way that regulations tend to mirror one another, and the relations between the Global North and South as far as social media regulation is concerned.

My interest in this area can be traced back to the introduction of the 2015 Frivolous Petitions Bill, a failed attempt to regulate social media in Nigeria. The Bill failed partly because of the opposition that users and stakeholders mounted, suggesting the need to examine the key role that users play in the regulatory process. Along with the Cybercrimes Act of 2015, the Bill marked the beginning of what would become for me an enduring keenness to study the regulation of online and social media content. I was particularly intrigued by the fake news and hate speech phenomenon that had become prominent in Nigerian public discourse, given the Trump effect in the wake of the 2016 US Presidential Elections. Then the Cambridge Analytica scandal broke out, leading to frantic moves in both research and policy circles on how to combat online information disorders, protect democracies, and make social media spaces safer for people. In Nigeria, all these were

coloured by hate speech concerns – the fear that harmful messages could spark ethno-religious conflicts or lead to some major conflagration. I concluded, at the time, that social media freedoms should not be absolute, that controls should be introduced, and that consequential violations should be punished. Therefore, my goal at the start of the PhD in 2019 was to identify and recommend an appropriate way for the government to regulate online content in ways that promote healthy conversations; I first began with online broadcasting before extending the study's focus to social media.

All these changed significantly after the #EndSARS movement in October 2020 and the Lekki Massacre. Young Nigerians had demanded the scrapping of the Special Anti-Robbery Squad of the Nigerian Police, a call that snowballed into larger protests on socio-economic conditions. After weeks of protests, on 20 October 2020, the government sent soldiers to the Lekki Toll Gate in Lagos, where protesters had assembled. The soldiers shot into the crowd, killing no fewer than 12 people according to Amnesty International (2020). The event had a major impact on me, as it did other young Nigerians. I was in the UK at the time, and I reasoned that if I had been in Nigeria, there was every likelihood that I would have been at Lekki on that day, and I might have been caught in the crosshairs. The movement itself was closely tied to social media, where it was organised, coordinated, and amplified. I began to see the connections between social media regulation, civic engagement, and activism. The government also saw the connection, leading to calls by Lai Mohammed, Nigeria's Minister of Information and Culture, and other top politicians that social media must be regulated. Based on this and the advice that I got from my supervisors, my research orientation began to change. I decided to channel my drive to understand, rather than recommend, the underlying basis for social media regulation, especially after the Internet Falsehood Bill was introduced in 2019. I was also interested in the ways that users oppose this regulatory move in ways that centre on activism, and the potential influence they have on the policy process as can be seen in the withdrawal of the Frivolous Petitions Bill. Consequently, the study's argument draws from different perspectives, including those of

government, users, platforms, and stakeholders to analyse regulatory discourse in its comprehensive form.

My argument contributes to and extends our knowledge of regulatory approaches that target not only social media platforms, but also users. Existing studies have largely overlooked this focus on regulation directed at users, as they tend to focus instead on platform self-regulation or co-regulatory intervention. However, as my thesis shows, users and stakeholders also contribute to social media regulatory discourse (and action in some cases), prompting the need to study regulation holistically. To establish the direction that existing studies have taken, I trace the development of research into social media regulation, which began with what has been termed cyber-libertarianism (Murray, 2019) or regulation based on the free marketplace of ideas (Kenyon et al., 2017; Oster, 2017). Nowhere is this more clearly illustrated than in Barlow's (1996) famous declaration of the independence of cyberspace, where he outlines a regulatory paradigm based on self-regulation. In legal terms, Napoli (2019) observes that the paradigm is based on Section 230 of the 1996 US Communications Decency Act. Murray (2019) adds that it draws from American free speech tradition and the philosophical writings of scholars like John Stuart Mill. Contained here is the notion that speech, no matter how toxic, should be left unregulated; the expectation being that whatever is true and noble will always prevail in the contest of ideas, a contest for which the market and those who constitute it are designated as arbiters of truth. This is the underlying reasoning that platforms have latched onto in designing self-regulatory principles, as research shows (Klonick, 2018; Samples, 2019; Cusumano et al., 2021).

In recent years, however, the line of research has shifted in correspondence to greater regulation of platforms by states (Rochefort, 2020). Government intervention, in this manner, became more noticeable from the mid-2010s, given what Baccarella et al (2019: 3) call the "dark side of social media." European nations have spearheaded this intervention, and they tend to frame the negative effects of social media usage as online harms. We see examples in the UK, where the government has introduced an Online Harms Bill (now Online

Safety Bill). Germany also has the NetzDG and the European Union itself has come up with a Digital Services Act. What we see here is a co-regulatory approach to social media, where governments compel platforms to take greater action to moderate problematic content or face sanctions. Scholars like Napoli (2019), Manganelli and Nicita (2022), and Flew (2022) have called for co-regulation to become widespread, arguing that society cannot trust social media platforms to act in the public interest.

Collectively, the considerable focus on platform self-regulation and co-regulation is helpful, even necessary, since research in these areas has contributed to what we know about regulation. However, I argue that such a focus presents an incomplete picture of the regulatory outlook, especially in light of the emerging approach to regulation that targets the usage of social media technology. The study addresses this, extending the line of research into social media regulation, one that is tied to the political economy of censorship. Some studies have explored internet censorship and policies in places like China; they include Yang (2015), deLisle et al (2016) and Hobbs and Roberts (2018). Oladapo and Ojebuyi (2017) have also examined the Nigerian government's attempt to regulate social media in 2015. I build on these by investigating social media regulation in its comprehensive form, focusing on policy, politics, opposition, and alternatives. To this end, I introduce the concept of regulatory annexation to explain how social media regulation mirrors regulation that the government has applied in other domains such as broadcasting. Although my focus is Nigeria, I show that regulatory annexation bordering on censorship applies, to some extent, across the Global South, particularly in Africa. In addition, I consider how people oppose this kind of regulation and the alternatives they specify. The specification of alternatives, I argue, is based on what I introduce as the matrix of dependence, a concept that describes the system of regulatory reliance that circumscribes Nigeria and the wider Global South.

My argument is tied to the study's overarching research question:

> What attempts have been made to regulate social media in Nigeria and how have these been perceived by different stakeholders?

This question feeds into the study's methodology, which combines policy analysis of legislative documents, interviews with key stakeholders, case studies of events such as the Occupy Nigeria protest and the #EndSARS movement, and social media analysis of the #SayNoToSocialMediaBill Twitter corpus. I analyse the resulting empirical data alongside debates over online safety versus freedom, platform power versus state influence, and structural inequalities between the Global North and South regarding the use, design, and regulation of digital technology. As a result, I use concepts like political economy (Hardy, 2014), securitisation (Wæver, 1995), and structural imperialism (Galtung, 1971) as a theoretical framework upon which my argument is based. My findings indicate that social media regulation in Nigeria is anchored on the securitisation of speech acts, making it possible for governments to justify regulatory intervention on security grounds, even though the actual premise is lacking. I argue that this is because of the need for the authorities to replicate on social media the same kind of control they exert over broadcasting – the underlying notion of regulatory annexation. I also argue that social media regulation in Nigeria is bound up in the matrix of dependence defined by the global structural order. In this way, the study draws from and contributes to the concepts that make up its theoretical framework.

I outline the theoretical framework in the study's first three chapters. Chapter one starts by considering political economy and its relation to social media platformatisation to demonstrate why these concepts are relevant for the study, given the link between political economy, platforms, and regulation. The chapter examines research on internet content regulation, before moving to the relations of power in terms of social media regulation, and how this manifests differently between the Global North and South. It finds that social media regulation in the Global North, which is the overwhelming focus of research, is different from regulation in the Global South. In the Global North, regulation targets platforms, but in the Global South, regulation is more likely to target users. Chapter two flows from this to consider studies on freedom of expression and securitisation. I start the chapter by defining

freedom of expression based on the literature, before discussing how freedom of expression relates to social media. Thereafter, I highlight studies on securitisation and speech acts, and then consider the ways by which states and platforms define online harms. Overall, the chapter finds that governments and platforms usually justify social media regulation using the discourse of online harm; in Nigeria, policymakers further use securitisation and the silencing of dissent as regulatory affordances as seen in the literature on traditional media regulation. Chapter three outlines research into practical approaches to regulation. The practical approaches include platform self-regulation; user-centred approaches such as media literacy, digital detox, and networked harassment; government intervention, whether limited or systemic; and multistakeholder governance. What chapter three finds, as is the case for chapter one, is the overwhelming focus that the literature has given to Western contexts, with little, if any consideration for regulatory approaches and attempts in countries like Nigeria, and relations between the Global North and South in terms of regulation.

Chapter four details the study's methodology, a mixed-method approach which addresses the limitations of other approaches such as the regulatory analysis framework (Lodge and Wegrich, 2012) and the multiple streams approach (Kingdon, 1997). The methods that my model uses include policy analysis, case study, interview, and social media analysis, all aimed at analysing four components of social media regulation in Nigeria: policy, politics, opposition, and alternatives. These components draw from my research question and seek to provide a comprehensive understanding of social media regulation, from the perspectives of policymakers, users, and stakeholders. Consequently, I argue that my methodological approach makes it possible for one to explore not just policy on social media regulation, but also users' responses and the alternatives they specify. This is important in countries like Nigeria, where formal regulation is more likely to target users directly.

In chapter five, I begin the presentation of my findings. The chapter serves as the context for the study, analysing policies relating to social media in Nigeria. Here, I argue that social media regulation in Nigeria can be seen as a struggle between two policy approaches,

one that is security-centred and another that is freedom-centred. This allows me to describe the policies that border on censorship as security-centred instruments, and they include the Internet Falsehood Bill, the Hate Speech Bill, Cybercrimes Act, and the Frivolous Petitions Bill. The singular freedom-centred instrument is the Digital Rights and Freedom Bill. The chapter also explores the policies' content and motives; in this regard, I show that the motives are both stated and underlying. For the security-centred instruments, I argue that, based on their underlying motives, they are related to securitisation, regime security, and the silencing of dissent. I further evaluate the enforcement provisions in the policies, finding that they have extensive reach, are worded in vague terms, are incompatible with platform rules, and are difficult to enforce. All these point to state-citizen distrust that shapes the regulatory context in Nigeria. The chapter concludes that social media regulation in Nigeria largely centres on the "scapegoat" principle, where the authorities, faced with the scale of social media, will only target a few cases to send a more general message, aimed at silencing dissent, to users.

Chapter six considers the politics component of the study. It focuses on the divergence between the stated and underlying motives in the security-centred instruments to show how regulation relates to securitisation. The chapter begins by situating social media regulation within political economy. Afterwards, I analyse broadcast media regulation in Nigeria using case studies such as media coverage of the Occupy Nigeria protest and the #EndSARS movement to show that the broadcast media functions under a relation of subalternity. I further compare broadcast media regulation with social media regulation in Nigeria, finding that the latter mirrors the former. Based on this, I establish the chapter's main argument by demonstrating the existence of what I call regulatory annexation, which is the extension of standards and principles originally meant for one frame of reference to another. In Nigeria, the chapter demonstrates that regulatory annexation is evident in the burden of liability that regulators place on users, as opposed to platforms. It is in this way that social media regulation deviates from the European approach, where states seek to

regulate users indirectly through platforms. I also find that the Nigerian approach to regulation is becoming widespread in Africa – pointing to the continent-wide ramifications that regulatory annexation foreshadows. Overall, I contend that the kind of regulatory annexation that one sees in Nigeria is not fit for purpose, given that realities on social media do not directly equate those in broadcasting.

The opposition component is what I examine in chapter seven, which is based on the analysis of Twitter discourse. The chapter explores the discourse of resistance deployed by users who utilised the #SayNoToSocialMediaBill tag to oppose the Internet Falsehood Bill (what they call the Social Media Bill). I divide the chapter into two parts. In the first part, I discuss why Twitter was used to oppose social media regulation in Nigeria. Based on interviews, the findings show that participants preferred Twitter because of its perceived usefulness as a leveller, as a tool of youth, and as a space for activism and "dragging." In the second part, I touch on how Twitter was used to execute opposition and resistance. My focus is on the #SayNoToSocialMediaBill corpus, which I divide into two sub-corpora: pre-EndSARS and post-EndSARS. Using corpus-assisted critical discourse analysis, I find that Twitter users deployed themes such as anti-freedom of expression, ulterior motive, and misplaced priority in the pre-EndSARS sub-corpus, and generational fault-lines, North-South divide, and international pressure in the post-EndSARS sub-corpus. Consequently, I argue that Twitter users utilised the us-them narrative as a strategy to oppose the regulatory attempt as they positioned themselves under positive self-regulation and the government under negative other-representation, indicating that social media regulation has worsened state-citizen distrust in Nigeria.

I close the findings in chapter eight, which I predicate on the alternatives component. Here, I use interview data to highlight what the participants advance as alternatives to formal regulation of social media in Nigeria. The most prominent alternative that the interviewees mentioned is "governance built on trust," suggesting the level of importance they attach to state-citizen distrust. Other alternatives include digital media literacy, corporatist regulation,

and co-regulatory intervention. I link co-regulation to postcolonialism because of the interviewees' call for Nigeria to copy the West by introducing regulation targeted at platforms. Drawing from the alternatives that the interviewees specified, I argue that social media regulation in Nigeria (and the wider Global South) is locked into the matrix of dependence.

The thesis concludes by synthesising regulatory annexation and the matrix of dependence. By this, I mean that countries like Nigeria turn to regulatory annexation targeted at users because of the web of dependence they are confronted with, a web that means they can only maintain the level of control they desire if they regulate users directly. I suggest that future research should place greater emphasis on regulation that borders on regulatory annexation, the perception that users have, and relations between the Global North and South that defines how social media regulation is articulated.

CHAPTER ONE

INTERNET AND SOCIAL MEDIA REGULATION: PLATFORMS, POLITICAL ECONOMY, AND RELATIONS OF POWER

The first three chapters of this thesis outline its theoretical framework. In this first chapter, I explore relevant concepts on social media regulation and introduce political economy as an overarching theoretical consideration of the thesis because of my focus on the allocation of power in the control of new media technologies. In the chapter that follows, I examine ethical issues related to values around civil liberties and harmful content on social media. This includes debates surrounding freedom of expression, securitisation, and the discourse of harm. The third chapter flows from this to outline practical approaches to regulating social media content. Of interest here are the various approaches that exist to combat harmful content on social media, approaches that include corporatist regulation, co-regulation, multi-stakeholderism, and media literacy. I start with the present chapter, which has five sections. In the first two sections, I explain the key terms used in the research: regulation, governance, and the public interest. I also consider issues related to internet regulation, and the ideas, issues, and debates it has thrown up, highlighting how complex the field has become. In the third section, I focus on social media platforms, examining what 'platform' means in the broad conceptualisation of platformatisation and platform power.

This leads to the fourth and fifth sections, where I synthesise the preceding discussion to consider social media platform regulation. I do this by discussing the political economy of communication. I take a critical approach to political economy, examining its ties to new media technologies and the relations of power between social media platforms and countries in the Global North and South. Overall, I argue that academic work has presented social media regulation in countries of the Global South such as Nigeria as different from regulation in the Global North, particularly the West. This distinction suggests the need to

study the regulatory approaches in Nigeria, and other countries of the Global South, where research into new media regulation is lacking.

1.1. Defining Regulation, Governance, Censorship, and the Public Interest

The terms “regulation” and “governance” are understood to be largely similar in functionality but different in scope. Whilst regulation can be sometimes linked to a top-down command structure dominated by government, governance transcends its and is more flexible and inclusive, incorporating roles for industry players, civil society, and in some cases, users (Puppis, 2010; see also Ostini and Fung; 2002; Sousa and Fidalgo, 2011; Lunt and Livingstone, 2012; Napoli, 2019; Flew and Martin, 2022). Researchers tend to equate regulation to mean “government,” but beyond this, governance considers the actions of private actors in self-regulation, and partnership in co-regulation (Puppis, 2010). The terms “regulation” and “censorship” are also closely associated with one another. Censorship is generally viewed as the tax that the government applies to make information access and sharing difficult or impossible (Roberts, 2020). Roberts (2020) explains that the tax can come in the form of fear (threats of punishment), friction (e.g., imposing website blocks and internet bans), or flooding (inundating the online space with propaganda in order to distort reality). Censorship is, therefore, an overt form of top-down control – an excessive form of regulation. Regulation, on the other hand, is more nuanced as it does not have to be top-down control that manifests as the execution of autocratic force. It sits somewhere in the middle between censorship and governance, adopting elements of both top-down control and partnership in management.

It is this flexibility that underpins my choice of “regulation” as the basis on which I outline social media regulation in this research. I consider the regulatory move in Nigeria, where a number of legislations have been introduced. These include the Internet Falsehood Bill 2019, the Hate Speech Bill 2019, and the Cybercrimes Act 2015. Put together, they show

that Nigeria has tilted towards regulation, and to some extent, censorship, as opposed to governance in relation to social media. Consequently, there is little room for other actors besides government, which typically functions within a command-and-control structure and specifies sanctions for regulatory defaulters. In places where I have used the term "governance," it has been to point to alternatives (e.g., multi-stakeholderism) or to highlight the approaches adopted in other regions such as the West. In the West, the literature suggests an emphasis on governance, mainly because Western governments have facilitated a shift from formal regulation to self- and co-regulatory schemes (d'Haenens, 2007; Flew, 2018). Hathaway (2020) suggests that this drive to slim down the state is tied to neoliberalism, leading to corporate power and deregulation. With co-regulation, however, I note that the distinction between regulation and governance becomes thin. This is because although social media companies are required to police user content, the state is still expected to set rules that private companies follow. Hence, it is regulation of social media companies. Crawford and Lumby (2013) allude to this, noting that formal regulation, self-regulation, and co-regulation are all forms of top-down and vertical regulation since they deny users the agency they deserve. Still, I observe that the co-regulatory approach involves more than one actor, pointing to some form of partnership between the state and private actors, and can, therefore, be seen as an example of *governance*.

Governance, in this sense, is generally preferred (Puppis, 2010; Napoli, 2019). For instance, Napoli (2019) argues for media governance, noting that media regulation is too narrow since it focuses on the rules and frameworks drawn up by formal state authorities. Puppis (2010) also describes statutory regulation as a hierarchical model of administration by one authority, highlighting the need for governance instead. He sees regulation as vertical as opposed to governance, which is both vertical and horizontal. In his view, governance has to be horizontal because it must incorporate private actors whether or not government is involved. Media governance, therefore, "encompasses the entirety of forms of collective rules in the media sector" (Puppis, 2010: 138). Following a similar reasoning, Lunt and

Livingstone (2012) characterise those who desire a reduced role for government as market campaigners and those who uphold civic governance, where civil society and the public are involved in governance processes, as social democrats. Although different, both approaches point to a shift from *government* to *governance* as far as government intervention is concerned.

Government intervention, whether in the form of regulation, censorship, or governance, is usually justified in the public interest (Schejter, 2018). Schejter (2018) shows that when it comes to media regulation, policymakers are most forceful about applying the public interest rationale to broadcasting, given its perceived intrusiveness. Recognising this, most European countries locked out private individuals from owning broadcasting stations, tying the eventual normalisation of public broadcasting to the public interest (Schejter, 2018). Therefore, public service broadcasting is the most undiluted form of regulation, where overt ownership, funding and control is in state hands (Hallin and Mancini, 2004). In the US, where public broadcasting has never existed, the debate about public interest in broadcasting regulation became most pronounced during the row over violent content in television programming and its influence on children (see Bandura, 1971). For Napoli (2019: 143), the public interest justification for broadcast media regulation points to "technological particularism." This is partly because broadcasting requires specific infrastructural facilities such as spectrum, which is considered a public utility. It is then possible to justify broadcasting regulation as a public good. The public good itself is viewed as the provision of facilities and resources necessary for society to function, with all the attendant politics that accompany it (see Doering III, 2007). Examples include physical infrastructure such as roads and bridges (Besley et al., 2004) or constitutional ideals such as the notion of federalism as a public good (Bednar, 2005).

Regarding social media regulation, there has been a similar, although implied, notion of public interest justification (Napoli, 2015). This is because social media cannot be equated with traditional media since social media is not involved in the institutional production and

dissemination of news. Still, Napoli (2015: 756) notes that users (or the public) have become increasingly reliant on social media usage for news and information purposes, making platforms more relevant in their "service to the broader public interest." On the one hand, the suggestion is that social media platforms are expected to voluntarily assume the public interest mandate using professional guidelines, with little or no pressure from policymakers. On the other hand, Napoli (2015: 757) argues that platform professional guidelines should be mixed with "regulatory oversight," particularly in terms of implementing social media algorithmic governance in the public interest.

Algorithmic concerns related to social media climaxed with the Cambridge Analytica scandal (Venturini and Rogers, 2019; Hu, 2020; Brown, 2020), leading to renewed questions about the public interest mandate of social media platforms and the potential need for more robust regulation by national or supra-national bodies (see Bruns, 2019). As I will show in this thesis, the public interest mandate is something that governments tend to hold on to as justification for regulatory action. The resultant opposition from users, who distrust the government's motive, then accentuates the power struggle between governments with their preference for regulation (and censorship), and platforms and users with their preference for governance. All these draw from and feed into the idea that the internet is regulable (Lessig, 2006). I turn to this next as I consider ideas on the evolution of internet content regulation to highlight current thinking on the need and possibility of regulating social media.

1.2. Theorising Internet Content Regulation

In this section, I profile the prevailing thoughts on internet regulation that have emerged in the literature. First, I note the complexity of the field, given the different neologisms that have been introduced to define various types of regulation and governance (see Table 1.1). This shows that regulation usually means different things to different scholars, revealing how problematic it can be to arrive at a regulatory solution. Researchers have also conceded this point as they agree that the internet is difficult to regulate. For instance, Flew et al. (2019)

speak of the internet's technical nature that makes regulation challenging. Akdeniz et al. (2000) mention its sheer scale of content and the instantaneity of traffic. Lessig (2006) highlights the global nature of the internet, which in turn makes the determination of jurisdiction a complicated matter. Murray (2019) points to the borderless nature of the internet, which has made enforcing regulations difficult, if not impossible. This seeming difficulty in regulating the internet led to sentiments that it was beyond the scope of regulatory control.

For instance, Barlow (1996), in his declaration of the independence of cyberspace, speaks of a new world outside of this existence, beyond the realm of regulation, to be governed only by norms agreed to by members of this new world. Barlow's sentiment, described as cyber-libertarianism (see Murray, 2019), has since been proven to be lacking in substance, given that internet regulation, though difficult, is possible (Lessig, 2006; Murray, 2007; Rogers, 2011; Napoli, 2019; Flew et al., 2019). For instance, Murray (2019) shows that states have encroached on cyberspace, creating "digital borders" where physical borders cannot be erected. He refers to the online age verification system being implemented by states in their bid to curb children's access to explicit content as a way of erecting digital borders. He criticises Barlow, noting that people who go online do not enter a fantasy land where they suddenly become immune to national laws.

Beyond cyber-libertarianism, Murray (2019) introduces three other terminologies for internet regulation and governance. They include cyber-paternalism, network communitarianism, and symbiotic regulation. He describes cyber-paternalism as a top-down model of control where legal regulation finds expression. This is regulation, which also involves control using the "architecture" of the internet, making it possible for states to regulate people's behaviour online by mandating changes to the structure of the internet. In network communitarianism, Murray (2019) speaks of a "regulatory settlement" where citizens and policymakers constantly negotiate regulatory standards for the internet. In an earlier study, Murray (2007) argues for network communitarianism, stating that it exemplifies a shift

from static regulation to a dynamic regulatory environment. He describes this as a "regulatory matrix," where parties in the process continually feed each other information and interchangeably act as regulators and regulatees to address regulatory tensions.

Research	Neologism
Murray (2019)	Cyber-libertarianism Cyber-paternalism Network communitarianism Symbiotic regulation
Kurbalija (2014)	Old-real regulation New-cyber regulation
Murray (2007)	Socio-legal regulation Socio-technological regulation
Lessig (2006)	Regulation by law Regulation by norms Regulation by market Regulation by code/architecture

Table 1.1. Some neologisms and concepts related to internet regulation in the literature

However, after observing that certain influential actors can and do take advantage of the process, Murray (2019) now pushes for symbiotic regulation. In symbiotic regulation, he describes a process where regulators model different regulatory scenarios and select the one people accept most. This agreed approach is seen as likely to be the most effective, and the outliers who refuse to comply are then subject to traditional laws and sanctions. Thus, symbiotic regulation is a combination of network communitarianism and cyber-paternalism. For Kurbalija (2014), he introduces two neologisms that centre on state control of the internet, what he calls old-real and new-cyber. In old-real, states apply existing laws to the internet, viewing it as no different from other media technologies. New-cyber is different. Here, regulators see the internet as a novel technology existing in the cyber realm different from what we know; thus, requiring a new set of laws. The old-real approach is firmly in the realm of cyber-paternalism, and some scholars have pushed for it (Akdeniz et al., 2000). However, the new-cyber approach is more nuanced.

The nuance I refer to here is expounded by Lessig (2006), who speaks more about the "architecture" of the internet as a regulatory tool. He argues that the internet has always

been regulable because, just like any other infrastructure, it is designed, built, and can be modified by code or architecture. Hence, if it wants to regulate the internet, the government only has to "induce the development of an architecture that makes behaviour more regulable" (Lessig, 2006: 62). It means using law to regulate code to regulate behaviour indirectly. He says the code that makes this possible is the real law; hence, "code is law." In addition to architecture, Lessig (2006) highlights three other regulatory tools comprising law, norms, and market. Together, the four instruments point to governance, as I explained earlier, making up what Lessig (2006) calls "modalities of regulation." He observes that the modalities are distinct but interdependent – they can support or oppose one another, but one inevitably affects the other. Therefore, law can be used by government to affect the other modalities, and government, in this case, has to decide which will yield the greatest result with the least cost.

Murray (2007) also refers to regulation by code, noting that governance can either be socio-legal or socio-technological – more neologisms. In the former, laws, norms and markets form the key nodes of governance, and they operate in the physical world. In this system, the use of architecture is de-emphasised. However, in socio-technological regulation, the infrastructure becomes a key part of governance. Murray speaks of this as a "regulatory web," where different actors exist in cyberspace governance, and the action of one can yield unpredictable consequences in another, usually in a global context. However, code, as a means of regulation, has been criticised. For instance, Rowland et al. (2017) suggest that it offers little in terms of accountability and can be abused by the regulator. They add that code could lead to society being made of people who do not have moral choices, becoming even more of a crisis for democracy. Concerns such as this hinge on the fact that code operates as a silent regulator, since people are unaware of how it works.

What we see, therefore, is that the literature accepts that internet content can be regulated, whether through formal means or architectural control. The question that remains is what approach should governments, platforms, and users take to achieve regulation. The

result, as I demonstrate in this section, is the many ideas and neologisms that scholars have introduced, showing how complex the field has become. Having highlighted this complexity, I proceed, in the next section, to consider the notion of platformatisation to show why social media has become central in discussions on internet regulation.

1.3. Social Media and the Platformatisation of the Internet

So far, I have been referring to social media platforms, but what is a digital *platform*? The term, as I use it in this research, signifies digital intermediaries broadly speaking and social media services in particular. I adopt van Dijck et al.'s (2018: 4) definition of platform as "a programmable digital infrastructure designed to organize interactions between users." Gillespie (2010) shows that *platform* can be understood in four ways. First is its architectural meaning, as in a subway or train platform for people to stand on. Next is its figurative connotation, as in the idea of an entry-level job as a platform for something bigger. Third is its political understanding, where "platform" can be used to express ideas and to campaign for political office. Finally, there is the computational essence, where platform is "the infrastructure that supports the design and use of particular applications, be they computer hardware, operating systems, gaming devices, mobile devices or digital disc formats" (Gillespie, 2010: 349). The computational view formed the earliest understandings attached to digital platforms. In this sense, platforms are interfaces – "boundaries that separate while connecting various entities within a system" (Gawer, 2021: 3).

The four-way understanding of "platform" that Gillespie (2010) highlights makes it possible for digital service providers to present themselves as infrastructures that provide "raised level surfaces" for people to express themselves and to connect, interact, and sell on a global scale. For instance, Meta (formerly Facebook) describes itself as an environment where people can socialise, learn, collaborate, and play (Meta, 2022). Twitter (2022) also sees itself as a service for public conversations – a free and safe space for people to

interact. In line with this, Gillespie (2010: 352) shows that with YouTube, the contemporary understanding of platforms is tied to all four categorisations:

> Computational, something to build upon and innovate from; political, a place from which to speak and be heard; figurative, in that the opportunity is an abstract promise as much as a practical one; and architectural, in that YouTube is designed as an open-armed, egalitarian facilitation of expression.

In appropriating the term, Gillespie (2010) observes that platforms present themselves as impartial hosts of content for which they are not liable. This makes the term appealing to online intermediaries who see their services as avenues to generate maximum user interactivity for optimum profit. The end goal of profit-making ultimately means that platforms are multi-sided markets (de Reuver et al., 2018), serving as a meeting point for multiple user groups, including content providers, content consumers, and advertisers (Gillespie, 2010). Related here is the prevailing platform business model built on network effects (de Reuver et al., 2018), where platforms continually grow in size, having the power to shape our social reality (Couldry and Mejias, 2019a). Hence, the dominant role that platforms now play in the media ecology, leading to the notion of the platformatisation of the internet. In essence, digital service providers, including social media networks, have become very influential, with some describing them as Big Tech (Vlastelica, 2021). Flew et al. (2019) underscore the shift that has occurred, highlighting the move from the open internet to online monopolies and oligopolies. Couldry and Mejias (2019a) see this as the dominance of the Big Five: Amazon, Apple, Facebook, Google, and Microsoft. Flew et al. (2019) note that these corporations are now largely seen as the internet since they play an outsized role in directing internet traffic and have become more profitable than energy and financial companies.

As a result, researchers argue that digital platforms no longer serve only as technological intermediaries but also as gatekeepers to the public sphere, performing core civil liberty obligations (DeNardis and Hackl, 2015; Flew et al., 2019; Murray, 2019). Laidlaw (2010) provides a classification of gatekeepers, highlighting the differences between internet gatekeepers and Internet Information Gatekeepers (IIGs). The former provide access to internet content, but the latter, in addition to this, have “the capacity to impact democracy in

a way traditionally reserved for public institutions" (Laidlaw, 2010: 268). Laidlaw (2010) adds that IIGs fall into one of three categories: macro-gatekeepers, authority gatekeepers, and micro-gatekeepers. Macro-gatekeepers are at the very top because they have strong information controls; users have no choice but to pass through them to access the internet. They include search engines and Internet Service Providers (ISPs). Authority gatekeepers provide access that is key to democratic discourse, but users can do without them; they include Wikipedia and Facebook. Micro-gatekeepers serve as websites providing content that have little impact on the democratic culture.

Although Laidlaw (2010) classifies social media networks (e.g., Facebook) as authority gatekeepers, subsequent developments indicate that they have since become macro-gatekeepers (DeNardis and Hackl, 2015; Kaye, 2019). Take Facebook for instance. With 2.9 billion active users as of July 2022 (Datareportal, 2022), if it were a country, it would be the largest in the world. Therefore, DeNardis and Hackl (2015: 769) describe social media platforms as information "choke points" that people must inevitably pass through to access the online public sphere, pointing out that they determine and control the flow of information. Kaye (2019) calls this a move from the horizontal to the vertical, as the internet has been transformed from a variety of blogs and websites to a few platforms. These platforms are "institutions of governance, complete with generalized rules and bureaucratic features of enforcement" (Kaye, 2019: 16). Murray (2019) sees them as "macro-nodes" that effectively centralise the internet, noting that their influence has exposed a weakness in his idea of network communitarianism, because there are bound to be unequal relationships in the regulatory negotiations he describes.

What all these point to is the reality of platform power, denoted by the significant influence that digital intermediaries wield (Mansell, 2015; van Dijck et al., 2019; Helberger, 2020). This is realised in the way that platforms have evolved into becoming integrated ecosystems built on market concentration, providing crucial services that affect "entire social sectors, democratic processes, online social traffic, and national institutions" (van Dijck et al.,

2019: 9). A case in point is Donald Trump's ban from all the major social media platforms, including Facebook and Twitter, after what is now known as the January 6 incident (Macfarlane and McDonald, 2023). While the debate regarding whether private social media companies were right to have silenced the leader of the free world in the way that they did is still ongoing (Noor, 2021), the import of their action underscores the kind of power that platforms possess. In most cases, the control that platforms wield cuts across several sectors and industries. van Dijck et al. (2018: 2) view this as the emergence of the "platform society," where platforms infiltrate and converge with "institutions and practices through which democratic societies are organized." This underlines the reality of platformatisation and the power that platforms wield, presenting new implications for our understanding of the political economy of communication and relations of power in the networked age.

1.4. Political Economy and Relations of Power

The discussion above on social media power and platformatisation underscores the relevance of political economy, which I consider in this section. The broad approach to political economy that I have taken is critical political economy, and I start by outlining what it means. Afterwards, I explain the political economy of media capture before settling on the area of political economy most relevant to my research: the political economy of new media. Based on this, I explore, in the two sub-sections that follow, the relations of power between social media platforms and the Global North on the one hand and social media platforms and the Global South on the other. This is to highlight the different approaches to regulation in both regions and to show why there is a need to study the approach in the Global South.

According to Hardy (2014), critical political economy considers how media processes and outputs are determined by structural issues related to ownership, funding, and regulation (Hardy, 2014; see also McChesney, 2000; Mansell, 2004). Central to this are questions of power wielded by or over media organisations and the way that power is exercised in determining media operations. Also relevant is the notion that media content

and systems relate to broader social structures, particularly in terms of economic or political concerns (Hardy, 2014). Hence, political economy deals with the allocation of resources to produce media content as commodities for which advertising is the end (Wasko, 2005). The suggestion is that the funds that come from advertising are crucial for media survival, making advertisers particularly influential in determining media processes. We see this, for instance, in the way that China has exerted influence over Western entertainment content by blacklisting them from broadcast deals and cancelling sponsorships (O'Connell, 2021).[1] Of significant importance is the idea that funding determines the content of media output.

Relevant here are ownership concerns in the media, which have been a major emphasis of Western scholarship into political economy (McChesney and Schiller, 2003; Wasko, 2005, 2014; Mosco, 2008; Herzog and Scerbinina, 2021). Research has especially focused on ownership concentration with ties to capitalist expansion and the influence this has on editorial content and democracy (Wasko, 2005). Examples include academic work in areas of commercialisation (McChesney and Schiller, 2003) and deregulation (Graham, 2006) in the media. Hardy (2014) describes these as the use of regulation to further liberalisation and ownership concentration in the West. Consequently, media governance is increasingly carried out by non-state actors (Hardy, 2014), representing different interests. Due to this, McChesney and Schiller (2003: 3) note that the goal of political economy should be to insulate the media from "corporate and commercial control," and also from "direct control by the state."

When corporate or state control of the media becomes entrenched, what exists is the political economy of media capture. This happens when "media behavior is heavily influenced by special interest groups, political parties, governments, or any actors other than consumers" (Petrova, 2008: 121). Beyond commercial interests, media capture is related to

[1] According to O'Connell (2021), China has been able to "export" censorship by to the West by leveraging its market size (and the significant revenue it yields) to silence criticism. An example of this was the incident surrounding the deleted tweet by the Houston Rockets general manger, Daryl Morey. More can be found here: https://www.theguardian.com/sport/2019/oct/07/nba-scrambles-after-china-angered-by-houston-rockets-regrettable-pro-democracy-tweet

censorship issues, especially in regions of the Global South such as Africa. For instance, Cardenas et al. (2017) show that media capture exists in Tanzania, describing it as the influence that government or public officials wield over news gathering and dissemination. In most cases, the media rely on the government for advertising and revenue generation (Cardenas et al., 2017), making it such that media organisations rely on the government for survival, particularly when broadcast licenses are involved (Mabweazara et al., 2020). There are also implications for state ownership of the media, which is even more tightly controlled (see Uwalaka and Watkins, 2018). In this sense, media capture finds expression under four headings: ownership, financial incentives, censorship of the written word (including self-censorship), and cognitive capture (Stiglitz, 2017). Cognitive capture is related to ideological capture, which underscores the hegemonic ways that the Western media, in particular, has been co-opted as hegemonic extensions of the state (see Gramsci, 1971) to manufacture consent (Herman and Chomsky, 2002).

Critical political economy of communication further applies to new media technologies; this is where the term becomes particularly relevant for my research. Just as for legacy media, a political economy of new media considers the structures and processes of power tied to how new media is ordered (Mansell, 2004). This includes the architectural design of social media platforms that confers power on their owners to determine the boundaries of online social interactions. Hence, political economy of new media indicates the values and perceptions of power that are embedded into new media technologies (Mansell, 2004). Fuchs (2009) refers to this in neo-Marxist terms as critical internet theory. Of major concern here is “how the Internet is related to questions concerning ownership, private property, resource distribution, social struggles, power, resource control, exploitation and domination” (Fuchs, 2009: 74). Therefore, political economy of new media highlights how information has been made a “strategic economic resource” that is “globally produced and diffused by networks” (Fuchs, 2009: 76).

We see examples in the way that human data extracted by digital platforms have become the basis for global information and knowledge control, leading to the description by *The Economist* of data as the new oil (The Economist, 2017). Fuchs (2009) sees this as information capitalism, noting that the public "good" of internet and social media interaction has been turned into a commodity – a private good. This is realised in a "gift" economy, built on Web 2.0., where "free" services are provided to drive up user engagement and generate advertising revenue. Here, users are "prosumers" who provide unpaid labour for content creation while also serving as avid consumers. Social media sites become performative and competitive spaces where users work to amass friends/followers and stimulate engagement. The result is that platforms are rewarded with more users, which leads to higher profits, making them even more powerful (Fuchs, 2009).

The power that social media platforms wield presents unprecedented regulatory challenges, not least because online communication has become "a good that is hard to control in single places or by single owners" (Fuchs, 2009: 76). This makes it cumbersome for regulation to be implemented by individual nations. It also suggests that platforms continue to function based on self-regulation and private ownership concentration, having the opportunity to embed notions of power into their terms of service and other technological innovations. The consequence is that civil liberties suffer, since "liberal freedom of ownership limits citizen's liberal rights" (Fuchs and Sandoval, 2015: 173). Platform economics have also affected the business model of legacy media, granting them access to broader markets on one hand, while making them ever more vulnerable on the other (Schiffrin, 2018). This points to the antagonistic potential of internet platforms as forces for good and evil (Fuchs, 2009). With social media, for instance, billions of people can access information and interact for the common good, but the proliferation of harmful content such as hate speech has also worsened (Matamoros-Fernández and Farkas, 2021). Furthermore, user-generated contents are in turn commodified (and datafied) as the basis for platform dominance (McGuigan and Manzerolle, 2015; Nielsen, 2017; Couldry and Mejias, 2019b).

These all point to the relation of power that the critical political economy of new media now defines, one where platforms wield significant influence and can determine the regulatory paradigm. This is important for my thesis because nation-states are now attempting to impose regulation on social media platforms and their operations, as I show below, making regulation a site within which to study political economic struggles over the control of new media technologies. I move to this next, concluding the chapter by highlighting the relations of power between social media platforms and the Global North/South.

1.5. Social Media Platform Power and Distinctions Between the Global North & South

In this final section, I extend my discussion of the literature on critical political economy and relations of power to the different ways they are realised in the Global North and South. In the Global North, Helberger (2020) observes that Germany, France, and the UK are competing to be "global leaders" in platform governance. The introduction of new laws to regulate social media platforms then means that European countries are embracing a new-cyber mode of platform regulation (Kurbalija, 2014), anchored largely on cyber-paternalism – the use of laws to regulate code and behaviour in a top-down manner both directly and indirectly (Lessig, 2006; Murray, 2019). The US remains the outlier, leading Kaye (2019) to suggest that the country is being "myopic" in its insistence on the First Amendment. Nonetheless, there have been regulatory attempts in the US, such as the Honest Ads Act aimed at improving the transparency of online political advertisements (Warner, 2019).

According to Bischoff (2020), these moves show that liberal democratic nations are joining the move to impose restrictions on internet usage, as they face the pressure to regulate social media content that comes with the risk of harm, especially for children who are exposed to harmful content online (Livingstone, 2019; Stoilova, 2020). While they have been reluctant to introduce regulation on hate speech content because of freedom of speech concerns, they have had no problem imposing restrictions on gambling and children's

access to explicit content (Nye, 2016). Busch et al. (2018) show that between 2004 and 2012, counties in North America and Europe increasingly passed laws imposing more significant restrictions on internet content. Even in places where legal regulation is not allowed, states can force their way by demanding self-regulation. This, they say, indicates that content regulation as seen in autocratic regimes has made an incursion into liberal democracies, again pointing to the fact that the consensus is shifting to the concentration of power in state hands (Sepulveda, 2017).

The same is true for countries like China which have become more forceful in seeking a greater role for states in social media governance (Sepulveda, 2017; Bader, 2019). For instance, Yang (2015) states that internet regulation in China is shifting from coercion to subtle propaganda as government seeks not only to govern the internet, but also govern through the internet. China perhaps has the strictest form of social media regulation anywhere in the world, considering that it has the Great Firewall, a mechanism through which it blocks global websites and platforms such as Google and Facebook (deLisle et al., 2016). This makes it easier for observers to conclude that it has a simple top-down model, but Yang (2015) cautions against holding this stance, noting that internet regulation there is volatile, uncertain, and experimental. China's push for greater legal regulation of the internet at the state level (Sepulveda, 2017; Bader, 2019) suggests that state control will increasingly become the norm. Still, Kurbalija (2014) warns that applying rigid laws is dangerous because it stifles innovation and may not catch up with the pace of development. I note that this concern is also related to the regulation of artificial intelligence, as laws risk becoming obsolete just as they are passed.

As more states exert control, the point remains that platform power is still evident, as explained in the section on platformatisation above. Napoli (2019) reminds us that platforms also possess the technical regulatory wherewithal that states do not have. The consequence is that states face a struggle with global platforms in their quest to maintain control in their territories over digital content shared across the world. Gillespie (2018) also notes that

platforms have become so big that it is hard to imagine any authority exerting control over them. Regardless, it has become increasingly clear that states want a dominant, if not total, role in social media regulation. These states tend to be from the Global North, suggesting that they are on the advantageous spectrum of the balance of power in the digital society. For countries in the Global South, things are slightly less clear.

One reason for this is that there is scant literature on regulatory approaches in the Global South, Nigeria inclusive. The few existing studies suggest that developing regions such as Africa are on the disadvantaged end of the balance of power spectrum. For instance, Coleman (2019) notes that the major social media platforms enter African markets intending to provide internet connectivity, having monopoly power to determine how the digital ecosystem on the continent operates. Nothias (2020) provides the example of Facebook Basics, a controversial zero-rating service in 32 African countries – viewed as testing grounds for Facebook's experiments. There is then a sense that countries in the Global South are expected mainly to receive, but not be involved in regulating, technologies. Couldry and Mejias (2019a) indeed observe that, compared to platforms, Western countries find themselves on the lower rung of a power asymmetry because of the surpassing data knowledge that platforms possess. If Western countries have found it challenging to regulate digital platforms, despite their dominance (Cammaerts and Mansell, 2020), what hope do developing countries have?

Given this reality, Wagner (2018) states that some African governments have resorted to social media bans, which, I suggest, can be viewed as the exercise of sweeping powers to censor users and escape the realities of platform dominance. This is the direct regulation of social media users using legislations or proclamations in the case of bans. Regardless, Mou et al. (2016) observe that bans can be evaded using VPNs, and Kaye (2019) says that direct regulation, codified in legislation, is generally more difficult and costly considering the number of people who are regulatory targets. In their report, Poynter (2019) notes that this mode of regulation is widespread in developing nations, where users who

“contravene” social media regulation in various forms are targeted with threats, arrests, fines, and taxes by state actors, with implications for the freedom of expression. Thus, understanding this rationale, process, and structure, especially in the Global South where research on internet regulation is lacking, is vital. As suggested by Kaye (2019), it is perhaps the case that governments in other regions are drawing lessons from Europe as it pushes for greater state regulation of social media. Kaye (2019: 113) adds that these governments are “taking control of online expressive space from corporations and punishing individuals for criticisms and reporting.”

To be clear, this form of regulation is now new, but it has generally tended to align with the old-real mode of control. Take, for instance, the application of centuries-old defamation laws to the internet, as Bainbridge (2008) shows. Murray (2019) also shows that defamation and libel cases on social media have been taken to courts in the UK and in some cases, damages have been awarded for ruined reputations. Cases such as these and the challenges of prosecuting them are well documented in the literature. They include the fact that the original poster of a defamatory or libellous message may be difficult to identify, and there are questions as to whether the poster or the platform is the publisher (Bainbridge, 2008; Scaife, 2015). There is also the question of the global nature of the internet, the question of jurisdiction, and the anonymity that the Internet provides (Rogers, 2011). These issues also present challenges with the mode of social media regulation in places like Nigeria and the wider African continent. In effect, the literature has focused on social media as content communities and platforms to be regulated (DeNardis and Hackl, 2015; Murray, 2019; Kaye, 2019), but it has barely caught up on the regulation of social media based on its categorisation as activities being carried out by users, which tends to be the case in Nigeria. Hence, questions regarding how regulation of this sort works and the tensions it creates in Nigeria are vital. Equally vital is the relation of power that countries of the Global South are faced with as they attempt to regulate, not govern, the use of social media technologies. This is what my research considers.

1.6. Conclusion

In this chapter, I established the need to study new media regulation in Nigeria, given the dearth of research in this area. I started by highlighting the difference between regulation and governance, establishing why I settled for social media *regulation* as opposed to *governance*. This, I observed, is because regulation solely involves state intervention, while governance accommodates other actors outside of the state, including private corporations and civil society groups. I further touched on the public interest concept, tracing its evolution from broadcast media regulation to its application in the digital age. This led me to consider ideas on internet content regulation, drawing from scholars like Murray (2007, 2019), Kaye (2019), and Lessig (2006). Here, I showed how complex the field is and the many neologisms that different researchers have introduced to describe regulatory approaches. Afterwards, I examined the concept of "platform" and platformatisation to explain the influence that social media networks wield over our social reality. This includes the fact that social media platforms have centralised the internet, dominated cyber traffic, and facilitated a vertical as opposed to horizontal structure for online interactions. The consequence, I contended, is the reality of platform power, pointing to new research into the political economy of new media. Hence, I presented political economy as a central theoretical framework for my research, as it allows me to examine the relations of power between platforms and states, especially states in the Global South.

Based on the literature, I argued that social media regulation in the Global South is different from that in the Global North. The difference manifests in the fact that regulation in the Global North, especially in Europe, targets platforms as opposed to the Global South, where users are implicated. Whilst the former has been studied, the latter has received far too little attention – this is the intervention that my research brings. I build on the notion of a difference in regulatory approaches between Global North and South in chapter three, where I appraise practical considerations in the regulation of social media across different regions.

Before that, I present, in the next chapter, the ethical considerations related to freedom of expression and securitisation, and their relation to social media regulation.

CHAPTER TWO

SECURITISING ONLINE HARM: SECURITY AND FREEDOM OF EXPRESSION ON SOCIAL MEDIA

In this chapter, I show how social media regulation is linked to studies on freedom of expression and securitisation, given the extent to which regulatory stakeholders use both concepts as justification for more or less regulation. My discussion follows on from the previous chapter, where I observed, based on previous academic work, that social media regulation in the West differs from that in Nigeria, where a more direct form of regulation is being considered. Hence, I drew from ideas on political economy to describe the Nigerian approach as more akin to regulation as opposed to the Western approach which relates to governance. I continue from this standpoint to examine, in the present chapter, the literature which suggests that whilst securitisation is used within and outside Nigeria as a basis to restrict freedom of expression, the Nigerian example, in terms of the traditional media, relates to censorship, post-colonial discourse, and ethnoreligious considerations.

I start by discussing research into how freedom of expression is defined, highlighting two distinct views: American absolutism and European relativism. Here, I show that Nigeria's approach to freedom of expression aligns with relativism. Afterwards, I consider the literature on freedom of expression on social media, which leads me to suggest that freedom of expression will be restricted regardless of the regulatory approach that is taken. Following this, I consider research into securitisation before turning to the way that online harm is securitised. The discourse of harm, I argue, has become the way by which securitisation is deployed in relation to social media by regulators and platforms. Given the realities of political economy, these powerful actors determine what counts as harm and what should be securitised. For Nigeria, I contend that online harm tends to be securitised generally in national security terms, tying back to my argument, in the previous chapter, on the different ways by which securitisation is used as a basis for regulation in different countries.

2.1. Defining Freedom of Expression

Freedom of expression is often the first and most significant issue that arises when stakeholders consider media regulatory options (Cafaggi et al., 2017). In defining freedom of expression, researchers note that it represents three major ideologies – democracy, the marketplace of ideas, and individual autonomy (Oster, 2017; Carter, 2017). They observe that democracy and the marketplace of ideas are consequentialist, implying that democracy and the marketplace of ideas will be elevated once people can freely express themselves. Alternatively, individual autonomy speaks to the freedom to hold opinions as an intrinsic benefit for the individual. However, these three ideas are not mutually exclusive; they mix and are interrelated since free expression can be interpreted as either or all of them in a given circumstance. Kenyon et al. (2017) note that freedom of expression is tied to non-censorship and diversity of views, and that these are needed for democratic pursuits. They describe non-censorship as negative liberty and diversity as positive liberty.

The principle of positive and negative liberty as a way to theorise freedom of expression is well documented in the literature (Berlin, 1969; Hardy, 2002; Farmanfarmaian, 2017). Negative liberty involves the use of coercion by an authority to prevent someone from doing something. Here, it is accepted that freedoms should be limited to allow for other values such as happiness, justice, and security. By contrast, positive liberty involves the liberty to be one's own master, to recognise one's independence, agency, and sense of rationality in deciding for oneself what is right and wrong (Berlin, 1969). The various international instruments that exist in relation to fundamental human rights generally lie in the realm of negative liberty, protecting people against potential tyranny. For instance, Jorgensen (2013) shows that although the Universal Declaration of Human Rights (UDHR) is based on both negative and positive liberty, its provision on freedom of expression is a civil and political right which is anchored on negative liberty.

Indeed, Article 19 (UDHR, 1945) states, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” This instrument, on a superficial level, implies the non-existence of restrictions of any form. However, things are made clearer when one studies the civil and political stream of the UDHR, captured in the International Covenant of Civil and Political Rights (ICCPR, 1966). Here, restrictions that allow for regulation are specified. Article 19(3) of the ICCPR mentions “special duties and responsibilities” which make freedom of expression subject to “certain restrictions” on two grounds – the rights and reputation of others, and the protection of public order, public health, morals, or national security. The national security principle is important because, as Cambron (2019) notes, states tend to err on the side of greater regulation because of the concern they have regarding it. This is the realisation that freedom of expression cannot be absolute, meaning it can be curtailed if it causes sufficient harm (Carter, 2017), a concept I will interrogate later in the chapter.

Therefore, the literature indicates greater support for relativism as opposed to absolutism. One basic difference between both traditions is that absolutism views freedom of expression and regulation as two incompatible ends of a scale, while relativism embraces compromise. Absolutism is more common in the United States, where it typically finds expression in the theory of the marketplace of ideas propounded by John Stuart Mill (Murray, 2019). This is the idea that false and harmful information should not be censored; it should instead be rebutted with truth, and in this contest, truth will prevail. However, Ingber (1984) points out the criticisms attributed to the marketplace of ideas, noting that the theory is based on free markets and economics, which are highly regulated. Also, since people do not expose themselves to ideas they do not subscribe to (see Knobloch-Westerwick and Westerwick, 2021 for research on filter bubble), there is no basis for marketplace competition and by extension, truth. Ingber (1984) adds that people are not always rational, as the marketplace theory assumes. They can be roused by emotions, as the form of a

message can be manipulated to make its content acceptable. Hence, the elite more often than not control consent, giving the people an illusion of independence.

In Europe, the relative approach has been adopted, since freedom of expression is limited to prevent the dissemination of racial and extremist information (Murray, 2019). As opposed to the American tradition, which is sceptical, Europe has what Oster (2017) calls objectivism. Here, the expression of truth is classified based on categories of importance, and it is the expression that contributes to the public interest that is most protected. As such, expressions that are deemed to be debasing or harmful are censored. This divergence in the American and European perspectives is reflected in their respective approaches to hate speech and information disorders (Oster, 2017). For instance, the European Convention on Human Rights (ECHR, 1948) deviates from the First Amendment, specifying that freedom of expression can be restricted for several reasons including “national security, territorial integrity or public safety.”

The fact that the ECHR places more restrictions on freedom of expression than the ICCPR shows the level to which Europe is willing to go in curtailing free expression deemed to be inimical. Africa, it seems, has drawn inspiration from the European approach. In Articles 27-29 of the African Charter on Human and Peoples Rights (ACHPR, 1981), 11 duties are outlined, ranging from concerns over national security, national solidarity, African cultural values, and the moral well-being of society. In Nigeria, the Constitution (1999) also subjects freedom of expression to “reasonably justifiable” laws. These restrictions are closely related to the notion that freedom comes with obligations – in other words, Kantian deontology. Varden (2010) explains this as the idea that everyone has external freedoms that others should respect. Hence, “right requires that universal laws of freedom, rather than anyone’s arbitrary choices, reciprocally regulate interacting individuals’ external freedom” (Varden, 2010: 41). Consequently, speech that limits the external freedom of others or leads to some ill-determined consequence should not be free.

Hence, the principle of the public good, which I described in the previous chapter, has been used as a basis to justify regulation that limits freedom of expression. Although Nigeria is on the relative-deontological scale, researchers advocate for a move to the American style of regulation where the free marketplace of ideas is practised (Okoro, 2004; Udofa, 2011; Daibu and Abdulrazaq, 2016). They premise their stance on the fact that press freedom is said to be limited in Nigeria, and even with the return to civilian rule, they say freedom of expression is still not sufficiently protected. This means that the question regarding the minimum standard below which freedom cannot be encroached is still open (Berlin, 1969). In the new media age, this is compounded by the sheer volume of instant communication and the vagueness of what constitutes information that can harm others and the state, raising new questions on how freedom of expression is approached today. In this section, I have considered research that defines freedom of expression and its concepts. The literature shows that freedom of expression tends to be viewed either as American absolutism or European relativism, with Nigeria aligning more with the European tradition. The debate between positive and negative liberty further shows that freedom of expression remains contested even in the most advanced democracies, with potential implications for Global South countries like Nigeria. In the next section, I explain how freedom of expression is applied to discourse on new media and its regulation/governance, which is the main focus of my research.

2.2. Freedom of Expression on Social Media

With the advent of the internet, the debate regarding freedom of expression has never been more intense. Coe (2015) alludes to this in his assertion that social media and the wider internet provide a purer form of expression not inhibited by traditional gatekeeping guidelines. Recognising this, the United Nations Human Rights Council says that freedom of expression as specified in the ICCPR applies to social media (Holland, 2018). The draft of The Charter on Human Rights and Principles for the Internet also extends UDHR principles

to the internet (Jorgensen, 2013). The European Commission (2022) has further put forward a proposal on digital rights and principles. This brings us back to the debate on the extent to which this freedom should apply to social media, whether or not the regulation of social media limits it, and to what degree. Although the free marketplace of ideas still finds expression in the debate (Henderson, 2013), there is some support for the idea that blanket freedom cannot be applied to social media. For instance, Balkin (2004), in his theory of freedom of expression for the information society, highlights the need to reassess the principles of liberty in light of new media realities. He agrees that technologies have expanded the democratic culture, but argues that they can also limit democratic participation; hence, the need for regulation in the interest of freedom. If this is not done, he warns that there is every possibility for freedom of expression to become a new kind of neo-liberal prison where everyone is lost.

Balkin's view is based on the paradox of liberty, where absolute freedom has led to online trolling, harassment, and abuse (Coe, 2015), as well as data colonialism (Couldry and Mejias, 2019b), wherein platforms extract and exploit human data for profit. Nevertheless, as states rise to govern the new media space, Oster (2017) cautions that the application of different rules on freedom of expression in different countries can harm the openness of the internet. Mueller (2010) agrees, stating that a rise in state governance will lead to a corresponding increase in the threat to globalisation and freedom. This was seen in the case between the League Against Racism and Anti-Semitism (LICRA), French Union of Jewish Students, v *Yahoo!* Inc (2000), where the right of *Yahoo!* to allow the expression of Nazi sentiments on its site was restricted by a court in France but permitted by another court in the US (Akdeniz, 2001). In effect, the internet's borderless-ness means the freedom of expression fault lines between the American and European systems – considered in the previous section – have never been more evident. This has implications for freedom of expression across global borders, especially since Silicon Valley has adopted an American system by default, even though it operates in countries like Nigeria.

Still, whether at the state or global level, maintaining the balance between freedom and regulation on social media remains a key question (Mueller, 2010). In this regard, Henderson (2013) observes that freedom of expression on social media comprises access, content, and surveillance. More than the other two, my research is concerned with social media content and the freedom people have to create and share it. Content, according to Henderson (2013), can either be private or political speech. Restrictions are rarely placed on private speech which mainly involves the exchange of banters or pleasantries between family and friends. The concern is with political speech, which has come under greater state scrutiny after the Arab Spring (see Tufekci, 2017). In this regard, Henderson (2013) observes that laws put in place to regulate political speech, including those brought in to limit the spread of hate and violence, are against free speech. In Nigeria, political speech on social media has been expressed with little or no control, as people see social media as an avenue free from government intervention (Wilson and Gapsiso, 2017).

However, with new regulatory attempts, the likelihood is that the Nigerian government wants to limit the freedom that people have (International Press Centre [IPC], 2018). Although Vareba et al. (2017) observe that regulation is needed to curb problematic online content, they expect that the government will use it as a draconian measure, using the national security justification. National security has also been used as the basis for censorship on social media in Palestine (AbuZayad, 2015), Singapore (Kaye, 2019), and Ukraine (Holland, 2018). Similar concerns, albeit of a different nature, have been raised with regard to liberal democracies (McMillan, 2019; Article 19, 2020a). In Germany, McMillan (2019) notes that the NetzDG law violates freedom of expression provisions under German and international protocols. McMillan's (2019) submission suggests that state regulation will limit freedom of expression on social media. Consequently, he advocates for regulation at the international level coupled with the use of social media terms of service. This is in line with calls for platforms to "do more" to strike the right balance between preserving freedom

of expression and protecting people, especially children, from harm (Children's Commissioner, 2019).

Nevertheless, it seems that social media companies are caught in a bind. If they attempt to monitor and take down posts, they are charged with violating freedom of expression (DeNardis, 2014; UN Special Rapporteur, 2018; Zuboff, 2019), and if they do nothing, they are seen to be aiding the spread of problematic content (Cambron, 2019). Cambron (2019), for instance, observes that social media companies should be held responsible for aiding and abetting terrorist speech aimed at recruiting people and spreading inciteful messages. Still, there is concern that empowering social media companies to do this will lead to surveillance, limiting people's freedom of expression. In this regard, Zuboff (2019) describes social media companies as surveillance capitalists that mine user data and shape people's behaviour. The UN Special Rapporteur (2018) buttress this, noting that new technologies now tell people what to eat, where to go, and who to connect with. Also, machine learning curates the information that people are exposed to, providing them with selected content and excluding them from others. The Special Rapporteur says this interferes with the agency that people have to seek and express ideas on various issues.

All these imply that freedom of expression on social media will be limited regardless of the approach taken to regulation. This is the conclusion I reach in this section, where I have outlined research that focuses on freedom of expression and how it relates to social media regulation at the international, state, and corporate levels. The discussion here is connected to the previous section where I broadly considered studies on freedom of expression. For Nigeria, the key thing to note is that even though the country has censorship tendencies pertaining to the traditional and new media (IPC, 2018), its general approach to freedom of expression bends towards European relativism, which stands in opposition to American absolutism. In the next section, I turn to securitisation as a concept used to justify restrictions on freedom of expression, arguing that Nigeria's approach to securitisation is different from the Western default, whether American or European.

2.3. Security, Securitisation, and Speech Acts

So far, I have shown that academic work tends to focus on how national security has been used as a pretext to impose guidelines limiting civil liberties (AbuZayad, 2015; Holland, 2018; Cambron, 2019). Now, I turn to research on securitisation, arguing that the concept is often employed by leaders making a case for regulation and control, including the regulation of social media. For instance, the national security argument usually serves as the umbrella term encompassing the rationale put forward by public authorities in Nigeria for greater regulation of new media. We see examples with the regulation of online broadcasting in Nigeria, which is justified on the basis that harmful broadcasting could lead to ethno-religious conflict (Garba et al., 2019), an issue that I discuss later in this chapter. All these point to securitisation. According to Wæver (1995), securitisation happens when an exceptional measure beyond the purview of normal politics is applied to address a situation likely to affect the functioning of a state. These measures include employing secrecy, levying taxes, and restricting otherwise inviolable rights (Buzan et al., 1998), suggesting that securitisation is opposed to absolute freedom of expression. Wæver (1995) notes that securitisation can apply to any issue as long as it is justified – a condition which is not always guaranteed. If these measures are objectively needed, then securitisation is positive, but if they only represent subjective manipulation, securitisation is negative.

Hence, Buzan et al. (1998) observe that issues can fall within one of three layers in a spectrum: de-politicisation (a non-political matter; below the realm of politics), politicisation (where political debates are allowed), or securitisation (above the realm of politics requiring extraordinary intervention). Where an issue lies depends on the threat that it poses, and based on the threat perception, issues can be moved up and down the spectrum. Wæver (1995) argues for de-securitisation, where an issue is scaled down from securitisation to politicisation to facilitate debate and allow for opposition. To show that an issue can be moved from one layer to another, Buzan et al. (1998) provide the example of environmental

security, which was previously in the region of de-politicisation but is currently in-between politicisation and securitisation. This is possible because of what Wæver (1995) calls speech acts. That is, anyone in authority can employ the instrument of securitisation just by declaring an issue to be one, taking up the right to do whatever is necessary to combat the "threat." The indication here is that securitisation is a discursive instrument of power wielded by influential figures such as state actors. When speech is employed in this manner, it is a securitising move and only becomes securitised when the audience accepts it as such; this acceptance can be gotten by consent or coercion. Therefore, Buzan et al. (1998: 24) note:

> Security is thus a self-referential practice, because it is in this practice that the issue becomes a security issue – not necessarily because a real existential threat exists but because the issue is presented as such a threat.

Recognising that an issue can become a security problem once the elites say it is, Wæver (1995) suggests that research should focus on when, why, and how they get to label an issue as a security concern. Buzan et al. (1998) call these elites securitising actors who hold privileged positions, noting that they do not need to use the word "security," they only have to conjure the image of a threat through speech. Stallings (1990) describes this as "keynote," which public officials and experts use to frame the public perception of risk. In this case, risk is symbolised even if it lacks an objective substance. This shapes what people talk about and can potentially define the social construction of risk or harm.

Securitisation can then be extended to implicate just about anything, including supposed harmful social media content. For instance, Huysmans (2011) pushes the boundaries of securitisation to include what he terms the "banal." He speaks of the securitisation of everyday activities such as receiving a posted letter or using a credit card. He says these "banal" activities can be securitised when risk management is introduced, and people become suspicious of a mere letter thinking it could be a letter bomb or that their credit cards could be hacked. These banal activities become "little security nothings"

(Huysmans, 2011: 372) that are mainstreamed into people's daily lives, justifying the need for extraordinary action. This, according to him, already exists in the discourse on mass surveillance, contained in research which I note tends to be focused on the West. Huysmans (2011) reminds us that these banal activities can be so labelled because of speech acts. He emphasises the "act" in speech acts, noting that by employing speech acts, leaders are engaged in an activity, the creation of a rupture, the construction of a scene that makes exceptionalism possible. According to him, leaders often claim to be under a "spell of necessity," (Huysmans, 2011: 373) which puts survival at stake. Consequently, "declaring that the existing normative order cannot cope with an existentially threatening situation then implies a claim to enact new possibilities of what is right and wrong" (Huysmans, 2011: 374).

Exceptionalism, itself, can be viewed in two ways (Chen, 2017). In the first instance, there is national security exceptionalism, which, as I have considered, allows civil liberties to be restricted for national security reasons. In the second, securitisation is linked to internet exceptionalism (Chen, 2017). This is in reference to the 1969 *Brandenburg v Ohio* case in the United States, where the court established that inciteful speech cannot be limited except when evidence links it to a harmful incident. However, with social media and the ease with which terrorists can potentially use it to incite and cause harm, Chen (2017) observes that some researchers have argued that the judgment be reviewed to allow for greater government regulation. Herein lies the idea of internet exceptionalism – the view that free speech protection should be relaxed on the internet because it is a peculiar medium that can be exploited to spread potentially harmful information easily, quickly, and at scale.

Another area where securitisation has been applied in terms of digital technology is cyber-attacks (Mueller, 2010; Ohm, 2008). Other researchers (Balzacq, 2005; Floyd, 2007) advance a micro-study of securitisation, opposing the tendency to view the use of security as a means toward securitisation. Floyd (2007), for instance, makes a case for a consequentialist approach to security where scholars study an act on a case-by-case and issue-dependent basis to determine whether the act of securitisation is positive or negative.

On his part, Balzacq (2005: 172) argues for a shift from "universal pragmatics" to a "strategic (pragmatic) practice" approach to securitisation where an issue is weighed on its merit. He says securitisation is possible when three conditions are met. First, the audience must be ready to be convinced; this is predicated on the level of trust they have in their leader. Second is the contextual factor, the situation (threat) requiring securitisation, influencing how the audience responds to the securitising actor. Third is the language used by the actor in a certain way to gain the support of the audience. He says these three are congruent such that when an external threat is great, little emphasis is placed on the audience and the speech of the securitising actor, but when the threat is minor, the securitising actor will need to employ speech act.

We see recent examples of securitisation in the issues that have arisen as a result of the COVID-19 pandemic. Carr (2013) notes that at no other time is it more important to study internet freedom than in times of crisis because, according to her, governments, even in liberal democracies, are moved like never before during these periods to impose restrictions on online information dissemination. We see securitisation coming into play as countries introduced restrictions, including controversial COVID passports, said to be needed to drive vaccination uptake (BBC News, 2021). It became customary to find justification for mass surveillance (Smith, 2020) and social media regulation,[1] with questions as to whether this type of securitisation is positive or negative, especially if things do not return to normal after the crisis (Walker, 2020). Perhaps in no other country were the COVID-19 measures more dramatic than in Hungary where Prime Minister Victor Orban ruled by fiat for an indefinite period based on laws that made it a crime to share COVID-19 misinformation (Walker, 2020). Also, In Nigeria, states such as Lagos and Osun enacted COVID-19 legislations, criminalising falsehood on social media (see Lagos State Infectious Diseases Regulations, 2020). In Osun State, a man was remanded in custody for a Facebook comment accusing

[1] Singapore's Communication and Information Minister has said that the coronavirus crisis vindicates them in their decision to introduce social media regulation through the Protection from Online Falsehoods and Manipulation Act (Bothwell, 2020).

the state government of importing COVID-19 cases to benefit from federal funding (Oyegbade, 2020; Bamigbola, 2020). This action illustrates Bothwell's (2020) view that lawmakers in Nigeria, especially at the federal level, tend to link fake news on social media to a virus needing containment, an apparent reference to COVID-19.

In the broader media setting, the literature shows that research on securitisation in Nigeria is tied to a postcolonial discourse (Ogbondah and Onyedike, 1991; Rozen, 2020) and overt restrictions on freedom of expression in ways that mirror the negative use of securitisation (Ibagere, 2010; Obijiofor et al., 2016). These studies focus on the traditional media, suggesting a gap in research into securitisation and new media in Nigeria. This is in contrast to research in the West, where securitisation in new media spheres has been studied, with the focus usually placed on surveillance and data privacy (Noecleous, 2000; Huysmans, 2011; Couldry and Mejias, 2019b). For Nigeria's traditional media, Obijiofor et al. (2016) suggest that securitisation bears relation to overt censorship because the country is a post-authoritarian society, and like other post-authoritarian societies, it tends to enact laws that limit free expression under the guise of national security. Consequently, issues such as press freedom, freedom of speech, and freedom of expression are viewed by those in authority as some kind of threat, necessitating the use of national security as a pretext to regulate the media through draconian laws for their personal interests (Ibagere, 2010; Olukotun, 2002).

Nigeria is also a former British colony, and the literature indicates that laws introduced to regulate the media in Nigeria have post-colonial undertones (Ogbondah and Onyedike, 1991). In chapter eight, I draw from this to make the case that postcolonialism also finds expression in the expectations social media users have regarding regulation. In their research, Ogbondah and Onyedike (1991) profile Decree 4 of 1984, which is considered the most repressive law enacted by the Nigerian government against the media. The Decree made it an offence for journalists to wrongly accuse government officials of corruption and to bring any official into disrepute. It gave the government the power to ban

erring print or broadcast media, again using the “national interest” as a cover. In their analysis of the Decree, Ogbondah and Onyedike (1991) point to post-colonial discourse, tracing the Decree to its origin in the colonial Seditious Offences Ordinance of 1909, which sought to stave off criticism that brought officials of His Majesty’s government into disregard. They say this is clear because entire sections of the 1984 Decree were modelled after the 1909 Ordinance, leading them to call the Decree a rebirth of the Ordinance (Ogbondah and Onyedike, 1991). Narrain (2018) also shows that this is the case in India, where hate speech regulation has origins in colonial laws. We see this trend with the current move to regulate social media in Nigeria. For instance, Nigeria’s Internet Falsehood Bill is near-identical to Singapore’s Protection from Online Falsehoods and Manipulation Act, 2019 (Rozen, 2020). Rozen (2020) adds that the Bill was guided by similar legislation in the UK, EU, UAE, and Singapore. This relates to Kaye’s (2019) point in chapter one that governments in other regions are drawing lessons from Europe as Western democracies push for greater new media governance. It implies that countries are copying one another using approaches that point to securitisation, whether positive or negative.

One final matter to note is that securitisation is constructed based on terms and criteria defined by powerful groups. This has been the focus of this section where I reviewed the notion of speech acts (Wæver, 1995; Huysmans, 2011), and how it is used in areas such as national security discourse, internet exceptionalism, and COVID-19 (Posner, 2015; Chen, 2017). I also considered how research on securitisation in the West tends to focus on state and platform surveillance, different from the emphasis on overt censorship in countries like Nigeria (Noecleous, 2000; Obijiofor et al., 2016). Having done this, I now proceed to discuss the concept of online harm. I do this because on social media and the internet more broadly, the discourse of securitisation is usually expressed as online harm, making it another central concept for my research.

2.4. Securitisation and Online Harm

On the internet, securitisation is typically expressed as online harm. These include everything from misinformation to cybercrimes, leading to the description of social media as the "curse of progress" (Baccarella et al. 2019: 3); as something which supposedly causes mental health problems, upturns democratic traditions, fuels disaffection, increases the potential for hate crimes, facilitates trolling, and serves as a tool for terrorism (Baccarella et al. 2019; Adams 2019; UK Parliament, 2019). This suggests the level of power that has been ascribed to social media. It appears to be a return to powerful media thinking, where high exposure to televised violence is said to have influenced people's behaviour significantly (Bandura et al., 1961; Gerbner et al., 1980; Glover, 2006), necessitating regulatory intervention. Likewise, mitigating online harm has been put forward as the best and, sometimes, only reason to regulate social media companies (Iosifidis and Andrews, 2019; UK Parliament, 2019). Platforms have also taken up this narrative, and together with state actors, they justify regulatory measures on the need to protect internet users from harm (Micova, 2021). Origins can be traced back to John Stuart Mill's harm principle – the idea that the state should criminalise certain actions if doing so would prevent others from suffering harm (Hanser, 2013). It is then possible for online harm to be securitised as the basis for regulation by states or platforms.

The problem, however, is that harm is ambiguous and can be interpreted in several ways (see Kahane and Savulescu, 2012; Scheffler et al., 2021). This means the notion of online harm is not value-free (Baker et al., 2020). Who determines, for instance, the action or event that should be labelled, and therefore, securitised as harm, and based on what criteria? Evident here are ideas of power and hegemony, since it is those who can deploy speech acts that can label certain actions as harmful. We see an example of this in the myth of the superuser (Ohm, 2008). Ohm (2008) describes the myth of the superuser as narratives, largely unfounded, suggesting that those with advanced knowledge of computer technology (i.e., hackers) are inclined to manipulate the internet for their benefit. The

superuser is effectively labelled as someone “very likely to cause severe [online] harm” (Ohm, 2008: 1384); hence, the need for policy action. Ohm (2008: 1330) shows, however, that the notion of online harm caused by a superuser is sustained by the “myth of power [that the superuser has] grounded in fears of the Internet.” Such myth, not backed by empirical evidence, but perpetuated by hearsay and popular convention, becomes normalised since it is “repeated by those with the trappings of authority and never challenged for accuracy or even plausibility” (Ohm, 2008: 1332). This allows for the introduction of extraordinary measures, given that the myth “tilts the cost-benefit calculation to justify almost any remedial action, such as increase surveillance powers, harsher penalties, and new restrictions on conduct” (Ohm, 2008: 1384).

The myth that Ohm (2008) refers to can be viewed in relation to the “techlash” (Smith, 2018) that greeted the major platforms in the wake of events such as the Cambridge Analytica scandal and the Christchurch attacks. These events tend to spark widespread media coverage, making it more likely for them to be labelled as consequences or effects of online harms on social media. Flew and Martin (2022) observe that these events have also made government officials increasingly belligerent towards social media platforms, presenting the state with opportunities to define certain behaviours as online harms that spell the need for tougher action. The term “online harm” itself has been largely co-opted, in terms of nomenclature, by governments in places like the UK where there was the Online Harms Bill (now Online Safety Bill). Australia also has an Online Safety Act. However, public authorities may not need to use the term “harm,” just as Buzan et al. (1998) note that the term “security” does not have to be used when an issue is being securitised. What matters usually is the connotation that social media users need to be protected from certain online behaviour likely to cause physical, emotional, or mental distress (as can be seen in the Australian Online Safety Act of 2021). The regulator usually determines the harms in these legislations. An example is the recent designation of cyber-flashing as an online harm that carries a criminal offence in the UK’s Online Safety Bill (UK Government, 2022). This

indicates the power that the state has to assign online harms, classifying some as legal and others illegal.

Social media platforms also have what I call the “trappings of authority” (see Ohm, 2008: 1332) to label certain behaviours as online harms. They do this using their terms of service. By so doing, Baker et al. (2020) note that the challenge platforms face is how to translate theoretical concepts of harm, which are ambiguous, into algorithmic practice and to do this at scale. However, what platforms define as harm is not constant, since it is influenced by platform interests and changing scientific information such as the COVID-19 guidance on misinformation (Baker et al., 2020). Consequently, through their policies, platforms have the power to shape what people perceive as harmful (DeCook et al., 2022). By setting the terms and conditions of online engagement, platforms can manage how their actions are perceived and define “users’ understanding of what is ‘harmful’ and what is not” (DeCook et al, 2022: 65). In their research, DeCook et al. (2022) studied Facebook, Twitter, and YouTube and found that none defined harm directly, using types and illustrations of harm instead. Hence, harm is not a “discrete” concept, but one that can be modified since “platforms can mould their definitions and descriptions of harm according to any instances they deem it to have occurred” (DeCook et al., 2022: 70). Concepts like “harm” and “violence” are, therefore, “floating signifiers” that can be added, deleted, or organised based on platform interests (DeCook et al., 2022).

All these suggest that the designation of online harm on social media and how it is securitised is neither neutral nor value-free. This is because “policies based on harm are ideologically motivated and politically biased” (Baker et al., 2020: 105). Baker et al. (2020) add that “political interests and values” at the individual, national, and international levels influence how harm is defined. Even amongst people, Buglass et al. (2020: 6) show that there is a third-person effect when it comes to the perception of online harm such that “people are more likely to harbour an optimistic bias towards the self.” While this is perfectly legitimate, it also means that the concept of online harm can be used in other ways, as

shown in the literature (Ohm, 2008; DeCook et al., 2022), to promote state or corporate interest. This variable use of the term shapes how I use it in the thesis. For Nigeria, the discourse of harm tends to be constructed in ethnic and religious terms, and the potential tensions they inscribe.

We see this in research focused on the traditional media and ethno-religious fault-lines in Nigeria (Adibe, 2016; see also Ukiwo, 2003; Uhunmwuangho and Epelle, 2011). In sub-Saharan Africa, McCauley (2016) notes that the twin concepts of ethnicity and religion are the most common and central identity factors, as people feel strongly about religion and at the same time, hold fast to their ethnolinguistic origins. For Nigeria, this is not surprising considering the country's makeup, where three major ethnic groups roughly occupy the North, East, and West, with hundreds of minorities scattered in between. Ethno-religious tensions, therefore, manifest in claims of ethnic marginalisation (Salawu, 2010), the indigene-settler crisis in Jos, North-Central Nigeria (Tsado, 2016), Biafran secessionist agitations (Chukwudi et al., 2019), and the Niger Delta crisis (Osagie et al., 2010). Sometimes, these tensions snowball into violence. By way of illustration, hundreds were killed in 2002 in the northern state of Kaduna over the Miss World contest after a local newspaper article suggested that Prophet Mohammed would have married one of the contestants if he had seen them (Cowell, 2002). For state actors, the tensions are largely used to construct a narrative that ethnoreligious provocations can lead to catastrophe, serving as a basis for the securitisation of speech acts. This partly accounts for the regulatory grip that the authorities have on broadcasting and in some cases, films. For instance, the authorities in 2014 refused to certify the release of *Half of a Yellow Sun*, a film adaptation of a book by Chimamanda Adichie based on the Nigerian Civil War, because of fears that it would stoke ethnic tensions. The ban was lifted only after the film's distributor agreed to edit some scenes deemed "objectionable" by the film censor's board (BBC News, 2014).

What I find here is the fear by state actors, who tend to believe that the traditional media, if left unchecked, can stoke ethnoreligious conflicts, as we see in the Miss World incident. This understanding then conditions how securitisation is applied to the legacy media, especially broadcasting – the need to protect national security and promote internal peace and stability. It also explains why research has focused on ethnoreligious fault-lines in Nigeria (Ukiwo, 2003; Uhunmwuangho and Epelle, 2011; Adibe, 2016; Mbah et al., 2019). However, what is not known is how securitisation is being applied to social media by state actors in Nigeria. Is it tied to the government's fear of ethnoreligious conflicts or is there another explanation? My research aims to address this debate, highlighting the basis for securitising online harms in the regulation of social media usage in Nigeria, with implications, as always, for freedom of expression.

2.5. Conclusion

Based on the literature, this chapter has shown that regulatory interventions are usually justified based on securitisation – the application of exceptional measures to an issue. I began by considering how research defines freedom of expression, touching on notions of positive liberty and negative liberty, American absolutism and European relativism. The indication is that Nigeria is aligned more with relativism. Afterwards, I discussed how studies describe freedom of expression on social media, making the point that with growing calls for social media platforms to do more to make online spaces safer, freedom of expression is bound to be implicated one way or another. This led me to academic work on securitisation, which can be positive or negative. When securitisation is negative, it is tied to the securitisation of speech acts, which happens when influential figures impose the weight of securitisation by simply declaring it to be so. The result is that restrictions on freedom of expression become normalised once the need for regulation is securitised. Thereafter, I considered research that ties securitisation to online harms, drawing from Ohm's (2008) concept of the myth of the superuser. The literature showed that the term "online harm" is

discursive, since it can be constructed by governments and platforms to signal what they want it to mean. This underpins my use of the term in the thesis, given that the flexibility of the interpretation of the term “harm” suggests that it is susceptible to securitisation, especially in the Nigerian context. With regards to Nigeria, I indicated that media regulation tends to be justified on the grounds of securitisation, bearing relation to post-colonial discourse, the need to silence dissent, and ethnoreligious fault-lines. However, the research here is based on traditional media regulation, not new media regulation. Having considered the literature on securitising online harms and freedom of freedom, I proceed in the next chapter to appraise in practical ways the different regulatory approaches that exist for social media within and outside Nigeria.

CHAPTER THREE

PRACTICAL APPROACHES TO REGULATING SOCIAL MEDIA CONTENT

This final chapter of the literature review considers research on practical regulatory approaches that various actors have implemented or proposed, separately and jointly, to regulate social media content. The regulatory approaches broadly include platform self-regulation, user-centred initiatives, government intervention, and multistakeholder governance. My argument is that the literature overwhelmingly centres on regulatory approaches in US and European contexts, overlooking emerging forms of regulation in places like Nigeria. Although similar to the case I made in chapter one, the argument in this chapter goes further to appraise practical approaches to social media regulation and how they are applied differently in Nigeria and the West. It also relates to the online harm justification for regulation as I showed in the previous chapter.

I start the chapter by discussing research into platform self-regulation, where scholars highlight issues related to the privatisation of regulation and the profit motive that drives platform policies. Afterwards, I consider studies on user-centred approaches, including media literacy, digital detox, and networked harassment. Next, I examine research on government intervention in the regulation of social media. Intervention, in this sense, can be limited or comprehensive; it can also include internet bans in places such as China and other forms of direct user regulation. I note that the literature focuses on limited and comprehensive government intervention, and to some extent on internet bans and how they can be evaded using VPNs (Virtual Private Networks). This suggests that direct forms of government intervention have not been sufficiently investigated. The chapter ends with a review of studies on multistakeholder governance as a compromise approach that potentially covers for the shortfalls in other approaches. I suggest, however, that multistakeholder governance tends to be impractical and is based on a global order characterised by East-West divisions. Overall, I argue that the literature remains US- and Euro-centric and that

social media regulatory actions in countries like Nigeria have been largely understudied. Taking together with the previous two chapters, what I identify is an absence of attention on the Global South. This is significant because there are different conditions, political and economic, at play in countries like Nigeria. Still, there seems to be some relationship between approaches to regulation in the West and the Global South, and this is something that I explore in my research.

3.1. Platform Self-Regulation

Social media regulation has largely centred around platforms and how they attempt to moderate online harms. For instance, Napoli (2019) notes that this regulatory paradigm is steeped in the environment created by Section 230, a 1996 US law which specifies the "Good Samaritan" principle that precludes platforms from liability whether or not they moderate harmful online content. Similar laws that have set the order for platform self-regulation include the EU's e-Commerce Directive, with its "Safe Harbour" provisions, which came into force in 2000. Gillespie (2017) makes the point that laws like these were enacted years before the explosion of social media, suggesting that the current system of platform self-regulation is premised on rules set for Web 1.0, dominated by ISPs and small-scale web publishers. Gillespie (2017) adds that society viewed these web operators not as the multinational platforms we have today, but as online intermediaries and interactive computing services catering to small audiences. In 2003, MySpace was created, and Facebook followed in 2004, signifying the start of Web 2.0 and the social media moment. YouTube followed in 2005 and Twitter in 2006.

As these companies were established, their owners found that they could rely on Section 230 and its protections in developing content moderation systems (Napoli, 2019). Klonick (2018), in her work, documents the origins of platform moderation, noting that it began with flexible standards. The platforms quickly developed them into intricate and prescriptive rules of social contract now known as terms of service implemented by teams of

human moderators. Added to this, platforms have introduced algorithms as part of the content moderation architecture as they strive to deal with the scale of social media today. At Facebook, for instance, CEO Mark Zuckerberg (2018) notes that two million pieces of content are reviewed daily, adding that the solution has been to use recommender and automatic algorithmic tools. The consequence is that platforms have become the central players in regulating and controlling speech in online spaces. Klonick (2018: 1602) calls them the "New Governors of online speech." With this recognition has come greater research scrutiny of the role that platforms play, which this section highlights.

The scrutiny that I speak about relates to the question of the privatisation of regulation (Tambini et al., 2008) and the profit motive that potentially taints platform regulation (Gillespie, 2018; Suzor, 2018). Klonick (2018: 1615) reinforces this point, stating that platforms moderate content "because they are economically motivated to create a hospitable environment for their users in order to incentivize engagement." This implies that platform self-regulation is not primarily aimed at combatting harmful content but at maintaining an optimum userbase for profit. In line with this, Napoli (2021) adds that platform moderation policies are based on "symbolic action," where platforms are more interested in managing public relations during public shocks rather than dealing with actual online harms. Napoli (2021) suggests that platforms adopt this option because harmful content promotes user engagement and profits (see also Wood, 2021).

Consequently, Cusumano et al. (2021) note that there have been calls for more aggressive regulation by platforms. We see examples of this with celebrities who have opted out of social media because of the toxicity they say it promotes (Skelley, 2022). There was a similar action to "delete Facebook" during the Cambridge Analytica scandal (Lin, 2018). Corporate pressure was also applied such, as in the #StopHateforProfit boycott against Facebook in July 2020 (Murphy, 2020). However, the outcome of boycotting campaigns suggests that platforms are immune to corporate and civic activism (He et al., 2021; Villagra et al., 2021), given the realities of platform power and network effects, which I touched on in

chapter one. This understanding shapes the way that platforms introduce moderation policies, including amendments that make it difficult for regulators to hold platforms to account (Barrett and Kreiss, 2019). These amendments are what Barrett and Kreiss (2019: 2) describe as "platform transience," which is "how platforms change, often dramatically and in short periods of time, in their policies, procedures, and affordances." At issue here is the existence of "fundamentally unequal information environments" (Barrett and Kreiss, 2019: 16), where platforms have the upper hand and regulators always have to play catch-up. There are also questions related to the lack of transparency regarding how policy changes are made, when, and why (Barrett and Kreiss, 2019), which Nkonde (2019) alludes to.

For civil society groups, the lack of transparency represents a significant disadvantage of platform self-regulation (see APC, 2018; Article 19, 2018). Therefore, they note the "clear need for more transparency and accountability" (APC, 2018: 6) in the way that platforms curate and moderate content. Despite the shortfall in transparency, the APC [Association for Progressive Communications] (2018) maintains that platforms are best placed to regulate social media. Brown and Peters (2018: 543) agree, taking their stance against government intervention because of the "chilling effect" it has on public discourse. They add that social media platforms, when faced with sanctions (as contained in laws such as NetzDG), are likely to err on the side of greater moderation and, therefore, greater censorship (Brown and Peters, 2018). Hence, platforms should be left alone to act based on "corporate social responsibility" (Brown and Peters, 2018: 543), since platform actions to stamp out online harms are "innovations in the private sector to respond to consumer demand for accurate, reliable information" (Brown and Peters, 2018: 544). On his part, Samples (2019: 23) argues that platforms have the "presumption of legitimacy" to moderate social media content. The idea here is that regulating grievous forms of speech such as terrorist content can be done by government, but that harms like fake news and hate speech are within the jurisdiction of platforms, not government, and that platforms have the legitimate right to act in this regard (Samples, 2019).

Still, platforms do not seem eager to be solely responsible for moderation, as Samples (2019) indicates. For instance, Zuckerberg (2018) recognises the need for other actors to be involved in regulation, saying, “As I’ve thought about these content issues, I’ve increasingly come to believe that Facebook should not make so many important decisions about free expression and safety on our own.” Facebook followed this up by establishing its Oversight Board, which hears appeals from users and has the power of adjudication that is binding on Facebook (see Klonick, 2020). Twitter also had the Trust and Safety Council, but this was only an advisory body – it has now been dissolved as part of the changes that Elon Musk has introduced (Dang, 2022). The crucial thing to note, however, when it comes to actions like these is that they are platform-led, presupposing that platforms still possess the power to shape regulatory outcomes. The suggestion is for us to hope that, in creating and implementing moderation policies, platforms will suppress their profit motives in favour of the public good. This is the ultimate solution that Balkin (2018) envisages. It is “the best solution” where social media platforms “change their self-conception” and recognise their “obligations to protect the global public good of a free Internet” as a social responsibility (Balkin, 2018: 1209). It indicates a call for responsible platform self-regulation that is entirely voluntary. I suggest that this is unlikely, given that platforms are principally motivated by profit as the literature shows (Klonick, 2018; Wood, 2021; Napoli, 2021). We are then left with a system of regulation based on Section 230 and US free speech norms (Klonick, 2018), and the potential that online harms will proliferate since platforms are more focused on the economic imperative.

In this section, I have considered the debate on platform self-regulation, drawing attention to research that shows that platform moderation draws from “Good Samaritan” and “Safe Harbour” principles of US and EU laws. Klonick (2018) explains that the regulation here is largely for-profit. Although there have been greater demands for platform action, studies indicate that platforms can ignore these demands, given their dominant position in the digital ecosystem (Villagra et al., 2021; He et al., 2021; Shukla, 2020). Others like

Samples (2019) have affirmed the legitimacy of platform self-regulation, as platforms are encouraged to design and implement moderation policies for the public good (Balkin, 2018). What if platforms refuse to act? What are the other approaches that exist? These are the areas I now turn to as I consider research into government intervention and multistakeholder governance. Before this, however, I highlight the literature on user-centred approaches to combatting online harms.

3.2. User-Centred Approaches: Media Literacy, Digital Detox, Networked Harassment

User-centred approaches presuppose actions that ordinary users take to mitigate the spread and effect of harmful content on social media. These actions, typically aimed at making users critical of social media usage, include approaches such as media literacy, digital detox, and networked harassment, as I show in this section. I consider the literature on each of these, and I start with media literacy, which Bulger & Davidson (2018) describe as a remedy for online harms. Generally speaking, Livingstone (2003: 1) defines media literacy as "the ability to access, analyse, evaluate and create messages across a variety of contexts." Although it has been talked about for decades (Hobbs, 1998), the reality of the new media age, just as with online harms, means media literacy is witnessing a renaissance, garnering increasing interest and scholarship (Genereux, 2015; Kleemans and Eggink, 2016; Tambini, 2017). Related to this is fact-checking, and the aim of user-based approaches is to provide users with defences against harmful messages (Flew, 2022). Livingstone (2003) prefers the term "media literacy," in order to avoid the confusion that comes with literacy, pointing out that it can be opaque, taking on a variety of nomenclature from oral literacy to cyber literacy. Consequently, it is because literacy is too broad a term that I prefer social media literacy to narrow the focus to my object of study.

The closest I found to social media literacy is the term digital communications literacy used by Hargrave (2010: 193), who argues that media literacy should become digital communications literacy "to better articulate the changes and evolution within the

communications environment," particularly with regards to convergence and the marriage of social media with traditional media. Hargrave (2010) also talks about digital literacy, describing it as the ability to access, understand, critically evaluate, and create appropriate content through relevant digital platforms, adding that it strikes the right balance between regulation and total freedom. Yue et al. (2019: 100) also go with digital literacy, explaining that it refers "to individual knowledge about an activity mediated by digital media, as well as in particular to mastery in operation and proficiency in negotiating the affordances of digital platforms." Therefore, my conceptualisation of social media literacy draws from old and new traditions, as I tailor it towards digital literacy while also considering existing debates on media literacy.

I consider these debates because they hold implications for new media technologies, particularly around contestations for or against regulation. Lunt and Livingstone (2012) highlight the politics of media literacy, where it is viewed either in protectionist or empowerment terms. As a protectionist strategy, media literacy sustains the idea that a media-literate population cannot be victims of online harms since they can sufficiently defend themselves against fake news and hate speech. This means they are protected from deceptive content, nullifying the need for government oversight. Media literacy, in this case, serves as an alternative to regulation, a position taken by corporate entities and civil society groups, which are known to dislike regulation (Lunt and Livingstone, 2012). As a means for empowerment, on the other hand, Yue et al. (2019) observe that media literacy refers to the expressive aspect of media and the participatory advantage it affords those who know how to use it rightly. Therefore, in what he calls the "myth of literacy," Druick (2016) warns scholars to be wary of the use of media literacy, describing it as pliable to a neoliberal agenda that seeks to take advantage of the participatory nature of media literacy that comes with increased consumption of media to "manage youth" and form "compliant yet entrepreneurial citizens" (Druick, 2016: 1135).

This argument regardless, Druick (2016: 1128) notes that media literacy seems to be "immune to opposition" as it is embraced by all: regulators and civil society groups alike. How to achieve and evaluate it, however, remain crucial issues. Most of the strategies that have been drawn up border on media education in school settings (Hinrichsen and Coombs, 2013; Spires et al., 2018; Calzati, 2021). This, I suggest, is severely limited, especially for the realities of the new media ecology. It is dominant in education-based scholarship in the US where critical internet literacy is taught as part of a solution to the echo chamber (Alvermann, 2017) and to make students more skilled critical navigators of the internet (Harrison, 2017). For the Global South, research into media literacy is limited. One of the studies in this area is Wasserman and Madrid-Morales (2022), which explores media literacy training in South African schools and universities. Again, we see the theme of media literacy education, suggesting that it finds expression in both Global North and South contexts. UNESCO has indeed taken steps to make it a worldwide phenomenon, designing a global media and information literacy curriculum for teachers (Wilson et al., 2011). To capture adults in this process, Gagliardone et al. (2015) observe that UNESCO launched the Global Citizen Education, seeking to teach learners of all ages the practicalities of digital citizenship, which refers to the participatory notion of media literacy. However, Gagliardone et al. (2015) maintain that it is difficult to determine the impact of these education schemes as most of them have been patchy.

Also, most of the recommendations in the literature that suggest education as the strategy only go as far as stating it without explaining how it will work. Dutton (2016), for instance, says that one approach to media literacy is to educate people to become critical and sceptical like academics; his view is that academics, because of their training, are resistant to online harms. Couldry and Mejias (2019a) suggest something similar, advocating the need for social laboratories where people can access research tools to investigate their digital environments as part of mass critical literacy projects. However, Dutton (2016) does not address the practicalities of how an entire population can be trained to become scholars,

and Couldry and Mejias (2019a) admit that the path is uncertain. Zannettou et al. (2019) also speak about making social media users aware of ways to detect false information online without specifying how it can be done. Nevertheless, Mutahi and Kimari (2017) offer some suggestions, saying that media literacy should be carried out by internet service providers, telecommunication companies, and the state, and that this should be in the form of awareness campaigns on traditional and new media platforms.

My scepticism with the approaches in the literature is based on the current complex media environment, the challenges for which media education, mass awareness campaigns, and counter-speech are likely insufficient. Waisbord (2018) refers to this when he says media studies must reflect the changes evident in the media ecology, including the different notions of truth-telling that currently exist. Buckingham (2007: 45) also identifies the need to view digital media as cultural forms that "unsettles normative conceptions of media literacy as a set of universally applicable skills," observing that media literacy tends to reduce digital media to a "narrowly rationalistic formula." Consequently, he argues for the move beyond media education, observing that multiple literacies are needed to address the myriad skills and competencies required for contemporary forms of communication. Juhasz (2018: 25) also alludes to this, stating, "Let it hereby be resolved that our previous practices of 'digital media literacy,' while useful and relevant for the previous epoch, are no longer equipped for our emergent reality."

Nowotny (2017) describes what this reality looks like, speaking of the "messiness" that makes linear solutions inadequate. For instance, she says counter-speech can hardly work because truth can be manipulated, and people tend to distrust their leaders. This is aided by the fact that the public space has been hollowed out (see also Couldry and Mejias, 2019a), and social media has led to compartmentalisation, where people find themselves in bubbles, only exposing themselves to information that is in line with their confirmation bias. In addition, Nowotny (2017) says there has been a change from the old world where boundaries existed between the real and the unreal to one of "blurring boundaries"

(Nowotny, 2017: 50) where everything mixes up and uncertainty prevails. This mixing up is seen in technologies being repurposed to take on human nature, just as the humanities finds its way into science and engineering. This new world is, therefore, one of “broken timelines” (2017: 15) and “fragmented spaces” (2017: 26) where global physical movement, compartmentalised social networks on the internet, and the rupture between science and society have created a world where alternative facts thrive. The messiness is in the fact that scientific objectivity and intersubjectivity have been mixed with subjective intuition and emotion. Nowotny (2017: 56) calls for learning what these “complex adaptive systems” are all about and using them to create a better society.

There is also the fact that media literacy promotes individual regulation based on the protectionist understanding of media literacy, which I mentioned earlier (see Lunt and Livingstone, 2012). The problem here is the likelihood for the discourse on regulation to shift from the responsibility that regulators and platforms bear to the actions social media users should take to protect themselves online. We already see this in research into digital detox (Fish, 2017; Sutton, 2017; Syvertsen, 2017; Jorge, 2019; Kaun and Treré, 2020). In digital detox, people are encouraged to take breaks (for days, weeks, or months) from social media and other digital affordances to improve their mental and emotional wellbeing. Its proponents advocate the need for what Jorge (2019: 1) describes as “voluntary digital disconnection,” where users become self-aware of their use of technology and how to “regain control over it” (2019: 17). However, Jorge (2019) observes that digital detox, which might be helpful as a form of activism against the pervasive influence of technology, eventually serves to absolve platforms, civil society groups, and regulators of their regulatory responsibilities. It represents “privatized solutions, and governmentality of the user” (Jorge, 2019: 18) and leads to the “depoliticisation of social media” (Fish, 2017: 355).

Other forms of people-centred regulation include what Marwick (2021) sees as morally motivated networked harassment. This is closely related to social shaming, where a social media user, who posts messages in, say, a WhatsApp or Facebook group, that are

contrary to the group norm, is condemned by other users (also see Laidlaw, 2017). It tends to be cumulative and involves “many individuals sending messages…within a relatively short amount of time” to berate and, in some cases, attack the offender (Marwick, 2021: 8). This results in harassment for the offending user, leading to self-censorship. In this way, networked harassment functions as online speech regulation that enforces order on social media. Censure of this kind is more likely to happen to minorities (Marwick, 2021) and can be a way to silence opposing voices. Nonetheless, Alkiviadou (2019) notes that it is useful when dealing with normative hate speech that does not meet the threshold for civil or criminal action. Still, I note that it places responsibility on individual social media users to police online content, as the literature on digital detox and media literacy shows. It can also be used to victimise people. Furthermore, there are challenges with scalability, particularly in terms of addressing systematic cross-platform regulation within local, national, and global contexts. Researchers who recognise this have called for greater government intervention in the regulation of social media. It is this that I consider next.

3.3. Government Intervention: Policy, Regulation, Censorship

So far, I have highlighted research focusing on non-governmental regulation of social media. I started by considering platform-centred self-regulation before moving to user-centred approaches in the previous section. There, I reviewed studies that appraise media literacy, digital detox, and networked harassment as initiatives based on what people do as individual social media users to mitigate online harms. In this section, I turn attention to the growing scholarly focus on government-led attempts to regulate social media content. I note that the literature mainly focuses on US and European contexts. In this regard, I point to research that justifies government intervention on the basis that Section 230 does not preclude social media platforms from regulation (Napoli, 2019; Overton, 2020). Overton (2020), for instance, notes that platforms do not qualify for non-liability protections granted by Section 230 because of the curation they implement through algorithms to decide who is exposed to

what. Hence, he urges federating states in the US to regulate platforms if the Federal Government there refuses to. Still, I suggest that Overton's (2020) call runs the risk of making platform regulation even more US-centric, the notion being that social media usage outside the US can be shaped by regulation in individual American states. Gallo and Cho (2021) show that other regulatory attempts have been proposed by the US government itself, both in Congress and the executive, to amend Section 230 to narrow platform immunity or introduce platform liability. Moves such as these are being replicated across the world because of the "global techlash" that social media networks are faced with (Flew, 2022: 299), which has meant that platforms are "in the midst of a legal and social reckoning" (Rochefort, 2020: 228). The consequence, according to Flew (2022: 299), is that the "hands-off" platform self-regulation approach has become increasingly unpopular, and he concludes that nation-state regulation of social media in both liberal and authoritarian countries will become the norm.

It is this nation-state regulation that I explore further. Rochefort (2020) notes that regulation of this kind can either be limited or comprehensive. Limited government intervention generally involves "narrowly defined standards of industry conduct by public authorities" (Rochefort, 2020: 235). It does not address systemic issues or fundamental normative concerns related to platform data extraction and business models. Examples include the Honest Ads Act in the US and the NetzDG in Germany – they mandate social media platforms to take greater action against problematic content but do not address broader structural issues. By contrast, Rochefort (2020: 236) says comprehensive government intervention is designed to "increase the scope of public authority in the oversight of social media" including "reform attempts to reorganize an entire industry or organization with the goal of remedying the cause of dysfunction, not just mitigating the symptoms." Instances include calls to regulate platforms as public utilities (Rochefort, 2020) or regulation that focuses on platform architecture (Fagan, 2018). I will discuss the literature on comprehensive intervention later in this section, but first, I consider limited intervention,

which scholars tend to describe as digital constitutionalism (Celeste, 2018; De Gregorio, 2021; Manganelli and Nicita, 2022). Here, Celeste (2018: 9) observes that digital constitutionalism is what has been advanced to address this disruption and can be viewed as zoning "the digital environment to states' jurisdiction."

For Suzor (2018), platforms constitute the sovereign of the networked age, whose powers should be curbed. Hence, the need to apply the rule of law to the governance of digital platforms. This includes inscribing meaningful consent, predictability, and due process to the way terms of service are designed and implemented (Suzor, 2018). On Are's (2020) part, the suggestion is to view social media platforms from a spatial hybridity standpoint as "corpo-civic" spaces. These platforms are seen as corporate entities that serve as public spaces, just like malls and other public places. They are accessible to the public as social meeting points but are owned by private concerns who seek to make profits. Using third space theory, Are (2020) notes that social media also functions as a hybrid space and that platform governance should be approached from this understanding. Beyond in-platform guidelines, Are (2020) argues that platforms should be made to follow a set of rules, norms, and laws, akin to what offline hybrid spaces abide by.

Nonetheless, I note that researchers who favour limited government intervention tend to view public authorities somewhat unquestioningly as unbiased agents that act in the public interest, even though laws such as NetzDG have not been particularly successful in getting platforms to moderate harmful content effectively (see Heldt, 2019). We find this in Manganelli and Nicita (2022: 30) who see governments as those who promote fairness and exist to foster "equilibrium between private interest, public interest, and social welfare." They applaud the EU's Digital Services Act, describing it as "a means to reinforce and enhance overall rights and freedom and fully exploit new opportunities for individuals and companies" (2022: 195). Baked into their argument is the thinking that the EU's approach is "the right one," providing a "*Digital compass*" not just for Europe but for the world (2022: 195-6 – original emphasis). Again, this leads me to suggest that regulatory approaches formulated in

Europe will determine social media usage in regions outside the Eurozone. Seen in the light of Section 230, the indication is that the use of digital technology in places like Africa will be governed by laws, policies, and norms set in the US and Europe. The implication, I contend, is that location has significant relevance as far as government intervention is concerned. Manganelli and Nicita (2022: 26) point to this when they note that although the power of US- and Chinese-based platforms are global, their legal and political roots are local. Even in the UK, Schlesinger and Kretschmer (2020) observe that there are jurisdictional issues that regulators to be empowered by the Online Safety Bill have to grapple with, given that the major tech companies that the legislation targets are headquartered outside the UK. Geach and Haralambous (2009: 256) also speak of the "web of duplicity" that comes with government intervention, as different laws are established, even within a country, to regulate social media content.

Similar concerns exist for comprehensive government intervention, which, as I pointed out above, involves more systemic and structural regulation. Soriano (2019) has done some work in this regard. His approach is based on the fact that "we need to do more" (2019: 11) beyond limited government intervention that focuses on competition law, consumer law, net neutrality, and data protection. The solution he proposes is "Robin Hood regulation" which suggests the need to "take the power from big tech and redistribute it to the many" (Soriano, 2019: 11). This includes strict anti-trust regulation for the major or "prevailing" platforms and the imposition of systemic supervision – requiring platforms to implement processes that mitigate harmful online usage and to report to a regulatory body. The goal is "to empower people, start-ups and civil society" through mechanisms that can only be introduced by government regulation (Soriano, 2019: 15). Balkin (2018) also sees the need not only to empower people but also to protect them from unequal power relations between platforms and users. His idea is the conceptualisation of platforms as "information fiduciaries" (see also Bowers and Zittrain, 2020) who act in "good faith toward their clients, particularly with respect to the information they learn about their clients in the course of the

relationship" (Balkin, 2018: 1160-61). A fiduciary relationship exists between a lawyer, accountant, or doctor and their clients, where the former is obliged to act in the latter's interest. The same comprehensive fiduciary responsibility can then be extended to social media platforms – a requirement that I note has fundamental implications for platform business models. A related concept is the idea of platforms as public benefit corporations (see Klonick, 2018), which affects how platform architecture is structured (see Wood, 2021).

Platform architecture is what Fagan (2018) focuses on, as he argues that regulation should target this rather than platform speech. Fagan (2018: 396) notes that social media platforms are built for profit, what he calls "managerial interests," which stands in contrast to the need for free speech and the fight against hate speech, what he calls "gubernatorial interests." Just like Klonick (2018), Fagan (2018) affirms that platform self-regulation primarily exists for profit reasons. Fagan (2018) adds that platform self-regulation is acceptable as long as both managerial and gubernatorial interests align. When these diverge, systemic regulation is needed. The problem, in his view, is that platform architecture is designed according to profiling done using opaque algorithms, so users only get to see the first few items that the platforms want them to see. In this instance, Fagan (2018) observes that managerial interests are opposed to gubernatorial interests, and platforms cannot be expected to moderate in the public interest. Here, he sees systemic regulation as necessary, one where the "law should focus on systemic adjustment and reconfiguration of platform architecture and avoid targeting and suppressing speech contents" (Fagan, 2018: 438).

Although different in terms of the degree of government intervention, both limited and comprehensive regulation target platforms and serve as examples of collateral censorship (see Balkin, 2018). This happens when government regulates users indirectly through platforms. Other forms of regulation take on direct censorship, as we find in China (Hobbs and Roberts, 2018; Chang et al., 2022). Hobbs and Roberts (2018) touch on the Great Firewall, an extensive technical system that allows certain, mostly Western, websites and apps to be banned in China. Their research is based on the sudden ban of Instagram in

mainland China during the 2014 Hong Kong protests. In the broader sense, bans such as this have become increasingly common in Africa (I expand on this in chapter six). However, Hobbs and Roberts (2018) show that bans, especially when sudden, tend to be counterproductive. For instance, the China Instagram ban led to what they call the "gateway effect" (Hobbs and Roberts, 2018: 621), where the move to evade censorship incentivises people to access other censored information. Something similar happened in the early days of COVID-19 when official Chinese news sources were slow to acknowledge the crisis (Chang et al., 2022). Chang et al. (2022: 7) show that people circumvented the blocks, submitting that "crisis in highly censored environments creates widespread spillovers in exposures to sensitive, censored information, including information not directly related to the crisis."

In other contexts, direct government censorship criminalises perceived wrongful social media usage, leading to the application of fines and/or imprisonment terms for those found guilty. Mueller (2015) refers to this, calling for direct regulation in the US. According to him, social media has made hyper-transparency possible since posts are open and archived for all to see. Therefore, when someone uses social media to commit online harm, society is appalled and demands that platforms be regulated in order to control the harm. Mueller (2015: 807) calls this the "fallacy of displaced control," where "instead of punishing bad behavior, we strive to control the tool that was used by the bad actor(s)." His suggestion, accordingly, is that users and not platforms should be regulated. I note that this approach does not have much currency in the literature. Balkin (2018: 1194) indeed dismisses direct user regulation as too costly, concluding that "the present world features at least two sources of governing authority: new school speech regulation by states and speech governance by different kinds of Internet infrastructure owners." In other words, limited/comprehensive government intervention and platform self-regulation.

The implication, I argue, is that an understanding of social media regulatory practices in places like Nigeria is still lacking. This type of regulation tends to be more direct than

indirect. Even Mueller (2015), who touches on the subject, only offers conceptual appraisal. Other studies that I found include Garbe et al. (2021), which only considers news reports on fake news and hate speech regulation in Africa, and Roberts et al. (2021), which analyses surveillance laws and practices in six African countries, including Nigeria. Hence, I note the need to consider emerging forms of government intervention in social media regulation in an African context. This section has presented a sense of the literature on government intervention and highlighted the gap that exists; in the final section, I discuss research on multi-stakeholder governance as a compromise approach that leaves developing countries vulnerable in the global balance of power.

3.4. Multistakeholder Governance as the Everyone Side of Things

In this final section, I shift attention to academic debates that focus more on governance than government regulation – governance, in this sense, allows for other stakeholders beyond governments to be actively involved in regulation.[1] Herein lies the notion of multistakeholder governance in the literature on social media regulation; it can be viewed as a compromise approach that includes government intervention, platform self-regulation, and civil society action implemented as advocacy, advisory, and media literacy campaigns (see Andorfer, 2018). Proponents of multistakeholder governance argue that approaches such as platform self-regulation or government intervention are problematic, with concerns of lack of transparency and censorship (APC, 2018; Gorwa, 2019; Article 19; 2018; Caniglia, 2021). According to McMillan (2019), the underlying suggestion is that regulation of any kind will implicate international human rights, particularly freedom of expression. As a result, the APC (2018) has called for a rights-based approach, something akin to Sir Tim Berners-Lee's idea of a Magna Carta for the Web (see Kiss, 2014). This is what a multistakeholder approach to social media regulation articulates. Zittrain (2019) documents the evolution of

[1] See Puppis (2010). I also discussed the difference between regulation and governance in chapter one.

multistakeholder governance, noting that it has become necessary given what he sees as the failings of the order set by Section 230 and of government intervention to combat online harms. The next phase of digital governance, according to Zittrain (2019: 9), is the "process" era, one where decisions are not made by single actors, but are "legitimate because of the inclusive and deliberative, and where possible, federated, way in which they were settled."

Gorwa (2019) expands on the inclusivity of multistakeholder governance. He draws from work on the governance triangle[2] to show that multistakeholder governance involves three major groups of actors: firm which refers to companies and industry associations; NGO which refers to civil society groups, international NGOs, researchers, activist investors, and individuals; and state which refers to national and supranational authorities. Using the governance triangle to map the regulatory landscape in Europe, Gorwa (2019) observes that multistakeholder governance can involve two or more groups of actors. For instance, the Christchurch Call is described as state-firm partnership, and the Global Network Initiative as firm-NGO partnership (Gorwa, 2019). Others such as the Contract for the Web are tripartite, involving commitments by governments, private corporations, and civil society groups. A clear example is the Internet Governance Forum (IGF), which functions according to UN rules and resolutions. However, Fraundorfer (2017) criticises the IGF for not being well-placed to address the challenges of social media governance, saying it is all talk and no action.

Perhaps due to this criticism, I found that researchers and civil society groups (Tenove et al, 2018; Article 19, 2018; Docquir, 2019; GDPi, Article 19 and Kaye, 2019) seem to have moved on from the IGF, expressing support for another multistakeholder arrangement known as the Social Media Council (SMC). The general idea of the SMC is of a body that hears complaints from users whose posts have been moderated by social media platforms. The SMC, therefore, serves as a check on platforms, providing guidelines on content moderation where necessary, and ensuring that moderation principles are consistent

[2] Abbott and Snidal (2009) originally developed the governance triangle concept.

with international human rights, including procedural notions of transparency and due process. Researchers agree on this broad function, but that is where the agreement ends. The difficulty comes with translating ideas of an SMC into practical reality.

McSherry (2019) alludes to this, noting that there are questions related to membership, independence, funding, and jurisdiction of an SMC. Other concerns include how decisions will be made on what case to handle or not, given the scale of social media and the fact that an SMC could potentially legitimise platform self-regulation (McSherry, 2019). Docquir (2019) also observes that there are areas of divergence such as whether the SMC should be advisory or adjudicatory, making decisions that are binding on platforms. Geography presents another challenge, with debate on whether the SMC should be set at global, regional, or national levels (Docquir, 2019). In their view, Article 19 (2018) envisions an SMC that is national or international or both, with funding from all stakeholders, including social media companies. They describe a court-like body, more adjudicatory in nature, that holds hearings before reaching decisions and is accountable to the public.

However, there are cases of sharp divergence, and by this, I refer to a joint report by the GDPi, Article 19 and Kaye (2019). There, the GDPi (Global Digital Policy Incubator), paradoxically takes its separate stance and calls for an SMC that is global in scope, adding that if national SMCs are to be created, they should function under the global SMC. It also foresees an SMC that only advises platforms, supporting them in making content moderation policies that align with international human rights, and serving as a mediator between platforms and governments. Article 19, however, favours national SMCs, suggesting that they will be positioned to deal with “complexities of the local context in its cultural, political, and social dimensions” (GDPi, Article 19 and Kaye, 2019: 30). In the report, Article 19 further supports an adjudicatory SMC, similar to an earlier stance they took (Article 19, 2018). Hence, I suggest that arriving at a consensus on the SMC is highly impractical, given this manner of unusual disagreement between two groups involved in a joint report.

More importantly, I observe that ideas of a social media council and multistakeholder governance more broadly tend to be over-simplified. One only has to look at the existing framework on multistakeholder governance to see how hard, if not impossible, it would be to have stakeholders agree on a global council, especially one that is adjudicatory. For instance, Wu (2015) points to the division among countries regarding the Final Acts treaty of the 2012 World Conference on International Telecommunications in Dubai. Wu (2015) shows that even the UN does not have sufficient influence to effect internet governance mechanisms, given the dissension between countries like Russia and China on the one hand and Western countries like the US, the UK, Canada, France, and Germany on the other. This implies an East-West divide that makes multistakeholder governance arduous. Mueller (2010) agrees, noting that the IGF itself is burdened by similar concerns, since China and Russia want a strong IGF that develops far-reaching policy frameworks, while the Western alliance prefer a weak IGF that only acts as the basis for annual meetings without policy-making powers. For developing countries like Nigeria, there are further issues related to the balance of power principle. As an example, Marda and Milan (2018: 13) speak of the "unequal power relations between stakeholders" in a multistakeholder setting, potentially precluding users from decisions on social media governance. Mueller (2010) also shows that (powerful) states have cowed other stakeholders in the IGF, and DeNardis and Raymond (2013) highlight the potential for powerful states and platforms to dominate a multistakeholder (internet) process, excluding others who they feel hold views that run counter to their interests. Added to this, research into multistakeholder governance barely considers how the process might work or has worked in a country like Nigeria. This underscores the need to study the complexities of a multistakeholder approach to social media governance.

3.5. Conclusion

This chapter has considered research into the practical approaches that exist or have been proposed for social media regulation. It began with studies into platform self-regulation, showing that the literature centres on profit-making and suggesting that the fight against problematic online content is relegated. Next, I appraised academic work on user-centred approaches, including media literacy, digital detox, and networked harassment. Afterwards, I considered studies into government intervention, which can either be limited or comprehensive. Finally, I discussed research into multistakeholder governance as a compromise approach. The chapter flowed from chapter one, where I outlined research into political economy, platformatisation, and relations of power, and chapter two, where I highlighted studies on securitisation and freedom of expression.

Altogether, the first three chapters have shown that the dominant ideas on social media regulation are based on Western and, to some extent, Chinese contexts. For instance, I pointed out in chapter one that the field is dotted with neologisms that each represent one proposed regulatory approach or the other. One noteworthy thing here is that the various ideas suggest a complicated picture of social media regulation, given the different approaches that scholars have outlined, with little consensus on the way forward. However, what is more significant is that studies on the regulatory approaches largely centre on the West, overlooking social media regulation in countries like Nigeria. The implication is the likelihood for one to see Western ideas on and approaches to regulation as the universal paradigm, neglecting the fact that regulation in Nigeria is different and functions within a dissimilar context. Examples of this difference can be seen in chapter two, where I argued, based on the literature, that although Western governments and platforms use the discourse of online harm as a general justification for interventionist measures, in Nigeria this justification bends more towards securitisation and the silencing of dissent.

The import of my argument, therefore, is that Western ideas and constructs on social media regulation are not all that there is. The field is indeed complex, but there is a need for

research that examines regulatory approaches that are unique to the Global South and the ways that they intersect, if at all, with regulatory actions elsewhere such as the West. With regards to the West, the conclusion that I reach from reviewing scholarship there is that regulatory approaches are split into two broad areas: platform-led regulation in the US and emerging government intervention in Europe. While scholars in the US tend to have various ideas ranging from the free marketplace to multi-stakeholderism (Balkin, 2018), those in Europe seem to have settled on government intervention, and to a large extent, are in lockstep with actions that policymakers are taking (Manganelli and Nicita, 2022). For countries like China, where censorship tends to be extreme, studies indicate the regulatory framework can be understood as the Great Firewall (deLisle et al., 2016), censorship targeting collective expression (King et al., 2013), or technological surveillance (Couldry and Mejias, 2019a). What we see here is the global East-West divide between liberal democracies and overt authoritarian enclaves, both of which have a recognisable footprint in the scholarship.

Countries like Nigeria, however, are in the midst of these two extremes. The few studies that have considered the Nigerian context conceptualise social media as the fifth estate of the realm (Uwalaka and Watkins, 2018), although I question whether social media is the fifth estate, given the likelihood for every new media technology (including the printing press) to be seen as emancipatory when they are newly introduced. The reality of corporate social media ownership also means that social media functions under the same political economic conditions that the traditional media faces. Nonetheless, I take the point that social media, in the Nigerian context, still tends to be viewed as emancipatory (I establish this in chapter seven), the suggestion being that social media should not be regulated by the government (Oladapo and Ojebuyi, 2017). The discussion here subsumes social media within the discourse of rights, presupposing that it has become the de facto tool of civic engagement and communication, and that regulating it through formal means will limit people's ability to participate in the public sphere. In other parts of the Global South,

researchers have considered internet and social media bans (Eltantawy and Wiest, 2011; Wagner, 2018). Whilst I note that all these are important, I maintain that they do not outline a framework that comprehensively articulates the kind of social media regulation that countries like Nigeria are adopting, one that targets users. Put differently, what conceptual tools can we use to describe social media policy in countries like Nigeria? What are the politics that underly the socio-political context? How do users respond? How does regulatory policy in Nigeria function in a global order characterised by Global North dominance? These are the questions that I seek to answer to provide a new understanding of social media regulation in Nigeria. In the next chapter, I show how I go about answering these questions, as I discuss my methodological approach, one that combines policy analysis, case study, interview, and social media analysis.

CHAPTER FOUR

METHODOLOGY – RESEARCHING SOCIAL MEDIA REGULATION

This chapter details the methodology I used to research social media regulation in Nigeria. It flows from the previous three literature review chapters, where I surveyed the field by focusing on theoretical, ethical, and practical considerations. I also highlighted gaps in the literature, showing that previous research has largely overlooked new media regulation in countries like Nigeria. Although based on methodology, this chapter continues with a similar theme, demonstrating that existing methodological frameworks are inadequate when it comes to studying social media regulation from an overarching standpoint. To establish this, I pointed to the limitations of frameworks such as the regulatory analysis framework developed by Martin Lodge and Kai Wegrich (2012) and the multiple streams approach developed by John Kingdon (1997). The major weakness of these approaches, I argue, is that they do not account for the series of contentions, interactions, and discourses that constitute the regulatory process. Consequently, they largely fail to capture the complexities of new media regulation, particularly in Nigeria. For the most part, studies in the field suffer a similar weakness – they are overwhelmingly based on policy analysis, using it as a one-method research design. Some studies do not specify any method, which is unsurprising since media regulation research is typically framed as conceptual pieces and essays (Reinard and Ortiz, 2005).

To address these limitations, I use a methodological approach that considers the complexities of regulatory policy, tensions, and discourses. The approach builds on previous frameworks and is based on four components which, taken altogether, highlight the wide-ranging issues that define social media regulation. These components include policy, politics, opposition, and alternatives. I expand on these components in this chapter, using them jointly as a methodological tool with which to answer my research question, which is:

What attempts have been made to regulate social media in Nigeria and how have these been perceived by stakeholders?

From this question, I establish the following sub-questions:

1. How does policy describe attempts to regulate social media as activities being carried out by users in Nigeria?
2. In what ways and for what reasons is the discourse of resistance and opposition performed by social media users against the regulatory move?
3. How do key stakeholders articulate regulatory alternatives for social media in Nigeria considering new media policy globally?

The chapter begins with a review of the methods used by scholars to study the regulation of social media, and internet content more broadly. Here, I highlight the limitations of the methods used in these studies, methods that primarily centre on policy analysis and provide a narrow examination of regulation. This leads to the next section, where I explain my methodology, which allows for a comprehensive study of social media regulation. Afterwards, I demonstrate how I applied the methodology, before addressing ethical considerations. Discussion on the pilot study that preceded my analysis can be found in Appendix 2. Based on all these, my objective in this chapter is to present the study's methodology as a robust and comprehensive framework for studying not just social media regulatory policy, but also user responses and the alternatives they specify.

4.1. Researching Social Media Regulation

In researching social media regulation, scholars tend to place overwhelming focus on policy analysis, as I mentioned earlier in the chapter. Carter (2017) highlights this in his review of the methods used by media regulation and policy scholars from 1992 onwards. His review shows that media regulation scholars predominantly use qualitative methodologies based on

"legal analysis of statutes, judicial opinions, and historical-legal documents" (Carter, 2017: 645) to analyse policy content. This is consistent with Reinard and Ortiz (2005), who found that the majority of academic work in the field were conceptual pieces, historical studies, or legal interpretations. Reinard and Ortiz (2005: 621) add that only 4% of the pieces had empirical methodologies, describing the low use of empiricism as "methodological parochialism." However, they note that empirical methods are a recent development in the field. Although this was in 2005, research in this area (see Brown and Peters, 2018; Samples, 2019; Overton, 2020; Cammaerts and Mansell, 2020) suggests that the use of non-empirical methods is still more likely, given that researchers rarely mentioned the use of methods in their works, a point that Carter (2017) also alludes to.

These researchers usually rely solely on policy analysis; examples include Geach and Haralambous (2009), Napoli (2019), and Manganelli and Nicita (2022). All these do not explicitly reference any methodology, and there were only a few that I found that have specific methodological outlines (for instance, Marda and Milan, 2018; Rochefort, 2020; DeCook et al., 2022). Within policy analysis itself, US-based legislations and policies have received particular attention. This is evident in Overton (2020) who extensively analyses Section 230. US First Amendment doctrine has also influenced research in the field as shown in the studies that I reviewed in the previous chapter (Fagan, 2018; Brown and Peters, 2018; Andorfer, 2018). In some cases, however, social media regulations in other contexts have been considered. Examples include Marda and Milan (2018) who analyse regulation in Brazil, Germany, and India. Brown and Peters (2018) also review policy reports in places such as China and South Africa. This is to be expected since social media regulation is a global phenomenon, but it does not override the fact that research, even when focused on non-US contexts, tends to use US laws as a reference point.

Some research also considers formal laws and principles alongside platform rules and guidelines (see Suzor, 2018; Alkiviadou, 2019; Heldt, 2019). The limitation, however, is that these studies do not include the voices of stakeholders beyond what was contained in

the texts, perhaps because their scope does not allow for this level of triangulation. I suggest that it is important to study these voices because they allow one to examine, in a more comprehensive manner, areas often neglected in the many-sides issues that contribute to and derive from regulatory policies. We see this neglect in the fact that only a few studies such as Wu (2015) and Marda and Milan (2018) use combined methods. Hence, I note that triangulation rarely features as a preferred methodological approach in the field. Even the few studies that do not include policy analysis used other methods in a standalone format (see Yadlin-Segal and Oppenheim, 2021). Other researchers employ social media analysis (Oladapo and Ojebuyi, 2017; Hobbs and Roberts, 2018; Jorge, 2019), where hashtags have become popular. In a wider sense, the use of hashtags for social media analysis has become established practice in the field given the increasing interest in big data research and hashtag activism (Jin et al., 2015; Theocharis et al., 2015).

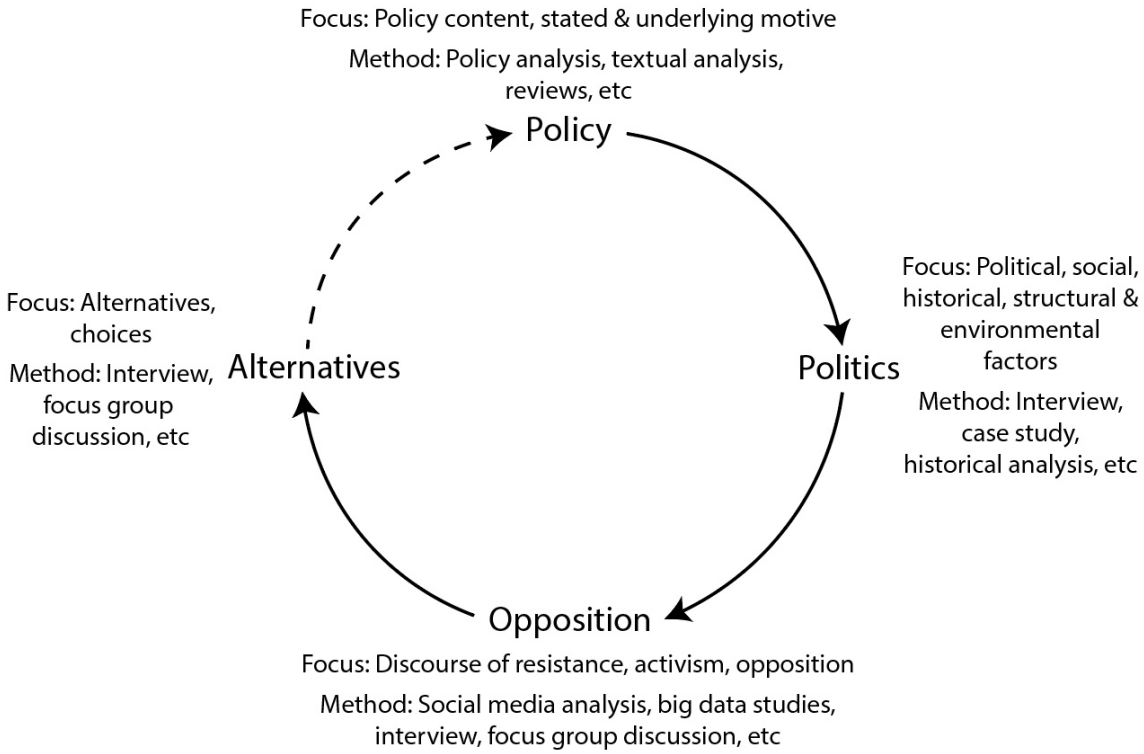
The overall indication, therefore, is that researchers in the field tend to use single methods in comparison to triangulated methods, and when single methods are used, they are far more likely to be policy analysis. The reason for this perhaps is that regulatory studies are closely linked to policies, the sole analysis of which answers questions related to the direction of governance and policy content. However, the textual analysis of policy documents, as an exclusive approach to methodology, has its limitations, one of which is that it does not capture what is excluded from the text (Carter, 2017). Carter (2017) adds that there is also the possibility for the meaning attached to literal text to change over time, suggesting that works based solely on policy analysis have a high chance of becoming outdated. This leads me to further argue that studies that focus on a singular method – content analysis, interview, or social media analysis – only provide a partial understanding of the field. I note that it implies the need to include a more robust dataset to comprehensively outline social media regulation in places like Nigeria and how it is articulated by stakeholders, including government, civil society groups, technology experts, and users. As I argued in the literature review, this is significant because the Nigerian regulatory

environment is distinct from that which is known in the West, for instance. Hence, it is crucial to study regulatory policy, its ruptures, and the reactions it generates to understand the approach that best defines regulation in Nigeria. To do this, I turn next to the methodology that I developed for the thesis.

4.2. A Methodology for Researching Social Media Regulation

Having considered how social media regulation has been studied, I now discuss the methodology that I developed for studying new media regulation using policy analysis, case study, interview, and social media analysis. The methodology rests on the use of mixed-methods, and it can also be used to study regulation in other fields. Consequently, it becomes possible to carry out research beyond what is contained in government and industry/platform policy documents to include the views of other actors and stakeholders. The methodology consists of four components: policy, politics, opposition, and alternatives as outlined in Figure 4.1. These components form the analytical makeup with which to study regulatory policies and discourses comprehensively. *Policy* is the first component, and it involves the use of policy and textual analysis to review legislations (bills, laws, treaties, resolutions), policy announcements, platform terms of service, news items, and industry reports. Here, the aim is to identify policy content, including the stated and underlying motives for regulatory action. The stated motive equates to the manifest or obvious justifications that are outlined, while the underlying motive refers to the latent or hidden reasons inherent in policy documents.

Figure 4.1: The Methodological Framework



(Designed using Adobe Illustrator 26.3.1)

The divergence between the stated and underlying motives leads to the second component – *politics*. This is where further analysis is carried out within the wider context to consider political, social, historical, structural, and environmental factors that explain the divergence. Here, the researcher may need to go beyond policy analysis to use case studies, historical analysis, and interview. *Opposition* is the third component, which emphasises the discourse of resistance deployed by people, including regulatory targets to fight against regulation. Focusing on this area is important, especially if we consider, for instance, that new media regulation is almost always opposed either by technology platforms (see Zuboff, 2019) or by users and civil society groups (see Article 19, 2018). Suitable methods for the opposition stage include social media analysis and interview (and perhaps, focus group discussion) to study how and why opposition is done. The final component is *alternatives*, where those who oppose regulation define what they perceive as credible alternatives. Interview and focus group discussion can be used at this stage. If a particular

alternative becomes widely accepted and is adopted as new media regulatory policy, the research cycle begins again with analysis of the policy component and on to the alternatives component. A careful look at Figure 4.1 shows that the arrow between “alternatives” and “policy” is broken into dashes, demonstrating that, as Kingdon (1997) observes, only a handful of alternatives make it to the policy phase, given the socio-political factors at play.

To develop the methodology, I adapt ideas and concepts from two existing frameworks for regulatory research: the regulatory analysis framework developed by Martin Lodge and Kai Wegrich (2012) and the multiple streams approach of policy analysis introduced by John Kingdon (1997). Both approaches are useful, but they do not appropriately address the methodological needs of my research. When it comes to the regulatory analysis framework, it assumes that regulation takes on several options involving trade-offs, side-effects, and a consideration of different interests (Lodge and Wegrich, 2012). In many ways, the regulatory framework is based on the rise of the regulatory state (see Majone, 1997) and it disproves the notion that regulation is apolitical. This means regulation, as an activity, takes place in “living systems,” involving “a set of core ideas that are advocated by those sharing these ideas, and are opposed by those who have other views regarding cause-effect relationships” (Lodge and Wegrich, 2012: 37). Hence, the regulatory analysis framework aligns with the policy, politics, and, to some extent, opposition components of my methodology, but not with the alternatives component.

However, the major limitation that I found with the regulatory analysis framework was its analytical tool, which Lodge and Wegrich (2012) describe as the “regulatory regime” or the components of regulatory analysis. These components include standard-setting, information-gathering, and enforcement/behaviour-modification. Standard setting involves the goals, objectives, and motivations behind a regulatory approach, and I note that it is useful for identifying the stated and underlying motives for new media regulation. Information gathering refers to the mechanism that makes it possible for regulators to know when a regulation has been flouted and to monitor compliance. Enforcement refers to the way and

manner in which regulators seek to modify people's behaviour in line with pre-stated objectives (Lodge and Wegrich, 2012). Consequently, we see that the regulatory analysis components sustain the limitation I discussed in the previous section – they centre largely on policy analysis as a singular method since focus is placed primarily on what formal regulatory documents specify in terms of standard-setting, information-gathering, and enforcement. The analytical components also do not account for the opposition stage of my research design, even though the broader definition of regulatory analysis, which I highlighted earlier, seems to cover for this.

Kingdon's (1997) multiple streams approach also does not provide for the opposition stage, at least not directly. Kingdon (1997) largely uses interviews and case studies to uncover how government agendas are made and alternatives specified – it is based on his findings that he develops the multiple stream approach to policy agenda-setting. To summarise, the approach includes three processes or streams: problem, policy, and politics, and whenever these come together, a policy window opens. Those who take advantage of this opening are called policy entrepreneurs, who couple the streams and can determine what items feature on the government's decision agenda. What I find useful here is the notion that the move from one stream to another (and the analysis thereof) is usually random and does not have to happen in an isolated or chronological manner. Another positive of the multiple streams approach is its implicit acknowledgement of the need for a triangulated approach to researching policymaking. Still, I note that the omission of the opposition component makes it problematic, given that it lacks the analytical lens with which to study the discourse of regulatory resistance, a major feature of new media regulation in places like Nigeria. One could say that Kingdon (1997) recognises this, and what he does is to weave the opposition component into the politics stream in his consideration of the ways by which agenda items are opposed in the policymaking process. Still, I note the need for greater distinction between the politics and opposition components.

Limitations such as these are what I account for in my methodology, which builds on both the regulatory analysis and multiple streams frameworks. As I mentioned earlier, the methodology makes up for these limitations by specifying four analytical components: policy, politics, opposition, and alternatives, allowing for a comprehensive study of regulation. In the sections that follow, I describe how I used the methodology in my research and the ethical challenges I faced.

4.3. Using the Methodological Framework

In using the framework to research social media regulation in Nigeria, I focus on policy analysis of documents, case study, interview of key stakeholders, and social media analysis of tweets using corpus linguistics and critical discourse analysis. I began with policy analysis, which is a way of "evaluating documents in such a way that empirical knowledge is produced" (Bowen, 2009: 34). My approach to policy analysis draws from this understanding, and by so doing, addresses the "methodological parochialism" that Reinard and Ortiz (2005) refer to. Consequently, I identified Nigerian legislations aimed at regulating social media and other new media forms. These legislations became the primary objects of my policy analysis precisely because of their focus. They included:

1. Protection from Internet Falsehood and Manipulations and Other Related Matters Bill (Internet Falsehood Bill), 2019.[1] The bill is popularly known as the (anti)social media bill. It was introduced in the Nigerian Senate and has gone through second reading.
2. A Bill for An Act to Provide for the Prohibition of Hate Speeches and for Other Related Matters (Hate Speech Bill), 2019. It was also introduced in the Nigerian Senate.

[1] It was largely duplicated from a similar Singaporean law, and Senator Sani Musa, the bill's sponsor, has been accused of plagiarism. But he has defended himself, saying, it is normal for laws in certain jurisdictions to "influence the form and substance" of laws in other places. See: https://punchng.com/anti-social-media-bill-senator-defends-alleged-plagiarism-of-singapore-statute/

3. Cybercrimes (Prohibition, Prevention etc) Act, 2015.
4. A Bill for an Act to Prohibit Frivolous Petitions and Other Matters Connected Therewith (Frivolous Petitions Bill), 2015. It was the (anti)social media bill of 2015. It went through second reading in the Senate before it was withdrawn because it conflicted with already established law (see Ochulo, 2016).
5. Digital Rights and Freedom Bill, 2019.[2]

Looking at the list, one sees that the Frivolous Petitions Bill has been withdrawn, pointing to an important fact, which is that social media legislations tend to be short-lived either as bills or laws. When it comes to the Internet Falsehood Bill and the Hate Speech Bill, they have stalled in the National Assembly since 2019. I suggest that this short lifespan or stalling happens because of the controversies that social media instruments lead to, for instance, in court battles. These controversies are also evident in people's opposition, as I show in chapter seven. Although the Frivolous Petitions Bill has been withdrawn, it remains relevant in terms of providing insight into the recent regulatory approach in Nigeria and how this is reflected in more recent legislations such as the Internet Falsehood Bill. I had identified the Internet Falsehood Bill, Hate Speech Bill, and Cybercrimes Act as early as November 2019, and had gotten copies of them. Getting access to the Frivolous Petitions Bill, however, was more difficult. I could not find it in online repositories, and I only got a copy of it when one of my interviewees sent it to me in February 2021. This interviewee also sent me the 2016 version of the Digital Rights and Freedom Bill (this was revised and became the 2019 version). Altogether, the five documents listed above formed the major regulatory policies that I analysed.

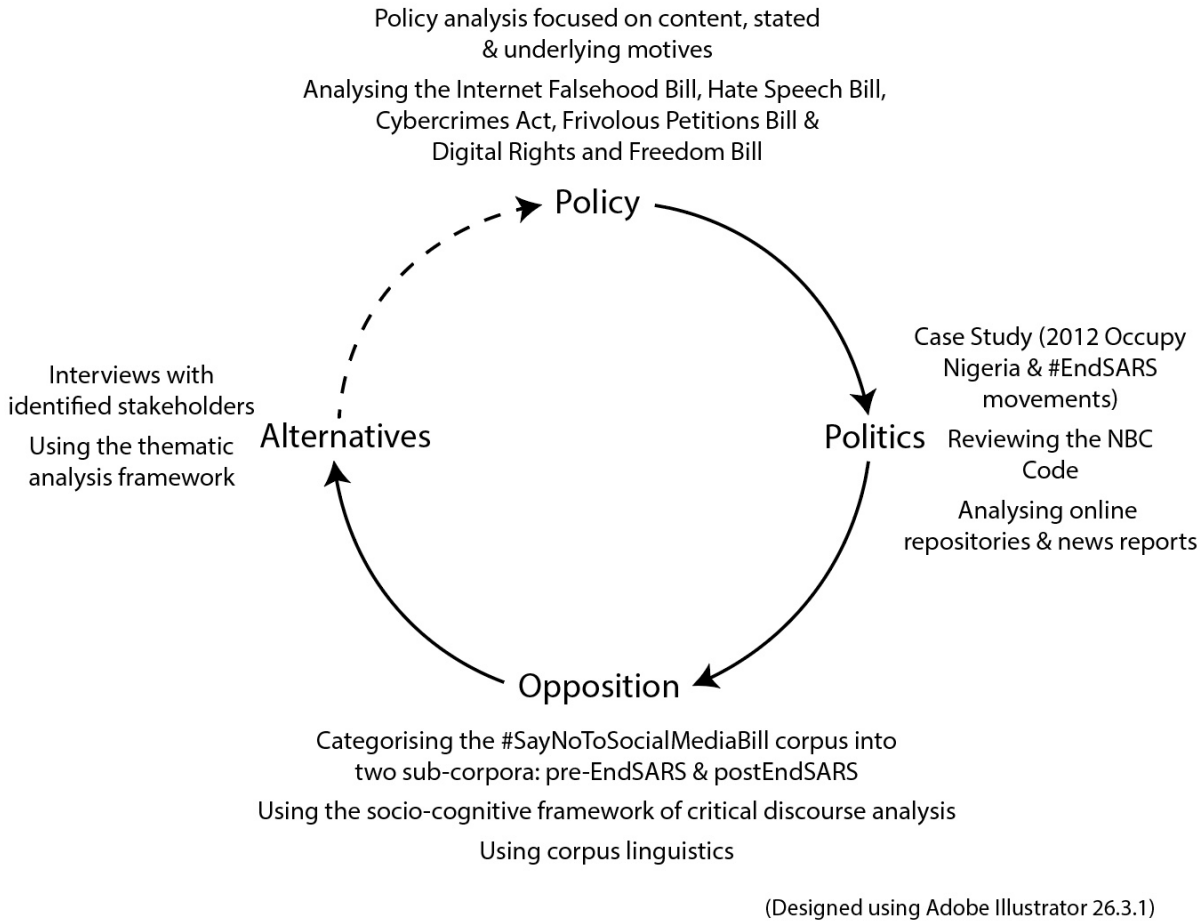
Other documents that I reviewed included the Sixth Edition of the National Broadcasting Code (NBC Code, 2016) and various legislations and news reports on social media regulation, particularly in other African countries. These are considered in chapter six.

[2] It is a revision of the *Digital Rights and Freedom Bill* of 2016.

However, new legislations or policies are constantly being introduced, even as I write. For instance, in June 2022, the National Information Technology Development Agency (NITDA), an organisation mandated to regulate IT in Nigeria introduced its draft "Code of Practice for Interactive Computer Service/Internet Intermediaries." This was after I had completed my analysis and was revising my chapters. This shows that regulatory practice as far as new media is concerned is by no means static, presenting challenges for researchers in this area.

At the start, I carried out a series of pilot studies (see Appendix 2 for details). Once these were completed, I began the main analysis; I outline the process in Figure 4.2 (below). First was the policy stage where I analysed the legislations that I itemised at the beginning of the chapter. My aim was to highlight the content of the regulatory documents to provide the context for the rest of the findings, with a focus on the stated and underlying motives. Chapter five contains the outcome of this analysis. Second was the politics stage where my interest shifted to further analysis of the divergence between the stated and underlying motives. This required the use of case study as I analysed events surrounding the government's reaction to media coverage of the 2012 Occupy Nigeria protests and the 2020 #EndSARS movements. I linked this to broadcasting media regulation in order to develop a concept that I call regulatory annexation (see chapter six). To do this, I analysed the NBC Code and compared it to legislations such as the Internet Falsehood Bill aimed at social media. This allowed me to consider the politics of regulation as I explored concepts such as regime security vs national security and freedom of expression vs securitisation. I further analysed social media legislations in other African countries, including online repositories and news reports to show that the politics of regulation has ramifications for the continent.

Figure 4.2: Using the Methodological Framework for the Thesis



Third was the opposition stage, where I utilised social media analysis based on the socio-cognitive framework of critical discourse analysis (van Dijk, 2006, 2009, 2015) and corpus linguistics. Here, my aim was to examine why and how Twitter users expressed opposition to the attempted regulation of social media in Nigeria. As mentioned earlier, the corpus that I used for analysis was based on the #SayNoToSocialMediaBill tag. This was the most visible hashtag. Less prominent hashtags included #KillSocialMediaBill, #NoToSocialMediaBill, #ResistSocialMediaBill, and #EndSocialMediaBill. There was also the #SayNoToHateSpeechBill tag, which was aimed at the Hate Speech Bill. However, the #SayNoToHateSpeechBill tag was almost always used with the #SayNoToSocialMediaBill tag. This meant that using the #SayNoToHateSpeechBill tag would have resulted in considerable data duplication. Consequently, my singular hashtag of concern in this thesis

was the #SayNoToSocialMediaBill tag. To gather the data, I used Twitter Archive Google Sheets (TAGS) to continuously collect tweets on the hashtag over a one-year period from December 2019 to December 2020. December 2019 was when I set up TAGS after the Internet Falsehood Bill was introduced in the Nigerian Senate in November 2019. Overall, I collected 232,962 tweets, 87% of them being retweets (202,952 retweets). The existence of so many retweets meant that most of the tweets that were posted in November 2019 before I set up TAGS were reposted in subsequent months and were therefore captured in the data. To ensure that I did not omit these tweets, I manually combed through the first 2,500 tweets of the corpus (posted in the first eight days) to identify and restore relevant retweets that were subsequently deleted after I executed a code in Python to take out all retweets.

Categories	**Pre-EndSARS**	**Post-EndSARS**	**Total**
No. of tweets	15,029 (6.5%)	217,933 (93.5%)	232,962
No. of tweets (without retweets & duplicates)	1,581 (6.25%)	23,727 (93.75%)	25,308
No. of words (without retweets & duplicates)	42,856 (9.87%)	391,203 (90.13%)	434,059

Table 4.1. Number of tweets and words in the #SayNoToSocialMediaBill dataset

I further divided the corpus into two sub-corpora: pre-EndSARS and post-EndSARS, as seen in Table 4.1. The fact that the corpus is divided in this manner shows the relevance of #EndSARS to the debate on social media regulation in Nigeria. For instance, out of the total number of tweets, the pre-EndSARS corpus only comprised 15,029 tweets, and the post-EndSARS corpus 217,933 tweets (93.5% of the total). This was because conversations based on the hashtag soared in early November 2020 after the 19 Northern governors noted that social media must be regulated given what they saw as the chaos that was the #EndSARS movement (Erezi, 2020). After removing all retweets and duplicates, I was left with 25,308 tweets, which formed the corpus. Out of this figure, pre-EndSARS tweets were 1,581 (6.25%), while post-EndSARS tweets were 23,727 (93.75%). In total, the corpus had 434,059 words (42,856 words for the pre-EndSARS sub-corpus, and 391,203 words for the post-EndSARS sub-corpus).

All these were analysed quantitatively and qualitatively using corpus linguistics. I employed corpus linguistics to highlight the frequency of certain terms, keyness or relative frequency, and collocation. By way of definition, frequency is a count showing the number of times a particular word occurs in a corpus. By contrast, keyness does not refer to high frequency, but unusual frequency between the original corpus and another comparable or reference corpus (Scott, 1997). A word attains keyness if its occurrence in the original corpus is statistically significantly higher when compared with the reference corpus. As for collocation, it is the "frequent co-occurrence of two words within a pre-determined span, usually five words on either side of the word under investigation" (Baker et al., 2008: 278). Based on this, I analysed the corpus using AntConc version 3.5.9, as I focused on frequency, keyness, collocation, and concordancing. Concordancing is more qualitative than quantitative, since it "presents the analyst with instances of a word or cluster in its immediate co-text" (Baker et al., 2008: 279), allowing for textual analysis. The number of words on either side is determined by the analyst and this can be expanded to include the entire document being analysed.

Concordancing opens the way to qualitative analysis, which I carried out using the socio-cognitive approach to critical discourse analysis developed by van Dijk (2006, 2009, 2015). van Dijk's approach to CDA is particularly useful because it considers contextual factors, as well as the participants' interpretations of a situation, which then influences their production and comprehension of discourse. The focus here is on context models, which aid the "pragmatic" understanding of discourse – the comprehension of how discourse functions in a particular situation (van Dijk, 2006: 170). For instance, in my research, context models point to not just the general understanding of hashtag users regarding social media regulation in Nigeria based on experience (such as with the 2015 Frivolous Petitions Bill), but also to their interpretations of social media regulation at the time when they tweeted using the #SayNoToSocialMediaBill tag. My use of the socio-cognitive approach then considers the spatiotemporal setting (discourse in Nigeria between 2019 and 2020 captured

in the #SayNoToSocialMediaBill corpus), participants (Twitters users – representing social media users who deploy their identity as citizens, and the government, which broadly includes national lawmakers and members of the Federal Executive branch), action engaged in (opposition to social media regulation), and the social and political conditions and consequences (the power dynamics at play between government and social media users). This relates to what van Dijk (2015) calls the *discourse-cognition-society triangle*, where cognition serves as the mediator between discourse and society and explains how one influences the other. Given these, I suggest that cognition is where the battle over social control and power, mirrored in discourse formation, is waged, as one (dominant) group seeks to influence the actions and discourses of another (dominated) group by controlling their individual and social cognitions.

Fourth and finally, there was the alternatives component, where I considered the views of stakeholders on other forms of regulation given the opposition to formal regulatory approaches. This involved interviewing the stakeholders. I admit that the term "stakeholders" can be ambiguous. However, I use it in this context to refer to key actors with regard to social media regulation and those who are targets of regulation. I find support for the use of this term in Gagliardone et al. (2015) and DeNardis (2014) where "relevant stakeholders" or "stakeholders" is used to describe interviewees/actors involved in internet governance processes. Alternative terminologies include "intermediaries," "mediating actors," or "experts," but I find that they do not adequately describe the groups of people I interviewed, some of whom are neither experts nor intermediaries. Hence, my preference for "stakeholders" as a way to describe my interviewees. Based on my pilot studies, I identified four categories of stakeholders to interview: internet intermediaries (telecoms operators, internet service providers, and representatives of social media platforms), online media concerns (internet media outlets and fact-checkers), digital rights campaigners and civil society groups, and social media (Twitter) users.

I conducted the interviews in two tranches, first between January and March 2021 and second in October 2021. For the first, I compiled a list of 71 potential interviewees ranging from government sources, digital rights and civil society groups, online media publishers, social media executives, and internet service providers. For the second, I reached out to Twitter users. To do this, I made a list of 48 potential interviewees – they were the top hashtag users in the #SayNoToSocialMediaBill corpus (without retweets and duplicates). My criteria for top users were those who posted 30 tweets or more (the user with the highest frequency had 372 posts; the user with the lowest 30 posts). This number of 30 is arbitrary, and I settled on it because if I had placed it lower – at 20 or 25 tweets – I would have gotten more than 200 potential interviewees.

Altogether, I had 119 potential interviews (71 + 48), but most of them declined my request; some did not respond to me, others accepted my request but later opted out. In the end, I conducted 19 interviews for all groups – digital rights campaigners (4), online media publishers (4), media literacy experts (2), public policy experts (2), internet industry experts (2), and Twitter users who used the #SayNoToSocialMediaBill tag (5). The low response rate for interviews and the challenges of recruiting participants are known (see Bailer, 2014). For Marda and Milan (2018), they note the difficulties they encountered when it came to interviewing government representatives and social media industry experts. Hence, their study “privileges the sectors of the organized civil society and academia” (Marda and Milan, 2018: 2). For balancing purposes, they used official documents and news reports on government and industry activities. I encountered something similar since none of the government sources and social media executives that I contacted responded to me. My solution was also to use news reports, government publications, and platform policies as part of my policy analysis. I further turned to public policy and internet industry experts for interviews.

All the interviews were conducted via Zoom, MS Teams, or Skype, and they each lasted between 30 and 50 minutes. I transcribed the interviews manually immediately after

each interview, and I analysed them using the thematic analysis framework (Braun and Clarke, 2021; Braun et al., 2015), as I show in chapter eight. In that chapter, I consider the alternatives that the interviewees prescribed for regulation, and as I mentioned earlier in the chapter, there is a broken arrow between “alternatives” and “policy” in Figure 4.2 to show that not all alternatives make it to the policy phase. Although chapter eight is where the interviews feature most prominently, some interview transcripts were also used across all the findings chapters. These can be found in chapters five and six where I discuss the policies and politics of regulation, and in chapter seven where I explored why Twitter was used as the central platform to oppose the regulatory move. Hence, by following the process that I have described in this section, I employed my mixed-method framework in a way that considers the complexities of social media regulation.

4.4. Limitations and Ethical Considerations

Up to this point, I have described the methodology that I developed and how I used it in my research. In this final section, I turn attention to the limitations and ethical considerations I had to deal with. The limitations mainly relate to my choice of what platform to use to study the views of users and their opposition to regulation. In this regard, I note that my choice of Twitter as an object of study underscores the fact that my research methodology is already dated and would, therefore, not be replicable today. Hence, my research captures a particular moment in time and highlights how fast-moving social media research is due to changes in platform ownership, a pointer to how problematic it is to base research on the functioning of a platform. We only have to consider the changes that Twitter’s new owner, Elon Musk, has introduced, such as ending free access to the API (Twitter Dev, 2023). The API changes also affected TAGS, which released a statement warning that although the service will remain available to users, access for those with elementary access (which I had) will stop working (Hawksey, 2023). Consequently, I would have found it near impossible to carry out this research in the Musk era.

The limitation that Twitter presents then lead to some questions. Why not use another social media platform? Why use Twitter at all? Is it because Twitter data is easy to access (especially in the pre-Musk era)? I address these questions in chapter seven, where I demonstrate the central place that Twitter holds for political and activist discourses in Nigeria, particularly in the period that my research considers. Still, I admit that Twitter is a public space and that I could have arrived at a different outcome if I had studied private channels like WhatsApp. But other channels have their separate limitations also; WhatsApp is difficult to access, for instance, given its use of end-to-end encryption. An ideal option would have been to study a range of platforms, but that has time and resource limitations. Another limitation is the use of bots on Twitter, which meant that I could not account for who was using an original or a bot account. My choice of Twitter is the result of these considerations – I eventually settled on Twitter because it is the singular platform that allowed for the most robust study of user interactions as they relate to the opposition to social media regulation in Nigeria.

Also, I acknowledge that there are limitations with the use of corpus linguistics and the socio-cognitive approach as a way to analyse Twitter data. Using an ethnographic or big data approach, for instance, could have yielded a different outcome. However, I note that using ethnography would have presented difficulties for me, specifically in relation to analysing the #SayNoToSocialMediaBill data during the #EndSARS protests. The deluge of daily posts could have been overwhelming to analyse if I had followed the real-time uploading of tweets. Most of these tweets were retweets which I later removed when I began analysis using corpus linguistics. As for big data research, this was an approach that I tried during the pilot phase (see Appendix 2), where I saw the need for a more vigorous approach – one that encapsulates the breadth of quantitative big data research and the depth of qualitative analysis. I found this in my simultaneous use of corpus linguistics and the socio-cognitive approach to critical discourse analysis. Despite this, I note that my approach lacks the value that other social media analysis methods hold.

In terms of ethical considerations, I submitted an ethical review application to the Faculty of Arts, Design and Media at Birmingham City University. My research was deemed to be medium-risk and the ethical review was approved on 15 September 2020. The issues I raised in my application centred on the interview and social media analysis portions of the research. For policy analysis, there was no ethical risk involved in studying publicly available legal and policy documents. On the interview, I mitigated risks to participants by anonymising any information that could have revealed their identities. Any information related to individual, corporate, or company information was anonymised. Informed verbal consent was also gotten from each participant at the start of each interview. All these were contained in the information sheet that I sent to participants before the interview, detailing the research purpose, voluntary participation, questions to be asked, the confidentiality of the interview data, and university contacts that participants could reach out to if they had queries. Overall, except for the #SayNoToSocialMediaBill participants, I found that the interviewees were not bothered about potential risks. This is perhaps because most of them already had public profiles. Nonetheless, I had already included anonymity for all participants in my ethical review application, and this was what I did. Besides anonymity, I also made sure that I stored the interview video recordings and transcripts securely using OneDrive.

When it came to social media analysis, navigating ethical requirements was slightly more challenging. For instance, there has been considerable debate about whether social media posts are private or public, and how this affects privacy requirements for research (Association of Internet Researchers, 2019). The consensus is that information posted in closed groups or as direct messages are private, while those posted on a general social media page and linked to public discourse tools such as hashtags are public (Murphy et al., 2014; Townsend and Wallace, 2016). For my research, therefore, I considered general posts on Twitter, especially those posted using the #SayNoToSocialMediaBill hashtag as public data. Twitter (2019) also considers such posts to be public and accessible to searches.

Private data, of which my research was not concerned, are those shared as protected tweets or direct Twitter messages.

There was also the question of gaining informed consent for social media research. The Association of Internet Researchers (2019) admits that this is difficult, if not impossible, to achieve in research of this nature. The guideline that they provide is to ensure that identifiable information is deleted from the research output. I followed this rule by ensuring that Twitter users were not identified in the research. I also used aggregate data as much as possible as the basis for my analysis. However, researchers routinely use Twitter posts as quotes or screenshots in their work (Zappavigna, 2011; Florini, 2014; Chiluwa and Ifukor, 2015; Maragh, 2018; Smith and Bosch, 2020). I find that this was done, not only to buttress their point, but also to highlight quoted texts as the basis for discursive analysis. Therefore, I used some Twitter posts as quotes in my discourse analysis, but without identifiable information such as Twitter names or handles. These were the ethical issues I faced while using the mixed-method framework in my research, and they show overall that the framework only has low-to-medium risks that can be easily mitigated.

4.5. Conclusion

In this chapter, I outlined my methodology, which allows for a comprehensive study of regulatory policies, issues, and discourses. I began by highlighting the methodological weaknesses present in regulation-based studies, where policy analysis, largely based on US and European contexts, tends to be used overwhelmingly as the only method. This limitation is also present in existing methodological approaches such as the regulatory analysis framework developed by Martin Lodge and Kai Wegrich and the multiple streams framework developed by John Kingdon. The effect, I argued, is that a comprehensive study of regulation becomes impractical, since single-method approaches that hang on policy analysis only provide understanding from the standpoint of policy and little else. I demonstrated that my methodology makes up for these limitations, as it allows for an

extensive study of regulation using four components: policy, politics, opposition, and alternatives. Put together, these components enable the analysis of the multisided nature of regulation, including the issues, tensions, and ruptures involved.

I went on to demonstrate how I used the methodology in my research, based on lessons learnt during my pilot studies (see Appendix 2). This included using the methodological framework to explore the policy (analysing legislations such as the Internet Falsehood Bill and Cybercrimes Act), politics (reviewing broadcasting regulation and case study of protest movements), opposition (using corpus linguistics and the socio-cognitive framework of critical discourse analysis to study Twitter discourse), and alternatives (analysing interview responses using the thematic analysis framework) of social media regulation in Nigeria. The chapter ended with my ethical considerations. Altogether, the objective of the chapter was to provide a model that moves beyond studying policy simply as policy, to account for people's responses and views on policy, allowing for a more comprehensive approach to regulation-based research. Having done this, I move on to my findings chapters, where I present the result of my analysis.

CHAPTER FIVE

CONTENT AND MOTIVES: ANALYSING NIGERIA'S POLICY APPROACHES TO SOCIAL MEDIA CONTENT REGULATION

This chapter begins the presentation of my findings, containing the outline and analysis of policy documents on social media regulation in Nigeria. It provides the backdrop that aids the understanding of my discussion in subsequent chapters, where I consider the politics evident in the stated and underlying justification for regulation, why users are opposed to regulation of this kind, and why stakeholders see the need for alternatives. The analysis in the present chapter is based on the policy component of the methodology, which I discussed in the previous chapter. Using this methodological framework, I present not just an overview of the policy context for social media regulation, but also the stated and underlying motives. I categorise the chapter into five sections. The first section introduces the argument of the two policy approaches. This is followed by sections two and three, where I consider the content and motives in the standard-setting provisions. Sections four and five continue from here to detail the content and motives of the enforcement provisions.

Based on the analysis, my overarching argument is that there are two divergent policy approaches to regulation: one that is security-centred and another that is freedom-centred. I also show that the policy documents for the security-centred approach outnumber that for the freedom-centred approach. For the analysis, I adapt Lodge and Wegrich's (2012) idea of standard-setting, information-gathering, and enforcement to highlight the content, stated motives, and underlying motives in the policies. This leads me to build on the overarching argument as the chapter finds that the stated objectives in the security-centred policies differ from their underlying objectives, which point to regime security and the silencing of dissent, all likely to be carried out using the scapegoat approach to enforcement. Given my argument on the two policy approaches, I have gone with a comparative analytical approach in this chapter. The result is an in-depth comparison that can feel dense in some

places. Hence, of all the chapters in the thesis, this chapter requires the most careful attention for an understanding of the policy context upon which I base my arguments in the chapters that follow.

5.1. Two Policy Approaches

As a start, I define what terms like policy, law, and bill mean. When it comes to policy, there is a general understanding of it as a predetermined pathway for a course of action. In this light, policy can be viewed as "an idea which flows through all the ways in which we organize our life" (Colebatch, 2009: ix). Consequently, we see that policy, as a term, can be used by any entity or individual. For instance, a social media company can say its content moderation policy is to promote greater usage of algorithmic controls, which would require that its terms of service, internal procedures, resolutions, and other associated guidelines are directed towards that end. Likewise, a social media user can adopt a policy of digital disconnection, where they consciously abstain from using social media during certain periods, as we saw in the discussion on digital detox in chapter three.

In this chapter, what I am most concerned with, however, is public policy, which points to the decisions that are made by government bodies in terms of allocating budgets, enacting and enforcing laws, and introducing new technologies (John, 2012: 1). Here, we see that law becomes an instrument for articulating and implementing a broader policy agenda. Kingdon (1997: 3) alludes to this, noting that a public policy choice usually happens through lawmaking or executive action. Therefore, law, as I conceive of it, is one of the most effective ways of concretising a policy agenda, since it involves agreement by the executive and lawmaking branches of government on what action is permissible and what is not, prescribing punishment for those who default. A bill, on the other hand, is a legislative proposal that is not yet law but still provides an idea of the policy directions that political actors want to pursue. This definition of law and bill guides my usage of both terms

separately in the thesis. In cases where I refer to both terms together, I have gone with legislations or legal documents or policy documents.

The policy documents that I analyse in this chapter include the five major legislations that I itemised in the previous chapter; citations of these legislations can be found in Appendix 1. To recount, these legislations include the Internet Falsehood Bill, the Hate Speech Bill, the Cybercrimes Act (established law), the Frivolous Petitions Bill, and the Digital Rights and Freedom Bill. I categorise the first four as security-centred and the last as freedom-centred, based on the stated and underlying motives for regulation. Consequently, the chapter's main argument is that: *The regulation of social media in Nigeria, far from being unidirectional, is more of a "struggle" between two opposing approaches, one that is security-centred and another that is freedom-centred*. This makes it possible for me to profile the actors, their contrasting policies, and the underlying motivations that these policies reveal. Hence, we see a contest between two overarching ideologies, and this contest ultimately determines the allocation of power over what is considered permissible social media content, particularly in terms of state-citizen relations. The ideologies in question are freedom and security, and the contest results in the elevation of one and the relegation of another. In the sections below, I make the case that the security-centred approach centres regulatory power in the states, including its repressive apparatus e.g., the Police. The freedom-centred approach, on the other hand, prioritises freedom of expression, with the target of taking government out of the picture when it comes to social media regulation in Nigeria particularly as it concerns free expression on social media. The "struggle" then can be likened to a "battle" between the powerful (government and the political elites) and the activists (civil society and media groups).

One thing that is crucial to understanding this struggle is knowledge of the socio-political context concerning what freedom of expression and security mean in Nigeria and to Nigerians – this is related to the theme of state-citizen distrust, which I touch on for the rest of the thesis. An example is the way that the government has regulated traditional media forms using censorship and heavy-handed tactics, justified on grounds of national security

(Ogbondah and Onyedike, 1991). This was particularly so during the military dictatorships, which ended in 1999. In that period, media houses faced government backlash and journalists were openly targeted when they deviated from the official state line. There were stories of the government using the repressive state apparatus to intimidate the media and to incarcerate, and in extreme cases, execute reporters and editors (Punch, 2019). The public broadcasters, the Nigeria Television Authority (NTA) and the Federal Radio Corporation of Nigeria (FRCN), were also established during military rule in 1977 and 1978 respectively. They have largely operated as the government's mouthpiece, both in military and civilian administrations. The result is the considerable hold that the government has over the traditional media, particularly broadcasting – and this is replicated in other semi-authoritarian countries (see Tufekci, 2017). Even though democracy has come to Nigeria, the indication is that the government still actively censors freedom of expression, using similar national security justifications (Obijiofor et al., 2016). In such an environment, therefore, people (and civil society groups) tend to be suspicious of government regulation that implicates free expression, even in the slightest way, regardless of the security justifications that the government puts forward. This context highlights the importance of the security-freedom tensions tied to social media regulation that I analyse in the chapter.

To begin, I find that the security-centred approach relies heavily on the concept of securitisation (as discussed in chapter two) and refers to a scenario where those holding state power (the actors) seek to control what is permissible content on social media through laws and state institutions. As I will show, they aim to combat what they present as online harms, particularly fake news and hate speech, to protect what is seen as the security of Nigeria. Harm, in this case, embodies the connotation given to it by policymakers, a point which I made in chapter two, and other countries have taken a similar harms-based approach to social media regulation.[1]

[1] A case in point is the UK with its Online Safety Bill. Australia also has its Online Safety Act.

In Nigeria, security-centred legislations are almost always articulated by government figures including members of the executive and legislative arms, and this is largely irrespective of political party affiliation. It means there is little, if any, collaboration with civil society groups and the citizens at large. The execution of the policy is exercised by what Althusser (2014) calls the repressive state apparatus – that is, the police, courts, and the state administration. This is evident in the Internet Falsehood Bill, which is the major security-centred document that I review in this research because, unlike the Frivolous Petitions Bill, it is current, and unlike the Hate Speech Bill and Cybercrimes Act, it is specifically targeted at online and social media content. The Internet Falsehood Bill is primarily concerned with ascribing a considerable amount of power over internet and social media content to repressive agencies of government like the Police. I argue that this situates power over what social media users do online in the government, as Braithwaite (2017: 25) puts it: "Government regulation has connotations of powerful authority 'making' people do things they would not otherwise do."

	Security-Centred	**Freedom Centred**
Actors	Government and its officials; the political class.	Civil society groups and media rights campaigners such as Paradigm Initiative, Media Rights Agenda, etc.
Goal	To achieve securitisation ends such as national security, public safety, etc.	To promote freedom of expression and other freedoms on social media.
Frequency	It has more legislative documents (comprising four in this research) and they tend to overlap.	It has fewer legislative documents. Only one deals with the regulation of social media content.
Power	Seeks to place immense power over social media in the hands of government institutions.	Seeks to diminish the power resident in government institutions over social media content.
Popular support	Meets with protests from people e.g., anti-social media bill protests.	Largely welcomed by people.

Table 5.1. Contrasts in policies on social media regulation in Nigeria

By contrast, the freedom-centred approach largely features the work of civil society/digital rights actors who are sometimes aided by sympathetic lawmakers in the National Assembly (Nigeria's highest law-making body). It is unclear how the relationship works, but one of the civil society actors who I interviewed mentioned the need to have "the nod of a legislator" without which freedom-centred legislations cannot be tabled in parliament. The divergent focus between both approaches points to the tensions at play, the struggle over whether social media content should be regulated in Nigeria, and if so, by who and to what extent.

Taking 2013 as a start date for the documents that I review, the "struggle" began when the Cybercrimes Act was introduced as a Bill before becoming law in 2015. It was criticised by civil society groups as being unconstitutional (Paradigm Initiative, 2018), and they responded by drafting a 2016 version of the Digital Rights and Freedom Bill. This was passed in the National Assembly and was sent to President Muhammadu Buhari in 2018. However, on March 26, 2019, the President declined assent to the Digital Rights and Freedom Bill, stating that it "covers too many technical subjects and fails to address any of them extensively" (Ekwealor, 2019: para 5). Meanwhile, 2015 also saw the introduction of the Frivolous Petitions Bill, which, unlike the Cybercrimes Act, was more explicit in the way in which it targeted social media users. Again, civil society activists responded by organising demonstrations online and offline against the Frivolous Petitions Bill, eventually forcing lawmakers to step it down. Demonstrations like these show that the Nigerian populace is usually more aligned with freedom-centred policies. With the support of the public, civil society groups find leverage as they try to exert counterinfluence on regulatory outcomes such as the case of the Frivolous Petitions Bill.

After the President declined assent to the Digital Rights and Freedom Bill of 2016, civil society groups came up with a revised version known as the Digital Rights and Freedom Bill of 2019. The 2019 version was sent to the lower House on July 16, 2019, sponsored by Honourable Mohammed Munguno (Olasupo, 2019), and it has now passed first reading in the House. Given the similarities between the 2016 and 2019 versions of the Digital Rights

and Freedom Bill, I have chosen to review only the 2019 version in this research to prevent duplication. My decision is supported by the fact that the 2019 version is nearly identical to the 2016 version in the areas that pertain to my research. The 2019 version only excludes the sections in the original that dealt with data and information privacy, data in the cloud, data ownership, phishing, surveillance and lawful interception, personal data protection, and transfer of personal information outside Nigeria.[2] These excluded sections are outside the scope of my research, and they now form a separate document known as the Data Protection Bill, 2019.

Following the Digital Rights and Freedom Bill in July 2019, the Internet Falsehood Bill was then introduced in November 2019. This suggests a series of back and forth, reflecting the dissimilarity in both approaches. The actors involved in this interplay signify whether a particular legal instrument or policy is based on security or freedom. One is dominated by government actors, the other by civil society interests. However, the actors are not fixed. The President, for instance, can sign bills that are freedom-centred, and lawmakers can sponsor them, as we see with the Digital Rights and Freedom Bill. Conversely, lawmakers can disregard security-based policies, especially if they are moved to do so by public opinion, protests, or civil unrest as was the case with the Frivolous Petitions Bill. This means beyond the actors, there is a need to also consider the motivation behind policy instruments on social media regulation in Nigeria. Hence, for the rest of the chapter, I consider the content, stated motives, and underlying motives for both approaches.

5.2. Content and Stated Motives in the Standard-Setting Provisions

While analysing the documents, I was aware of the similarities between a document's content and its stated objectives. Consequently, I have merged the analysis of both content and stated objectives for each of the policy documents. In a subsequent section, I explore

[2] The 2016 version of the *Digital Rights and Freedom Bill* was split into two: *Digital Rights and Freedom Bill* of 2019 and another Bill known as the Data Protection Bill of 2019. The Data Protection Bill, 2019 now contains the sections that are absent in the *Digital Rights and Freedom Bill,* 2019.

how these relate to the enforcement provisions, but in this section, my focus is on the standard-setting provisions. Standard-setting involves the goals, objectives, and motivations behind a regulatory approach. Here, I compare the objectives of the two approaches to social media regulation in Nigeria. As I mentioned earlier in the chapter, the primary legislation that I consider for the security-based approach is the Internet Falsehood Bill, which is generally aimed at preventing "false statements/declarations of facts" (Section 1a) on the internet and the financing of this falsehood. In other words, it is concerned with misinformation and disinformation, and it is described in Section 3 as necessary for reasons like "the security of Nigeria," public health, elections, external relations, and social relations within Nigeria. These provisions are defended as being in the public interest (see Explanatory Memorandum Section of the Bill). The use of the public interest here underscores the fact that regulators are usually quick to justify their actions as a general good, even if this may not always be the case.

The Digital Rights and Freedom Bill is also justified in the public interest, but with far less focus on falsehood. Instead, the Bill is user-centred and seeks to protect those it calls "internet users" and their "fundamental freedoms." It also deals with the application of existing human rights to digital platforms, targeting, in particular, the freedoms of expression, assembly, association and right to privacy. Its explanatory memorandum says it "seeks to protect Internet users in Nigeria from infringement of their fundamental freedoms and to guarantee application of human rights for users of digital platforms and/or Digital media." By contrast, the explanatory memorandum of the Internet Falsehood Bill says it is meant "To suppress falsehoods and manipulations and counter the effects of such communications and transmissions and to sanction offenders with a view to encouraging and enhancing transparency by Social Media Platforms using the internet correspondences" (Explanatory Memorandum). Here we find a distinction between both bills: the Digital Rights and Freedom Bill seeks to "protect" social media users, while the Internet Falsehood Bill seeks to "sanction" users who contravene its provisions.

	Security-Based Policies	Freedom-Based Policy
Problem	An unregulated social media space leads to national security complications	Regulation will stifle free expression and creativity
Solution	Top-down measures are needed to curb the expression of online harms	Fundamental rights should be applied to social media

Table 5.2. Contrasting views on social media regulation

The four security-based instruments are all aligned to the state, and this is expressed in their different standards and objectives. For the Internet Falsehood Bill, the national security ideology is articulated in the form of misinformation and disinformation. The Bill in Section 4 also seeks to protect against the use of online bots and fake social media accounts to transmit falsehood within or outside Nigeria. For the Hate Speech Bill, the concern is with hate speech, particularly ethnic hatred, spread over any medium of communication; this inevitably includes social media. The Cybercrimes Act is not as direct. It involves several internet harms most of which are outside the scope of my research. Those that are relevant cover a range of offences including hate speech (Section 26) falsehood and cyberstalking (Section 24). For the Frivolous Petitions Bill, the target was false and abusive messages on social media. Taken as a whole, there are cases of duplication in these four legal instruments. For instance, the Cybercrimes Act targets falsehood as do the Internet Falsehood Bill and the Frivolous Petitions Bill, and hate/racist speech as does the Hate Speech Bill. Also, there is a clear indication that the security-based policies overwhelmingly target the online harm of falsehood, and it is only in the Hate Speech Bill that falsehood is not mentioned. Here, we find another contrast between the Digital Rights and Freedom Bill and security-based instruments. The Digital Rights and Freedom Bill makes no mention of falsehood, targeting instead harms such as hate speech, defamation, and incitement to genocide.

Although the Digital Rights and Freedom Bill targets these harms, they are only mentioned towards its end, almost like an afterthought. This points to the ethos enshrined in the Bill, one that makes freedom primary and security secondary. Therefore, the Digital

Rights and Freedom Bill is unlike the security-based instruments where online harms are prioritised given that, for instance, these harms are clearly mentioned in the aims and objectives of the Internet Falsehood Bill and the Hate Speech Bill. This contrast in priority also means the scope of restrictions employed to curtail online harms is significantly different. In security-based policies, there is rarely any mention of limits to which restrictions are to be applied, pointing to a comprehensive application of regulated state violence. Contrary to this, the Digital Rights and Freedom Bill in Section 4 makes the point that restrictions may only be introduced when a "major public interest" is threatened and when they can be justified in a democratic society. Since it upholds freedom of expression, it allows social media users to express opinions that "shock, offend or disturb," and that are deemed to be controversial by government, any agency, or a majority of the population. When it comes to issues like hate speech, the Bill only prohibits expression that is illegal or criminal, a major contrast to the Hate Speech Bill which criminalises any abusive or insulting speech. The Digital Rights and Freedom Bill also notes that hate speech is not to be used as an excuse by government to limit freedom of expression online.

My aim here has been to show that the two approaches to social media regulation in Nigeria point to a "struggle" between two ideologies that are opposed to one another, with likely consequences for what people consider as permissible social media content. Having considered the over-arching standards of the various policies and the online harms that they touch on, I now turn to highlight the specific objectives in these policy documents, particularly in terms of securitisation vs freedom and the processes put in place for information-gathering.

5.2.1. Securitisation vs Freedom

As I have said, the freedom-security approach to social media regulation can be understood in the justification that has been put forward. This contrast is visible in the comparison between the Digital Rights and Freedom Bill and the Internet Falsehood Bill. For instance, whilst the Digital Rights and Freedom Bill mentions "freedom of expression" 20 times and

"freedom" (including "freedom of expression") 31 times, it mentions "national security" only three times and only references it negatively. These are the places where "national security" is described as something not to be used as an excuse for restricting liberty. By contrast, while the Internet Falsehood Bill mentions "national security" twice and "security of Nigeria" four times,[3] it has no mention of "freedom" in any shape or form. Although the Internet Falsehood Bill mentions these particular terms of reference far less, the distinction is seen in the priority of place it gives to national security over freedom. This then leads me to build on the argument I advanced earlier about the policies on social media regulation being a struggle between two approaches. The struggle, therefore, centres around which approach should be dominant when it comes to social media regulation in Nigeria. Law then serves as a tool and a measure of the "(regulated) violence of the state apparatus" (Althusser, 2014: 68) for both sides, where the security-based instruments seek to apply this violence maximally, but the freedom-based approach seeks to diminish it.

As a result, I argue that the standards set by the legislative instruments are reflective of the ideologies they represent. This can be seen in the Internet Falsehood Bill which in Section 3(b)(i) stands against falsehood that is among other things "prejudicial to the security of Nigeria." Also, for those who make a commercial venture out of soliciting money to disseminate falsehood, the punishment is stiffer when it has to do with Nigeria's integrity and security. However, this raises the question as to how social media posts that are likely to be detrimental to Nigeria's security and wellbeing will be identified, and who will be responsible for making that judgment. The Cybercrimes Act is also aimed at protecting "critical national information infrastructure" among others. This includes Section 3, which makes the point on interference that has a "debilitating impact on security, national or economic security, national public health and safety, or any combination". The Hate Speech Bill seeks to promote "national cohesion" and the Frivolous Petitions Bill also seeks the promotion of national ideals.

[3] There were other references to national security like "public safety" which were excluded from the count.

Therefore, I suggest that social media regulation based on the security approach is being advanced in Nigeria because of the concerns that the political class has over national security, real or imagined. This is reinforced by Cambron (2019) who notes that states tend to err on the side of greater regulation because of the concern they have regarding national security. For instance, the Information and Culture Minister, Lai Mohammed, said in October 2020 that social media must be regulated because of the consequence that fake news and hate speech can have for the security of Nigeria (Vanguard, 2020). A similar sentiment was expressed by Senator Musa Sani, the sponsor of the Internet Falsehood Bill (Iroanusi, 2019). This shows how the national security justification has led to overlapping mainstream legal instruments on social media regulation. The likely consequence of this focus is a scenario where social media users are made to prejudge what they post online based on reasons such as the "security of Nigeria," which is more likely related to regime security (the preservation of the political status quo) as I show in the next section, deepening the distrust in state-citizen relations.

By contrast, the Digital Rights and Freedom Bill is concerned with freedom, particularly freedom of expression. It also addresses securitisation in Section 6(9), stating that restrictions to freedom of expression online cannot be justified based on national security. One of the few places where national security can be used as an excuse to limit expression is Section 12(i)(i), where online speech can be tied to "imminent violence." This points to the tension between both approaches. The Digital Rights and Freedom Bill is also against any form of filtering or blocking on the internet, and only allows for restrictions to the extent that it is permitted by the Constitution or that it is "necessary in a democratic society." In this regard, the Digital Rights and Freedom Bill reinforces itself as a protector of social media users, shielding them from a force that seeks to take away their "freedom of expression." Unlike security-based policies, it views national security, not as anything to be worried about, cautioning instead against using it as a standard for social media regulation. Again, this shows how opposed both approaches are and the ideological "battle" that is realised in them.

5.2.2. Information-Gathering

After considering the struggle between securitisation and freedom, I move to discuss information-gathering, which answers the question regarding how the authorities become aware of regulatory infraction or compliance. It refers to the mechanism that makes it possible for regulators to know when a regulation has been flouted and to monitor compliance (Lodge and Wegrich, 2012). In general, the legal instruments on social media regulation requires law enforcement agencies and anyone who believes they have been victimised to provide information about an infraction. On the Internet Falsehood Bill, victims are required to provide information on false claims that target their personhood or reputations, such as in a case of malicious falsehood. When it comes to malicious falsehood on social media, Section 6(2) states that victims can file a civil suit once they believe that an online post is false and malicious. By so doing, victims will be providing information on an online infraction.

When it comes to identifying false declaration of facts, which the Bill is mainly concerned with, the Police are responsible as they have the obligation to identify infractions, seek information, prosecute cases, and monitor the rate of compliance. Although the Bill does not explicitly state who will be responsible for monitoring compliance, it is more than likely that the Police will be expected to monitor the status of compliance since it references the Police as the enforcing agency for virtually all its provisions. This reasoning is bolstered by the fact that anyone who wishes to appeal to a superior court against any of the provisions must first apply to the Police to "vary or cancel the regulation" as contained in Section 13(2).[4] Therefore, the Police are centrally placed as the mediating agency between the court and those who seek appeals. This also means that the Police will require a jurisprudence arm to determine appeals on whether any of the regulations should be varied or cancelled before they are taken to a superior court. In some instances, the Police are

[4] This also applies to Part 4 Regulations contained in Section 24(2) of the Bill.

explicitly expected to perform online monitoring. A case in point is the *Declared Online Locations* regulation (I explain it below); here, Section 28(1)(b) states that the Police are required to know if end-users can access websites that are deemed to be *Declared*. What this means is that the Police is tasked with the duty of constantly surveilling affected *Declared* websites. A similar interpretation can be applied to the Frivolous Petitions Bill, for which an agency like the Police would have been required to monitor the publications of "petitions" and "abusive messages" online and offline. This would also have required some kind of coordination with the courts to determine whether a petition had an affidavit.

The central reliance on the Police, particularly for the Internet Falsehood Bill, signifies the extent to which security-centred instruments have the potential to serve as tools of repression. To conduct effective monitoring, the Police will require at least an online monitoring infrastructure big enough to screen the volume of social media communication in Nigeria – a fact-checking operation that borders on mass surveillance. There are three possible approaches to this. One is the use of algorithmic technology to screen online information flow. Second is a user-centred notice and takedown approach, but this will likely fail from the start considering the opposition to the Bill. Third is a manual approach; that is, the creation of a physical space manned by a specialised unit whose duty will be to screen social media and online content manually. Considering the scale of content, a manual approach borders on the impossible. However, the Police can opt for a "scapegoat" approach where they focus their attention on targeted cases, which are meant to serve as a deterrent to others, with consequences for repression and the regime security argument above. Otherwise, the challenge of scale will mean that beyond the Police, the courts will also likely have more to deal with than they have capacity for. Regardless of the approach that is taken – manual or algorithmic – the operation of information-gathering concerning the Internet Falsehood Bill will likely lead to tensions with privacy provisions, especially with encrypted messaging services like WhatsApp.

On the Hate Speech Bill, the spectrum for information-gathering is almost universal. First, Section 37 states that the victim of a slur or discriminatory act is expected to make a

complaint, give evidence or information, or bring proceedings against an offender. However, someone who is not a victim can also make a complaint. Additionally, the proposed Hate Speech Commission can gather information on its own, especially when investigating a matter, whether new or existing (Section 53). It can also summon witnesses and demand the production of evidence (Section 21). Other authorities and bodies can also refer cases to the Commission (Section 42), providing information in this regard. Consequently, the Hate Speech Bill does not make the Police a central agent with regard to information-gathering, making it possible for practically anybody or organisation to provide information about an infraction. Applied to social media, this means any user can report potential hate speech cases to the Commission. This decentralised approach solves the problem of a central agency having to proactively search for hate speech offences on social media manually or algorithmically. However, assuming that people report cases frequently, the Commission might face the challenge of scale. In terms of monitoring compliance, the Hate Speech Bill provides for self-reporting. This is a situation where an offender, to whom a compliance notice has been issued, is mandated to provide information on their compliance (Section 52). If self-reporting is not being complied with, the Commission can apply to a court to enforce this provision.

The Cybercrimes Act also draws from a decentralised approach, where people apply to a court of law, for example in executing the provision on cyberstalking as contained in Section 24(3). This means anyone can provide information about an infraction by applying to the court. Nonetheless, it can also function as a tool of repression since law enforcement agents play a role in information-gathering as they can conduct their investigations on any provision in the Act. As part of their responsibility, law enforcement agencies take precedence over the court in terms of mandating internet service providers to provide information on user traffic data as a way of gathering information (Section 38), a potential violation of privacy.

The Digital Rights Bill also relies on the general population to provide information regarding infractions such as an act of online blocking or filtering that they deem to be

limiting to their freedom of expression. However, it requires them to report cases, not to any Commission, but to a court. This means anyone can offer information and go to court to enforce any provision of the bill, including those pertaining to online harms as stipulated in Section 16(1). Offences such as hate speech are to be decided in court as criminal cases (Section 13(2)). Copyright holders can also file applications for content to be blocked or restricted – Section 6(12)(j) states that as one of the few reasons for which blockage is allowed as a way of protecting copyrights. When it comes to applying for content to be blocked or restricted, copyright holders are privileged. They can apply, alleging that their copyright has been violated by the use of a certain post online. In fact, anyone who applies for blocking without a copyright reason will likely be penalised. This presupposes that people will be deterred from submitting applications for restrictions on grounds like disinformation and hate speech, again showing where the priority of the Digital Rights and Freedom Bill lies. In general, the Bill takes out mediating agencies such as a Commission or the Police, linking people instead with the courts. This shows how different the Digital Rights and Freedom Bill is from the other legislative instruments, which empower the Police to interpret provisions using criteria that border on notions of vagueness and inconsistency.

5.2.3. Digital Media Literacy

As earlier established, the Digital Rights and Freedom Bill is concerned with freedom as opposed to security. It also aims to promote digital media literacy among Nigerians. This is another difference between the security-centred and the freedom-centred instruments. Amongst security-centred policies, only the Hate Speech Bill makes provision for media literacy, but this only features as one of the 20 functions of the proposed Hate Speech Commission. According to Section 19(2)(d) of the Hate Speech Bill, the Commission is to "co-ordinate and promote educational and training programs to create public awareness, support and advancement of peace and harmony among ethnic communities and racial groups." By contrast, the Digital Rights and Freedom Bill devotes several sub-sections to literacy, stating that internet literacy skills be made compulsory in schools and be supported

outside of school, particularly in public institutions. For instance, Section 9(7) states, “Media and information literacy shall be promoted to enable all people to access, interpret and make informed judgments as users of information, as well as to create information.” However, the Bill does not specify whether these skills will be taught at the primary, secondary, or tertiary level.

In this section, I have considered the content of the policy documents and their stated objectives. I argued that social media regulation in Nigeria can be viewed either from the standpoint of security or freedom. After this, I outlined the content of the policy documents based on their distinct approaches, before referring to the objectives as written in the texts. The objectives, in this case, largely centre on securitisation and freedom. I further discussed the information-gathering provisions as contained in the documents, before highlighting media literacy in the Digital Rights and Freedom Bill and the Hate Speech Bill. Having done this, I move on to the next section to examine the underlying motives in the standard-setting provisions of policy documents.

5.3. Underlying Motives: On Securitisation, Regime Security, and the Silencing of Dissent

The national security argument is closely related to the securitisation concept developed by Wæver (1995), a concept which I explained in chapter two. To recount, securitisation specifies the need to employ exceptional measures beyond the purview of normal politics to deal with a particular issue. However, the danger lies in the fact that those in authority can employ the instrument of securitisation just by declaring an issue to be one, a concept that Wæver (1995) calls speech acts. This indicates the need for an assessment of the national security argument for social media regulation in Nigeria to determine whether it falls under credible securitisation or speech act. It also points to the need to be wary of the national security justification because of the potential for over-regulation identified by Cambron (2019). Haines (2017) also alludes to this in her work on regulation and risk. She notes that

regulation is typically drawn up to address risks, of which there are three kinds: actuarial risk such as a disease like COVID-19 or a nuclear disaster, sociocultural risk which threatens human collective interaction or the social order, and political risk which refers to a coup situation, insurrection, or massive civil unrest.

The issue in question then is determining what conditions would warrant a particular incident to be classified as one of these risks for which a commensurate regulatory action would be required. Haines (2017: 186) captures it this way: “Put simply, each risk is real and fears of their realisation may be entirely rational. But what is also clear is that the basic *assessment* of a particular risk can be partial, distorted or virtually non-existent” (emphasis hers). The national security justification is more closely associated with sociocultural risk, but the point about the assessment of risk being distorted or non-existent may well apply to social media regulation in Nigeria.

This distortion can be found in the wording of the standards set by the security-centred instruments. For instance, Section 3 of the Frivolous Petitions Bill sought to criminalise the publication of any allegation in any medium (including social media) that would “discredit…institutions of government”. Section 24(1)(b) of the Cybercrime Act also criminalises the publication of “insult” or any information that causes “needless anxiety” through a computer network. Additionally, Section 3(1)(b)(vi) of the Internet Falsehood Bill targets false statements that are likely to “diminish public confidence…in the exercise of any power by the Government.” This focus lends credence to the argument that the security-based instruments represent the use of national security as a shield for the security of the political state apparatus.

If we are to draw from this argument, what then exists is the use of security-based instruments by the political establishment as a shield from public criticism and dissent on social media. The focus on social media regulation, therefore, points to the fact that social media have become the primary site for the expression of dissent. Tewari and Gautam (2014: 53) highlight this in their research into new media regulation in India, noting that social media acts as a “firm pressure group” that can “spark a revelation that we, the people,

have a voice and through the democratization of content and ideas we can once again unite around common passions, inspire movements, and ignite change." Also, recent happenings in Nigeria indicate that social media has become the central location for dissenters. We see this in popular acts of dissent through the use of hashtag activism that has manifested in recent years under hashtags such as #NotToYoungToRun, #OpenNASS, and #OccupyNigeria. The most notable is the October 2020 #EndSARS movement (I expand on this in the next chapter) against police brutality, which began and was sustained on Twitter, spilling into offline protests that spread within and outside Nigeria (Kazeem, 2020).

The fact that social media was central to #EndSARS is evident in the statement by the Minister of Information in the aftermath of the movement that social media must be regulated (Agency Report, 2020a) and another statement that there was a need for a "social media policy that will regulate what should be said and posted and what should not" (Agency Report, 2020b: para 10). He predicated these statements on the potential that fake news and hate speech have for precipitating conflagrations, but the statements also point to a possible underlying reason for the security-centred legislative instruments, which leads me to advance my second argument: *The security-based instruments represent the need of political actors to regulate social media in order to silence the dissent that finds expression there*. In the next chapter, I build on this to advance the notion that the move to regulate social media is an attempt to extend government censorship over traditional media to social media.

A case in point is a report that the Department of State Security warned prominent celebrities including the singer Tiwa Savage for their social media "political utterances against the administration of President Muhammadu Buhari" (Sahara Reporters, 2020a: para 1). The warning was because Savage had led the #WeAreTired Twitter campaign challenging the government to tackle rising sexual violence in the country. Another case is that of Johnson Musa, a 32-year-old male, who in 2017 was charged based on the cyberstalking provision of the Cybercrimes Act. Musa had taken a drone photograph of the Abuja mansion of the Kogi State Governor, Yahaya Bello, and posted it on Facebook writing,

“This building is owned by an individual in Kogi where hunger is the people’s first name.” For this, Musa was accused of putting the safety of the governor’s family and property at risk (see Akubo, 2017). The Cybercrime Act itself has been used to target journalists and bloggers (Committee to Protect Journalists, 2020), although it is ideally meant to facilitate cybersecurity and protect critical national information infrastructure.

This reinforces the argument that the securitisation justification for social media regulation can be potentially expanded to cover just about anything those in authority want it to, pointing again to distrust in state-citizen relations. Noecleous (2000: 13) warns about the presence of this expansion, describing it as a “dangerous game” and adding that securitisation can become to the elites “a prestige symbol concerned less with dealing with the social causes of insecurity and more with one's own private safety and personal insulation from ‘unsavoury’ social elements.” Terms like “private safety” and “personal insulation” are what can be referred to as regime security; that is, as an attempt by the political state apparatus to protect itself and its interests from public scrutiny by labelling activities of criticism and dissent taking place via the digital or social media as a security concern. This assertion is underpinned by the reality that the security-centred instruments place little or no checks on the powers granted to the repressive state apparatus. The Musa case lends credence to the regime security postulation. For one, it is likely that the governor was just as concerned with Musa’s juxtaposition of poverty in Kogi State as he was about the photograph of the mansion, if not more so. Also, the fact that the governor is a public office holder means he has considerably less claim to privacy as an average citizen would. The difference, however, is that the governor is part of the political establishment, one of the few people for whom securitisation can be appropriated in a way that mirrors regime security.

The Musa case can then have the effect of intimidating social media users, particularly when they comment on political issues. This has its corresponding effect on freedom of expression and whether or not people censor themselves when interacting on social media, as Ibagere (2010) alludes to. Considered in the light of my research, this

means that the underlying aim of the security-centred instruments is not national security but regime security, hinged on the silencing of dissent. Having analysed the stated and underlying motives of the standard-setting provisions of the legal documents, I now discuss the content, issues, and underlying motives in the enforcement provisions.

5.4. Analysing the Content of the Enforcement Provisions

At this stage, there is a need for a brief recap of all that has been noted so far. I began the chapter by laying out the overarching argument for this chapter: that the legal documents on social media regulation in Nigeria can be categorised into two policy approaches: security-centred and freedom-centred. I showed that the security-centred legislations outnumber the freedom-centred legislation four to one. I then moved to the standard-setting provisions of each document to consider their content and stated motives, before examining their underlying motives, with particular emphasis on the security-centred policies. For the remainder of this chapter, I turn attention to the enforcement provisions to consider first their content and stated motives, before highlighting their inherent issues and underlying motives.

As far as enforcement is concerned, all the legal instruments that I consider seem to be reactive and not proactive: they are reactive in the sense that an infraction must be committed before the sanctions take effect. They are deterrent-based as opposed to persuasion-based, since punishments are needed to warn people. They employ formal regulation and not co-regulation. This is because they do not require online and social media platforms to carry out a co-regulatory function. For instance, the instruments do not refer to the regulatory policies of social media companies, such as their terms of service. Finally, the instruments are based on regulation by law as opposed to regulation by technological design. This means they are examples of traditional legal processes instead of regulation by code as described by Lessig (2006). I consider these modalities in this section, where I analyse the content of the enforcement provisions in the regulatory instruments and what they imply in the Nigerian context. The enforcement issues that I touch on include

administration, target, censorship (mis/disinformation), blockage, and censorship (abusive and hate material).

5.4.1. Administration

As I have explained, the Internet Falsehood Bill gives substantial power to the Police. For each of the regulation under the Bill, the Police has unilateral power to issue directives to internet users, internet service providers, and internet intermediaries. Directives can be issued to these parties once the Police believes it is in the public interest to do so, signifying how the Police, representing the repressive state apparatus, can designate an issue to be one of national security even if it is regime security. Also, before any appeal can be made to the High Court, it must first be brought for consideration by the prospective appellant to the Police, which issued the regulation in the first place. The considerable power given to the Police is evident in the provision in Section 34 which mandates the Inspector General of Police to set out the conditions for administering and enforcing the Bill. Compared to the Internet Falsehood Bill, the Hate Speech Bill has a more simplified enforcement mechanism centred around the operation of the proposed Hate Speech Commission and not the Police. However, the Hate Speech Bill assigns a wide purview to the Commission, making it serve the role of an arbitrator and a court. I make the case later that this will make the Commission unwieldy.

Unlike the Hate Speech Bill, the Cybercrimes Act is not enforced by a Commission. This means actual enforcement of the Act is largely based on normal court proceedings. Also, unlike the Internet Falsehood Bill, the Police are not as central to the enforcement of the Act. In Section 41(1) of the Act, enforcement is to be coordinated by the National Security Adviser (NSA), while Section 41(2) saddles the Attorney-General with the responsibility of enhancing the legislation. Reference to the NSA exemplifies how the Act is viewed as a national security instrument. By contrast, the Digital Rights and Freedom Bill makes no mention of the Police and grants the power of administration to the National

Human Rights Commission. It also privileges the Federal and State high courts, granting them considerable powers to restrict government in terms of limiting freedom of expression online. In this regard, Section 1(i) of the Bill seeks to "equip the judiciary with the necessary legal framework to protect human rights online."

5.4.2. Regulatory Target

Regarding regulatory targets, the Internet Falsehood Bill is concerned, first and foremost, with directly regulating social media users and owners of online locations such as websites. Only when this is unsuccessful will internet service providers and internet intermediaries become regulatory targets themselves. To achieve compliance, the National Communications Commission (NCC), responsible for regulating telecommunications, then serves as a middleman and becomes a regulatory target by default. The Cybercrimes Act also targets internet service providers, making them serve an information-gathering purpose. The Frivolous Petitions Bill targeted social media users, but more than these it also targeted those who would have used text messaging. The Hate Speech Bill has less nuance when it comes to regulatory targets. It simply implies that anyone who spreads hate material is a target. By contrast, the Digital Rights and Freedom Bill seems to target government and its agencies. In its focus on protecting freedom of expression, it paints government as an entity to be restricted, putting up roadblocks by specifying that online restrictions, if applied, must align with democratic traditions. It also removes the powers that the Police has over internet service providers under the Cybercrimes Act, placing the Police itself under the courts – this can be found in Section 38(1), (2), and (3). Under the Digital Rights and Freedom Bill, Section 16(1) shows that people are also able to enforce any of the provisions of the Bill, including against government. However, with respect to hate speech offences, social media users can become regulatory targets.

5.4.3. Censorship – Mis/Disinformation

When it comes to actual enforcement, the Internet Falsehood Bill has two major provisions called Part 3 and Part 4 Regulations. Part 3 Regulations target the general public (including non-Nigerians) and they include *Correction Regulation* and *Stop Transmission Regulation*.

1. The *Correction Regulation* (Section 7 of the Bill) stipulates that someone who posts a piece of false information be ordered to publish a correction notice online stating that the earlier information is false with a likely inclusion of what the true statement of fact is. This regulation can be issued whether or not the affected person believes that the original material is true.
2. The *Stop Transmission Regulation* (Section 8 of the Bill) requires the offender to take down a false message in its entirety. This regulation may also include the publication of a correction notice.

Again, as a testament to the powers given to the Police, the Bill does not state the basis for which a choice should be made between a *Correction Regulation* or a *Stop Transmission Regulation*, leaving the Police to decide. Those who fail to comply with a Part 3 Regulation are liable to a fine and/or imprisonment upon conviction (Section 11). On the other hand, the Digital Rights and Freedom Bill prohibits the use of correction notices or takedown orders. In essence, Section 6(10) of the Bill makes it clear that “freedom of expression on the internet shall not be subject to any restrictions.” Restrictions are not allowed even if the expression violates the right of others, including the right of copyright holders seeking to prevent the unlawful use of their works. Restrictions, in this case, will only be allowed if it is according to law and is “necessary in a democratic society” as contained in Section 6(12). The burden of proof then rests with the government or the copyright holder to justify the necessity of social media censorship. Also, the restrictions must be narrow, unambiguous, and particular to the case, and disconnection from access based on copyright is deemed to be disproportionate.

Meanwhile, Part 4 Regulations (otherwise known as Remedial Orders) in the Internet Falsehood Bill specifically target internet intermediaries and providers of mass media services, in other words, online media platforms such as news providers and bloggers. For internet intermediaries, Section 35 (General Interpretation) describes them as including social networking services, search engine services, content aggregation services, internet-based messaging services, and video sharing services. This means they include everything from Facebook and Google to Twitter and Wikipedia. Part 4 Regulations comprise three regulatory provisions in total: *Targeted Correction Regulation*, *General Correction Regulation*, and *Disabling Regulation*. I outline the first two in this sub-section, and the third in the next sub-section.

1. The *Targeted Correction Regulation* (Section 17 of the Bill) is the mandate that the Police has to order an internet intermediary to issue a correction notice to end users in Nigeria who might have viewed a false online message, making it clear to them that the message or post in question is false. The internet intermediary can also be made to transmit the supposed accurate information or a link to this information.
2. The *General Correction Regulation* (Section 19 of the Bill) is the regulation which applies to an internet intermediary or any other person who is required to transmit a correction notice to a particular person or group of persons. The provision is so termed because it serves a general purpose since it can be issued to one person, who is co-opted as a messenger to deliver a notice of infraction to another person.

These regulations are contrary to the Digital Rights and Freedom Bill, which states that the government or any of its agencies shall not mandate internet intermediaries to censor any form of expression online and intermediaries shall also not be required to do this, even if the said expression violates copyright standards, except by a court pronouncement. This presupposes that intermediaries are not expected to follow government guidelines requiring them to hide or take down posts even if they contain online harms such as disinformation and hate speech. It also shows the extent to which the Digital Rights and

Freedom Bill seeks to extricate internet intermediaries from government control. Also, unlike the Internet Falsehood Bill, the regulations of which apply to retweets, Facebook shares, forwarded messages, and website republications (Section 17(2)(a)), the Digital Rights and Freedom deems these identical copies to be "protected speech" (see General Interpretation Section). To some extent, applying the legislation to forwarded messages and retweets can be seen as passing off blame, a situation where someone is held responsible for simply sharing a social media post that they did not originally create.

5.4.4. Blockage on the Basis of Mis/Disinformation

The third regulatory provision under Part 4 Regulations has to do with blocking, and it is called the *Disabling Regulation* (Section 18 of the Internet Falsehood Bill). This requires internet intermediaries to not just issue correction notices, but also block access by end-users to an online message. In this way, it can be viewed as the heightened version of the *Targeted Correction Regulation*. This is because a *Disabling Regulation* can be issued to a social media platform like Twitter or a blogging site like WordPress, requiring it to disable access to a particular online address or account. When internet intermediaries fail to comply with a *Disabling Regulation* or any of the other two Part 4 Regulations, the Police can then turn towards banning the "online location," including the implementation of social media bans. The instrument that makes this possible is called the *Access Locking Order* (Section 23 of the Internet Falsehood Bill). This Order mandates the NCC to order internet service providers (which are locally based) to take "reasonable steps" to block access to the affected online location or website. The Order is therefore an acknowledgement that global internet intermediaries, which are mostly headquartered in the US, will likely choose to ignore any *Disabling Regulation*, with little by way of consequence to them.

This is a pointer to the idea of the balance of power, indicating that the Police will find it difficult, if not impossible, to exert control over internet intermediaries. In this respect, the *Access Locking Order* functions as the final stop, mandating internet service providers to perform the duty of access blocking. Since these internet service providers are locally based,

they are more than likely to enforce the blocking order; thereby, nullifying the balance of power effect. The Order also places local websites, such as those having the .ng domain names issued by the Nigeria Internet Registration Association, under regulation by the repressive state apparatus.

Another instrument that takes care of non-compliance with Part 3 Regulations is the *Access Blocking Order*, contained in Section 12 of the Internet Falsehood Bill. It is identical to the *Access Locking Order* described above, since the *Access Blocking Order* also requires shutting off access to an "online location," not "online accounts." The difference between the two is that an online location refers to a website, chat room (e.g., WhatsApp), or forum (e.g., Reddit), while an online account is an affordance that allows individual users to create and interact with posts using their personal profiles. The fact that the *Access Blocking Order* targets online locations (and not accounts) with the threat of ban/blockage then means that internet intermediaries will be punished if users do not comply with Part 3 Regulations. Hence, applying the Order in this manner to intermediaries is ill-fitting since users are the only ones that can violate Part 3 Regulations. Perhaps the intention is for the Order to target online accounts. If this is the case, then it is hard to see how internet service providers will be able to block access to individual accounts without the help of online locations and social media services. Or it might be that internet service providers are expected to mandate online locations to block access to defaulting accounts. All these speak to the problems involved in the wording of the Bill and how vague it is. One should also note that users who violate Part 3 Regulations are already subject to fines and/or imprisonment, as I mentioned earlier, raising questions as to why punitive measures such as fines/imprisonment are stipulated if there is also provision for an *Access Blocking Order*.

Blockage also applies to what the Internet Falsehood Bill terms the *Declaration of Online Locations*, contained in Part 5 of the Bill. This refers to the practice of tagging an online location as *Declared*, meaning it is the subject of three or more Part 3 or 4 Regulations. It is meant to prevent paid content from being transmitted over a *Declared* location or to ensure that publicity is not given to it. The *Declaration* then requires the

owner/operator of the online location to make it clear to end users that the online location has been *Declared*. If the operator refuses to specify that a *Declaration* is in force, an *Access Blocking Order* (Section 28) can be issued by the Police through the NCC to the internet service provider to disable access to the location. Alternatively, if an internet intermediary has control over access to the *Declared* online location, it can be ordered to disable access from its end. The various blockage provisions, therefore, place internet intermediaries and internet service providers under the NCC, which in turn takes directives from the Police.

However, with the Digital Rights and Freedom Bill, the contrast could not be starker. The Bill establishes the independence of internet intermediaries and service providers, who are expected to only obey court orders. When it comes to blockage, the rules are even more strict. For instance, Section 6(5) of the Bill provides that internet intermediaries will not be compelled to carry out censorship obligations such as hiding or blocking content or disclosing information about users. This can only be done by court order, and even at that, Section 6(7) states that the need to protect the freedom of expression of users must be put into consideration. Section 6(17) also prevents the blocking of websites and also extends this prohibition to total internet blackouts. The Bill seems to focus on copyright infringement as one of the major reasons for which freedom of expression online can be restricted. Section 6(12)(j) specifically states that an application for blocking a website should be penalised if it is not based on copyright reasons. Still, Section 6(12)(g) specifies that an order to block an online location due to copyright has to be targeted, be the least restrictive, and be particular to the case. Unlike the Internet Falsehood Bill, the Bill barely views online harms like fake news as a justification for any form of social media or online blockage.

5.4.5. Censorship – Abusive and Hate Material

Beyond dealing with falsehood, the security-centred instruments also targeted hate speech and abusive content. We see this in the Frivolous Petitions Bill, which was directed at the publication of “abusive statements” through “text message, tweets, WhatsApp or through any

social media" (Section 3(4)). It also criminalised the publication of posts or statements, including those on social media that are "intended to report the conduct of any person for the purpose of an investigation" without the swearing of an affidavit. Hence, a court affidavit was required before accusatory messages (for instance, in relation to allegations of corruption) could be posted online. The Cybercrimes Act also targets the publication of abusive online materials. This is contained in Section 24, which I referred to earlier. The section covers any message, sent via a computer that is offensive, obscene, or known to be false and is meant to cause hatred, annoyance, or ill will. Consequently, it covers anything that can be deemed by law enforcement agents to be abusive. On the other hand, the Digital Rights and Freedom Bill sees these "abusive" provisions as defamation. Rather than see them as a criminal issue, Section 6(21) of the Bill classifies them as a civil matter for which the repressive state apparatus should not be used.

When it comes to hate speech and the justification for national security, the Digital Rights and Freedom Bill states that restriction to online communication can only be allowed if the message is directly linked to imminent violence. This means the Bill is more targeted at violent speech or criminal hate speech. Section 6(14) of the Bill also prohibits hate speech on social media that incites violence, hatred, or discrimination against another person. Still, it warns that government concerns about hate speech should not be used to limit freedom of expression. Furthermore, the court is to decide what is hate speech and what is legitimate dissent. The Cybercrimes Act also covers hate speech offences, but it expands this to make abusive material almost synonymous with hate speech material. For instance, Section 26 of the Act links racist online or social media material to anything that threatens people based on race, descent, ethnicity, or religion. It also includes anyone who insults others publicly through a computer network because of their demography, making this a criminal offence.

The Hate Speech Bill also views hate speech in this expansive form; it includes abusive or insulting material, all criminalised. This negates the thinking that regulators should reserve formal regulation only for criminal hate speech (see Human Rights Council, 2013; Gagliardone et al., 2015). Enforcement in the Hate Speech Bill begins with a

complaints procedure where anyone can bring a case to the proposed Hate Speech Commission (Section 38). With regards to social media, it refers to a situation where anyone can report a complaint about hate material posted online. Once the complaint has been issued, the first step is for the Commission to decide whether to decline or entertain it – the alleged perpetrator can also apply for a complaint to be struck out. If the complaint is carried forward by the Commission, the second step is activated. This is a process of *conciliation* (Section 45) where the Commission is expected to function as an arbitrator, setting the terms of an agreement between the complainant and the alleged offender (Section 46).

The third step happens if the Commission fails to conciliate. Here, the Commission takes on the power to set up hearings and summon witnesses (Section 21), almost like any regular court. Based on these hearings, it can issue compliance notices (Section 50). These are orders specifying the duties that affected parties are to comply with. In making these "court-like" decisions, the Commission can seat as a whole (the Chairman, 12 Commissioners and a Secretary), or it can delegate this function to a committee or any agent of the Commission (Section 25). This means the composition of the "court" is not set in law and can vary depending on the choice of the ranking officer of the Commission.

Also, the Hate Speech Bill specifies that an offender be sentenced to life imprisonment or be given the death penalty for offences that lead to death (Section 4), provisions many have called extreme (Jimoh, Onyekwere and Olatunji, 2019). There are also issues related to vagueness, particularly when it comes to determining responsibility for hate speech on social media. For instance, based on what parameters will a particular hate message be linked to an offence that leads to death? How will causality be determined, and is this even possible? The Bill provides no guidance. However, there are suggestions that the death penalty provision will be removed given the opposition to it (Daka, 2020), pointing to the counterinfluence that public outcry has on the drafting of security-centred instruments. For now, given that the Bill says nothing about the Commission issuing life and death sentences, one can assume that these sentences are reserved for the High Court, which has jurisdiction to try all offences under the Bill (Section 55). What is still not clear is the stage at

which the High Court is expected to step in. The Bill does not state whether this is after the Commission's conciliation has failed or after the compliance notice has been ignored. This is a gap in the Bill that can make enforcement vague and uncertain.

My conclusion is that a supposed victim of hate speech on social media may choose to approach the Commission for conciliation or the court for prosecution. There are also implications for the fact that the Hate Speech Bill is centred around a Commission, which can serve as a regulatory agency, an arbitrator, or a court. This wide purview means that the Commission can easily become unwieldy. Also, the fact that appointments to (Section 11) and funding of (Section 31) the Commission are done by the President and National Assembly confirmation means it can be subject to government influence – what Lodge and Wegrich (2012) call capture by government interests. This also holds implications for the regime security argument I referenced earlier.

5.5. Enforcement Provisions – Issues and Underlying Motives

In the previous section, I outlined the enforcement provisions of the legal documents, further establishing the difference between the security-centred and freedom-centred approaches. Here, I proceed to analyse what the legal documents mean practically for enforcement in terms of reach, interpretation, compatibility with social media platform policies, and viability.

5.5.1 Reach

One thing that is noticeable in the bills is their range of coverage, which presents a scenario where the security-based legislative documents extend the ambit of control, whilst the Digital Rights and Freedom Bill seeks to limit the scope of legislative applicability. This chasm concerning the reach of applicability is visible in three ways – substance, people, and platforms. First, substance refers to the range and scope of issues/harms that the regulations deal with, and the implications for enforcement. For instance, as I have shown, Section 24 of the Cybercrimes Act targets online content that is based on a variety of harms

ranging from those that are offensive to those that cause needless anxiety. Consequently, the Act has a wide application and reach, making it possible for it to be used in the prosecution of not just cybercriminals, but also journalists and social media users. The Cybercrimes Act, which covers falsehood, then indicates how the Internet Falsehood Bill can be applied.

For a start, the Bill defines falsehood in broad terms as it covers all falsehood whether or not it is defamatory or causes harm. This might be because of the level of control that the repressive state apparatus wants to exercise over what is deemed to be permissible content in the online space – a pointer to the underlying motive. However, the practicalities of enforcement will likely mean that this provision is over-inclusive considering the breadth of social media. As I pointed out earlier, the ability to identify all the information that is false online will require substantial fact-checking resources or at least, vibrant citizen participation. The fact that these have not been factored into enforcement (and citizen participation is very unlikely) raises the question as to whether some non-compliance will be tolerated, or whether the regulation will only be enforced against a few people in order to deter others. This lends credence to the scapegoat argument. The Hate Speech Bill also suffers from a similar deficiency, since Section 4(1) defines hate speech in comprehensive terms, including speech that is “threatening, abusive or insulting” and is intended to stir ethnic hatred. This means it takes on not just illegal, but also merely harmful connotations, widening the spectrum of hate speech. Here, the reach of hate speech goes beyond criminal hate speech into civil and normative hate speech. The contrast to this is the Digital Rights and Freedom Bill which, which is focused on protecting social media users from state control and reducing the scope of regulatory applicability.

Second, regulatory reach extends to the people who are targets. Here, we find that Section 9 of the Internet Falsehood Bill, targets everyone, whether or not they are Nigerians, who transmits false content over the internet that is accessible in Nigeria. Again, this speaks to how over-inclusive the Bill likely is, since it is difficult to see how enforcement of the Bill will apply to foreigners, especially given that Nigerian courts have no jurisdiction abroad.

Nonetheless, there is a possibility that enforcement will be targeted at Nigerians abroad who have found social media as a space to participate in and comment on Nigerian politics, with implications for the diasporan public sphere (see Akinbobola, 2015) and the underlying notion of the silencing of dissent. The Cybercrimes Act makes provision for Nigerians living abroad – Section 50 of the Act only covers people resident in Nigeria or Nigerians living within or outside the country, and it makes provision for extraditions. This likely means that Nigerians abroad who post "offending" comments online can be prosecuted on their return to the country.

The focus on Nigerians in the diaspora is tenable because, given their attachment to Nigeria, they are far more likely than non-Nigerians to comment on Nigerian political affairs. Nigerians abroad have also contributed to activist movements like #EndSARS, organising protests in cities like London and Berlin (Oyeleke, 2020). Still, the limitation that comes with jurisdiction means that the Internet Falsehood Bill will be unenforceable as it concerns people living outside Nigeria, given that there are no provisions for extraditions. Social media makes this more problematic since anyone anywhere can share a supposed false message that can be accessed, shared, forwarded, or retweeted in Nigeria. Given the volume of content that is shared in an ever more globalised world, it is difficult to see how the truthfulness or falsehood of each piece of information will be determined, let alone how enforcement will be applied to all of them.

Third, reach has to do with the extent to which the regulations apply to virtually all platforms. For instance, the Internet Falsehood Bill affects "online locations" such as websites, blog sites, and social media. As a consequence, it covers messages, posts, articles, speeches, images, sounds, and videos. This means the Bill covers everything online from social media posts to podcasts. It also includes SMS and MMS. Beyond online and social media communication, therefore, the Bill can be applied to private telecommunication between people and the online news platforms that have proliferated in Nigeria. Given that virtually all media outlets in Nigeria have a website arm, the potential is that the Internet Falsehood Bill will effectively regulate the entire media architecture in the country, from

private interpersonal communication to the more public journalistic forms, subjecting them to the repressive state apparatus (I expand on this in chapter six). This was also the case with the Frivolous Petition Bill, leading Oladapo and Ojebuyi (2017: 116) to argue that the popular christening of the Bill as the "anti-social media bill" was a form of "atomization," noting that the Bill should be seen more as anti-media and anti-free speech.

Likewise, the Cybercrimes Act shows that there is a strong possibility that the Internet Falsehood Bill will be applied to online media platforms if it is passed. The Act has been used severally to prosecute journalists, such as the case of journalist Saint Onitsha who was arrested and charged by the Department of State Security based on Section 24 of the Act for his report on the collapse of a COVID-19 facility built by a state government (Committee to Protect Journalists, 2020). Still, the number of platforms available means that the reach provided by the Cybercrimes Act and the Internet Falsehood Bill is beyond the scope of regulation. Again, this limitation points to the role that the "scapegoat" phenomenon might play when it comes to regulatory enforcement and also ties to the role that security-centred instruments play in terms of censoring dissent.

5.5.2. Openness to Interpretation/Ambiguity/Vagueness

The wording of Section 6(19) of the Digital Rights and Freedom Bill indicates that it foresees the possibility of the state using "broad and ambiguous laws" to "unduly restrict content disseminated via the internet." It cautions against this, adding that restrictions should only apply when they are necessary and proportionate to the aim intended. However, this provision can be exploited on the basis of interpretation since a justification hinged on securitisation can be found for just about anything. Here is a case in point. In May 2020, Babatunde Olusola, a university student, was arrested and charged by the authorities on the identity theft and impersonation provisions of the Cybercrimes Act. Olusola's offence was that he made a joke about former President Goodluck Jonathan's wife on a parody Twitter account of the former President that Olusola had created, a common occurrence on social

media.[5] Jonathan, who was in office from 2010 to 2015, is then reported to have placed a direct call to the Inspector-General of Police, asking for Olusola's arrest (Sahara Reporters, 2020b). The charge, which was based on Section 22 of the Cybercrimes Act, was that Olusola had caused a "disadvantage to the entity or person being impersonated," as a result of his parody.

Meanwhile, Section 22, which deals with impersonation, is meant to prevent employees in financial institutions from stealing the identities of their employers or any other senior agent for fraudulent purposes. This can however be extended in sub-sections 2 and 3 to cover "any person who fraudulently impersonates another entity or person." The application, therefore, points not only to the reach of the law but also makes for vagueness in how the law is interpreted. It shows that the impersonation provision in the Act can be used to target social media users, even though the provision relates in a proportional sense only to identity concerns in financial institutions and says nothing about social media usage. This points to how wordings can be interpreted to fit whatever purpose is intended. The Olusola case also shows how averse the political elite in Nigeria can be to comments that are critical, abusive, or insulting to them, and why they might be interested in silencing dissent.

The Internet Falsehood Bill also criminalises online harms that undermine Nigeria's integrity, security, and culture. Section 3(2) prohibits "online harms" that "threatens our way of life in Nigeria" and undermines "opportunities to foster Nigeria's unity and integration." How then will a harm that undermines Nigeria's culture or threatens Nigeria's unity be determined? I suggest that these are ambiguous statements that will either make the Internet Falsehood Bill difficult to enforce or leave its application to the discretion of the repressive state apparatus. Abstract concepts like security, unity, and culture also relate to the public interest justification, which is more often a vague pretext for personal or regime

[5] It should be noted that Olusola violated Twitter's rule by not clearly stating in his account name that he was parodying President Jonathan. Still, he made this clear in his bio. For more, see: https://dubawa.org/explainer-how-not-to-use-twitter-parody-accounts/

security. Therefore, it is not surprising that Section 35(4)(f) of the Bill states, “It is in the public interest to do anything if the doing of that thing is necessary or expedient to prevent a diminution of public confidence…in the exercise of any power by the Government.” This vaguely worded provision not only justifies the Bill based on public interest but also extends its ambiguity by referring to universalist terms like “anything” and “any power.” Equally, all the sections of the two-page Frivolous Petitions Bill made mention of universalist terms like “any person” who publishes “any petition” or “any abusive statement” in “any medium.” The Bill also did not define what constitutes an abusive statement that can set the public against the government, again leaving this open to interpretation.

5.5.3. Incompatibility with Platform Rules

All the legislative instruments view social media regulation more as traditional/formal regulation than nodal or co-regulation. This means they see the state as not just the central, but the only actor involved in enforcing regulatory provisions or in some cases directly specifying what intermediaries are meant to do. Contrary to this is a nodal system, which deals with polycentric and decentred regulation, where beyond the state, other nodes/actors function as auspices and providers of regulatory governance (see Holley and Shearing, 2017). In the social media sphere, the platforms themselves serve as nodes, governing the kinds of content that are permissible through their user guidelines and terms of service. However, the approach to social media regulation in Nigeria overlooks the fact that social media companies already undertake governance activities.

As a result, a number of the provisions in the legislative instruments run counter to the terms already set out by platforms, making incompatibility more of a feature. To elaborate on this point, I draw examples from the terms of service of Facebook and Twitter as they relate to the online harms specified in the legislative instruments. When it comes to combatting online fake news, the Internet Falsehood Bill, in its Part 4 Regulations, seems to

view social media companies as passive intermediaries to be directed as to which content to correct and which to take down.

Regime	**Category**	**Security-Centred**	**Freedom-Centred**
Standard-Setting	Securitisation	They prioritise national security, culture, cohesion, public safety, etc.	It places national security under freedom of expression.
	Regime Security	Extensive reach and examples from the Cybercrimes Act show that regime security is very likely.	Given its focus on freedom, regime security will at best be underplayed.
	Information-Gathering	The Police is central to gathering information in the Internet Falsehood Bill and the Cybercrimes Act. The centrality of the Police is also implied in the Frivolous Petitions Bill. In the Hate Speech Bill, anyone can apply to the Commission or a court.	Anyone can provide information and file a suit in court.
	Media Literacy	Only the Hate Speech Bill makes provision for media literacy.	It is based on an educational strategy for media and information literacy.
Enforcement	Reach	They have extensive reach in application to people, materials, and platforms.	Reach is more restricted.
	Interpretation	Provisions are worded in ambiguous language and are open to interpretation.	Leaves interpretation to the courts.
	Platform Incompatibility	Provisions are largely incompatible with platform rules, especially those on online falsehood and hate speech.	Online harms provisions on hate speech are compatible with platform rules.
	Viability	Might prove to be near impossible to enforce.	Enforcement is feasible.

Table 5.3. Analytical overview of the content and motives in the legal documents

However, this is incompatible with Facebook's Community Standards, which do not support correcting or taking down false posts; rather, it seeks only to reduce their rate of

distribution (Facebook, 2021). It also targets wilful misrepresentation with the aim of defrauding. Meanwhile, Twitter has no provision in its Rule*s* for online falsehoods (Twitter, 2021a). This implies that virtually all the provisions of the Internet Falsehood Bill are incompatible with the guidelines of major social media platforms. On harassment, Facebook's Community Standards state that the platform aims to remove content meant to degrade or shame people, but this rule only applies to public figures if the harassment is severe. This provision would have been contrary to the Frivolous Petitions Bill, which targeted abusive statements generally. On hate speech, Facebook says it aims to remove content that incites violence or that directly attacks people based on their demography, and attack here refers to "violent or dehumanizing speech, harmful stereotypes, statements of inferiority, expressions of contempt, disgust or dismissal, cursing, and calls for exclusion or segregation" (Facebook, 2021).

The Twitter Rules also address content that threatens violence, harassment, or promotes violent hate speech based on demography. Because Facebook and Twitter's policies on hate speech are more targeted at violent material, they are also incompatible with the Hate Speech Bill, which is far less targeted. There is also incompatibility in terms of government requests for the removal of content by social media platforms. Twitter has a Content Removal Requests policy through which law enforcement or government officials can seek the take-down of particular content (Twitter, 2021b). However, this cannot work in light of the legislative instruments in Nigeria since Twitter specifies that the application to remove content be based on its Rules, which are already largely incompatible with the security-centred legislative instruments in the first place. On the other hand, Facebook only allows for government requests for content removal based on child abuse imagery.

The incompatibility between platform policies and the legislative instruments is even more pronounced when it comes to social media messaging apps like WhatsApp, Viber, Signal, and Telegram that use end-to-end encryption. This encryption in theory means no one, not even the platforms, can read correspondences between users (Bai et al., 2020).

Consequently, any bill or law that attempts to regulate what is acceptable content on these platforms will more than likely be incompatible with the design of the platforms themselves. This leads me to suggest that the drafters of the Frivolous Petitions Bill, which specifically mentioned WhatsApp, did not consider the implications of this incompatibility. Although the Internet Falsehood Bill does not mention WhatsApp specifically, its reference to all information made available through the internet and on SMS and MMS means it runs the risk of being incompatible with the design of internet-based messaging services. Except, of course, that governments can make official requests to platforms like WhatsApp, especially when there is a warrant for this search (Kroll, 2021; WhatsApp, 2022). In Nigeria, billions of naira have been invested to enable security agencies better monitor private WhatsApp and phone conversations (Iroanusi, 2021), showing that end-to-end encryptions are vulnerable to state action.

5.5.4. Viability

The foregoing raises the question of the viability of enforcing the instruments on social media regulation in Nigeria. Viability as used here refers to the extent to which the policies are implementable. Earlier, I made the point on the practicalities of enforcing the Internet Falsehood Bill, noting that there is a possibility that some non-compliance will be tolerated since blanket enforcement may simply be impossible. The Executive Chairman of the NCC, Umar Danbatta, alluded to this in a public hearing in March 2020, stating, *"*Certain provisions of the [Internet Falsehood] Bill are difficult to implement" since the majority of the websites and online media ('Online Locations') are hosted outside the Country (Onukwe, 2020). Danbatta was referring to the globalised nature of internet communication today that likely renders any attempt at formal and centralised regulation futile. How, for instance, can a website hosted in Sweden and routed through a Tor server in Ecuador to transmit disinformation in Nigeria be regulated by traditional policy documents like the Internet Falsehood Bill? Also, how can online bots, which are mentioned in the Internet Falsehood Bill, be policed by law?

Even within Nigeria, how can law enforcement handle the volume of retweets, Facebook shares, and forwarded messages in the policy on “identical copies” or “mirrored online locations” in the Internet Falsehood Bill? To provide some context, in less than two months between October and November 2020, the #EndSARS campaign had approximately 149 million retweets (DFRLab, 2020). The breadth of social media and the extensive reach of policies like the Internet Falsehood Bill and the Hate Speech Bill then means that optimal enforcement is not viable, except if they will only be applied when deemed necessary as currently noticeable with the Cybercrimes Act. Either way, this leads me to argue that the implementation of the security-based instruments will have adverse consequences for the expression of dissent.

5.6. Conclusion

In this chapter, I analysed five legislative documents and found that there are two policy approaches to social media regulation in Nigeria: security-centred and freedom-centred. The documents I reviewed included the Internet Falsehood Bill, Hate Speech Bill, Cybercrimes Act, Frivolous Petitions Bill, and the Digital Rights and Freedom Bill. I categorised the first four as security-centred and the fifth as freedom-centred. I argued first that social media regulation in Nigeria can be understood as a “struggle” between these two approaches. I also argued that the security-centred instruments are aimed largely at silencing dissent on social media. In demonstrating this, I showed that the security-centred approach grants enormous power to the state, while the freedom-centred approach seeks to limit state power. For analysis, I adapted Lodge and Wegrichs’s (2012) regulatory analysis framework to present my findings based on content, stated motives, and underlying motives.

The struggle between the security and freedom approach is traceable to the state-media context in Nigeria, which I explained in the chapter. What I found there was the existence of unequal power relations, where the state has prevailed in the struggle with media and civil society groups, right from military rule to the current democratic era.

Therefore, the implication of social media regulation, given what we know about the power dynamics at play, is that the state is also likely to prevail in the struggle between the security-centred and freedom-centred approaches. It also implies the existence of regime security – the tendency for those in authority to wield state power for the protection of their personal interests and to justify this on national security grounds. One challenge that the state faces, however, is the sheer scale of social media that undermines any effort to enforce regulatory principles on users. For instance, the chapter found that the enforcement provisions of the security-centred instruments are near-impossible to implement and are incompatible with platform rules. Nevertheless, what is more important is that these provisions are also extensive in reach and open to interpretation, prompting me to suggest that the regulations will be applied arbitrarily based on the scapegoat approach – focusing on a few cases to trigger fear in the larger population.

Related to this is the wider picture that I present in the thesis, showing that social media regulation targets users directly. No doubt, this will worsen state-citizen distrust, since people, in the light of securitisation and regime security, will likely second-guess government intentions, further leading to a situation where users are more determined to oppose social media regulation and government feels more compelled to intensify its silencing of dissent. On and on, the cycle continues. Having provided the policy context in this chapter, I now proceed to the next chapter to introduce the regulatory annexation concept as the frame with which to view the security-centred approach to social media regulation in Nigeria.

CHAPTER SIX

REGULATORY ANNEXATION: AN APPRAISAL OF THE POLITICS OF SOCIAL MEDIA REGULATION IN NIGERIA AND AFRICA

In this chapter, I argue that social media regulation in Nigeria can be understood as the extension of principles, standards, and frameworks originally meant for one frame of reference to another, a concept that I introduce for the first time as regulatory annexation. It flows from the previous chapter, where I highlighted the policies on social media regulation. This chapter, therefore, focuses attention on the politics component of my methodological approach to underscore the divergence between the stated and underlying motives of regulation, and what they mean in the Nigerian social media context. To do this, I present my analysis within the framework of political economy to highlight the relationship between state power and media power. Relevant here is the importance of state-media-citizen relations, and the distrust which defines these relations. This distrust is enabled by an understanding that the underlying motive for regulation is to facilitate the interests of the ruling political elite – pointing to the politics of regulation.

The chapter shows that regulation of this sort is aimed at keeping social media usage within the confines of what is deemed acceptable by the political establishment. Precedence can be found in the regulation of broadcasting, and to establish this, I point to two case studies: the 2012 Occupy Nigeria protests and the 2020 #EndSARS movement. I show that the condition under which the broadcast media covered both events can be defined as the relation of vulnerability, pointing to the political economy of media capture. Social media regulation then becomes an attempt to extend a similar relation of vulnerability to social media usage – herein lies the premise for regulatory annexation.

I begin the chapter by considering political economy, media capture, and state-citizen relations, and how these are related to social media regulation. This is followed by a detailed discussion of the regulatory annexation concept. Afterwards, I show that the Nigerian example of regulatory annexation implicates social media users, not platforms, as

publishers, even though there are tentative steps to regulate platforms directly. Finally, I consider the African context, where I note that the Nigerian approach to social media regulation is present in much of Africa, the result being that regulatory annexation and the politics of regulation have continent-wide ramifications.

6.1. On Political Economy, Media Capture, and Social Media Regulation in Nigeria

As I noted in chapter one, political economy is a central theoretical framework for my research, and this present chapter demonstrates why that is so. To begin, in this section, I consider the existing regulation of traditional media forms such as broadcasting to underscore the power structures at play in the way that social media control functions. This makes it possible for me to explain why and how social media regulation is being articulated by the political class. Political economy is relevant here because it deals with power and allocation of resources, and how this potentially leads to societal inequalities (Mansell, 2004). Drawing inspiration from Nicholas Garnham, Mansell (2004: 99) notes that the study of political economy should "seek to understand the way in which power is structured and differentiated, where it came from and how it is renewed."

Therefore, the political economy of communication raises questions as to who defines the terms of access to (new) media, what is permissible content and what is not, and how the boundaries of content production are determined. In this section, I use political economy to show that there is an appropriation of power over not just social media content, but also traditional media content by government. In particular, I am interested in the critical approach to political economy – an approach to which Hardy (2014) has made a substantial contribution. Hardy (2014: 6) notes that critical political economy involves "any examination of communications that addresses economic or political aspects." These economic or political aspects are broken into media ownership, funding, and government policies/regulations (Hardy, 2014; see also McChesney, 2000).

My focus is on the political aspect, represented by the regulatory policies on social media. The use of political economy then allows me to consider how the regulation being advanced for social media is related to broader patterns in state-media relations in Nigeria. Also connected is the relationship between media power and state power (Wasko, 2005), and the question of whether media practices are influenced by state regulation. Put differently, “Whose interests and what values do government communication policies encourage?” (McChesney and Schiller, 2003: 3). This question is at the heart of my study into social media regulation, the indication being that regulation directly promotes the interest of state actors, as I will show in the policy on broadcasting. In looking at government policies as a whole, Hardy (2014: 178) says focus should be placed on how the terms of policy debates are framed, with attention on “discursive power and ordering.” Hardy (2014) adds that a typical example of this is the way in which government media policies have been shaped in the United States to serve as a front to promote neoliberal power and commercial interests.

In discussing the Nigeria context, what I show is that media policy is not so much as concerned with promoting commercial interests as it is with advancing the concerns of the political establishment; hence, my reference to state-media relations as a means of explaining broader state-citizen relations in social media regulation. Ogunleye (2010) points to state-media relations, noting that the public sphere in Africa is subaltern to the state and needs to be freed. This speaks to how the public sphere represented by the media has been zoned to state control, where government seeks to control discourse and silence voices of opposition, especially those considered to be threatening to the ruling class. My research reinforces this understanding and adds that with social media regulation, the relation of subalternity has been extended to cover all forms of online media expression, including mundane social media interaction. One then sees that social media regulation is tied to political considerations with terms like “national security” or “national interest” used to underpin the power that the state has over media expression.

As I showed in the previous chapter, this is tied to the regime security argument where political actors seek to advance or strengthen their positions as holders of state power. In this regard, Tsado (2016: 61) shows that politicians have a lot to gain, namely access to the control of state resources for personal ends and a lot to fear from the media because of its "vibrancy and fearlessness in critiquing the authorities on affairs of the state and matters of public interest." This refers to the relationship between media power and state/political power. I suggest that the media vibrancy that Tsado (2016) points to is more appropriate for the print media than the broadcast media, which has come under greater regulatory control. As I will show, broadcasting regulation might not have brought the media under state control, but it has made the media ever more vulnerable to government backlash. For instance, Ogunleye (2010) notes that a major concern for Nigerian broadcasters is their fear of state punishment even for content that do not necessarily breach regulations.

I make the case that social media regulation represents a similar relation of vulnerability, but on a grander scale, since it extends regulatory control beyond broadcasting to the entire media architecture in Nigeria. To establish this point, I turn to discourse on the political economy of media control to show how broadcast media coverage has been influenced by state regulation during politically sensitive periods. My case studies are the 2012 Occupy Nigeria protest and the 2020 #EndSARS movement, two of the largest demonstrations to have happened in Nigeria since the return to civilian rule in 1999. I am interested in showing the vulnerability that the broadcast media had in covering both protests. In general, both cases point to a strikingly similar pattern of reportage that I suggest can be explained by the regulatory hold the government has over broadcasting. The #EndSARS case study is particularly significant because it reveals the tendency the Federal Government has to censor activist discourse on social media – an indication of not just media capture, but also social media capture.

To provide a background, the Occupy Nigeria protests took place on 2-14 January 2012, after the removal of fuel subsidy by the Goodluck Jonathan Administration. The effect

was a spike in the price of a litre of petrol from 65 Naira to approximately 145 Naira. To put things in context, the USD exchange rate at the time was $1 to 164.62 Naira[1] and the minimum wage was 18,000 Naira. Spontaneous nationwide protests broke out afterwards, lasting for days until partial subsidy was introduced to make the litre price 97 Naira. The #EndSARS movement was also spontaneous. It represented a mix of social media and offline activism as young Nigerians demanded that the Special Anti-Robbery Squad (SARS) of the Nigerian Police be scrapped by the Muhammadu Buhari Administration. The protests began on 8 October 2020, after SARS officers reportedly murdered a man in the Delta Region, South-South geopolitical zone of Nigeria. The agitation against SARS had been building up since 2016, with intermittent demonstrations, but these were always small protest events. By contrast, the 2020 protests were widespread and lasted for weeks. The protests continued even after the Inspector-General of Police announced the disbandment of SARS on 11 October. The announcement, however, was received by the protesters with scepticism, given that SARS had been "banned" severally on previous occasions – further pointing to state-citizen distrust. Eventually, on 20 October 2020, soldiers were mobilised to Lekki Toll Gate, the ground zero for the protests. An official report by the Lagos State Judicial Panel of Inquiry (2021) revealed that soldiers shot at and killed unarmed protesters (see also Amnesty International, 2020), a report that the Federal Government rejected (Princewill, 2021). Events degenerated into violence from there and the protests ended.

My major aim for discussing both events is to highlight how the media covered them, and the regulatory pressures (if any) that the media faced while covering them. Additionally, both events represent how social media became the site for citizen activism against the state, and how this activism shapes and is shaped by regulation. Hence, I use the case studies to explore state-citizen, state-media, and state-media-citizen relations, which further highlight the distrust that people have for social media regulation. For instance, during the 2012 Occupy Nigeria protests, Uwalaka and Watkins (2017, 2018) note that the public

[1] This is according to the official Central Bank of Nigeria (Bureau de Change) exchange rate as of January 2012. See: https://www.cbn.gov.ng/rates/exrate.asp?year=2012

broadcaster – the Nigeria Television Authority (NTA) – did not report on the protests. They recount a case where the protesters were angry that NTA aired swimming lessons while the protest was ongoing. The protesters then resorted to posting #OccupyNTA messages online. It was not until protesters demonstrated at NTA premises that the station began coverage of the protest. The reluctance NTA had in reporting the protest can be explained when one considers that the station is partly government-funded, and most of the protesters were critical of the government with some demanding the resignation of President Jonathan. The case was different for privately owned broadcasting outfits that covered the protests. For example, Television Continental (TVC) began full broadcast of the protests on 9 January 2012. However, Uwalaka and Watkins (2017, 2018) found that the station was threatened with sanctions by the National Broadcasting Commission (NBC), the broadcasting regulator, if it did not censor criticisms of the President. Hence, they observe that the threat of sanctions partly led to a situation where broadcasters were cautious in their coverage of the protests.

By contrast, the print media faced little or no regulatory backlash and had no threat of sanctions to worry about. On this front, Egbunike and Olorunnisola (2015), in their research into the 2012 protests, indicate that the print media was successful in contributing to the outcome of the protests, which was the partial restoration of the fuel subsidy. To do this, they note that the press used a combination of frames to make possible a compromise that the government accepted. As opposed to Uwalaka and Watkins (2017, 2018), therefore, Egbunike and Olorunnisola (2015) seem to indicate that the traditional media was active in shaping the 2012 protests. I suggest that this shows the critical role regulation plays in determining how the Nigerian media cover events such as activist movements that the government may consider offensive. On the whole, broadcasting, which is tightly regulated reflects the subalternity that Ogunleye (2010) refers to, while the print media, being loosely regulated, is generally more vibrant as Tsado (2014) points out.

There are similar patterns in the perception of media coverage of the #EndSARS protests. This was part of my analysis of the #SayNoToSocialMediaBill Twitter corpus which

was jointly used with the #EndSARS hashtag after Lai Mohammed, the Information and Culture Minister, said social media must be regulated in the aftermath of the protests. I found that those using the #EndSARS tag largely expressed dissatisfaction with what they saw as the refusal of broadcasting stations to cover the protests. One of them interpreted this as being because "they (the ruling political elites) gagged traditional media houses."[2] This reinforced the importance they attached to social media as their means of unfettered expression. In their tweets, they made appeals to international media outlets like CNN to cover the protest. Locally, the only broadcast station the hashtag users seemed to be happy with was Arise TV, for what they construed as fearless reportage of the protests. This seeming reluctance on the part of most broadcast outlets, including private stations, to cover the protest indicates the atmosphere of intimidation that broadcasters operate under. On the face of it, reporting on the protests would not have violated the NBC regulation. Still, it seemed that broadcasters were wary of an unwritten backlash as Ogunleye (2010) alludes to.

This backlash came after the Lekki Toll Gate shootings. The NBC imposed fines of 3,000,000 Naira each on three private television stations: Arise TV, Channels TV, and Africa Independent Television (Onyedika-Ugoeze, 2020). They were sanctioned for using what the NBC called "unverified and unauthenticated social media sources" on the protests and the shootings. Prominent among these sources and footage was an Instagram livestreaming of the Lekki shootings by activist DJ Switch, who fled the country afterwards for safety concerns (Haynes, 2020). Similar social media footage was later used by international broadcasters. One of them was CNN, which reported its investigation into the shootings, after which Lai Mohammed, the Information and Culture Minister, said CNN should be sanctioned for reporting on what he called a "fake story" (Guardian, 2020). This suggests that if CNN had been under Nigerian jurisdiction, it would have been sanctioned.[3] The fact

[2] Quote from a tweet in the corpus.

[3] One should note that Stephanie Busari (a Nigerian), the head of CNN Nigeria bureau at the time, was in Nigeria, reporting on the movement. Yet, the state left her undisturbed, suggesting that her international affiliation deterred government.

that the government felt the need to say this about an international broadcaster shows the control it wields over local broadcasters, especially when the dissemination of "unwanted" content comes into view.

Other recent cases of sanctions include the imposition of a N5million fine on a private radio station in Lagos, based on the hate speech amendment to the broadcasting code (NBC, 2020). The amendment was introduced by the NBC in early August 2020 and was said to have been unilaterally drafted by Lai Mohammed, the Minister of Information and Culture (Uwugiaren et al., 2020). It was later ruled by a court to be unconstitutional because of its provision on the exclusivity of sporting rights (Premium Times, 2022). Among other things, the amendment increases the hate speech fine from 500,000 Naira to 5,000,000 Naira (approximately $1,088 to $10,880 as of October 2020),[4] criminalising any broadcast that leads to public disorder, is repugnant to public feelings, or contains an offensive reference to any person or organisation (Section 3.0.2.1 of the amended NBC Code, 2020). This provision widens the remit of a concept like "offensive reference" from normative hate speech to criminal hate speech (see Gagliardone et al., 2015). The amendment was put to the test a few days after it was introduced when on 10 August 2020, the NBC sanctioned Nigeria Info, the radio station in question, because of a comment made by a guest during a morning programme. The guest, Mr Obadiah Mailafia, claimed that the governor of one of Nigeria's 19 northern states was a commander of the terrorist group, Boko Haram (Oyero, 2020). Mr Mailafia was quizzed by security operatives and let go, but the station was sanctioned by the NBC.

Also, on 26 April 2021, the NBC issued Channels TV a "regulatory instrument" or letter containing a warning of a possible five million Naira fine and suspension of license (Adenekan, 2021). In the letter, the NBC condemned the television station for a live programme interview of Emma Powerful, the leader of the Indigenous People of Biafra (IPOB), a secessionist group, who the NBC said had made "secessionist and inciting

[4] This is according to the official Central Bank of Nigeria (Bureau de Change) exchange rate of 1 USD equalling 459.50 Naira as of October 2020. See: https://www.cbn.gov.ng/rates/exrate.asp?year=2020

declarations on air without caution" (Onyedika-Ugoeze, 2021: para 2). There are indications that the NBC has previously issued other letters like this serving as regulatory instruments. For instance, a news report shows that in late 2018 when a video of Abdullahi Ganduje, Governor of Kano State, North-West Nigeria, surfaced showing him receiving a bribe in dollars, the NBC sent a circular to all broadcast outlets warning that the video should not be aired in full or in part (Hundeyin, 2019).

I point to these cases to highlight the strict regulatory context that exists for broadcasting where the dissemination of materials deemed to be unwanted by government is tightly policed and enforced. I suggest that this scenario has perhaps fostered fear in media practitioners who might have been wary of offending the authorities and violating written and unwritten rules, given the vagueness of some of the provisions of the NBC Code, as Ogunleye (2010) observes. It also suggests that the watchdog function of journalism in Nigeria is endangered, a sign of the political economy of media capture through censorship. In terms of media capture in sub-Saharan Africa, Cardenas et al. (2017) describe the journalistic intimidation caused by unwritten rules as non-coercive, while direct government intervention in shutting down a station for instance is coercive. Therefore, they note that the media in developing regions such as Africa usually cannot afford to report information that threatens or displeases the authorities for fear of the application of vague legislations. Mabweazara et al. (2020) have also come up with a typology of media capture in Africa, one which includes legal and administrative regulation. According to them, "regulatory frameworks are the main cog for the curtailment of journalistic autonomy by controlling the administrative elements around licensing, funding and other aspects of media development and management in sub-Saharan Africa" (Mabweazara et al., 2020: 2162). The aim is then to secure the interest of the ruling political and economic elite, and its motivation is to maintain the power structure by preventing government criticism. For instance, Cardenas et al. (2017) show that the government of John Magufuli in Tanzania was incentivised to capture the media to stifle the rise of the opposition and maintain an unquestioned hold on power.

These cases provide the context for the politics of regulation and enable an understanding of the wider setting within which social media regulation finds expression. In other words, I suggest that broadcasting regulation in Nigeria is relevant to the how and why of social media regulation. In terms of *how*, there is an indication that social media regulation largely mirrors the regulation of broadcasting that I outlined in this section. I build on this argument in the next section. When it comes to *why*, the politics of it all becomes relevant as government moves to silence "offensive" posts and activist discourses on social media. This is important because as my interview participants note, social media, particularly Twitter, has become the central platform for activism in Nigeria. Social media is particularly useful because even with the Cybercrimes Act where certain cases are targeted, it is still largely unregulated, despite attempts to regulate it. One of my interviewees – a #SayNoToSocialMediaBill campaigner – noted that he was once "cut off" on television for criticising a top politician in the ruling party after the 2019 elections. His response was to turn to social media, and he adds: "I express and espouse those opinions on Twitter, and I am not being cut off" (Participant 16).

The freedom that exists on social media then means that the regulatory control of broadcasting by government is not sufficient to prevent widespread circulation of "unwanted" materials. The #EndSARS protests made this clear, with social media being used to organise, coordinate, and amplify the movement (Obia, 2020). It is, therefore, not surprising that the rhetoric on social media regulation was loudest in the aftermath of the protests. As discussed in the previous chapter, the likelihood is that the language of online harms masks the need to protect the political establishment from criticism and activist discourse. I show in this section that we already see this with the censorship and intimidation that broadcasters face, presenting it as a case of the political economy of media control by government. The regulatory context that I highlighted here provides a backdrop for my central argument in this chapter, an argument which is captured in my concept of regulatory annexation – the fact that the security-centred legislations mirror broadcasting regulation. This also points to why

and how social media users are deemed, just like broadcasters, to be publishers responsible for what they post. I turn to these areas next.

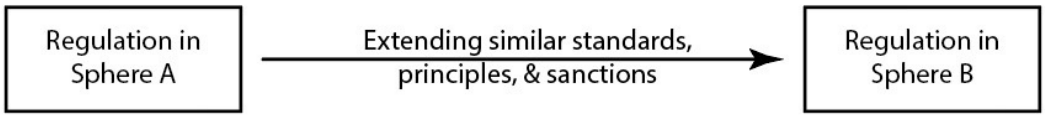
6.2. Regulatory Annexation: Extending Broadcast Media Regulation to Social Media and Internet Content

In this section, I make the case that the regulation being advanced for social media usage reflects existing traditional media regulation. On traditional media regulation, the clearest example of regulation is that which is done for broadcast media content, both television and radio. Broadcasting in Nigeria, as in many other countries, is highly regulated, at least far more than the press. One reason is that broadcasting tends to be considered a public utility for which regulation is needed for the fair allocation of spectrum (Conrad, 2010; Schejter, 2018; Napoli, 2019). There is also the belief that broadcasting is pervasive and intrusive (Salomon, 2008). Unlike the print media which tends to be elitist, broadcasting can be accessed by everybody, having considerable influence as "the most pervasive, powerful means of communication in the world" (Salomon, 2008: 9). It is then not surprising that governments across the world have kept it under formal regulation where print is largely left to do with self-regulation. The same is true in Nigeria where broadcasting was kept under state monopoly from its inception in 1932 until liberalisation in 1992 made private entry possible. With liberalisation also came the establishment of the NBC, the regulator. To regulate the sector, the NBC drafted a regulatory Code, which is updated fairly frequently in line with changes in the media ecosystem. The latest version is the amended 6th edition, which was brought in partly to address how television and radio stations handle "user-generated content" – in other words, citizen journalism and social media material.

Drawing from my analysis of the NBC code in relation to the security-centred policies for social media, I point to the central argument of this chapter, which is the existence of what I call *regulatory annexation*. I describe regulatory annexation as the extension of standards, principles and sanctions originally meant for a particular frame of reference to

another. In light of my research, regulatory annexation explains the way in which social media regulation in Nigeria mirrors traditional media regulation. Hence, social media usage is "annexed" in regulatory terms. As shown in Figure 6.1, the regulatory annexation model refers to a situation where regulators view two or more ordinarily differing contexts (broadcasting and social media in my case) as objects requiring a similar regulatory approach.

Figure 6.1: The Regulatory Annexation Model



I use the term "regulators" in this sense to refer broadly to the Nigerian government which has the ultimate control over broadcasting content. Although the NBC regulates broadcasting, it is under the control of the Federal Executive, particularly the Minster of Information acting on behalf of the President. The President appoints the Board of the Commission, grants broadcasting licenses, and has a definitive say in the drafting of the NBC Code, as I pointed out in the previous section, in the unilateral amendment of the Code by Lai Mohammed, the Information and Culture Minister. My objective here is to show that it is the case that broadcasting remains generally under the influence of the government despite liberalisation. Regulatory annexation then refers to a situation where control of this sort by government is extended to other media forms, especially social media content. Hence, I argue further that regulatory annexation is being applied to the press and other media forms that have previously been under lighter regulation. This is because social media regulation makes it possible for the entire media architecture in Nigeria to come under strict regulatory control. To establish this point, I show that regulatory annexation is present in three areas:

1. Social media regulation reflecting traditional media regulation as seen in the NBC Code.

2. The NBC Code as the annexation of online audio-visual content, including social media.
3. Social media regulation as the annexation of the entire media architecture in Nigeria.

On the first point, the resemblance between security-centred instruments on social media regulation and broadcasting regulation is most explicit in their standard-setting provisions. For instance, the NBC Code is aimed at protecting "national interest, unity and cohesion," a concept closely related to the "national security" justifications in the security-centred instruments. In particular, the Code refers to the need to ensure that broadcasting should not incite or cause public disorder or "be repugnant to public feeling or contain an offensive reference to any person, alive or dead, or generally, be disrespectful to human dignity" (Section 0.2.1. NBC Code 6th Edition). This provision is mirrored in terms of substance in the Frivolous Petitions Bill. Also, provisions such as "an offensive reference to any person" highlight issues of vagueness and general applicability that I touched on in the previous chapter. Perhaps more consequential is the question of who determines what is inciting or repugnant or disrespectful. This power lies with an agency of government (such as the Police) when it comes to social media regulation, just as it lies with the NBC acting on behalf of the government when it comes to broadcasting. Similarly, the NBC Code alludes to falsehood in places where it states that broadcasting shall conform to "principles of legality, decency, truth, integrity and respect for human dignity" (Section 0.2.3. NBC Code 6th Edition). Here, I draw parallels with the Internet Falsehood Bill. The Code also prohibits hate speech, and this is explained as broadcasting likely to provoke "intense dislike, serious contempt or severe ridicule against a person" because of their demography (Section 3.0.2.2. NBC Code 6th Edition).

More broadly, the Code is based on professional guidelines and journalistic ethics, requiring broadcasters to adhere to principles of accuracy, objectivity, fairness, and integrity. It is also based on the policing of morality as it mandates broadcasters to give particular attention to moral and social issues, including that "cruelty, greed, selfishness and revenge are not portrayed as desirable human values" (Section 3.6.1. NBC Code 6th Edition). Thus, I

suggest that social media regulation is an attempt to project a similar journalistic ethos on social media users, requiring them to be factual, accurate, and not offend anyone in their posts. However, an approach which might work for a few licensed stations will undoubtedly prove to be unwieldy when applied to millions of social media users; except that the scapegoat principle can be used to target specific cases on social media to make a wider point.

The NBC Code also annexes online broadcasting, making it mandatory for online broadcasting services to be licensed just like traditional broadcast stations (Section 2.3.1. NBC Code 6th Edition). They are then expected to remit annual income payments to the NBC. This provision is restated in the amendment to the Code, with the amendment adding that internet broadcasters are subject to similar programming standards as traditional broadcasters. The amendment adds that "web/online platform owners shall bear liability for every content on their platforms" (Section 2.12.7 Amended 6th NBC Code, 2020). Sanctions for breaches include a take-down order, a blockage, or a shutdown – reflecting the suspension or withdrawal of licenses for traditional broadcasters. Licenses, in particular, are tied to the political economy of communication in African countries. For instance, Mabweazara et al. (2020: 2171) show that the system of broadcast licenses in Africa is linked to patrimonialism and clientelism, where licenses are "caught up in the patronage networks that are all aimed at maintaining political power." This points to a system where licenses are only issued to "friends" of government, making the media "beholden to political leaders" (Mabweazara et al., 2020: 2160). Herman and Chomsky (2002: 13) also show that broadcasters, since they require government licensing, function under a "technical legal dependency" which government can use to "discipline the media, and media policies that stray too often from an establishment orientation could activate this threat." A similar regulatory relationship can then be applied to online broadcasting, which is increasingly becoming associated with social media with platforms like YouTube channels.

Consequently, I refer to the annexation of online broadcasting to highlight the fact that regulatory annexations are usually applied out of context in the sphere unto which they

are projected. In other words, they tend to be unfit for purpose. When it comes to online broadcasting, for instance, there are myriads of podcasts and vlogs. There are also grassroots online broadcasting platforms run by faith-based organisations (e.g., Emmanuel TV), non-governmental organisations, and several small-scale outreaches. Added to this mix is the livestreaming and uploading of audio or audio-visual content to social media platforms such as Facebook, Instagram, and YouTube. It is unclear whether these are included in the definition of online broadcasting, precisely because the Code does not delineate online broadcasting. Again, this leaves room for vagueness in interpreting to whom the rules apply. Licensing online broadcasters might also prove to be impractical and policing them can be even more problematic. Therefore, the NBC's action to bring online broadcasting under the same regime as traditional broadcasting shows that regulatory annexation has not taken the realities of the online sphere into account.

A separate argument can also be made that social media regulation in Nigeria is aimed at bringing the media ecosystem under formal government control. As I mentioned earlier, the Nigerian print media is barely regulated, save for professional self-regulation and general media laws on offences like defamation and libel. There are also exclusive online news platforms such as *Premium Times* that have proliferated in recent times. These operate under a similar regulatory environment as the print media. With social media regulation, this is likely to change. For instance, the Hate Speech Bill targets anyone who publishes, while the Cybercrimes Act addresses the use of "computer systems," bringing the full scope of internet media under regulatory purview. The Cybercrimes Act in particular has been used to target online media outlets, including *Naija Live TV*, which published information on the collapse of a COVID-19 facility (Committee to Protect Journalists, 2020). Likewise, the Internet Falsehood Bill brings all media outlets under its ambit. This is so because the Bill *annexes* all websites delivering "mass media services" in Nigeria. Given the realities of the 21st century, these media services, including traditional broadcasting media outlets, all have an online presence and use social media to direct traffic to their websites, a

fact buttressed by one of the online media editors I interviewed. These editors agreed that the security-centred instruments are directly related to their operations, with one saying:

> Those behind the [Internet Falsehood] Bill, their target is online media and those who use social media…. We are stakeholders and targets. If they succeed in passing this Bill, that means online media will also fall under government control (Participant 4).

Another online media editor made the point that a substantial amount of journalistic work such as news gathering and distribution is done through social media, noting that the Bill targets the way they do business as online media platforms. He adds that the Bill has the potential to silence criticism and dissent in unregulated spaces, saying:

> The ultimate intention [behind the Bill] will be then to expand regulation as we know it in the media sphere beyond what we have in the broadcast sphere and then subjecting that same ethos to what we have on the online sphere (Participant 10).

The submission of my interviewees shows that social media regulation has a direct impact on the overall media system. By targeting websites, therefore, the print and online media that hitherto have not been under any formal regulation are implicated. In effect, they are made subject to regulation by the Police as provided in the Internet Falsehood Bill. Since there are only a handful of these online "mass media services," I suggest that they can be more easily controlled than the general mass of social media users. The implications of this for freedom of the press and the watchdog role of journalism can be significant. Take the fact that it jeopardises the argument that online media outlets facilitate openness and government accountability. For instance, Ogunleye (2010) suggests that platforms like *Premium Times* and *Sahara Reporters* can altogether bypass the kind of regulation we see in broadcasting by virtue of their exclusive online presence. She says: "Technologies (ICT) present the media with an opportunity to loosen the despotic grip of the nation-state and introduce citizens to an alternative tenet of democratic participation" (Ogunleye, 2010: 51). What we see with social media regulation, however, is that entire websites, including media websites, can be regulated or even blocked. Hence, my argument that regulatory annexation has potential ramifications for the entire media architecture in Nigeria.

6.3. Bearing the Burden of Liability – Social Media Users as Publishers

In August 2016, Facebook CEO, Mark Zuckerberg told a group of university students that Facebook was a technology company, not a media company (Olupot, 2016). This was followed by a post after the 2016 US election stating that Facebook's "goal is to show people the content they will find most meaningful" (meaning a technology platform), adding that "I believe we must be extremely cautious about becoming arbiters of truth ourselves" (Zuckerberg, 2016: para 6). However, one month later, Zuckerberg admitted that Facebook was a media company, but not in the way that we view television (Gibbs, 2016). In the aftermath of the Cambridge Analytica revelations in 2018, Zuckerberg admitted to the platform being both a technology company made up of "engineers who write code" and a media company that has "a responsibility for the content that people share on Facebook" (Castillo, 2018). At the heart of this prevarication is the question of who a publisher is on social media. I note that this has significant regulatory implications since media companies or publishers are far more regulated than "neutral" technology platforms. Therefore, platform CEOs like Zuckerberg tend to prefer the label of technology companies or intermediaries – much like telecommunications providers – who should not be liable for the content they host or transmit (Napoli, 2019). Nevertheless, they can appropriate the label of "publisher" when they come under considerable pressure to mitigate online harms on social media.

Essentially, platforms have the choice of being one or the other or both, thanks to the "Good Samaritan" provisions of Section 230 of the CDA in the US. Sub-section (c)(1) of it states that "No provider or user of an interactive computer service shall be treated as the *publisher* or speaker of any information provided by another information content provider" (emphasis mine). This means that computer network services, such as social media platforms, should be seen as technology intermediaries that are not liable and cannot be held responsible for the content or information provided by users of their platforms. However, Section 230 goes on to state that platforms are still free from liability if they take on the

duties of publishers by moderating “objectionable” content in “good faith.” Given that the major social media platforms are domiciled in the US, this law has in effect determined the default regulatory mode for the use of social media in much of the world, including Nigeria. We see this in the various terms of service and user guidelines, at the base of which is the recognition that platforms can introduce algorithmic and human-based moderation without much by way of accountability.

On this account, Section 230 has come under criticism precisely because it has given social media platforms a dual mandate. For instance, Napoli (2019: 33) criticises it for granting platforms a double advantage of “immunity from liability of common carriers and the editorial authority of publishers.” Instead, he argues that social media platforms are publishers and should be regulated as such because of their roles in content moderation, news aggregation, and information distribution. He goes on suggest that a parallel can be drawn between the duties performed by media companies and platforms. One of such areas where parallels can be drawn is with content moderation where he observes that platforms already take editorial policy decisions just as traditional media publishers do. Thus, the platforms “operate as *news organizations*, given the extent to which they engage in editorial and gatekeeping decisions related to the flow of information” (Napoli, 2019: 13 – original emphasis).

In terms of the news aggregation function, he describes social media platforms as “aggregators of the web,” making it easier for the audiences, advertisers, and content providers to congregate. Here, he cites examples of Facebook’s adoption of the News Feed and Instant Articles features to show that social media platforms have increasingly become publishers. Facebook itself describes its now-defunct Instant Articles feature as a “mobile publishing format” that allows news outlets to distribute content to the Facebook app at a rate four times faster than usual (Facebook, 2020). Apple also has Apple News where “editors curate the day’s top stories from trusted sources, and advanced algorithms help you discover stories you’ll find interesting” (Apple, 2021). All these have a corresponding impact on the role of platforms as information distributors, where algorithms potentially decide what

news people are exposed to, what they should eat, and where they should go (UN Special Rapporteur, 2018). Hence, although social media platforms do not create content, they have "emerged as the most vital and influential media distributors and curators" (Napoli, 2019: 37).

There are indications that this view of platforms as publishers is beginning to take hold in Europe. We see this in the regulatory policies being introduced in places like the UK where an Online Safety Bill has been published (UK Parliament, 2022). The Bill ascribes liability to platforms, placing on them a statutory duty of care to moderate physical and psychological harms such as false and threatening communications. Germany also has the Network Enforcement Act (NetzDG, 2017), while the European Union has the Digital Services Act, (European Commission, 2020). In short, both laws are similar to the UK proposal – they mandate platforms to moderate harmful content or be subject to fines. Therefore, I note that the European approach points to labelling platforms as *publishers* and the resultant liability this confers on them. This is a deviation from the underlying principle of Section 230 where platforms can choose where they stand and whether or not they moderate harmful content. I also contend that the European approach reflects regulatory annexation of another kind – one where social media platforms are effectively placed under broadcasting/communication regulators. In the UK, for instance, the Online Safety Bill designates Ofcom, the broadcasting regulator, as the regulatory body meant to oversee platforms. To some extent, this means that platforms are categorised as (broadcast) media providers and will potentially be regulated as such.

An altogether different approach is being taken in Nigeria where my review of instruments on social media regulation shows that internet and social media users, as opposed to platforms, are labelled as publishers who are liable for the content they post. In criminalising falsehood, for instance, Section 3(1) of the Internet Falsehood Bill targets users by making it clear that "A *person* must not do any act in or outside Nigeria in order to transmit in Nigeria a statement knowing or having reason to believe that it is a false statement." The liability placed on users is further established in the provision that anyone

who contravenes the above “shall be guilty of an offence and shall be liable on conviction” (Section 3(2)). Therefore, I argue that this signifies the labelling of social media users as publishers who are liable for the content they post. My position is further reinforced by the fact that users are criminally liable with punishments of fines and/or imprisonment if they transmit false information. This same user liability is echoed throughout the Bill, including for Part 3 Regulations (see previous chapter) where users are required in the first instance to either correct or take down misleading content (Sections 7 & 8). It should be noted that the offences for which users will be held culpable are only those classed as disinformation by the Police. The implication then is that content deemed to be offensive to or critical of the authorities can be targeted, reflecting the politics of social media regulation.

We see an example of this with the reaction to the #EndSARS protests, where news and posts on the Lekki shootings were simply declared false by the Nigerian army and Lai Mohammed (the Information and Culture Minister) representing the government. This was despite consensus by the international media, an official judicial panel review, and an Amnesty International report to the contrary. I suggest there is a strong likelihood that users would have been targeted if the Internet Falsehood Bill had been in force, just as the NBC went after television stations that used social media footage on the shootings. On the other hand, the government can engage in disinformation with no consequence since they determine what counts as falsehood. For instance, Bradshaw et al. (2020) show that Nigeria is one of the countries where “cybertroops,” sponsored by the government or political parties, carry out industrialised disinformation to manipulate public opinion. Yet, nothing has been said of this and it is unlikely to be classed as online falsehood by the Police. The choice of who to target as *publishers,* and what to criminalise is then subject to political considerations.

In similar ways to the Internet Falsehood Bill, the other regulatory instruments that I analyse also view internet and social media users as publishers liable for the content they post. For instance, the cyberstalking provisions of the Cybercrimes Act (Section 24) target “any *person* who knowingly or intentionally sends a message or other matter by means of

computer systems or networks that he knows to be false." The question again arises as to who determines what is false and the category of users to hold responsible. Consequently, my argument on the politics at play in the Internet Falsehood Bill above applies to the Cybercrimes Act. In like manner, the Hate Speech Bill, when applied to social media, considers users as publishers. Section 4(1) states that "A *person* who uses, publishes…any material, written and/or visual which is threatening, abusive or insulting…commits an offence if such *person* intends thereby to stir up ethnic hatred" (emphasis mine). The Frivolous Petitions Bill also held users responsible for their posts, noting: "Any person through text message, tweets, WhatsApp or through any social media post any abusive statement knowing same to be false…shall be guilty of an offence" (Section 4). Abusive statements, in this case, could have potentially meant anything including criticism. Given that abuse and criticism are usually interwoven and that politicians, who draft the regulations, are the overwhelming targets of criticism, the (self-)interest being promoted becomes apparent.

Beyond Nigeria, there are also examples of regulatory policies being introduced on the continent where the focus is to place the burden of liability on internet users as opposed to platforms. This is most explicit in Tanzania's Electronic and Postal Communications Regulations. Section 14 states, "Every subscriber and user of online content shall be responsible and accountable for the information he posts in an online forum, social media, blog and any other related media." This includes not just offences that are criminally covered in the Tanzanian legal system, but also include misinformation, rumours, insults, and messages that call for protests. This points to the politics of social media regulation reflected in the need to silence oppositional/activist discourse on social media. Justifications such as the need to protect social and cultural values are then used to mask the underlying political intent. We find similar examples in Egypt where social media users with 5,000 subscribers or more are classified as publishers, just like media companies. The emerging approach in some African countries is then markedly different from the European outlook I touched on earlier.

There are two reasons for this. First is power asymmetry – the likely reality that these African countries do not (yet) have the power to regulate social media platforms as publishers. This is because of the power that platforms wield as internet information gatekeepers (Laidlaw, 2010). A recent example in Uganda also shows why regulating platforms by African countries can be difficult. In December 2020, the Uganda Communications Commission requested that Google take down 17 pro-opposition YouTube channels for allegedly misrepresenting information and compromising national security. Google's response was to deny the request and ask instead for a court order (Independent, 2020). This is despite the fact that in the UK, Google has removed several drill YouTube videos at the "urging" of the police without a court order (New York Times, 2021). Although the cases are different, it suggests the different treatment for Global North/South nations and refers to the balance of power principle. The second reason is tied to the political economy of social media censorship – the fact that African countries simply choose to target users because this is far easier if the goal is to silence dissent. In the second scenario, it does not matter whether African countries have the power to regulate platforms – this debate does not arise since user regulation is by default the preferred choice considering the political interests involved. We see the political intent in the Ugandan request to Google aimed at shutting down the channels of expression available to the opposition party.

In Nigeria, the second reason is more likely the case, given the application of the Cybercrimes Act and the wording of other security-centred instruments. This is despite the fact that Internet Falsehood Bill, in addition to targeting social media users, also seeks to regulate "internet intermediaries and mass media services" in its Part 4 Regulations (see previous chapter). The Bill in its interpretation Section defines an internet intermediary as "a service that allows users to access materials originating from third parties on or through the internet," and these services are listed as including social networking services, search engine services, and internet-based messaging services. Regardless, I note that the provisions on internet intermediaries are imported from the Singaporean Protection from Online Falsehoods and Manipulation Act (POFMA), from which the Nigerian version was

copied. It is then likely that the focus on intermediaries was also imported from there. I further base my suggestion on statements that have been made by policymakers. For instance, Lai Mohammed, the Information and Culture Minister, in his various statements on social media regulation, has not referred to regulating platforms. His focus has instead been on determining the boundaries of what users can or cannot post (Agency Report, 2020b). Also, comments from Senator Sani Musa, the sponsor of the Internet Falsehood Bill, point to the fact that the regulatory focus is on regulating users, not platforms. As an example, he has said that the goal is to sanction users with fines and compel telecom providers when they refuse to block affected contents (Iroanusi, 2019).

Overall, these statements indicate that the question of regulating platforms is not a major consideration for Nigerian politicians. Regardless, I note that this position can change. I say this because, since the June 2021 Twitter ban, Nigerian government officials have been trying to regulate social media platforms directly. First was the publication of an advertorial on 10 June 2021 by the NBC, where the Commission invoked Section 2(1)(b)(i) of the National Broadcasting Act (which established the NBC), granting it responsibility over "Radio & Television Stations including cable television services, Direct Satellite Broadcasting (DSB), and ANY medium of Broadcasting" (capitalisation in original advertorial). Based on this, the NBC directed "every Online Broadcast Service provider and Social Media Platform operating within the Nigerian State to apply and obtain broadcast License." Evident in this directive is regulatory annexation, but one directed at platforms, not users.

By all counts, there is no record that any platform complied with the directive, pointing to the power asymmetry between platforms and Global South countries. Since the directive failed, the second step that the government took was to demand that, before the Twitter ban would be lifted, Twitter must, among other things, be registered in Nigeria and comply with local laws (Kene-Okafor, 2022). These conditions targeted a single platform, pointing to the centrality of Twitter in Nigeria (see chapter seven). Still, it is unclear whether Twitter has fulfilled the conditions. For instance, there is no information suggesting that Twitter has opened an office in Nigeria, even though the condition set was that this would

happen before the end of March 2022. Here again, we see power asymmetry at play. The third step was the release of the NITDA Code in 2022 by the National Information Technology Development Agency (NITDA), a government agency responsible for coordinating, monitoring, and regulating information technology systems in Nigeria. Titled "Code of Practice for Interactive Computer Service Platforms/Internet Intermediaries," the draft effectively places all platforms under Nigerian legal and judicial frameworks, mandating them to proactively moderate against harmful content or face "disciplinary measures."

All these actions show that the government is increasingly interested in applying regulatory annexation, not just to users, but also to platforms, in ways that still point to censorship and the politics of regulation. Nonetheless, I note that these are tentative steps, more like "testing the waters," as the government tries to extend its influence in the power struggle it is engaged in with platforms. I suggest, therefore, that regulatory annexation in Nigeria still places the weight of liability on users and providers of internet media services; this is a regulatory practice that is becoming increasingly widespread on the African continent.

6.4. From Nigeria to Africa – A Securitised Regulatory Pattern on the Continent

So far, I have considered the political economy of social media regulation in Nigeria, touching on regulatory annexation and the classification of social media users as opposed to platforms as publishers. This is consistent with the security-centred approach which mirrors regime security – the use of securitisation in the name of the public interest to introduce regulation that favours state and political actors. In this section, I show that regulation of this sort is not exclusive to Nigeria. In fact, Senator Musa has been quoted as saying on the Internet Falsehood Bill, "I felt we need it in this country if countries like Philippines, Singapore, Italy, Malaysia, Australia, France, Indonesia, Egypt are putting control to prevent the spread of false information, what stops us from doing it?" (Iroanusi, 2019). It is unsurprising, therefore, that the Internet Falsehood Bill itself is an almost exact copy of

POFMA, which is seen as an attempt to “clamp down on internet freedom” in Singapore (Han, 2019: 67). This reinforces the notion that states tend to learn regulatory approaches from one another as they weigh how to regulate the new media (Howard and Hussain, 2013; Tufekci, 2014). A case in point is the introduction in February 2021 of the News Media and Digital Platforms Bargaining Code in Australia. The Code requires platforms like Facebook and Google to pay the local news media in Australia for the news content that they host. It is said that countries around the world are taking note of how this progresses to see whether a similar policy can be adopted (Thornton and Toh, 2021), and there have been calls for other countries to “copy” the Code (ABC, 2021). This shows how global digital platforms have become and how regulation in one country can influence regulation in another as states seek “ideal” ways of regulating in the digital age.

However, my focus in this section is on the regulation being articulated across Africa. This focus led me to conduct internet searches on existing policies on social media in the 54 countries on the continent. The result shows that of this number, 33 countries have at least one policy on internet and social media, and these policies mirror the security-centred approach to regulation. What this implies is that the dominant approach to regulation in Nigeria that I have discussed also finds expression in much of Africa. Overall, my search shows that there are five broad categories of this approach as outlined in Table 6.1. These include laws or legal restrictions; in other words, legal instruments that are in force, having been assented to by the government.

As I will show, these laws seek to restrict the use of the internet and social media by criminalising certain online harms, particularly falsehood. Bills are instruments that may or may not become laws. I separate them from laws to show that the use of law in this manner is likely to continue across the continent as more countries consider new measures of restrictions. Also, blanket social media bans have increasingly become a trend across Africa, especially during politically significant periods such as elections or protests. Here, the authorities can simply order internet service providers to block access to social media websites or apps. I suggest that the use of this measure during politically sensitive periods

strengthens the reasoning that regulation is being used for regime security purposes rather than the public interest. Social media taxes have also been introduced. Again, this points to the regime security argument, since more often than not, the aim is to tax dissent (see Boxell and Steinart-Threlkeld, 2019).

Legal Restrictions	Bills/Proposals	Social Media Ban	Registration	Social Media Tax
Angola	Ivory Coast	Burundi	Benin	Benin
Burkina Faso	Morocco	Chad	Egypt	Uganda
DR Congo	Namibia	Congo	Lesotho	Zambia
Egypt	Nigeria	DR Congo	Tanzania	
Ethiopia	Zimbabwe	Egypt	Uganda	
Kenya		Equatorial Guinea		
Madagascar		Eritrea		
Malawi		Ethiopia		
Mali		Gabon		
Mauritania		Guinea		
Niger		Liberia		
Nigeria		Mali		
South Africa		Nigeria		
Sudan		Senegal		
Tanzania		Sudan		
Zambia		Togo		
		Uganda		

Table 6.1. Countries with Social Media Policies in Africa

The use of the social media tax as a policy began in Uganda when in June 2018 the legislature passed the Excise Duty (Amendment) Bill, including a 200 Shilling ($0.05) tax on social media usage per person per day. President Yoweri Museveni had said the tax was needed to curb the spread of gossip (BBC News, 2018), but this justification masks the politics behind it. We see a similar pattern in Zambia where the government justified a social media levy of 30 Ngwe ($0.1) on all internet calls on the need to protect telecom providers from the losses they incur because of the increasing adoption of internet calls. Bloggers in the country, however, noted that subscribers already pay telecom providers to access the internet in the first place (Africa News, 2018). This underscores my point that policies aimed at regulating social media use typically have ulterior motives when the aim is to limit free expression online. We see this in the Ugandan case where I suggest that the tax is generally aimed at reducing the level at which people engage on social media by making it more

costly. Such a policy introduces economic factors to potentially discourage the rate at which people engage on political issues and criticise public leaders – a pointer to the political economy of it all.

We see this reflected in the evidence showing that the impact of the social media tax in Uganda was a reduction in the usage of social media in the country. Whitehead (2018) shows this in a survey conducted two weeks after the tax was introduced, noting that a net 11% of their almost 3,000 respondents said they had not used social media since the tax was introduced. Also, 88% said they were very much or extremely inconvenienced by the tax. The result was that 57% of the respondents had turned to Virtual Private Networks (VPNs) as an alternative means of accessing social media, pointing to the fact that people usually find ways to circumvent regulations on the internet (Warf, 2011; Nankufa, 2019).

Beyond taxes and levies, registrations make up another policy instrument that can be seen as a stand-in for taxes. This is because registrations are generally of two kinds – one which involves payment for a "licence" and another which requires no payment. The Tanzanian Electronic and Postal Communications Regulations, 2020 is one of such that requires payment. Section 4 of the law provides that "online content services" must be licensed by the Tanzania Communications Regulatory Authority every three years. The application fee for this ranges, but for news and current affairs services, it is put at 100,000 Shilling (around $43) and this figure increases tenfold for renewals. These "online content services" include bloggers, online broadcasting services or any other online services, making its reach of applicability as broad as possible. Consequently, the patrimonial linkages that accrue to general broadcast licenses, which Mabweazara et al. (2020) allude to, can then be applied to online media forms as is being done with online broadcasting in Nigeria. This shows that beyond Nigeria, regulatory registrations and licenses are being deployed in other African countries to control the usage of new media forms and give governments the power to possibly police and sanction narratives that contradict the official line. As I have noted, the implications are significant, including that alternative and opposing voices are vulnerable to

the politics of regulation. I also add that the Tanzanian example reflects the concept of regulatory annexation given that the licensing requirement for online broadcasting is indicative of similar practices in the traditional broadcast sphere. This reinforces my reasoning that the politics of social media regulation that I consider in Nigeria is visible elsewhere in Africa.

In other countries, the licensing implication of "technical legal dependency" (Herman and Chomsky, 2002: 13) that registrations bear for regulatees is extended to social media users. We see this in Uganda where social media users with large followings were asked to register with the Uganda Communications Commission and pay a $20 levy (Biryabarema, 2019). A similar situation exists in Egypt where the 2018 Law on the Organisation of the Press, Media and the Supreme Council of Media requires social media accounts that have more than 5,000 subscribers/followers to be registered with the Egyptian Supreme Council. In a proposed regulation in Lesotho, the requirement for registration of social media users goes down to accounts with more than 100 followers (MISA Zimbabwe, 2020). These supposedly large accounts are seen as "internet broadcasters" and are to "comply with broadcasting principles and standards" (Lesotho Communications Authority, 2020).

Regulations like these show that the classification of social media users as publishers is more explicit in some African countries than it is in Nigeria. Therefore, I make the point that the regulation of social media that is becoming common in African countries is aimed at viewing users as journalists or broadcasters and regulating them as such – a reference to the regulatory annexation concept. I argue that such an approach misses the underlying point, which is that social media users are not journalists, never mind the label of "citizen journalists" usually thrust on users. Trying to "annex" social media usage – by applying broadcasting standards and regulations – then mirrors the classic case of putting square pegs in round holes. Except of course that the security-centred regulation represents the political economy of (social) media control where the aim is to police "unwanted" content deemed to be offensive or dangerous by the governing authority.

Perhaps the most obvious manifestation of the security-centred policies across Africa is the use of social media and internet bans. They became a major feature during the Arab Spring uprising when Egypt cut access to social media and the Internet on 28 January 2011 in a desperate bid to stop anti-government protests (Eltantawy and Wiest, 2011). Since then, bans have become increasingly common, and as I mentioned earlier, they are usually implemented around politically sensitive periods. These include before, during and after elections such as in Gabon (Dahir, 2016), Equatorial Guinea (Freedom House, 2019), and Congo (Netblocks, 2021). Bans are also introduced during general protests, particularly those that call for political reforms. Examples can be seen in Togo (IFEX, 2017), Chad (Toussi, 2019), and Mali (DigWatch, 2020). Here, we see that the political motivation behind security-centred legislations in general and social media bans, in particular, is clear. These bans are becoming an increasing feature; I suggest that this is so because of the ease and comprehensiveness they provide when it comes to silencing oppositional or activist narratives. All that is required is for internet service providers, generally locally based, to be ordered to cut internet access to millions of users. Given the established power structure that places service providers under direct government regulations, they cannot but comply.

Therefore, bans can be more appealing to semi-authoritarian governments for whom the rigours of policing individual social media content online can be daunting. The implementation of bans is then the ultimate tool to silence all users at once and at scale (except for those who circumvent blockages using tools like VPNs). Wagner (2018) points to this in his observation on the political nature of internet shutdowns, the effects of which he describes as “communicative ruptures.” He makes the case that shutdowns are prevalent in Africa and Asia, and that although they are justified on security grounds, the fact that they happen around politically sensitive periods reveals the underlying motivation for them. I agree, since the examples of social media bans that have been recorded in at least 16 African countries point to the use of regulation to silence opposing voices and protect the establishment from criticism and opposition, and all the while, shutdown is justified on grounds of securitisation.

This securitisation is codified in the various laws and bills that have been introduced on internet and social media regulation in African countries, as I showed in the case of Nigeria in the previous chapter. As a result, just as Nigeria has the Cybercrimes Act, several African countries also have a similar law wherein regulation of social media content is inscribed. Examples include cases in Malawi, Madagascar, Zambia, Mauritania, and Tanzania.[5] On the face of it, these laws or bills on cybercrimes have nothing to do with social media usage since they are generally concerned with protecting critical national infrastructure. Despite this focus, governments across Africa have introduced provisions, particularly on falsehood and harassment, in ways that make it possible for these laws to be extended to regular internet and social media users, not just cybercriminals. Given that the overall focus of cyber legislations is steeped in national security, it then becomes pliable to apply the same justification for the regulation of social media use. Again, this reinforces my argument that the politics of regulation underlies the approach to social media control in much of the continent, just as we see in Nigeria.

Beyond cyber legislations, other laws or proposals have been introduced by countries in Africa on internet and social media use. One of such is Morocco, which has a draft law on social media and broadcast networks. Article 19 says the proposal criminalises calls for boycotts and the publication of false information, while granting enormous powers to the state (Article 19, 2020b). It speaks to the power ordering that social media regulation creates, elevating the repressive state apparatus to a position where it not only determines, but also enforces decisions about what is the right or wrong thing to say online. In Angola, the political intention is more obvious with the Social Communication Legislative Package

[5] The following African countries have cybercrime provisions that include regulation that target or include social media use: Nigeria has the Cybercrimes Act. Malawi has the Electronic Transactions and Cyber Security Act of 2016, which makes provision for online communication to be restricted to promote human dignity, public order, or national security. Madagascar has a cybercrime law of 2014, which criminalises insults targeted at the state. Zambia has the Cyber Security and Cybercrimes Act of 2021 which targets issues such as hate speech. Mauritania has a 2015 Cybercrimes Law. Zimbabwe has the Cyber Security and Data Protection Bill of 2020 which criminalises online falsehood. Tanzania has the 2015 Cybercrimes Act where five sections are related to online falsehood, xenophobic material, discriminatory insults, incitement, and cyber harassment. Kenya has the Computer Misuse of Cybercrimes Act of 2018 (this has been ruled to be unconstitutional), with similar provisions on falsehood in all online forms and cyber harassment. Uganda also has the Computer Misuse Act, 2011 which has provisions on cyber harassment and cyberstalking.

which gives the government powers to punish dissent on the internet and social media and to also ban websites (Human Rights Watch, 2016). As is the pattern already established, these legislations are explained using vague and security-worded provisions. To point to a case, Niger Republic has passed a law that makes it possible for authorities to intercept information based on national security (Toussi and Robertson, 2020). This means regulatory annexation is the operational basis since the vague provision makes it possible for the entire media architecture there to come under government surveillance. We also find regulatory annexation in Ethiopia where the Hate Speech and Disinformation Prevention and Suppression Proclamation, 2020 (Article 7) criminalises hate speech and disinformation via print, broadcasting, or social media.

Therefore, despite their public interest justification, I make the case that security-centred regulatory instruments in much of Africa exist primarily for regime security. There are precedents that I can point to in supporting my argument. Take Egypt for instance where the Law on the Organisation of the Press is justified based on national security. It legitimises the power of the government to block websites and blogs without recourse to a court. However, critics say it is an attempt to silence dissenters because of fears in official circles "couched in concerns over the spread of false news and rumours that cause social chaos and undermine national unity" (Open Technology Fund, 2019: 21). One of such fears manifested when the *Al-Mashed* newspaper website was blocked for supposedly publishing a sexually explicit material and disturbing public order. The editor, however, noted that the blockage was executed because of an article on corruption being perpetrated by security officials (TIMEP, 2019). Also, in Gabon, a news website was suspended for a month in August 2019 for publishing a story on the lack of beds in a Gabonese hospital (Reporters Without Borders, 2019). Inherent in these examples is the fact that regulation is aimed at silencing critical media reports, not necessarily protecting national security as is put forward.

Beyond national security justifications, the tendency, in the African countries that I studied, is also to securitise social and cultural values and to criminalise social media content seen to be contrary to them. For instance, the Tanzanian Electronic and Postal

Communications Regulations, in its Third Schedule, makes provisions for “prohibited content” largely based on the securitisation of culture, morality, and safety. The spectrum of prohibited content is wide as it comprises ten categories ranging from provisions on public and national safety to respect for personal beliefs. Seeking to protect cultural values can be a good thing on the face of it. However, when securitised in the way I have demonstrated in this chapter, the question of who determines the boundaries of what contravenes social values becomes relevant. To attempt an answer from my Tanzanian example, I suggest that the political class wields the power to settle the discursive boundaries of acceptable content both in the drafting of the law and its execution. The implication is that the politics of regulation is foregrounded as we see in Tanzania where the law has been used to prosecute five people for allegedly insulting the President at the time in a WhatsApp group chat (John, 2016). Overall, given all I have noted in this section, it is clear that other African countries have similar regulatory principles, highlighting the fact that they tend to learn regulatory tactics from one another. The regulatory policies that find expression across Africa are then the basis for my argument that the security-centred style of regulation that we see in Nigeria reflects a broader pattern across much of Africa. Seen from this prism, the implications of social media regulation in Nigeria then have continent-wide ramifications.

6.5. Conclusion

In this chapter, I introduced the concept of regulatory annexation, which I defined as the extension of standards and principles originally meant for one frame of reference to another. I then considered it in light of the politics of social media regulation in Nigeria and much of Africa. I began by highlighting the literature on political economy and media capture through censorship using cases such as Occupy Nigeria and #EndSARS, suggesting that the foundational theme here also applies to the regulation of social media usage – the underlying premise for regulatory annexation. It also means that social media users are considered as publishers liable for the content they post online. I further argued that

regulatory annexation in Nigeria is ill-fitting, not least because social media users cannot be equated to journalists. The regulatory annexation approach also exists in the wider African continent, leading me to suggest that the Nigerian case, far from being an isolated phenomenon, mirrors a widespread approach to social media regulation on the continent, the kind of regulation that also implicates traditional media forms such as broadcasting.

Beyond Africa, regulatory annexation also finds expression elsewhere. In the UK, for instance, the Online Safety Bill places social media companies under Ofcom's regulatory purview, implying that platforms will be regulated in much the same way as broadcast stations. This is also evident in the case of the Online Safety Act in Australia. For the EU, the Digital Services Act gives the European Commission significant supervisory and enforcement powers to regulate platforms. It seems that even Nigeria, with its NITDA "Code of Practice for Interactive Computer Service/Internet Intermediaries," is trying to regulate platforms directly. These all serve as examples of regulatory annexation because they show that the regulation that exists for one frame of reference (typically broadcasting) is being extended to social media. What it signifies is that regulatory annexation is not necessarily negative; it can also be seen in a positive light – what matters is the underlying notion of extension from one frame to another. Regulatory annexation further implies that regulators are still grappling with how best to regulate social media, having not (yet) caught up with the realities of new media technologies and how to manage them. For now, they are perhaps settling for new-cyber regulation (Kurbalija, 2014, see chapter one) – that is, enacting entirely novel forms of regulation, but in ways that border on regulatory annexation.

All these have implications for the regulation that will define the technology of the future. We only have to consider the introduction of newer technologies such as the metaverse, virtual reality, and the Internet of Things. Will regulatory annexation be the operational paradigm for these technologies? By that I mean, will nation-states resort to the default of regulating these newer technologies using principles and rules that currently exist for the traditional or social media? These are pertinent questions, given the concern that some scholars are raising with the metaverse, particularly in terms of data privacy violations

and the harms that come with user interactions (Lau, 2022). The argument could follow, therefore, that regulatory annexation would be inadequate for the realities and challenges that these newer technologies represent. If social media regulation has proved difficult thus far, one can only imagine how much more difficult it will be to regulate the metaverse. The issues that I touch on in this research not only remain, they are further amplified in ways that we have not even come to terms with yet. Based on this, I reckon that although the tensions between state intervention and platform self-regulation will persist, the knowledge and power asymmetries will mean that platforms will continue with the self-regulatory model, further entrenching a regulatory system that places profits above safety in regulating the technology of the future.

In Nigeria, it is unclear how the government will approach this future regulation, but given what I have found in this chapter, the indication is that users might be held responsible in some ways for the supposed wrongful use of technology. This is tied to regulatory annexation, which accentuates the political undertones at play, given what we see with securitisation, regime security, and state-citizen distrust. It also points to the ulterior motives inherent in the policies on social media regulation. I continue with the concept of an ulterior motive in the next chapter where I analyse the discourse of social media users on the regulation in Nigeria using the #SayNoToSocialMediaBill Twitter corpus.

CHAPTER SEVEN

ANALYSING TWITTER DISCOURSE ON SOCIAL MEDIA REGULATION IN NIGERIA

In this chapter, I analyse interviews and Twitter discourse surrounding the regulation of social media in Nigeria. It follows the discussion in chapters five and six, which considered the policy and politics components of social media regulation. This chapter goes on to examine the response of social media users based on the opposition component of my methodological approach. It centres respectively on *why* and *how* Twitter was used to oppose social media regulation in Nigeria. In terms of *why*, the chapter begins by conceptualising the Nigerian Twittersphere to provide theoretical insight into the Nigerian Twitter community and justify my use of the platform as a central object of study. This leads to the next section, where I argue that Twitter was preferred as the platform for discourses related to activism and resistance. To show why this is the case, I use interview data to outline three themes ranging from the use of the platform for activism, generational gap, and the levelling potential of Twitter. I also discuss the concept of 'dragging' in the Nigerian Twittersphere in relation to the use of the platform for activism.

When it comes to *how*, I show that Twitter users perform opposition by deploying divisional (us-vs-them) frames, representing anyone viewed as sympathetic towards regulation negatively. This is contrasted with the positive self-representation of the hashtag users of themselves, and the chapter shows how these frames are deployed as part of the broader discourse of opposition and resistance. Hence, I analyse tweets posted under the #SayNoToSocialMediaBill hashtag; the tweets make up the #SayNoToSocialMediaBill corpus of 434,059 words. The corpus is further divided into two sub-corpora: pre-EndSARS and post-EndSARS, underscoring how much of an influence #EndSARS had as a contextual communicative event. I first analyse the pre-EndSARS sub-corpus, finding that it contains contextual frames of anti-democracy/anti-freedom of expression, ulterior motive, and misplaced priority. Finally, I analyse the post-EndSARS sub-corpus and its frames of

generational fault-lines, North-South divide, and international pressure. The analysis of both sub-corpora ultimately shows the ways in which Twitter users opposed social media regulation in Nigeria. It underscores the importance of not just examining policy on regulation, but also user response to see how users contribute to, and potentially influence the regulatory process.

7.1. Conceptualising the Nigerian Twittersphere

In November 2019, Jack Dorsey, Twitter's CEO at the time, travelled to Nigeria alongside other top Twitter executives as part of his tour of African countries. His goal was to increase Twitter's user base as he felt there were "not enough" users in the country (Oseni, 2019). This statement is underpinned by the fact that Facebook is more widely used than Twitter in Nigeria, with the latter lagging in second place (Statcounter, 2022). However, commenting on Dorsey's visit, Oseni (2019) acknowledges the influence that Twitter has had in Nigeria as "there has been barely any social media platform contesting with Twitter in hosting Nigerian conversations — whether protests, rants or energising social movements." This, I suggest, is what makes Twitter the ideal space within which oppositional discourse on social media regulation can be studied, a point that I make in this section. To establish this, I map out what I call the Nigerian Twittersphere; a fluid community of users who assemble around Twitter hashtags to freely express their opinions in ways that are nationalistic, cultural, and political. These hashtags serve as an infrastructure that enables the formation, reformation, and co-ordination of publics on Twitter (Bruns and Burgess, 2011, 2015), making it possible for Nigerian Twitter users to articulate issues, "diss"[1] other people, and express opposition different from the way users of other platforms approach similar concerns in Nigeria.

To highlight the features of the Nigerian Twittersphere, I first explain the idea of a fluid community assembling around Twitter hashtags, as I draw from research into Black

[1] This is a form of jocular insult.

Twitter which is anchored on African American expression online. The main emphasis here is that Twitter has been used by Black Americans to forge a virtual community where racial and Black cultural identity is performed and deployed (Florini, 2014; Lavan, 2015; Maragh, 2018). Lavan (2015: 57) defines Black Twitter as a "site of counter-narratives," a means of "calling attention to prejudices in mainstream narratives" using hashtags (in this case, black-tags) which become "phrases that act as virtual unifying agents." As such, he notes that hashtags like #BlackLivesMatter have been used to chronicle social events, organise Black political power, and police mainstream media representations in ways that I suggest could only have been made possible by the community ordering facilitated by Twitter.

Hence, I agree with Black Twitter scholars that Twitter plays a unique role in facilitating the formation of communities along loose boundaries for cultural and activist purposes. It is essentially made up of tools that prompt users to organise themselves into groups of interest in ways that are barely possible on other social media platforms. Sharma (2013) draws from this argument, stating that Twitter compensates for the fewer users it has compared to Facebook through its infrastructure which is built on three things: a network structure, trending topics, and "hashtags as machinic replicators." This set-up, he says, is the critical factor responsible for the emergence of Black Twitter and the viral circulation of black-tags as people create spontaneous and loose online communities, or "ad-hoc publics" as Bruns and Burgess (2015) put it, with Twitter being the platform of choice for activists (Jenzen et al., 2021).

However, it is important to note that the Twitter communities I refer to are fluid, given that people can take on multiple identities as they choose what conversations to be part of and what communities to align with. Florini (2014) speaks to this, noting that Black Twitter is not representative of all Black people since Black people are not a monolith. What exists then are Black people who use Twitter to connect and share cultural experiences. This is key to understanding the Nigerian Twittersphere, not as a space representative of Nigerians, but as a loose assemblage of people who can opt in or out of virtual communities. This is why a counter-public position regarding Black Twitter is problematic. For instance, Graham and

Smith (2016) theorise Black Twitter in White vs Black terms, suggesting that White Twitter is the public sphere and Black Twitter is the counter-public sphere. According to them, “It is through hashtags that boundaries are drawn in Twitterverse and publics are identified” (Graham and Smith, 2016: 436). I suggest that this notion overlooks the fact that White people can sometimes align themselves with Black Twitter as we have seen in the use of #BlackLivesMatter and its increasing popularity among White people. Researchers have also shown how that Black Twitter is not exclusive to Black America as it can be altered in one sense to mean Black people everywhere or anywhere. For instance, Smith and Bosch (2020) highlight how Black Twitter explains cultural formations in the use of Twitter by South Africans, a case study outside Black America. Stout et al. (2017), in their work, also use #BringBackOurGirls (a Nigerian hashtag), in relation to other black-tags, suggesting that Black people all over the world, those in Nigeria inclusive, can be grouped under Black Twitter identity.

It is this flexibility that I refer to in my use of the Nigerian Twittersphere in this thesis. Sharma (2013: 54) speaks to this in his work on digital race assemblage where he sees the Twitter infrastructure as an artefact used by people to produce online identities, not as individuals, but as “complex technological assemblages.” In speaking of assemblage, he notes that a “subject formation [or community] can be both territorialized (made) and deterritorialized (unmade)” (Sharma: 2013: 55), and that the boundary line between formations is fuzzy and fluid. Hence, connections are possible between two or more assemblages, and each assemblage has the potential to retain its identity while appropriating the identity of another. Consequently, I find Ihebuzor and Egbunike’s (2018) description of Twitter communities in Nigeria to be problematic. They note that there are distinct Twitter communities in Nigeria, for example, one for sports and another for politics, adding that, “each of these clusters has a distinct computer mediated culture that defines their community” (Ihebuzor and Egbunike, 2018: 184).

While I agree that communities exist based on topics of interest (the Twitter hashtag that I analyse is essentially on a topic of interest), I argue that the mediated culture that

separates communities is not as distinct as suggested by Ihebuzor and Egbunike (2018), as there is a (de)territorialisation that makes it possible for users to identify with several communities simultaneously. Therefore, as a Nigerian Twitter user, I can in one breath be a part of the Nigerian sports community, and in another breath join virtual debates on Nigerian politics, whether I am within Nigeria or in the diaspora. This flexible way of identifying with communities is key to understanding the concept of the Nigerian Twittersphere, and why a platform like Twitter is an ideal site to study broad-based opposition to issues such as social media regulation.

Having explained how Twitter enables the formation of fluid communities, I now turn to the Nigerian Twittersphere as a space where oppositional issues that border on politics are freely discussed. In this regard, the use of Twitter hashtags is not unique to Nigeria as the literature indicates. However, my point here is to establish the fact that hashtags have been used in Nigeria to freely mobilise and express opposition through tags such as #RevolutionNow, #OccupyNigeria, and #EndSARS. This then makes Twitter an ideal site to study how users respond to social media regulation in Nigeria, a move to potentially impose restrictions on the architecture of online communication that allows users mobilise freely in activist ways.

In line with this, Ihebuzor and Egbunike (2018: 179) observe that Twitter with its compact character limit has "democratised the communication space" in Nigeria through its "participatory nature," making it the "unique platform for gauging political conversation in Nigeria." Moore (2015) also describes how Nigerians used Twitter before and after the 2015 general election, painting the picture of a community of people gathering around hashtags to share comments and updates. Twitter then became the space where "the perception of the candidates and the election process" largely took place (Moore, 2015). On their part, Ofori-Parku and Moscato (2018: 2495) make the point that Twitter serves as an interaction enabler since the hashtag "apart from providing an on-the-ground perspective on what was happening in Nigeria, also served a journalistic role for a broad audience, a publicity role for activists, and a way to gain the attention of power elites." Opeibi (2019: 7) also shows that

the use of Twitter has been “integrated into Nigeria’s political discourse” as it was used to facilitate the assemblage of people around the 2015 election.

Beyond this, Nigerian Twittersphere also explains the use of Twitter as a space for expressing national and cultural sentiments through jokes and insults. For example, the Daily Trust describes the phenomenon of “Nigerian Twitterati,” a land whose inhabitants “are not subject to anyone’s control,” having the freedom to denigrate anyone in what is called “dissing” (Asaju, 2020). There are also persistent culture wars, for instance, #JollofDebate between Nigeria and Ghana, and occasionally, there are others between Nigeria and Kenya or Uganda or South Africa. Speaking to this, Tayo (2017: para 6) notes, “We (Nigerians) can abuse our own but you dare not diss us,” adding, “The bottom line is that you don’t want to mess with Nigerians.” Indeed, these Twitter culture wars indicate that there is a Twittersphere for other countries, but my point has been to show that this exists in Nigeria in ways that explain the formation of fluid (de)territorialised communities that are combative and aggressive. It is this that makes the Nigerian Twittersphere the major platform for activism in Nigeria, one where opposition is practised, including against social media regulation. Hence, I contend that the Nigerian Twittersphere is the platform to use in studying the opposition to regulation. Having discussed the Nigerian Twittersphere and its relevance as an object of study for my research, I now move on to analyse interview data to show why people chose Twitter as the platform with which to oppose the regulation of social media in Nigeria.

7.2. Twitter as the Foremost Social Media Activist Platform in Nigeria

The previous section established the idea of the Nigerian Twittersphere, indicating the central role that Twitter plays in oppositional and activist discourses in Nigeria, something that is noticeable in the resistance to social media regulation. For instance, we see that once the Internet Falsehood Bill was introduced in the Nigerian Senate in November 2019, social media users on Twitter expressed their opposition utilising several hashtags, the most

prominent of which was the #SayNoToSocialMediaBill tag. Twitter, therefore, served as the central platform for resisting the regulatory move. The central role of Twitter in activist discourses in Nigeria was further reinforced during the October 2020 #EndSARS movement, for which the platform was described as making "its biggest political impact," becoming "the platform of choice for young demonstrators" (Orjinmo, 2021).

It appears that the Nigerian government has also taken notice of Twitter's central role when it comes to activist discourses. In the 2021 Twitter ban, for example, the government cited the use of the platform for activities "capable of undermining Nigeria's corporate existence" (Federal Ministry of Information and Culture, 2021) – a pointer to the securitisation argument (see chapter five). The ban came after Twitter deleted a tweet by President Muhammadu Buhari, the deletion of which prompted Lai Mohammed, the Information and Culture Minister, to say in an interview that "Twitter's mission in Nigeria is very suspect" (see Channels Television, 2021a). All these indicate the dominant role that Twitter has assumed in Nigeria's online socio-political discussions in general and activist campaigns in particular.

Consequently, I argue that Twitter is the foremost platform for online activism in Nigeria. This position is all but stated in the literature on digital activism, where researchers tend to refer to social media platforms generally as opposed to the central role of Twitter (Poell and Rajagopalan, 2015; Housley et al., 2018; Li et al., 2020). There is an acknowledgement, for instance, that the BlackLivesMatter movement began on Twitter, but this is usually credited to the role played by social media platforms generally (Housley et al., 2018). We find a similar trend in research into online feminist campaigns, where Horeck (2014: 1106) refers to the "radical potential of digital media" and social media more broadly, when in fact the campaign used as a case study was based solely on feminist activism on Twitter. What we see, therefore, is a cautiousness among researchers in recognising the emergence of Twitter as a distinct tool for activism. This cautiousness can be explained by a wariness among researchers in referring to concepts for which the data is not definitive.

However, I suggest that referring to social media activism, in this case, can be misleading. For one, social media is a broad concept, ranging from wikis to blogs to instant messaging services. It is therefore helpful to refer to specific platforms and the particular socio-technical features they possess, rather than generalising to social media. Consequently, I make the case for the use of the term "Twitter activism" instead of the more general "cyber activism" or "digital activism" when dealing with activist campaigns on Twitter.

A potential argument against my position could be that researchers disproportionately use Twitter for their work, in comparison with other social media platforms, since Twitter data is far easier to access and analyse (Blank, 2016). It could then follow that this imbalance, and not Twitter's central role, is what accounts for the overwhelming focus on Twitter campaigns and hashtags in the literature. This is a plausible explanation, but one that does not stand the test of scrutiny, particularly in the Nigerian case. Take the #EndSARS movement for instance. Twitter's central role in the movement has been established previously in its description as the platform of choice for young protestors. We also see a near 100% increase in Twitter traffic in October 2020 – the month of the movement. Social media usage figures compiled by Statcounter (2022) show that Twitter traffic for Nigeria at the start of October, put at 22.01%, rose to 39.88% by the end of the month. This was just as traffic for Facebook, which has far more users in Nigeria, fell from 55.13% to 42.89%. Although the data on traffic flow does not specify that increased Twitter usage during the period is tied to #EndSARS, this can be implied when we consider that the #EndSARS tag generated no less than 302 billion Twitter impressions[2] between 1 October and 18 November 2020 (DFRLab, 2020). I suggest that this indicates the important role played by Twitter in the #EndSARS movement, and by extension, the #SayNoToSocialMediaBill campaign. It seems, therefore, that researchers dealing with online activist discourses (as in my case) turn to Twitter, not just because of its ease of use,

[2] Twitter impression is a tally of the number of times a tweet has been seen.

but also because it is preferred by online activists, who generate the kind of discourse we are interested in. In other words, researchers typically go where the data can be found.

Having discussed the existence of "Twitter activism," especially in Nigeria, it is important to ask: What accounts for it and the principal role that Twitter plays in socio-political discourses in Nigeria? Compared to other platforms, why was Twitter the dominant platform used to oppose social media regulation in Nigeria? I put these questions to 15 of the 19 interview participants, either because they were Twitter users who engaged with the #SayNoToSocialMediaBill hashtag, digital rights activists, online media practitioners, or policy experts. Interview data in this section heavily features the hashtag users, and analysis is done using reflexive thematic analysis (Braun and Clarke, 2021). The interview responses form the remainder of this section. Altogether, the interviewees specified three broad themes to explain Twitter's role in the opposition to social media regulation in Nigeria. These include (1) Twitter as a platform for justice, activism, and dragging, (2) generational gap, and (3) Twitter as a leveller. I explain each of them below.

7.2.1. Twitter – A Platform for Justice, Activism, and "Dragging"

The most prominent theme from the interviews that explains why Twitter is central to activism in Nigeria is the notion that users have attached ideas of intensified political exchanges to the platform. All the 15 interviewees referred to this, making the point that Nigerians tend to use Twitter for a different reason than they do other social media platforms – one that is geared towards posting political, activist, and agitative content. The interviewees noted that they use Twitter to be confrontational and aggressive, describing it as their preferred platform to identify trending political issues, grievances, and campaigns. One respondent described their approach:

> If I am opening my Twitter app now, I am not opening Twitter with the hope of expecting peace. Once you open Twitter, your mind is already open that you can see anything. You can get anything. With that mindset…you quickly pick on that matter [being discussed] and continue the rant with whoever it is (Participant 16).

The above presupposes that this Twitter user comes to the platform with a certain psychological resolution; one which alerts them to *engage*[3] actively with social issues. Tied to the impulse to engage in this manner is the belief that "a lot of Nigerians have gotten justice from Twitter" (Participant 16). Justice, in this regard, is used loosely to refer to a sense of reprieve that users get when they report wrongdoings, for example, an incidence of crime or extortion on Twitter. Participant 16 went further to explain that it could be restorative such as when after a Twitter post, the monetary equivalent of someone's stolen possession is sent to the victim of a robbery. It could also be retributive such as when Twitter users secure the demotion or redeployment of a police officer who has been accused of, say, highhandedness or insensitivity.[4] The underlying suggestion is that this loose sense of justice – the willingness to right a wrong – conditions the expectations that users have when they visit Twitter. The platform is then a site where social media users expect to find conversations on happenings that are meant to shock the sensitivities and subsequently lead to (activist) demands for redress and change, or justice. This is related to the wider perception of Twitter as a platform used to promote social justice on issues such as Black Lives Matter (Blevins et al., 2019; Wilkins et al., 2019; Tillery, 2019). Again, a typical example of this was the #EndSARS movement, which began only after a video of an extrajudicial killing was posted on Twitter (Kenechi, 2020). From this perspective, #EndSARS can be seen originally as a demand for (retributive) justice for all those who had fallen victim to police brutality. The movement then shows how a call for change or justice on Twitter can snowball into a major activist campaign.

What is even more noteworthy, in line with the theme of Twitter being a platform for heightened activist exchanges, is the notion that social media users typically expect to find calls for justice or activism specifically on Twitter. This suggests that oppositional and activist

[3] Engage here means retweet, like or comment on a tweet, intending to make it go viral.
[4] An example of this was when Twitter users demanded that a "controversial" police officer, Abayomi Shogunle, be sanctioned. He was redeployed in May 2019 to a remote location after he made a series of Twitter posts that was seen as insensitive. See here: http://sahara reporters.com/2019/05/04/celebration-twitter-police-remove-abayomi-shogunle-head-complaint-response-unit

content are far more likely to be posted on Twitter; thus, creating a cyclical pattern where Twitter's central role in activism is further entrenched. On #EndSARS, one can assume that those who posted the video would have wanted rapid agitative responses to the post, since anger substantially increases online engagement (see Ryan, 2012). Thus, having a sense of the expectations that social media users in Nigeria bring to Twitter would likely have settled the question of *where* to post the video. Twitter users, in turn, would not have found the video to be peculiar given their expectations about Twitter content, prompting them to *engage* with the tweet. Twitter is then described as a gathering for "conversations that wake you up" and "information meant to trigger" (Participant 13).

The result is that the platform is seen by the interviewees as the primary site for online activism in Nigeria. Hence, the description of the micro-blogging site by one respondent as a "war zone" (Participant 4), consisting of people who are hostile, active and have a high engagement level. Even presidential spokesman, Femi Adesina (2020), pejoratively referred to Twitter users as "Twitter warriors" in the heat of the #EndSARS protests. There is also a sense that "You don't get to decide; the conversations come from anywhere [on Twitter]. And that information is always so shocking, you will have to react" (Participant 13). This underscores Twitter's place as central to the circulation of agitative posts, prompting a heightened level of engagement. The activists that I interviewed agreed with this summation, describing Twitter as "an activist platform" that has helped advocacy "more than any other platform" (Participant 17); another highlighted their preference for Twitter, saying: "When you want to amplify an issue, you take it up on Twitter. People know that – even those in the grassroots" (Participant 18).

Calls for justice on Twitter also manifest in the form of "dragging"[5] – an intense Twitter conversation aimed at denigrating, attacking, or criticising specific persons for their actions or comments deemed by users to be deplorable, and for which accountability is

[5] Another term that Nigerian Twitter users tend to utilise is "vawulence," a play on *violence*. The term is used in mostly only settings and is similar but slightly different to dragging.

needed. The interviewees referred to it in different ways including “dragging” (Participant 16), “mob” (Participant 7), “war zone” (Participant 4), a way to “harass one another” (Participant 1), a “brutal place” (Participant 6), and a site where Nigerians “abuse” (Participant 10) or “insult” specific persons (Participant 11). I settled on the description given by Participant 16 because it most clearly captures the characterisations that other interviewees provided and because of its wide usage in the Nigerian Twittersphere (see Obiejesi, 2018). It is unclear how the term came about, but parallels can be drawn to the way a defendant is “dragged” before a law court by the plaintiff or the way that someone is “dragged” through the mud. This reinforces the view of Twitter as a site for dispensing justice, where Twitter users simultaneously wear the garb of judge, jury, and executioner. Objects of dragging can be anyone, but they tend to be high-profile figures such as public office holders and celebrities. What counts is their involvement in perceived wrongdoing that Twitter users feel they should be held accountable for. Dragging, therefore, lowers the bar for political activism in Nigeria.

More often than not, dragging is spontaneous and starts with a tweet, not necessarily amplified by a highly followed account, the objective being to gain cathartic release and shame the perceived transgressor. It can last for a few hours or days, and it can be one-off or intermittent, dependent on how long the story remains of interest. Regardless, it is almost always the case that the name of the person being dragged will feature on the Twitter trend table. I found nothing in the literature on dragging, but marginal connections can be made to studies on online shaming and networked harassment (Laidlaw, 2017; Shenton, 2020; Marwick, 2021; Thompson and Cover, 2021). In Shenton’s (2020: 1) work on online shaming, for instance, he identifies what he calls “social media poetics.” This happens when “online communities of individuals who, relative to the state and to one another, deploy essentializing tactics to shame each other and in so doing create themselves and that which they oppose” (Shenton, 2020: 3). However, one major difference is that whilst Shenton (2020) defines shaming as being between two proportional groups, such as the ideological left and right, dragging is more concerned with shaming deployed by a less-defined group of

people (Twitter or hashtag users generally) against one or a few individuals. When these individuals are public figures, dragging is usually targeted at demanding accountability and expressing overt dissent, with the belief that it can serve as a check on them:

> Even policymakers are also very conscious of what goes on on Twitter because they themselves are there. They also are human beings and they've got families. So, if you are dragging my surname, my brother will call me to say what have you done? So, at the end of the day, it (dragging) has also helped to change things (Participant 16).

For instance, Desmond Elliot, former Nollywood actor and lawmaker in the Lagos State House of Assembly has been repeatedly dragged on Twitter for, among other things, his pejorative referral to social media users as children (Shehu, 2021). Other politicians such as Lai Mohammed, the Information and Culture Minister, and even President Buhari have been the objects of dragging. In this sense, dragging becomes a form of positive online shaming that is humbling, perceived as rightly aimed at knocking someone down a peg because of their social transgression (Laidlaw, 2017). Those involved are then able to justify their act of dragging, deploying what Marwick (2021: 4) calls "morally motivated networked harassment."

However, at intervals, one will find those whose intention is to engage in acrimonious exchanges. These users typically hurl insults at or wish ill to the person being dragged; they also dox their victims, posting their contact details and asking Twitter users to *bless* (i.e., bombard) them with *greetings*. Instances include the release of phone numbers of public officials during the #EndSARS campaign on Twitter (see Hundeyin, 2022 for instances of phone numbers being shared on Twitter during the campaign). Thompson and Cover (2021) describe this as digital hostility, noting that it has a potentially grave effect on the health and well-being of those who are targeted. In this regard, the interviewees described Twitter as a "brutal place [where] people will come after you. There is a negative side of it where people attack you" (Participant 6). People on Twitter were also seen as "a mob," making the platform "a bit like a reality show where people are just looking for the next scandal, the next person to abuse" (Participant 7). As a result, people can be defamed based on hearsay or

grudges, and the fear of being dragged can lead to a chilling effect, where users censor their posts. Others, however, saw dragging as a positive thing: “The good thing is that you can’t just say something silly and stupid and think you can get away with it” (Participant 5) – the impression being that other users will drag you on Twitter.

Dragging can then be seen in the broader sense of Twitter’s central role in facilitating heightened political, activist, and confrontational exchanges, for good or evil. It is under this overarching conceptualisation that dragging is understood as a social practice that makes Twitter unique in the way it is used to police social and political transgressors. And although some form of dragging also happens on other social media platforms (e.g., Facebook), Twitter is where it reaches its highest form of expression, such that reference to dragging is almost always interpreted by default to mean dragging *on Twitter*. This further reinforces the sentiment that Twitter provides the ultimate freedom that social media represents, enabling users to freely express their views on socio-political issues, especially those that bring them frustration. Overall, the participants viewed Twitter as the most recognised facilitator of free speech and dissent on social media. Despite whatever negatives there might be, the interviewees were optimistic about Twitter, seeing it as an uncensored space that “puts so much power in the individual,” making them “free as we want to be” (Participant 13).

The interviewees noted that they use Twitter in this activist way because of its functional uses and affordances. In essence, Twitter is described as a platform that facilitates the viral spread of information or posts. The interviewees saw it as “the most engaging social media network” (Participant 17), particularly for “real-time intellectual engagements and feedback” (Participant 18). Indeed, one of Twitter’s appeals is the fact that it encourages public conversations with strangers in real-time (Amnesty International, 2018). Twitter (2020) itself says it is a platform committed to the “civility of public conversation.” Interviewees also noted that Twitter promotes activist discourses in Nigeria because its platform design enables users to see not just what their followers post, but also what they like and what appears on a hashtag. O’Reilly (2009, para 5) describes this as the

“asymmetric follow” system which makes it possible for tweets to potentially reach millions of people including those who are not on the sender’s follower list.

Twitter is then seen as being “more connected” than other social media platforms in a non-personal way since, “you don’t have to know the person [you are conversing with]; it will appear on your timeline” (Participant 13). Interviewees also pointed out that Twitter only allows 280 characters per tweet, observing that this enables fast-paced interactions. Since it is short, “people have to make their answers concise and to the point, unlike on Facebook where there is a long conversation” (Participant 6). Participant 17 also noted: “Twitter helps to make your conversation very sharp, crispy, and straight to the point.” The use of short texts on Twitter then means posts and information can be “pushed out” (Participant 6) quickly to facilitate discourses of activism and opposition on Twitter.

7.2.2. Generational Gap

In addition to Twitter’s usefulness for activism and its design functions, five participants noted that Twitter’s dominant role in activist discourses in Nigeria can be explained in demographic terms. Twitter was described as a platform that has been adopted overwhelmingly by young people who are said to still have the idealism and passion required to challenge the political establishment. One interviewee viewed the youths as an “impatient generation” for whom “there is a wellspring for sufficient anger” given the relatively bleak future they are confronted with in Nigeria (Participant 8). There was also the understanding that different platforms serve different generations, with Twitter being the platform for young people in Nigeria today. As one respondent noted, Blackberry Messenger was the platform used to organise, coordinate, and sustain the Occupy Nigeria protests in 2012. “This generation,” they said, “is using Twitter [instead] and they are much angrier. This generation’s anger is being vented on Twitter” (Participant 11). Young people are also said to have “less baggage” in terms of caring responsibilities, and they are described as people

who are “not jaded by life” and feel they can get things done right away (Participant 6). Therefore, Twitter’s centrality to activism was seen as:

> more of the age group of the people who are on this social media, rather than the social media itself. Most of the youths have nothing to lose in a way, and that is why they were able to carry out the #EndSARS protest…. For them, Twitter is more accessible. It is what they use (Participant 6).

This view was corroborated by another interviewee, one of the #SayNoToSocialMediaBill hashtag users. They viewed social media platforms in segmented terms where Twitter is used by the youth, while Facebook and WhatsApp are preferred by those in the older generation:

> Twitter is still mostly a platform for young Nigerians. My mother has a Twitter account, but she doesn’t use it. She uses WhatsApp all day. So, I think different platforms are more catered to different audiences. WhatsApp is for our parents; Facebook is also for them (Participant 2).

The interviewees were generally of this view, even though demographic information on age is difficult to infer from Twitter profiles, not least because some Twitter users do not state their age or may specify a wrong age. Regardless, their view is consistent with the existing literature, which shows that platforms like Facebook, YouTube, and Twitter have been especially used by young people for political participation and engagement (Poell and Rajagopalan, 2015; Andersen et al., 2021). For instance, Blank (2016) studies demographic factors affecting Twitter usage in the US and the UK. His submission is that Twitter users constitute the young elites in both countries. They are younger than users of other social media platforms, who are younger than other internet users, who are then younger than the offline population. From this standpoint, Twitter can be seen as the “transmission of [young] elite influence” (Blank, 2016: 13). Participant 17 described the platform similarly, saying, “Twitter is still being seen as elitist.”

Poell and Rajagopalan (2015) further show that, in India, Twitter is largely being used by the urban middle-class youth. Hence, they note that the platform is “primarily used by a new generation of activists” (Poell and Rajagopalan, 2015: 728-9). The data on Nigeria is

mostly non-existent, but the suggestion is that Twitter is equally preferred by urban and educated youths. We see this in the #EndSARS example, which indicates the demography of those who use Twitter for activist discourses in Nigeria. Since the protests were youth-led and Twitter was the major platform used, it is plausible to suggest that the relationship between Twitter and its usage by young people is relatively strong. This is not to imply that those in the older generation do not engage in activist discourses on Twitter, but that young people tend to form the majority. Given this lack of certainty in the data, interviewees also pointed to their own experiences of Twitter usage by young people. We see this in the comment by Participant 6, a digital rights activist, who said, "With the #EndSARS protest, it was more of the younger generation that took it on." This interviewee added that they had teenage children who maintain a limited presence on other social media platforms such as Facebook because they (teenagers) find it "freer doing certain things on Twitter because their parents' generation are not on Twitter with them." This underscores generational differences that exist in the usage of Twitter compared with other social media platforms.

7.2.3. Twitter as a Leveller

Four of the interviewees further shared an understanding of Twitter as a leveller – a site where "nobody cares who you are" (Participant 6). This is the understanding that people are willing to address others as equals without regard for age, status, or standing:

> Twitter is like a leveller. No matter who you are, whether president or senator. It provides a level playing field. As long as you bring yourself to the Twitter table, just be ready to play the ball (Participant 5).
>
> They (Twitter users) are very hostile…. And irrespective of your class; they do not care whether it is Trump, Buhari, Wole Soyinka (Participant 4).

Twitter as a leveller is facilitated by the @mention function, where any user can be addressed in a conversation. In general, Twitter mentions can also create visibility and recognition for a particular viewpoint – seen as a demonstration of social capital (Recuero et al., 2019; Maares et al., 2021). In terms of social capital as performed on social media,

research suggests that there is a positive correlation between sustained social media usage and social capital (Ellison et al., 2007), especially when users are extroverts (Moshkovitz and Hayat, 2021). In this regard, a sense of someone's social capital on Twitter can be made using metrics such as follower count, account verification status (the blue tick), and a user's ability to influence conversations. Seen from this perspective, Twitter rarely functions as a leveller; instead, the platform tends to reproduce unequal offline social relations.

For instance, Maares et al. (2021) show that journalists with a high professional reputation on Twitter tend to mention, reply, and retweet only those in their professional network, rarely interacting with regular users – the audience. One can also add that high-profile users, who usually have large followings, tend to follow far fewer people in return. These are the supposed influencers and opinion leaders, whose tweets are far more likely to be of consequence than the "average" tweet – presupposing that Twitter does not make for equality among users. Nonetheless, Tromble (2016) observes that the situation is different for politicians in Western democracies, where Twitter facilitates interactions between regular users and elected officer holders. He notes that no less than two-thirds of politicians in the US, the UK, and the Netherlands engage with Twitter users whether during election seasons or not.

In the Nigerian context, there is nothing to suggest that something similar exists. For instance, in my analysis of the #SayNoToSocialMediaBill corpus, I found that although Twitter users regularly mentioned the names of top politicians, including President Buhari, there was no corresponding response in the form of replies. What is of relevance, however, is the sole @mention that happens, reinforcing the view that anyone, regardless of social capital, can be addressed. It is this access that underpins Twitter as a leveller for people from different social cadres. Participant 17, for instance, pointed out that they mentioned the Nigerian Senate President using the @mention function for weeks until he responded to their campaign on electoral reforms, stating, "he [the Senate President] couldn't resist the

pressure." They added that Twitter makes it easy to "connect with anybody" including "most global leaders."

Poell and Rajagopalan (2015: 726) refer to this, noting that Twitter provides an "easy entry" into advocacy campaigns, lowering the bar required for people to participate in activist discourses. Twitter makes it possible for users to address political leaders directly and demand action without fear of social sanctions related to deference. This is significant in a relatively high-power distance society like Nigeria, where deference to leaders is entrenched and where citizens are expected to show respect to elders. As a result, elected leaders tend to feel that they are being abused by young people on Twitter. For instance, in his response to the #EndSARS movement, Desmond Elliot noted in a plenary that he could not believe the comments he read on social media, describing them as "curses, abuses from children" (Sahara TV, 2021). The plenary session itself, held on October 26, 2020, was centred on berating young people for their use of social media, further crystalising the perception of Twitter as a tool of the youth. I also suggest that it is reflective of the general condescension that Nigerian leaders have towards social media users, who are seen as being disrespectful. In other words, platforms like Twitter have largely bridged the relational gap between leaders and citizens, making it possible for regular users to "hail"[6] political leaders as a form of interpellation (see Althusser, 2014). It is in this way that Twitter can be seen as a leveller.

Given all I have noted here, it is possible to see why Twitter is preferred as the central platform for opposition, activism, and resistance in Nigeria. In this section, I have demonstrated *why* this preference for Twitter exists. I found that Twitter is favoured as a tool for social media activism because of its use as the platform for justice, activism, and dragging, especially by the youths who tend to see it as a leveller. There is also the understanding that Twitter's platform design allows for the greatest expression of online activism. This accounts for my choice of Twitter as the platform with which to study the

[6] This refers to the way a person can be addressed simply by calling their name or "hailing" them. Althusser (2014) relates this to ideology, suggesting that individuals become subjects of a prevailing ethos after they have been "interpellated" by an ideological state apparatus.

opposition to the regulation of social media in Nigeria. In the following sections, I consider *how* users carried out this opposition as I analyse Twitter data that I got from the #SayNoToSocialMediaBill tag using the socio-cognitive and corpus linguistic approaches to critical discourse analysis.

7.3. Analysing the Pre-EndSARS Sub-Corpus

For the rest of the chapter, I turn attention to the #SayNoToSocialMediaBill corpus to show how users deployed the discourse of opposition and resistance. To do this, I divide the corpus into two sub-corpora: the pre-EndSARS sub-corpus and the post-EndSARS sub-corpus. The themes that I found in the pre-EndSARS sub-corpus include anti-democracy/anti-freedom of expression, ulterior motive, and misplaced priority. These themes were further amplified in the post-EndSARS and were therefore not considered. Instead, what I highlight in the post-EndSARS sub-corpus were themes relating to generational fault-lines, North-South divide, and international pressure.

I discuss the post-EndSARS sub-corpus in the subsequent section, but I begin in this section with the pre-EndSARS sub-corpus, comprising tweets that were posted between December 2019 and September 2020. First, I examine the identities of the participants in the debate on social media regulation, particularly as they are framed and interpreted by the hashtag users as a means of resisting the regulatory attempt. The first major identity that the hashtag users ascribed to themselves was that of citizens, the fact that they were Nigerians. Implicit in this categorisation is the understanding that as *citizens*, they were entitled to certain *freedoms*, including the right to speak and to be heard. Table 7.1, which contains the frequency of relevant words across all three corpora, shows that the words *citizen(s)* and *Nigerian(s)*, when viewed in proportion to the wordcount, were used far more in the pre-EndSARS sub-corpus than in the general corpus. Table 7.3 also shows that *citizen*

collocated[7] most frequently with *memo* (86 times) and *Nigerian* (36 times) in the pre-EndSARS corpus, referring to the campaign urging Twitter users to write petitions to various lawmakers. There were tweets such as: "Nigerian citizen [insert name][8] writes a memo to Senator Mohammed Sani Musa to kill the Social Media Bill now," "They need to listen to the masses," and "I, we and all Nigerians don't want these bills."

By using terms like "all Nigerians," the hashtag users sought to amplify the status of their identity as citizens. In other words, beyond being considered Twitter users or hashtag users (the term that I have adopted), they seemed to make the case that everyone in Nigeria, indexed as the "masses," was against the government. Given that all the pre-EndSARS tweets, inclusive of retweets, were just shy of 15,000, the suggestion that "all Nigerians" are engaged in the discourse of resistance is, without doubt, a stretch. Recuero et al. (2019: 14) note that this practice is fairly common, saying, "Activists [on Twitter] seem to actively work to create a false sense of consensus, of majority." However, what is of contextual relevance for my research is not the number of tweets or users, but the shared understanding that Nigeria is a democracy, at least in theory, and that democracy is a game of numbers – the rule of the majority. Hence, the claim that virtually all Nigerians are against regulation as seen in this tweet: "I'm sure I speak for 199.9m[9] Nigerians. The 1000 who I cannot speak for is you, the Senate & the Nigerian Army." To assume the identity of the masses, therefore, is to signify that they as Twitter users are in the majority, and by implication, that those in favour of regulation are in the minority, having an illegitimate stance.

In line with their self-identification as citizens and as those in the majority, the hashtag users also viewed themselves as voters, making it clear that federal lawmakers "should know that we elected them to represent us and not to silence us." In the sub-corpus, *vote* only occurs three times, as seen in Table 7.1. Yet the qualitative reading of the sub-

[7] This was done using the T-Score measure of statistical significance, five words on both the left and the right (5L-5R).
[8] The Twitter user, a digital rights organisation, listed the names of several people in different tweets having the exact same words.
[9] The population of Nigeria at the time of tweeting was loosely estimated to be 200 million people.

corpus using the socio-cognitive approach shows that the hashtag users sought to notify those in elected public office that beyond being citizens, they also formed the electorate controlling the allocation of political power. Here, the hashtag users merged the discourse of power with the discourse of opposition, since ultimate power rests with the people or voters as democratic norms prescribe.

Word	**General Corpus** (434,059 words)	**Pre-EndSARS** (42,856 words)	**Post-EndSARS** (391,203 words)
Endsars	12704	12	12692
Nigeria	2025	177	1848
Government (govt, gov)	1696	190	1506
Nigerian(s)	1392	237	1155
Lekkimassacre	1383	0	1383
People	1350	86	1264
Rights	889	176	713
Buhari/Mbuhari	788	91	697
Free(dom)	716	222	494
North(ern)	635	5	630
Youth(s)	546	11	535
Speech	524	205	319
Citizen(s)	444	148	296
Power	413	43	370
Democracy/democratic	403	106	297
Protest	380	18	362
World	332	16	316
Kill	263	69	194
Fight	248	29	219
Sorosokegeneration	235	0	235
Justice	173	4	169
Liberty	147	75	72
Vote	126	3	123
Petition	97	35	62
Threat	70	26	44
Visa	35	0	35

Note: Brackets and slash are used in the "Word" column to show the different ways that related expressions are presented in the corpora. The frequencies for the different expressions were added for each of the affected rows.

Table 7.1. Frequencies of relevant words across the #SayNoToSocialMediaBill corpora ranked by the general corpus

This understanding is largely assumed in the corpus, but it was still explicitly stated such as in this tweet: "It must be reckoned that @nassnigeria [National Assembly] exists at the pleasure of the people, as Sovereignty resides with Nigerians." Again, we see the

representation of Nigerians as being of one mind against the regulation being deployed. Also, contextually speaking, the tweet is a counter-expression of power as lawmakers, despite the power and influence resident in their offices, are seen as having no choice but to accede to the demands of the "masses" to "put the interests of your constituents before your selfish lives." The consequence of not acceding is not stated, but there is no need to, as this knowledge is shared among the hashtag users. In essence, erring lawmakers can be recalled or may not be voted for in the next election cycle. However, given the context of Nigeria's political environment where elections can be manipulated (see Herskovits, 2007), it is unlikely that hashtag users will be able to wield any form of power in this regard. What can be useful for the exercise of power is the use of discourse to frame lawmakers – and by extension, the government – in ways tied to negative other-representation. That is, their reputation as democratic players can be tarnished as seen in this tweet: "Enough of [these] executive rascals in democratic clothes."

From the discourse in the pre-EndSARS sub-corpus, negative other-representation, as seen in the concordance presentation of *Government is*[10] in Table 7.2 below, is used to rebut what is seen as the government's line of reasoning, performing the contextual role of delegitimisation, the likely first step towards opposition and resistance. Government, in this sense, includes different personalities who form the political-ruling class. One is the National Assembly, the federal legislative body comprising two chambers – the Senate and the House of Representatives. The hashtag users sometimes addressed the National Assembly as one body (@nassnigeria, mentioned 119 times), and at other times, addressed specific members such as Senate President Ahmad Lawan (@drahmadlawan, mentioned 116 times) or House Speaker Femi Gbajabiamila (@speakergbaja, mentioned 89 times; @femigbaja, mentioned 21 times). These are the respective presiding officers of both houses who have significant power over bills, laws, and policies, an understanding not lost on the hashtag users.

[10] Selected based on the prominence of the term "government."

Also addressed was Senator Sani Musa (@MohdSaniMusa, mentioned 12 times), the sponsor of the Internet Falsehood Bill. Another group included in the definition of government is the executive arm, usually denoted as President Muhammadu Buhari (@MBuhari, mentioned 41 times; "Buhari" mentioned 50 times) or Minister of Information and Culture, Lai Mohammed. Although members of the executive have said little about the Bill, the hashtag users largely grouped the executive and legislature in their generic construction of "government" (mentioned 161 times). The government, in this case, is the ruling party – the All Progressives Congress (APC) – which controls the executive and has majorities in both houses of the National Assembly. The principal actors listed here (Buhari, Mohammed, Lawan, Gbajabiamila, and Musa) are also members of the APC. Consequently, APC features in the negative other-representation of government, where government is seen as an anti-democratic agent determined to silence the voices of Nigerians through social media regulation.

The only tool we have to fight the	Government is	Social Media.
When	Government is	determine to mute the voices of it's citizens
youth on social network has no idea what the	government is	planning against their freedom
The	government is	trying to take away civil liberties
Nigerian public needs more access to what the	Government is	doing in its name.
He also stated that the Nigerian	government is	a big publication of false news thus
of expression and constructive criticism of the	Government is	denied"?
I totally agree with Bishop Oyedepo, this	government is	really bad and worst of it's kind.
If condemning a fraudulent	government is	a sin,im ready to be in jail.
Nigerian	government is	one of the useless and corrupt government
This	government is	hell bent on limiting the citizens.
public needs more access to what the	Government is	doing in its name.
criticize the president, public officials or the	government is	not only unpatriotic but reintroducing slavery.
In Nigeria, the	government is	trying to silent the people from critisizing
not making enough noise about this; The	government is	about to pass a bill not only
with democracy is threatened in Nigeria – the	government is	cracking down on civic and media space
The Nigerian	government is	moving fast to cave the last untamed
if we are shouting about something our	government is	doing. They can TURN OFF our internet!

Table 7.2. Concordance lines for "Government is" in the pre-EndSARS sub-corpus

However, the opposition (mainly the People's Democratic Party [PDP]) is not left out of the hashtag users' definition of government, as seen in this tweet: "This bill is not in the overall interest of Nigerians and only serves to protect the interest of the incumbent political

class. We must therefore remember that the opposition of today were the incumbents just a few years ago." Implicit in the text is the understanding that whether APC or PDP, they are all the same. Hence, the construction of "government" as a context category in the discourse loosely includes everyone in the federal political class, but is more focused on executive and legislative government officials in the ruling party. This understanding is what guides my use of the term "government" in this chapter, as seen in the negative other-representation of the ruling elite.

Negative other-representation, in this sense, is contrasted against the positive self-representation that the hashtag users ascribed to themselves, for instance, in describing themselves as "patriotic Nigerians" (mentioned twice). It is also tied to the values and norms with which the hashtag users sought to shape the social cognitions associated with social media regulation in Nigeria. These social cognitions refer to the ideology of freedom (of expression) that the hashtag users deployed in opposition to the ideology of securitisation. Implicit in this is the idea that freedom of expression should not be infringed upon in a country like Nigeria. Such an idea is built on shared standards and conventions of democracy where everyone is expected to have their say, even if that say is offensive. The hashtag users framed this understanding as a context model aimed at delegitimising the government's position on securitisation. Put differently, the construction of this context model, evident in the discourse, can be seen as exercising opposition built on shared interpretations and representations (i.e., individual and social cognitions) of the hashtag users, with the aim of influencing social reality as it pertains to social media regulation in Nigeria. This underscores my earlier submission about cognition being the site where the battle over social control, domination, and resistance takes place. In waging their battle, the hashtag users deployed the divisional rhetoric; that is, us-vs-them (see Said, 2003).[11] This can be seen in three major context frames or themes, which I now unpack.

[11] Edward Said, in his work on Orientalism, utilised the us-vs-them concept, referring to the way that the Orient is othered by the West (Tajfel and Turner's (2004) work on social identity theory is also instructive here).

7.3.1. Pre-EndSARS Theme 1 – Anti-Democracy/Anti-Freedom-of-Expression

The first of these frames is the notion that the regulatory attempt is anti-democratic – the idea that "they" as government are anti-democratic forces who want to take away "our" freedoms, and "we" as Nigerians must resist "them." This has already been established in the discussion on the hashtag users' positive self-representation of themselves ("us") as citizens (the masses) to be served by the government ("them"). Anti-democracy as a frame is further tied to values of freedom and liberty. Consequently, *our* (representing the collective) collocates mostly with *right*, *freedom*, and *voice*, as seen in Table 7.3. The Table also shows that *rights* shares statistical collocational relationships with *human*, *our*, *freedom*, *citizens*, and *voice*. As a form of resistance, social media regulation is then represented as a "threat," an act that "will greatly affect the right to freedom of speech," and as "the worst form of slavery."

The use of metaphors and references to slavery can be seen in the corpus, with expressions like "don't gag us." What we see here is the use of stark binaries (citizens/slaves) as a context element to shape and most likely provoke a hostile reaction to social media regulation such as in this tweet, "we are citizens, not subjects." This discourse (and many others like it) can be construed as a discourse of opposition and resistance since it engages in the negative other-representation of the government's position as one which subjugates a class of people, represented as "we." "We," in this instance, includes the hashtag users, who are the primary audience for the tweet. It also extends to social media users more broadly, but it only becomes relevant in the context of "we" as "citizens." This is an understanding that, although not stated, is commonly shared and carries with it the implicit notion that citizens (in a democracy) have a right to freedom of expression, and that anything contrary should be challenged. It is this understanding that construes the use of citizens/slaves/subjects pragmatically as a discourse of opposition. The hashtag users further deployed other binaries such as democratic/despotic, military/civilian, and dark-ages/modern-society to signal their use of "freedom" as a tool of resistance.

Search Term	No. of Collocates*	No. of Collocate Tokens**	Relevant Collocates & Collocation Frequency
citizen	186	1309	memo (86), Nigerian (37), writes (33), download (31), send (28)
government	220	1292	our (11), Nigerian (9), against (9), people (8), criticism (7), public (6), citizens (6), confidence (5)
hope	46	161	last (11), 4tharmofgovt (6), all (5), people (3), citizens (3)
our	579	5840	right (117), freedom (81), voice (77), opinion (46), rights (32)
police	45	203	Nigeria (10), power (9), judge (8), trust (4), dubious (2)
power	80	389	police (8), gives (7), our (6), speech (5), media (5)
rights	209	1244	human (32), our (31), we (18), must (16), freedom (10), Nigeria (10), their (9), citizens (9), voice (8), expression (6)
threat	48	371	bill (23), speech (19), freedom (17), democracy (11), Nigerian (8)
trust	21	65	police (4), Nigeria (4), daily (3), govt (2)

*Total number of collocates or words associated with each search term.
**Total number of collocation instances/tokens for each search term.

Table 7.3. Relevant collocational relationships in the pre-EndSARS sub-corpus (5L – 5R; Mutual Information score; minimum collocation frequency = 2)

The point of using binaries in this way to oppose social media regulation has already been made, but I refer to the negative other-representation of President Buhari (and by extension, the government – "them") as captured in this tweet: "This is just Decree 4 of 1984 reincarnating in 2019." Decree 4, considered the most repressive law against the media in Nigeria, was introduced by Buhari during his first coming as head of state between 1983 and 1985. Hence, reference to Decree 4 most likely drew on people's memories of state repression ("the dark ages"), prompting them to associate social media regulation with the limits placed on civil liberties during military rule. In functional terms, this discourse fragment crystalises the resistance, reinforcing the idea that "Nigeria has moved from military dictatorship to a civilian autocracy." In other words, it draws on Buhari's identity as a former dictator to frame the understanding that *things-have-really-not-changed*. This could have potentially influenced the interpretation of the citizen-government balance of power I

mentioned earlier. That is, democracy, citizen opinion, and the majority no longer count; all that matter is the rule of the sovereign, though elected. One can then see how linking social media regulation with Buhari's former identity as a military dictator functions to harden opposition in the discourse of resistance.

Additionally, binaries of democratic/despotic are extended to international identities and representations. For instance, the hashtag users referred to countries like North Korea, China, and Libya, promoting the understanding that social media regulation puts Nigeria in league with the world's dictatorships. Examples in the tweets include the possibility of Nigeria having the "absolute fascism" of North Korea, becoming a "second Libya," being visited with "the Egypt Internet Censorship," copying a country like Singapore with its low World Press Freedom Index, and becoming a dictatorship like China. As a contextual categorisation, these countries are presented as a kind of *cognitive mirror*. This framing takes advantage of the negative representation of these countries, particularly in terms of civil liberties, prevalent in the media and public consciousness. What is at stake, therefore, is the negative association Nigeria will share with these countries. However, what is of more contextual relevance is the implicit understanding that people in places like North Korea give "endless thanks and praise [to] the dear leader from dusk to dawn" as seen in one tweet. In other words, critical views of any shade will be outlawed. This, of course, conflicts with the hashtag users' representation of themselves as citizens (and the status and power that this confers), reinforcing the text as a discourse of resistance.

The hashtag users also drew on what can be interpreted as the positive representation of international organisations such as the United Nations, Amnesty International, and the international media. They noted that "Amnesty International considered this social media bill a threat to freedom in Nigeria," expressed thanks to media outlets such as *Al Jazeera* for "the support in keeping this country free," and observed that the regulation was against international human rights. What we see here is the hashtag users aligning themselves with what they construed to be reputable international organisations to show that they can be agreeable on certain points, freedom of speech being

prominent amongst them. This comes with the implied notion that since they are aligned with these organisations, they (the hashtag users) also share in the positive representation. As a result, their oppositional stance on social media regulation should be cognitively seen as one that is right, and their resistance as one that is legitimate.

7.3.2. Pre-EndSARS Theme 2 – Ulterior Motive

The second context frame used in the discourse to oppose (and delegitimise) the government's position was the interpretation of social media regulation as an action for which the government had an ulterior motive. Feeding into this is the feeling of distrust that the hashtag users had in the ruling elite (in chapter six, I touched on state-citizen distrust in Nigeria). We see an example in this tweet: "I don't trust Nig Govt to be the Judge of fake news." Another tweet read, "If there is no hidden agenda why keeping it and not drop the bill?" This portrays the government as one determined, despite the opposition, to introduce social media regulation because of its secret intentions. Consistent with the use of social cognition, the context frame being presented here is not just aimed at the negative other-representation of the government, but also at invalidating the official stance that says regulation is necessary to combat online harms.

I explored this stance in chapter five, noting that the regulatory instruments contained the idea that regulation was necessary to prevent harms like online falsehoods and hate speech for the security of Nigeria. In the discourse, the hashtag users redefined the government's position as an excuse, as they sought to superimpose their shared understanding of regulation as an attempt to silence public criticism and dissent. Given this contextual element, the tweet "I don't trust Nig Govt to be the Judge of fake news" can therefore be read as: *The Nigerian government can (and will) designate criticism as fake news*. *Trust* also collocates marginally with *police*, which in turn collocates with *power* (see Table 7.3), indicating the concern that the hashtag users had about social media regulation placing control in the repressive apparatus of state. Again, this understanding is collectively shared between the hashtag users and the wider Nigerian audience on social media who

come across the tweet, and it is this understanding that delegitimises the government's stance and transforms the text into a discourse of resistance. The contextual framing of social media regulation as an ulterior motive can be further seen in the following tweets:

> "Criticism truly stings if you are as guilty as said."
>
> "When a government seeks to take away its citizens ability to question government, Freedom of expression is at Risk."
>
> "Any dissent opinion shared on social media about the gov't, could be termed as one inciting the populace against the gov't.… These include objective critiques of gov't policies."

These tweets make explicit the notion that government wants to assume a position of power where accountability to the public is downgraded and dissent is criminalised. If dissent and public criticism are to be targeted, the site where they are exercised becomes relevant as a contextual element. For the hashtag users, this site is interpreted overwhelmingly to mean social media. Hence, the importance of social media is clearly stated, as it is described as "the last hope of the people to take back their country." The tweet does not state who the country should be taken back from, but the object of reference is generally understood and need not be stated. A similar theme also applies to social media as the tool of people power to resist state overreach. Social media as "the last hope of the citizens" further solidifies the opposition – and we see in Table 7.3 that *hope* and *last* have a strong collocational relationship. The discourse here carries with it the understanding that should the present resistance fail, there is no other alternative with which to oppose and criticise the government. It further implies that previous *hopes* or options to hold government accountable have failed, bringing into focus the possibility of overt social media censorship – if resistance is not maintained.

One previous option that is interpreted to have failed is the traditional media in Nigeria, understood as powerless against the government and unable to fulfil its role to hold power to account: "They [government] want to pass a bill through the window to regulate the social media too just like what they did on radio and tv stations." This tweet, functioning as

part of a context model, embodies the understanding of the hashtag users that social media has become the new target of government control because it (social media) now plays the role originally intended for the traditional media. Hence, the representation by the hashtag users of social media as "the #4thArmOfGovt." *Hope* also collocates with *4thArmofGovt* as seen in Table 7.3. What we see here is the hashtag users drawing on mental frames of the media as the fourth estate, building on this to further construct the schema of a traditional media establishment that has been stripped of this function because of regulation. Social media is also construed as being the (only) present mechanism that allows for the fourth estate function to be performed. It is described in the tweets as "the only check and balance that exist in Nigeria right now," a means of "voicing out our displeasure at the government," and a "modern day weapon to fight and expose the rotten ruling class." This is also related to the interpretation of the role of social media as facilitating a form of political opposition as in this tweet: "The only tool we have to fight the Government is Social Media."

Hence, the discourse makes explicit the us-vs-them narrative, and it shapes the contextual relevance of social media to the hashtag users. The understanding attached to this then puts into perspective the representation of social media regulation in terms of an ulterior motive designed to silence critical and dissenting views as captured in this tweet: "These lawmakers are outrightly scared of how SM [social media] is used to tackle/amplify corrupt practices." The interpretation captured in this discourse ultimately functions to delegitimise the ideology of securitisation.

7.3.3. Pre-EndSARS Theme 3 – Misplaced Priority

The third context frame used in the pre-EndSARS sub-corpus is the idea that social media regulation was a misplaced priority. In essence, Nigeria was portrayed as a nation having many socio-political and economic problems, online harms and social media regulation not being one of them. The hashtag users thought the country had "more pressing issues" and wondered why the government would not instead focus on "basic problem[s] like security [and] infrastructure." One tweet read: "There's poverty in the land, oil price is nose diving and

unemployment continues to rise. Let's…pass bills that will alleviate the lots of Nigerians." Other issues listed included tackling corruption, restructuring the political makeup of the country, reforming the constitution, and passing electoral reforms. As a discourse element, the tweets used in this frame are generally based on the knowledge that people share of Nigeria as a Global South nation plagued with several issues. The fact that the government was not focusing on these *basic* problems, as construed in the tweets, is thus used to frame the context model of an uncaring political elite unconcerned about the people's plight.

Such an interpretation further ties into the context frame of the government's ulterior motive in regulating social media. This is because of the shared understanding, implicit in the discourse, that "Nigerians" use social media to criticise (and oppose) the government precisely because of its perceived failure to address the country's *basic* problems, and that the government, in turn, responds by limiting people's freedom of expression through social media regulation. Again, we see the hashtag users deploying the us-vs-them narrative – the interpretation of "us" demanding through social media the dividends of good governance, which "they" have denied "us." This interpretation construes the discourse of opposition and resistance, as it presupposes the negative other-representation of "they" wanting to silence "us" because of "our" demands, in the form of criticism and dissent, for basic social services.

To conclude this section, I make a final note that it is based on the construction of these identities (us-vs-them, positive self-representation, negative other-representation) and context frames/themes (anti-democracy, ulterior motive, misplaced priority) that the hashtag users deployed the discourse of opposition and resistance in the pre-EndSARS sub-corpus as a context model to influence social-macro cognition on the issues of concern (freedom of expression, citizenship rights, government accountability, securitisation). In performing their resistance, the hashtag users utilised online and offline activist mechanisms. For the online mode, they took advantage of Twitter's platform design in their clamour for others to engage (retweet or like) tweets that are anti-social media regulation. They also sought to make the #SayNoToSocialMediaBill tag a top item on the Twitter trend table. This ties into the literature on hashtag activism (see Theocharis et al., 2015) and how trending topics can be

seen as a means of amplifying people's voices. For the hashtag users, it seems that the presence of the #SayNoToSocialMediaBill tag (and others like it) in the trending table reinforced their understanding that the resistance was popular and that "all Nigerians" were against regulation. This suggestion is plausible when we consider that some of the hashtag users were concerned when the #SayNoToSocialMediaBill tag disappeared from the trend table as seen in this tweet: "By now I expect #SayNoToSocialMediaBill to be trending heavily. It seems we don't know the gravity of what we are about to get into with this Social Media Bill."

Beyond engaging with tweets, the hashtag users further deployed what they called "tweet chat." This can be described as a type of show (as in, television or radio show) where one user interviews another user through tweets on a particular topic, such as social media regulation in Nigeria. The actors (interviewer or interviewee) here can be more than one, but they tend to be prominent users who have a large following. Hashtags are then used to amplify the chat on Twitter to reach a wider audience, who are expected to engage with the tweets. As a functional tool in the discourse of resistance, tweet chats can be useful in recruiting new activist-members by educating people on the provisions of the bill and shaping their cognitions on the subject of regulation.

Another tool used to educate and influence Twitter users' understanding of social media regulation was rhetorical questions such as in this tweet: "#DoYouKnowThat Social Media Bill is designed to deprive your right to freely post jokes/images/messages on social media[?]." It seems that tweets like this are aimed at piquing the interest of indifferent Twitter users, educating and alarming them at the same time. For instance, there is no provision in the Bill that all jokes, images, and messages will be targeted, but this is what the tweet suggests without explicitly saying so. It does this by implying that "you" (the audience) will not be free to post anything. The audience is then expected to join the movement to oppose government to prevent what is interpreted as an assault on their freedom. The hashtag users further posted messages on activist measures that were carried forward beyond Twitter. These included singing petitions, writing lawmakers, protesting, organising discussion

forums (e.g., conferences and talk shows) and engaging in civic duties such as opposing the Internet Falsehood Bill in the Senate public hearing held on March 9, 2020. In this way, they welded the offline with the online, transforming the former first into a textual element and then a context model suitable for deployment in the discourse of opposition and resistance. The use of activist measures of this sort (e.g., protest) became more pronounced during and after the #EndSARS movement, which was tied to the campaign against social media regulation as seen in the post-EndSARS sub-corpus.

7.4. Analysing the Post-EndSARS Sub-Corpus

For the post-EndSARS sub-corpus, the hashtag users not only deployed, but further amplified all the themes I highlighted in the previous section. This was expected seeing that the post-EndSARS tweets are a continuation of the pre-EndSARS tweets. Given this, my focus in this section is the additional context models used in the post-EndSARS sub-corpus to oppose social media regulation due to the fallout from the October 2020 #EndSARS movement. I have already described the circumstances surrounding the #EndSARS movement in chapter six, but to restate, it was a protest against the abuse of power by the now-proscribed Special Anti-Robbery Squad (SARS) of the Nigerian Police. This was arguably the largest demonstration to have taken place in Nigeria's history. What made the movement unique in comparison to previous demonstrations in Nigeria was that it was youth-led and youth-centred (see Lorenz, 2022). This formed a major theme in the corpus as I will show.

Social media, especially Twitter, was also central to the movement, allowing for the expression of online activism and dissent in a way never before seen in Nigeria. As a consequence, the #EndSARS tag not only trended on the Nigerian Twitter table, but also on the global trend list. For my research, the #EndSARS tag became particularly relevant in late October 2020 and afterwards when it became popular for it to be used simultaneously with the #SayNoToSocialMediaBill tag. This happened after political leaders such as Lai

Mohammed (the Information and Culture Minister), governors of the 19 Northern states, and stalwarts of the ruling party signified the need to regulate social media given their negative appraisal of the #EndSARS movement and the role social media played in facilitating it. The hashtag users responded by resuscitating the discourse of resistance embodied in the #SayNoToSocialMediaBill tag, the use of which had petered out in the months before the movement. Hence, the post-EndSARS corpus that I analyse here is significantly coloured by the #EndSARS movement, including the disputed killing of protesters by soldiers at the Lekki Toll Gate in Lagos on 20 October 2020.

As I mentioned earlier, the post-EndSARS sub-corpus largely reflects the pre-EndSARS sub-corpus. One noticeable difference however is the way in which the post-EndSARS tweets served to amplify the themes, making them more emphatic than in the pre-EndSARS corpus. This can be seen in the self-representation of the hashtag users as citizens, and, by extension, voters. Here, they were more forceful in recognising and stating the power they wielded as the electorate over the political class. There were references in the post-EndSARS sub-corpus to the need to "kick them [elected office holders] out in 2023," the year slated for the next general election. Hashtag users also acknowledged their power over sitting lawmakers, saying, "You Push Social Media Bill, We Recall You. Simple!" In this regard, an attempt was launched after the #EndSARS protests to recall a member of the Lagos State House of Assembly, Mojisola Alli-Macaulay, after she described social media users as being "high on drugs" (Aworinde, 2020).

What we see here is a display of voting power by the hashtag users, who not only recognised their authority, but were also willing to exercise it as an extension of their opposition to social media regulation. This implies a notable shift in the context model with regard to how the hashtag users deployed their identity as voters. The event responsible for this shift is the #EndSARS movement, where users had become protesters, actively challenging the political establishment both online and offline. The #EndSARS movement is, therefore, a contextual communicative event which further shaped users' self-representation of themselves as *voters* as seen in the post-EndSARS sub-corpus, making it different from

the way this was done before #EndSARS. This can be seen in the use of *vote*, which occurred 123 times in the post-EndSARS sub-corpus, compared with only three in the pre-EndSARS sub-corpus as seen in Table 7.1. I suggest that this reinforces the definition of context model as being of the particular situation *in which* we participate when we engage in discourse, and not just of what we *talk about* (van Dijk, 2006 – emphasis mine). Consequently, I note that although the hashtag users wrote about social media regulation in both sub-corpora, they did so in distinct ways given the specific communicative events that took place in-between and their interpretations of these events. This distinction and how they are represented by the hashtag users are what I aim to capture in my analysis of the context models utilised in the post-EndSARS tweets. In light of this, the hashtag users deployed three context frames as discourses of resistance in the post-EndSARS corpus: generational fault-lines, North-South divide, and international pressure. I discuss each of them next.

7.4.1. Post-EndSARS Theme 1 – Generational Fault-Lines

First is the generational fault-lines theme. This is the self-representation of the hashtag users of themselves as youths, with a redefinition of who the actors are in the contest over social media regulation and how resistance is expressed. Hence, the construction of identities was more about young-vs-old than it was about citizen-vs-government. Table 7.4 shows the statistical keyness values for certain words in the post-EndSARS sub-corpus, using the pre-EndSARS sub-corpus as reference. Compared to the pre-EndSARS sub-corpus, we see that words such as *youths*, *youth*, and *old* were unusually frequent in the post-EndSARS sub-corpus. This is because the hashtag users viewed themselves as the "*Soro Soke* Generation," a Yoruba expression meaning "speak up." Using this identity frame, they contrasted their generation with the older generation, which they equated to mean the ruling elite, and, by extension, the government. This comes with all the connotations attached to the term "government" as I explained previously. By attempting to regulate social media, government is then said to be "messing with the wrong generation," the "Nigerian youth from the '*Soro Soke'* generation." Such a mode of identification, drawn from the #EndSARS

movement, is what shapes the discourse of opposition post-EndSARS. As a word, *Endsars* also has the highest keyness value in Table 7.4, signifying that it is the most unusually frequent word in the sub-corpus. This is the recognition by the hashtag users of the central role that the youths played during the protests and the effect this is seen to have had on the ruling elites.

Keyword	**Post-EndSARS Sub-corpus** (391,203 words)		**Reference Corpus** (42,856 words)		**Keyness***
	Freq	**%**	**Freq**	**%**	
Endsars	12692	3.24	12	0.028	2543.99
Lekkimassacre	960	0.25	0	0	199.82
Northern	341	0.09	1	0.002	61.89
Retweet	421	0.11	4	0.009	60.8
Sorosokegeneration	235	0.06	0	0	48.87
North	289	0.07	4	0.009	36.33
Youths	245	0.06	3	0.007	32.39
Old	136	0.03	0	0	28.28
Youth	290	0.07	8	0.019	23.68

*The keyness statistic is based on Log-Likelihood (4-term), significant at $p < 0.0001$ (keyness threshold = 15.13)

Table 7.4. Relevant keywords in the post-EndSARS sub-corpus (using the pre-EndSARS sub-corpus as reference corpus)

The hashtag users referred to this by saying: “The Nigerian Government is scared of the youths as it stands…. This is the time we should hit harder.” What we find here is a pointer to the spatiotemporal context, where it is said that government is scared of the youth, but only “as it stands”; that is, in the present condition. Again, this understanding is drawn from the seeming successes of the #EndSARS protests where the government was quick to accede to the demands of protesters in banning SARS and promising to reform the Nigerian Police (BBC News, 2020). The hashtag users understood this as a window of opportunity, a time to “hit harder” against social media regulation, knowing the leverage they had over the government in that limited timeframe. The point, therefore, is to show that *youth* as an identity marker for the hashtag users only became contextually relevant after #EndSARS. One can reasonably suggest that some, if not most, of the pre-EndSARS hashtag users were also youths, but this meant little for the discourse of resistance at that point.

#EndSARS, however, brought with it a new context model – the understanding that government wants to silence not just citizens, but *youths* on social media, who had led activist protests against the government, and are now deploying same in resisting social media regulation.

#SayNoToSocialMediaBill	Nigerian Youths	against forces of darkness called the government
their lies have been exposed and the	Nigerian Youths	are more united in purpose than ever
The bill will only cripple	Nigerian youths	because the media is our strength..
You can't WIN the battle against	Nigerian Youths	by supporting their oppressors.
Any plan to gag	Nigerian youths	by regulating social media would North Succeed.
Great	Nigerian youths	can never be intimidated!
I unfollowed PMB on,20/10/2020.a day	Nigerian youths	cannot forget,they killed our fellow youths
Inciting news is calling	Nigerian youths	children/drug addicts.
Good morning	nigerian youths	have you tweeted #EndSARS? #SayNoToSocialMediaBill?
government is scared, scared of the power	Nigerian youths	have, scared of our voice, scared that
Nigerian government, don't you ever treat us (	Nigerian youths	) like we be mumu.
@realDonaldTrump Buhari's Nigeria is suffocating.	Nigerian youths	needs your help.
Am liking the new face of	Nigerian youths	.. Nothing can stop us again…
#SayNoToSocialMediaBill #NoToSocialMediaBill	Nigerian youths	pls let's Disagree with these old set
You've broken the spirit of	Nigerian youths	! #SayNoToSocialMediaBill
by how govt is oppressing and intimidating	Nigerian youths	simply for demanding a better Nigeria.
Nigerian Government Just want to Push the	Nigerian Youths	To the Wall.
#SayNoToSocialMediaBill	Nigerian youths	!! Wake up!! We need to #RISEAsOne
To the	Nigerian youths	, we can never be silenced!
contain the protest if it starts again,	Nigerian youths	will hit the streets with joy and

Table 7.5. Relevant concordance lines for "Nigerian youths" in the post-EndSARS sub-corpus

We see this in the concordance presentation in Table 7.5 where the context is portrayed as a "battle" between Nigerian youths and the government, where government is described as "forces of darkness" pushing them (the youths) "to the wall." Hence, there were calls for a "second wave" of protests by the youths, along the lines of #EndSARS, against social media regulation. The hashtag users justified this by representing themselves as victims of the Nigerian state, saying, "they [government] robbed the youths for ages…but time has come for us to be heard." This can be seen as a reference to a common understanding among Nigerians who generally believe that they have been on the receiving

end of government mismanagement for decades. What is relevant, however, for the contextual frame of the generational fault-lines is the representation of the older generation (also seen as their parents' generation) as docile people who "have been bullied" by the government: "They [government] did this to our parents, managed to turn them to accepting robots." The interpretation, therefore, is that the older generation, also victims of state mismanagement, have accepted this reality in their resignation and deference. By contrast, the youths are enjoined to resist and "Do not become [like] your parents." This also ties into comments in the sub-corpus about government "messing with the wrong generation" who will not be "cowered into silence."

Interpretations like this further underscore how resistance is deployed in the discourse to shape the social cognition of the hashtag users and harden their stance against regulation. In line with this, the hashtag users contrasted their generation against the "off-your-mic" generation, also seen as the older generation that makes up most of the ruling class. Here, off-your-mic means to be silent or to silence others. It refers to a video clip of a Senate committee hearing in July 2020 where lawmakers were quizzing members of the Niger Delta Development Commission (NDDC) who had been accused of siphoning public funds. In the video (see Channels Television, 2021b), Godswill Akpabio, the Niger Delta Minister, appears to implicate members of the National Assembly in his testimony. The chairman of the hearing promptly tells the Minister to stop speaking and asks him to "off your mic." The hashtag users latched onto this expression in their negative other-representation of the older generation, especially the political class, tying this with the context frame of anti-democracy and anti-freedom of expression, which I analysed in the previous section. The discourse formation that we see here then serves the function of reinforcing the understanding of government as an entity determined to silence avenues of free speech available to the youths as it is perceived to have done to generations prior. The drive to not-become-like-your-parents then conditions how opposition is interpreted and performed.

7.4.2. Post-EndSARS Theme 2: North-South Divide

In the same way that the hashtag users zeroed in on their identity as *youth* from the generic *citizen*, they also focused on their identity as *Southern* youth as opposed to the universal *Nigerian* youth. Again, this new identity and its deployment were influenced by a communicative event and how it was interpreted as a contextual element by the hashtag users. This event was the meeting held by the 19 Northern governors[12] on 2 November 2020 after the #EndSARS protests, where they "took note of the devastating effect of the uncontrolled social media in spreading fake news" and called for "major control mechanism and censorship of the social media practice in Nigeria" (see The Cable, 2020). In other words, the Northern governors expressed support for social media regulation. This expression of support, which came after Lai Mohammed (the Information and Culture Minister) said social media must be regulated in Nigeria, had a significant impact on the frequency of tweets posted in the sub-corpus. For instance, two-thirds (67%) of the tweets in the sub-corpus were posted between the 2nd and 4th of November, mostly in response to this expression of support.

In the tweets, the hashtag users observed that "Arewa (Northern Nigeria) youths seriously need to stand up against these northern leaders." It is also tied to what the hashtag users saw as the conservative "Arewa Twitter," implying that Northern youths have not been as active in resisting social media regulation. Arewa Twitter, in this sense, can be seen as Twitter for core Northerners, typically the Hausa-Fulani, much like the existence of Black Twitter for African Americans in the US (see Sharma, 2013). What we see here is another contextual redefinition, this time in relation to us-vs-them. That is, the hashtag users after the 2nd of November viewed themselves more as *Southern* youths and constructed this as the new "us," with Northern youths as the new "them" encouraged to join the resistance against the original "them" – government. The hashtag users further referred to unique challenges faced in the North such as banditry, poverty, and terrorism, linking this with the context frame

[12] Nigeria has 36 states – 19 in the North and 17 in the South. The North is generally viewed, especially by the South, as conservative and laidback.

of a misplaced priority, explained in the previous section. *Northern* as a word also collocates with *misplaced*, as shown in Table 7.6. (I note, however, that the statistical significance in this particular collocation should be viewed cautiously given the small frequency count).

Search Term	No. of Collocates*	No. of Collocate Tokens**	Relevant Collocates & Collocation Frequency
youths	310	2294	endsars (66), Nigerian (57), Nigeria (18), northern (12), government (12), scared (10), silence (10), against (10), generation (7), voice (6)
old	449	3552	endsars (55), men (33), people (23), leaders (19), fools (11), late (7), order (6), politicians (6), greedy (5), bunch (5)
Northern	387	3366	governors (186), leaders (49), youths (13), problem (13), agenda (10), emirs (6), backward (4), misplaced (2)
generation	386	4116	endsars (197), soke (98), youth (38), wrong (9), young (8), messed (3), sorosoke (20), visa (2)
visa ban	43	181	key (7), American (7), US (4), petitions (3), write (2), legislator (2)
ICC	42	176	we (6), amnesty (4), unhumanrights (3), thehague (3), bbcbreaking (2), drag (2), UN (2), cnni (2)

*Total number of collocates or words associated with each search term.
**Total number of collocation instances/tokens for each search term.

Table 7.6. Relevant collocational relationships in the post-EndSARS sub-corpus (5L – 5R; Mutual Information score; minimum collocation frequency = 2)

This is the notion that there are far more problems that the North should be concerned with, social media misuse not being one of them. In this way, the hashtag users sought to shape thinking in the North to recruit new people to the resistance. What this theme further highlights are the geo-political peculiarities in Nigeria. It underscores the perception that activism is more likely in the South of the country, which is generally more progressive. It also shows the perception among the hashtag users that most of the influential political actors in Nigeria come from the North – as can be seen in the reaction of the hashtag users to the resolution by the 19 Northern governors on social media regulation. This understanding, I suggest, is what makes it possible for the hashtag users to redefine

their opposition as a North-South issue, where the North is seen as representing government and the South the citizenry.

7.4.3. Post-EndSARS Theme 3 – International Pressure

The third context frame used in the post-EndSARS corpus was that of international pressure. In deploying this frame, the hashtag users drew on subaltern identities, representing the international community as a potent force to restrain the Nigerian government. We see here the understanding that the international community would side with the hashtag users because of the alignment they both shared, given the positive self-representation of the hashtag users as pro-freedom, as I showed in the previous section. Also implied is the understanding of the global structural order and Nigeria's place in it as a Global South nation, with the resulting North-South divide shaping the global balance of power. It is this understanding that gives meaning to the discourse of resistance used in the corpus, where the participants identified international organisations and Western powers as allies who would oppose social media regulation in Nigeria. Hence, they referred to visa bans in this tweet: "We will not just write VISA BAN petitions against any legislator who sponsor any SOCIAL MEDIA BILL, we will do same for their family members." The use of the term *visa ban* further underscores the relevance of #EndSARS as a communicative event in the discourse. Indeed, a look at Table 7.1 shows that *visa* only occurred in the post-EndSARS sub-corpus.

The hashtag users also referred to the possible prosecution of Nigerian government officials by the International Criminal Court, saying, "If you all know how many petitions we have to the ICC, you will all stop messing with our generation." Mention of the ICC was largely tied to the disputed killing of protesters at the Lekki Toll Gate. As a word, *icc* collocates with *amnesty* and *unhumanrights* (Table 7.6). The Lekki dispute was eventually used in connection with the resistance against social media regulation given how #EndSARS and #SayNoToSocialMediaBill were used simultaneously. What is of contextual relevance,

however, is the understanding that petitioning the ICC was on its own a display of power, something that the Nigerian government should be wary of. Such an interpretation is tied to the role the ICC has played in recent years in African affairs, including the prosecution of political leaders on the continent (Roth, 2014).

Calls for visa bans also highlight the shared understanding of the hashtag users of the power dynamics between Global North and South nations. The ICC itself should be viewed as an extension of the influence wielded by Western nations. What we then see in the corpus is the identification of Nigeria as subaltern to Western countries, such that the denial of entry visas can become an exercise of imperial power targeted at the elite. Consequently, advocating for visa bans in the corpus becomes a discourse of opposition and resistance. I refer to imperial power because Western countries are typically indexed in the corpus either as the US or the UK (one country that *visa ban* collocates with is *American* or the *US* as seen in Table 7.6). This can be seen in this tweet: “Any politician that supports the censorship of the social media, despite the region, will be placed on US and UK visa ban.” Again, this understanding is drawn from the view of Anglo-American visa bans as a tool of sanction. The tweet, as a discourse fragment, then constructs an identity for Western countries, one that aligns with the identity of the hashtag users, affording them the chance to draw from the status of power held by Western countries. Hence, the suggestion in the tweet that the hashtag users only have to request visa bans and they would be granted. It is this understanding that transforms the tweet into a relevant contextual material useful for the discourse of opposition.

For the hashtag users, the way to achieve this transformation is to “let the world see it.” In other words, to tweet and “retweet aggressively” in order to place tags like #SayNoToSocialMediaBill and #EndSARS on the global Twitter trend table. Some users went further to request that Twitter introduce a customised tag for #SayNoToSocialMediaBill as it had done for #EndSARS (see Ogunyinka, 2020). The drive to amplify the resistance is then tied to getting the attention of Western countries, represented by the international media. As a result, the hashtag users deployed Twitter mentions, frequently addressing

foreign media outlets such as @CNN, @BBCWorld, @AJEnglish, and @FoxNews (Table 7.6 shows that some of these international media outlets collocated with *icc*). This is tied to the understanding that: “Their (the government’s) weak point is very obvious; the foreign media.” What we see here is the view that it is the international media, not the local media, that performs the media watchdog role in Nigeria. This view should be seen in relation to the sanctions placed on three local television stations after the #EndSARS protests and the threat by the Minister of Information and Culture, Lai Mohammed, to sanction CNN, as I explained in chapter six. These sanctions then function as communicative events, partly prompting the hashtag users to construe the international media as the surviving entity by which to project and validate their opposition against social media regulation.

Altogether, the use of social media is seen as central to the projection and validation of the discourse of opposition and resistance. Essentially, the hashtag users recognised that without social media, they would hardly be able to reach the international media. They also observed that regulation was being advanced precisely because the government wanted to cut the access they had to the world, with reference to the ulterior motive context frame I explained earlier. All these reinforced the importance they attached to social media, further strengthening their resolve to resist social media regulation, with the view that “Twitter gives us a voice,” and “Where traditional media fails, #socialmedia MUST NOT!” Hence, there were calls to “Resist it (social media regulation) as if your life depends on it.” Also, just as was seen in the pre-EndSARS sub-corpus, the hashtag users deployed resistance measures such as creating awareness, signing petitions, and telephoning lawmakers. There were also threats of protests should the Internet Falsehood Bill be passed: “Any attempt to enact any social media bill will force youths to be on the streets again.” Another tweet read: “If Nigeria[n] authorities succeed in preventing Twitter from being operational in Nigerian cyberspace, they will trigger another round of protests….” This was what the Nigerian government eventually did in June 2021 with the Twitter ban, and the reaction to this in terms of protest was negligible.

I suggest that this was so because of the context model reflected in the different spatiotemporal settings. In other words, November 2020 and June 2021 are two different timeframes, with distinct communicative events responsible for how actions, practices, and phenomena are shaped as context models. It is then plausible to suggest that had Twitter been banned in October-November 2020 when #EndSARS was still a potent contextual element, it could have triggered the "second wave" of protests that was predicted. It is in this sense that context models that I have considered in this chapter both in the pre- and post-EndSARS sub-corpora can be seen as dynamic (van Dijk, 2006), changing as new communicative events are construed by participants in ways that are relevant for the discourse of opposition and resistance.

7.5. Conclusion

This chapter considered the opposition to social media regulation in Nigeria and comprised two parts that respectively examine *why* and *how* social media users performed opposition on Twitter. In terms of *why*, I established the existence of the Nigerian Twittersphere as a fluid community of users who assemble around Twitter hashtags to freely express their opinions in ways that are nationalistic, cultural, and political. This informed my choice of Twitter discourse as the major object of study in this chapter. Afterwards, I drew from interview data and found that Twitter is significant because of its perception as a platform for justice, activism, and dragging; the generational gap it underlines; and the view of it as a leveller. With regards to *how*, I examined the #SayNoToSocialMediaBill corpus using corpus linguistics and the socio-cognitive approach to critical discourse analysis. The corpus was divided based on the #EndSARS movement into two sub-corpora: the pre-EndSARS sub-corpus and the post-EndSARS sub-corpus. Overall, I argued that the hashtag users opposed social media regulation in divisive terms; that is, as Twitter users (and Nigerians by extension) vs government. They represented themselves positively (sometimes simultaneously, other times distinctly) as citizens, voters, Nigerian youths, and Southern

Nigerian youths. They also opposed the government, represented broadly as the political class, portraying them negatively as anti-democratic agents. All these were highlighted in contextual frames such as anti-freedom of expression, ulterior motive, and misplaced priority in the pre-EndSARS sub-corpus; and generational fault-lines, North-South divide, and international pressure in the post-EndSARS sub-corpus.

The chapter, seen in the broader context of previous chapters, builds on the fact that the formal regulation of social media is problematic. It also highlights the significance of state-citizen distrust in Nigeria, illustrating why social media users will almost always doubt government intentions as far as regulation is concerned. Consequently, regulations that are tied to securitisation and regulatory annexation, no matter how well they are justified by the authorities, are bound to face stiff resistance from civil society groups and the general populace. These regulations usually lead to constitutional court battles, where the ideologies of freedom and security are set against one another in a struggle for survival. We see examples in places like Kenya, where a court declared unconstitutional a section of the Information and Communications Act for being too broad and vague (see Namwaya, 2019). In Nigeria, the Internet Falsehood Bill and the Hate Speech Bill have stalled in parliament, and the Cybercrimes Act has been consistently opposed by civil society groups. These show the influence that opposition can have on the policy process, leaving open the question regarding what the alternatives to formal regulation are. This is what I turn to in the next chapter as I consider how the alternatives are conceptualised by a range of stakeholders involved in the debate over the regulation of social media in Nigeria.

CHAPTER EIGHT

REGULATORY ALTERNATIVES AND THE MATRIX OF DEPENDENCE

This chapter, which completes the presentation of my findings, analyses the responses of interviewees, particularly what they interpret as credible and, perhaps, ideal alternatives to social media regulation in Nigeria. It builds on chapter seven, where I established that Twitter users overwhelmingly opposed formal regulation of social media in Nigeria based on factors such as the ulterior motive, which is tied to state-citizen distrust. This relates to my discussion in chapter six on the regulatory annexation concept and how it finds expression in the attempt to regulate new media technologies in Nigeria. Continuing from this, I now take a bottom-up approach to outline how social media users and other stakeholders conceptualise alternatives to regulation in the fight against harmful content on social media. The aim here is to underscore the plurality of voices, especially from those who are the ultimate target of regulation – the users. This matters because the kind of regulation that I analyse in the thesis borders on the perception of social media users as publishers; in other words, users are the targets. Therefore, it is important to explore users' views to understand the regulatory outlook in a broader sense by considering how users, as opposed to regulators, conceptualise regulatory alternatives – a perspective that is often neglected in studies on regulation.

Using reflexive thematic analysis, I categorise the suggested alternatives into four themes: governance built on trust, digital media literacy, co-regulatory intervention, and corporatist regulation. Although useful, I note that these approaches possess certain weaknesses, which the interviewees largely gloss over because of their distrust of government. I further draw from research into postcolonialism, political economy, and structural imperialism to analyse global power relations in the adoption, use, and regulation of new media technologies. On this basis, I argue that countries like Nigeria are effectively

locked into a system of reliance on the Global North, particularly the West, for social media regulation of virtually any kind – a concept which I introduce as the matrix of dependence.

Regulatory Alternatives – Responses from Interviews

In previous chapters, I have considered the position of policymakers contained in legal and regulatory texts. This includes regulatory documents in Nigeria, other African countries, and regions outside Africa. What I have not examined is the view of users to understand what they see as regulatory alternatives. Indeed, studies into new media regulation only tend to appraise the various prospects and pitfalls of policy interventions, rarely going on to consider users' perception of regulatory solutions (Balkin, 2018; Klonick, 2018; Helberger et al., 2018; Kaye, 2019, Are, 2020; De Gregorio, 2021). This is what I address in the chapter, which uses a bottom-up approach to study the views and perspectives of users in Nigeria. I interviewed 19 stakeholders comprising social media users, digital rights activists, media literacy experts, and internet and policy experts. I identified these stakeholders because they were active in the social media regulatory sphere in Nigeria. Afterwards, I applied reflexive thematic analysis (Braun et al., 2015; Braun and Clarke, 2021) to the transcripts. Based on this, I identified four themes/alternatives, which include (1) governance built on trust, (2) digital media literacy, (3) co-regulatory intervention, and (4) corporatist regulation.

Before I discuss each of the themes, I touch on some technicalities to aid understanding of the chapter. First, my theme categorisation should not be interpreted to mean that each interviewee highlighted only one approach since almost all the interviewees mentioned more than one alternative in their individual responses. Second, direct lines from the transcripts have been put in double quotation marks along with their respective anonymised identification tag, e.g., Participant 1. Third, brackets within the quotes clarify points made by the interviewees and should not be read as part of the texts. Finally, square brackets indicate words that I added to aid flow and should be read as part of the text. I now outline below in detail the themes that I found and my analysis of them.

8.1. Governance Built on Trust

The most common regulatory alternative that interviewees mentioned was one that features a governance arrangement built on trust and consensus. Altogether, 13 of the 19 interviewees mentioned the need for trust, and I found that others who did not explicitly mention trust alluded to it in some way when referring to other alternatives. This finding is unsurprising, given the emphasis on state-citizen distrust contained in earlier chapters. Hence, the interviewees saw the need for a shift from government-centred *regulation* to consensus-led *governance*. They highlighted this in calling for a system of collectivisation – regulation that is inclusive of civil society, the media, private companies, the general public, and the government. Participant 7 viewed it as the government being credible in its information, the media fact-checking all information, civil society "educating the public," and the public empowering themselves with necessary media literacy skills.

What is crucial here is the concept of *governance* as opposed to *regulation*, where governance is a management system run jointly by more than one actor, not just the government (Puppis, 2010; Napoli, 2019). The participants noted the need for open and respectful dialogue between the government and other stakeholders to have a governing paradigm acceptable to all parties. The main problem, the interviewees felt, was not the Internet Falsehood Bill (or any of the other regulatory instruments) in itself, but that the government could not be trusted to act in the public interest without a system of collectivisation serving as a check on its actions. For instance, Participant 14 noted that Nigerians should be able to make a "meaningful impact" on legislation centred on social media to confer "legitimacy" on the process. Another interviewee put it this way:

> How about a situation where we come together – the government, media practitioners – we set up like panels…There should be a conversation. So, if we come together and agree and we draft some laws. Then we discuss with government how to implement. There should be a sort of consensus. I am not totally against regulation. I am not saying there should be absolute freedom. But the way the government is going about it, we don't trust the government. (Participant 4)

Hence, we see that trust, or the lack thereof, was a major reason why the interviewees opposed social media regulation in Nigeria – and they were open to collaborating with government as a way to build trust. Participant 7 noted that formal regulation is useful when it comes to restricting those who spread information that ferments ethnic and religious hatred or that promotes insurgency; the problem in the Nigerian case was the ulterior motive factor. In their words, “I have no major problems with new legislations, so long as they are dealing with things that were not previously envisaged and are not just an excuse to constrain debates and freedom of speech” (Participant 7). This speech is what the government wants to curb, Participant 16 observed, noting that it is the reason why government officials introduced criminal sanctions as opposed to civil remedies in social media legislations. This is so that the government can “jail opposition and activists…in terms of making people afraid or fearful” (Participant 16). What we see here is the scapegoat principle that I discussed in chapter five, where law enforcement agencies focus on targeted cases to serve as a deterrent to others, given the scale of social media usage. Participant 14 described what this deterrence entails, saying, with regards to the Cybercrime Act, “It is to stifle those who are critical of government.”

This sentiment led to resolutions among the participants who felt that: “It can never be up to politicians, [who] are the people who make up the Nigerian government. You cannot leave such regulation in the hands of politicians” (Participant 13). What we then have is a catch-22 situation where the interviewees viewed social media regulation as necessary, but should not be implemented by the government (for lack of trust), even though the government was the only agency recognised to introduce and implement regulations. Participant 15 captured this when they said, “I don’t want to give the Nigerian government too much power. I think that is my concern because they have a history of abusing power. But who else do we give power if not government?” The answer that the interviewees gave to the question was a governance arrangement built on trust, a way of arriving at consensus or the “most buy-in” as Participant 3 put it. Participant 14 added to this, saying, “The

[lawmaking] process should ensure that citizens are able to make meaningful input into the [internet Falsehood] Bill such that it cannot be abused."

Interestingly, some might argue that meaningful citizen input, at least nominally, has been factored into the Internet Falsehood Bill, given that a public hearing was held on the bill, as is required for any piece of legislation being considered by the National Assembly. This notwithstanding, Participant 14 (a high-profile media rights campaigner with experience in the lawmaking process) noted that public hearings are not always held and that when these hearings do hold, "they (lawmakers) don't really care what anybody presents at the hearings; so, that participatory process that should give all of us a voice in the lawmaking process is lost." Participant 1 also emphasised the mistrust they had in the ruling political elite, as they saw social media regulation as essentially a "regime security problem" justified on national security grounds (see discussion on regime security in chapter five). Participant 9 added to this, saying, "Government itself has to show seriousness that it wants to reduce fake news by on its own not promoting fake news."

Of importance here is the notion of "the literal erasure of social contract between government and citizens" (Participant 11), facilitated by a lack of good governance. Again, it is closely related to ideas of an ulterior motive, as the interviewees believed that regulation was being introduced to target dissenting views on social media. They concluded that dissent and criticism would be unnecessary if there were good governance dividends since there would be nothing for citizens to criticise: "If the government was transparent enough, if we had good governance, we would not be on the street advocating or speaking #EndSARS" (Participant 7). Based on this reasoning, Participant 18 observed that regulation (targeting dissent and activism on social media) would become irrelevant. Participant 18 also believed that good governance could provide the enabling environment for Nigerian technology hubs to come up with their own platforms. Another interviewee said, "We have Nigerians that can be more than the Mark Zuckerberg of this world…just waiting to be given the environment to thrive" (Participant 6).

The suggestion here is that trust in government and good governance are important for developing the Nigerian technology sector and providing regulation that is credible and appropriate. I observe, however, that it also leads to questions on the relation of power between government and locally-based platforms. Given the control over ISPs and telecom providers, as seen in the implementation of the 2021 Nigerian Twitter ban, we can expect that local platforms will face similar regulatory pressures. Nonetheless, the interviewees seemed to be saying that government practices tied to censorship and regime security would not happen if trust were prioritised. Their point is that a system of governance or even regulation can be accepted if it is based on trust – trust that is visible in good governance dividends.

To expand the notion of governance, Participant 3 drew attention to the multistakeholder framework that currently exists in the international arena. This is the need for collectivisation, not only in Nigeria, but also at the global level, recognising the need for a universal approach to social media regulation based on multi-actor schemes. For instance, Bradshaw et al. (2015) describe internet governance as the "regime complex" due to the complex norms under which it functions, norms that are set and administered by different actors. The conclusion they reach is that internet governance is not given to control by a single entity. Participant 3 alluded to this, noting that there was a need for the global community of stakeholders to discuss a "collective solution" to the challenge of social media and internet content regulation. This is said to be advantageous because it allows for dynamic and flexible regulation, given that regulation always fails to catch up with technology. In their words:

> I actually believe in multi-stakeholder prolonged dialogues with citizens…. The [Internet Falsehood] Bill has been on for two-three years, and it may not be passed this year (2021). It is going to take like five years. By the time you get to it, even the original reason for which you want to adopt such a law, we would have gone over them and moved into something else. The laws adopted in many places [are] based on past and present. Meanwhile, the tech ecosystem is present and future. So, by the time your past and your present mature, tech has moved on.

Participant 3 went on to advocate the need for a global multi-stakeholder approach, saying,

> We have proved everywhere every time that no one stakeholder alone can solve the problem. So, the earlier we come together as a global community of civil society, of private sector, of government, of academics, of technology community, and say we have a collective problem. How do we find a collective solution?... Because everybody has a part to play.

Such a view aligns with those who see multi-stakeholderism as the silver bullet since it makes up for the lapses that single-actor approaches have (Gorwa, 2019; McMillan, 2019), as I noted in chapter three. However, I argue that multi-stakeholderism, as currently organised, is not well-suited to Global South countries like Nigeria. By this, I refer to the global structural order which works to silence the voices of less prominent actors such as civil society groups or developing nations. For instance, Gorwa (2019) observes that other actors in a multi-stakeholder arrangement can exploit NGOs. Perhaps most poignant is the relation of dependence that developing countries face in multi-stakeholderism. We see this in Calandro et al. (2016), who study an African perspective on multi-stakeholderism, suggesting that few developing countries participate in debates on internet governance, with fewer still involved in agenda-setting. Consequently, "civil society, small business, minority groups, children and young people and people with disabilities [in developing countries] have either been underrepresented or not represented at all in the Internet governance regimes until the present" (Calandro et al, 2016: 40). These limitations point to the inadequacy of multi-stakeholderism, and it shows that countries like Nigeria are far less likely to be involved in designing multilateral frameworks that they are governed by.

Gorwa (2019) further notes that separate multi-stakeholder regulatory schemes exist within and among the various stakeholder groups, both regionally and globally. In the EU alone, there are at least five bilateral frameworks and one multilateral framework (separate from the IGF and WSIS) (Gorwa, 2019), painting the picture of a complex and confusing multi-stakeholder landscape. All these indicate the challenges involved in compromise arrangements, challenges which the interviewees did not highlight. This is important because it shows that the alternatives and ideas that they specified here tended to be overly optimistic. For instance, Participant 3, who was most in support of multi-stakeholderism did

not mention any of these challenges. The other participants who canvassed for governance built on trust in the Nigerian context also did not raise any potential challenges that this might throw up. There was an assumption, it seems, that collectivisation would be seamless, with the expectation that government would facilitate an egalitarian system. It ties back to the feeling among the interviewees that once government could be trusted, all else would fall into place, resulting in the development of consensus-led governance. Having discussed how the participants framed a governance arrangement built on trust, I now move on to consider single-actor-led schemes such as digital media literacy, co-regulation, and corporatist regulation. I start in the next section with digital media literacy.

8.2. Digital Media Literacy

The second most mentioned alternative that the interviewees highlighted was digital media literacy. Thirteen of the interviewees mentioned it, meaning that it ties in with *governance built on trust*. I only ranked *governance built on trust* atop because it was mentioned in passing by other participants, including those who saw digital media literacy as a credible alternative. For instance, one interviewee felt that the government was not interested in digital media literacy initiatives partly because it preferred the sledgehammer approach; that is, using “power and authority to deal with people” (Participant 12). As a term, media literacy remains ambiguous and one way of understanding its various perspectives is to conceptualise it in protectionist or empowerment/participation terms (Lunt and Livingstone, 2012), which I explained in chapter three. To recount, in the empowerment approach, there is an emphasis on encouraging people to *participate* in the digital environment and providing the skills needed for this. In the protectionist approach, there is an attempt to mitigate the adverse effects of increased digital participation. Here, digital media literacy is used as a strategy to combat online harms by giving people the critical, analytical, and evaluative skills needed to *protect* themselves.

For some of the interviewees, I asked what they thought of digital media literacy, since the question was listed in my interview guide. However, other interviewees mentioned the relevance of digital media literacy before I could ask them. Of the 19 interviewees, only two opposed digital media literacy; the remaining four neither opposed nor upheld it. One of those who opposed digital media literacy, Participant 13, noted that people did not need media literacy training, since "once you get on the internet, knowledge is endless." Participant 6, on the other hand, saw digital media literacy as an almost impossible task: "We have the highest number of out-of-school children, a lot of Nigerians are not literate, and you are thinking of digital literacy. Are we putting the cart before the horse?"

Despite this opposition, the fact that two-thirds of the interviewees upheld digital media literacy shows the importance they attached to it. Overall, the 13 who upheld digital media literacy viewed it in protectionist terms, with Participant 8 saying:

> Media literacy is by far the most important [to address online harms]. I see nothing more important in our [media] industry and also for citizenship engagement, and certainly for a more thoughtful government to invest in today than media literacy.

Another participant added:

> If we are worried genuinely about things like falsehood on the internet and how that might mislead people, I think that media literacy and digital literacy would be the best approach to address those sorts of challenges so that people know how to navigate the information environment. (Participant 14)

When I asked how digital media literacy could be achieved, the interviewees suggested an approach based mainly on education – the formal or informal training of people on how best to be *responsible* users of social media and digital technology and the consequences of misuse. This is in line with research on media literacy, which specifies the need for educational schemes (see Gagliardone et al., 2015; Dutton 2016; Alvermann, 2017). According to one interviewee, the focus should be on educating secondary school students with media literacy skills:

> As an immediate, let's focus on people in secondary school now, those in upper secondary school who are 14-16 years old. They will be in the university in the next three years and will be ready to vote. So, if you start a crash programme, for

> example, with that category of people, you would have trained half a generation of young people who in two-three years will be thinking differently about social media, fake news, hate speech, violent extremism. (Participant 5)

This can then be scaled progressively to students in junior secondary, primary, and kindergarten categories (Participant 5). The goal is to incorporate media literacy into the school curriculum and make it compulsory for students, even if it would not be graded: "It should be embedded in the curriculum right from schools; it should be made compulsory" (Participant 8).

In addition to school-based education, others canvassed for informal literacy schemes organised by groups such as religious bodies and community centres. For instance, Participant 7 saw the need for "civil society" to educate the public; Participant 15 noted that citizens need to be made aware; and Participant 3 said people should "educate one another." Participant 10 also proposed the medical term, "inoculation," as an awareness strategy to enable people "build resilience against reacting to hate speech and develop higher thresholds of tolerance." Some research has been done on inoculation, suggesting that people who have been exposed to online extremist messages are less susceptible to them (Braddock, 2019). This indicates that the educational and awareness strategies that the interviewees highlight might be successful, at least at the micro level.

Regardless, what I find is an overly optimistic estimation of media literacy education as a protectionist strategy, with little consideration for how feasible or effective it is in a national or global context. In this regard, there is the UNESCO Media and Information Literacy Curriculum for Teachers (see Wilson et al., 2011), but the research that shows how effective, if at all, media literacy education has been, is lacking. The interviewees seemed to gloss over this point, as they assumed that digital media literacy would work simply on its merit. They also recognised the government as the agent that should facilitate both formal and informal media literacy education. For instance, Participant 17 said, "What government can do is to train digital natives, train young Nigerians to engage the public." Participant 12 observed the need for an official approach, saying, in relation to digital media literacy, "This

is where government needs to leverage on tools that they have at their disposal." Even for the inoculation strategy, Participant 10 noted that "government should focus more on raising the tolerance threshold and building people's resilience." The suggestion, therefore, is the need for a "comprehensive policy around media literacy" (Participant 14), something that the government spearheads in partnership with other stakeholders.

However, I note the irony in the interviewees asking a government that they do not trust to lead a digital media literacy strategy. Again, this shows why the need to build trust and credibility is important. Overall, eight interviewees who upheld digital media literacy were among those who, in the previous section, saw the need for collectivisation because they did not trust the government to act in the people's interest. Also, if the government is required to deliver or facilitate a digital media literacy programme, one should expect that that programme will be designed to meet the government's objective – which the interviewees largely defined, in the previous section, as silencing free speech and dissent. Indeed, a cursory reading of Nigeria's media literacy policy initiatives shows a divergence between what the government wants and what the interviewees advocate, with the government being far more interested in media literacy as digital participation, while the interviewees prefer media literacy as a protectionist strategy.

We see, for instance, that the country's National Orientation Agency (NOA) has embarked on digital literacy aimed at digital participation for economic growth (NOA, 2020). The National Digital Economy Policy and Strategy (2020-2030) also focuses on digital participation based on economic indices (Federal Ministry of Communications and Digital Economy, 2019). This is part of the goal of broader internet access, embraced by developing countries, including South Africa, that aim to catch up with advanced nations in the race for digital uptake among their citizens (Kwet, 2019). Countries are aided in this by programmes such as the Microsoft Digital Literacy package and the proposed UNESCO Digital Literacy Global Framework (see Law et al., 2018), which centre primarily on digital participation. Hence, it seems that the Nigerian government is more interested in using media literacy to increase online participation than to combat disinformation or hate speech, as the

interviewees hope. As I show in chapter three, Druick (2016: 1135), describes this as the "myth of literacy," where media literacy is caught up in the neoliberal agenda of digital participation and consumption. It is in this way that digital media literacy, embedded in government policy, can be used to subtly silence dissenting views.

Even in Global North countries, there seems to be an inevitable slide toward digital participation. For instance, Wallis and Buckingham (2019) examine Ofcom's standing on media literacy from 2003, tracing how media literacy was introduced and expanded to, amongst other things, "arm the consumer" to self-regulate and protect themselves from problematic media content. However, in recent years, they note that media literacy in the UK has consistently declined: the protection element has been brushed aside, and media literacy is now seen more as digital participation and a label for market research. Protectionism, it seems, is then left to non-state actors, including schools, NGOs, and fact-checkers, an indication of the trend of government policy direction as far as media literacy is concerned.

In some ways, the interviewees recognised the place of non-state actors. In addition to their suggestion for a comprehensive plan from government, they saw the need for action from others. For instance, several fact-checking organisations have proliferated in recent years in Nigeria. Some of my interviewees run these organisations themselves, and one described the approach they had taken up: "We are already amplifying some of our fact-checks on social media in local languages. We have volunteers on Twitter where you will see amplification of fact-checks in Igbo, Yoruba, and Hausa" (Participant 9). Related here is the call to "take [media literacy education] online" and have "social media influencers" do the job of educating people (Participant 3). Participant 5 further suggested that clubs, societies, and groups such as religious organisations develop their own media literacy training initiatives. Participant 12 spoke about a media and information literacy club piloted by UNESCO for students in some Nigerian higher education institutions. The programme, they said, aims to make students "change agents" who are expected to educate others in their "bubble" on how media and information literacy works. In addition, Participant 17 suggested

that young people can be trained on how to be responsible with the use of technologies and that these young people can, in turn, "engage the public." The suggestion is that this can be best implemented through the National Youth Service Corps (NYSC)[1] scheme that Nigeria runs.

What we have here is a range of suggestions that all hinge in one form or another on education run by different groups and individuals. Still, it remains to be seen whether these education-based approaches match the scale of the challenge of harmful online usage. What we know is that the media ecology is continuously changing, making media literacy ineffective (Waisbord, 2018). We did not have social media two decades ago, and ten years ago, there was no Internet of Things. Meanwhile, compared to the speed of technological advancement, media literacy has remained largely static, as I discussed in chapter three. Also, online harms on social media are complex and variable such that it can be hard to help people identify, let alone protect themselves. Nowotny (2017) speaks of this as the "messiness" of social media and the wider online space, leading to the hollowing out of the public space. Couldry and Mejias (2019a) particularly emphasise what this hollowing out represents – the destruction of human autonomy as we know it.

This suggests that online harms and other harmful digital practices result from the deeper structural failings that media literacy is ill-equipped to handle. We only have to consider that online harms are now part of an industry (think of industrialised disinformation) built by corporations and state actors (Bradshaw et al., 2020). The fact that media literacy places the burden of responsibility on the victim, not the perpetrator, means that social media will continually be awash with harmful content spread by public and private actors bent on corrupting online spaces. It is also hard to see how effective digital media literacy can be implemented to reach entire populations (as Participant 6 suggested), whether online or through educational outreaches, a reality further complicated by the different ways media

[1] The NYSC is a one-year mandatory programme for all university and polytechnic graduates in Nigeria. It was established in 1975 after the civil war to foster ethos of unity and service among youths, who are sent to serve in places other than their states of origin. The programme starts with a three-week "orientation," after which youths are allocated places of primary assignment in schools, hospitals, government offices, etc. For more, see: https://www.nysc.gov.ng/aboutscheme.html

literacy is viewed by different people (Wallis and Buckingham, 2019). Hence, my conclusion is that media literacy, while it might be useful as a complementary strategy, should not be the leading approach if the goal is to combat the proliferation of harmful online content. One leading approach that the interviewees pointed to was co-regulation based on the need to copy other nations. It is this that I turn to next.

8.3. Postcolonialism as a Basis for Co-Regulatory Intervention

So far, I have considered the two leading alternatives that the interviewees highlighted: *governance built on trust* and *digital media literacy*. Both alternatives underscore the dominant role that the interviewees expect government to play in an approach different from the strict formal regulation that they oppose. The theme of a dominant role for government continues in this section, where I discuss co-regulation, an alternative mentioned by eight of the 19 interviewees. Co-regulation specifies the need for the Nigerian government to regulate platforms directly, using laws that impose sanctions on them when they default. Participant 1, for instance, noted that social media companies should be viewed and regulated in the same way as telecom providers, saying, “It is the digital part that the government is supposed to be regulating, which is the platform that supports this thing; not the content.” Participant 13 agreed: “The government should have access to private entities (social media platforms); the government can hold the private entities, and the private entities will carry out regulation – which is what is happening in the US.” The suggestion here is for the government not to regulate users directly but platforms instead.

This points to co-regulation, an approach that is increasingly becoming the European choice. Co-regulatory intervention creates the possibility for states to mandate platforms to take down harmful content. Unlike platform self-regulation, social media companies do not have the sole prerogative to decide how to moderate online communication; in addition to their terms of service, they are placed under state law and face sanctions if they fall short. With co-regulatory intervention, therefore, nation-states admit that sanitising the online

space cannot be left to platforms alone, a sentiment which has been heightened by intermittent scandals (e.g., Cambridge Analytica), prompting people to demand that governments do more to control technology platforms. This indicates that co-regulation is an indirect form of regulation, where states regulate users through platforms.

Balkin (2018: 1174) sees it as new school speech regulation, which "is aimed at digital infrastructure" – in order words, the technology platforms that moderate user interactions. Balkin (2018) describes new school speech regulation under three headings, two of which are relevant here (the third centres on corporatist regulation). These two are collateral censorship and cooperation/co-optation. Collateral censorship speaks to the effect and the overall agenda of co-regulatory intervention, where one party is deputised to regulate another (Klonick, 2018; Balkin, 2018). In Balkin's (2018: 1176) words, "Collateral censorship occurs when the state aims at A (the platforms) in order to control B's (the users') speech" (words in brackets added for clarity). On the other hand, cooperation/co-optation is how co-regulatory intervention happens. This points to the power relations between states and platforms. In cooperation, states and platforms align in their objectives, such as when it comes to dealing with terrorist content, leading to a mutual agreement over sanctions on the end-users. What happens is a kind of network communitarianism or "regulatory settlement" (see Murray, 2019 in chapter one) where regulators and regulatees hold cordial regulatory conversations over actions. Co-optation is different. There is no alignment in objectives, necessitating that the state push, cajole, or coerce platforms, making the power struggle more obvious. States achieve this through sanctions codified in legislations such as NetzDG or what Balkin (2018) calls "jawboning" – speech acts where platforms are forced to act as a show of patriotism for instance.

Co-optation is what I refer to as co-regulatory intervention because it describes the regulatory hold that states have over platforms. As I pointed out earlier, this form of regulation is becoming the favoured approach for European nations. The interviewees recognised this and pointed to the need to follow the examples of these other nations. These are Western nations, described as "democratic nations" that adopt "democratic solutions" to

address online harms (Participant 17). To put this in context, the Internet Falsehood Bill is almost the exact copy of the Singaporean Protection from Online Falsehood and Manipulation Act, and the interviewees were aware of this. The interviewees berated the government for copying the law, adding that there were other nations that Nigeria could emulate, with one interviewee saying:

> What has worked for other countries? What is the best approach for us? That is what we should be saying. Not going to Singapore or China or Russia or India to replicate what they have and say it will work here. (Participant 18)

We see here a stark two-way categorisation of countries into democratic and autocratic blocs, with the perception that one group upholds civil liberties while another promotes censorship. The supposed *best approach* is then viewed as what has been embraced by other countries. Although not mentioned in the quote above, these countries are represented as ideologically opposed to those mentioned. The idea is to align with this *democratic* bloc, as one interviewee expressed their frustration: "There are countries that have very good regulatory frameworks that respect rights, but Nigeria never ever looks to those sorts of countries" (Participant 14).

Interviewees who called for Nigeria to copy other nations were primarily digital rights activists. They viewed the Western approach to regulation as the ideal for Nigeria, with one saying: "There is a social contract in the West. In the West, they understand regulation to mean standards, they are creating standards for key players. But here, we understand regulation to mean control" (Participant 11). By referring to regulatory standards and approaches, the participants were inevitably calling for Nigeria to follow the example of Western Europe. We see this, for example, in a report by the Centre for Liberty (2021), a Nigerian civil society organisation, which outlined the approaches taken in the UK, Sweden, France, Turkey, the Philippines, and India. The approaches ranged from media literacy to fact-checking to legislation, including the Honest Ads Act in the US. Nigeria is then described in the report as a "democratic country," which should "uphold the tenets of democracy" as these other countries are perceived to be doing. I suggest the term "democracy" is used here

to positionally define and constrict Nigeria to one of two blocs I referred to earlier; in other words, to copy what exists in liberal Western democracies. The resolution, therefore, amongst some of the interviewees was that acceptable solutions could only come if Nigeria aligned with the co-regulatory strategy in liberal democracies.

However, I argue that this line of thinking draws from and points to postcolonial representation. According to Nair (2017: 69), postcolonialism represents "disparities in global power and wealth accumulation and why some states and groups exercise so much power over others." Postcolonialism also draws from Said's (2003) work on Orientalism, which is the way that the Orient (the Global East) is historically and materially described, taught, and (re)produced by the West. Hence, the dominant discourse of the postcolonial period is "to reinscribe the non-West into a history, not of its own making" (Seth, et al., 1998: 8). The re-inscription is based on "positional superiority" (Said, 1978: 15) where the West has the upper hand, and the Orient is othered as inferior. It essentially points to the influence of British and French colonial conquests that legitimised a surrogate relationship between the metropole and the colonies – a line of thinking which continued after colonialism officially ended. However, the approach to postcolonial critique that I am more concerned with, given the interviewees' response, is not how the West represents others, but colonial legacy and the impact of European imperialism on the worldview of those living in previously colonised territories (see Ashcroft et al., 2007).

This refers to how colonial histories still shape understandings of reality among people in the Global South, denoted as "a colonial way of thinking about the world" (Nair, 2017: 69). The postcolonial way of thinking is then a scenario where reality is viewed today much the same way as they were perceived in colonial times – one where the 'motherland' is seen as good and the colonies as backward. We see this in how the hashtag users, in chapter seven, petitioned Western countries to sanction Nigerian leaders on the Lekki Massacre incident. Western news organisations like CNN and the BBC were mentioned on Twitter and asked to publicise the incident to the world. From a contextual standpoint, however, the term 'world' actually refers to Western countries, more specifically, the US and

the UK. This is where postcolonialism becomes relevant. The hashtag users further demanded that sanctions such as visa bans be placed on top Nigerian officials by the US and the UK. This is tied to the ideas of the West as a surrogate, legitimising the notion that the 'motherland,' viewed broadly as the West, still has the prerogative to 'discipline' elected Nigerian leaders.

Discipline, in this sense, happens when Nigerian leaders are denied access (through visa bans) to amenities, such as quality healthcare, in Western countries. It is in this way that the West is placed in a hierarchy above Global South countries. It is also tied to the notion that the West is ideal. Anecdotally, this can be found in everyday conversations among Nigerians, where Western countries are described as 'saner climes,' a place where institutions function properly and where good governance dividends are evident, representing what Nigeria should aspire to. I suggest that it is based on this reasoning that the postcolonial undertones in the call by the interviewees for Nigeria to emulate the West in adopting co-regulatory intervention can be understood.

Besides the strict co-regulatory intervention described above, some interviewees called for a loose form of co-regulation. This involves the use of deliberation by the government to reach agreements with platforms on how to regulate online content – closely related to Balkin's (2018) jawboning concept. Platforms are then expected to have local "teams" (Participant 13), such as a Facebook Nigeria team, through which agreements can be reached with executives in Silicon Valley. The aim here, Participant 2 said, is to hold talks with platform owners on ways to mitigate harmful online content. Nonetheless, the suggestion of loose co-regulatory intervention points again to postcolonial critique. We see this in Participant 14's observation:

> We've also seen examples of where government bodies sit down with platform owners and managers and discuss how a problem can be dealt with. And there is a conversation, out of which can emerge an agreement, an understanding about ways that regulation happens where the social media companies put what is possible with the technology on the table and government provides legislative or regulatory backing for that technological approach or some other approach to dealing with a problem.

The quote above suggests emulating particular “examples,” which I interpret to mean instances of American legislative oversight over social media platform owners. I base my interpretation on the fact that this interviewee already made their stance known by suggesting that Nigeria look toward democratic countries, viewed as the West. Hence, we see postcolonial attachments in the call for loose co-regulation. I note further that locationality plays a prominent role in co-regulatory discourse, as I pointed out in chapter three. The interviewees recognised this, with Participant 1 saying, “Facebook is not a Nigerian company. Twitter is not a Nigerian company. Oracle is not a Nigerian company, nor is Amazon, nor is Microsoft. And it is not Nigerians who set the policies of those companies…. That’s the problem.” Participant 18 also said, “It is just that [the social media space] has been dominated by the Western world because we are leveraging on their apps.” The suggestion here is that if the major social media platforms had been built and registered in Nigeria, it would have been feasible to have the kind of regulatory conversation that Participant 14 alluded to. It was also a call for the government to “invest” in and create a more enabling environment for the technology sector in Nigeria. This points to the hope that the interviewees had for a government that would facilitate trust and good governance, a government that would not muzzle locally-based platforms.

What is more relevant, however, is the fact that locationality dictates that Africa largely exists as a resource base for digital exploitation, especially by US and Chinese platforms in what has been called the digital scramble for Africa (Coleman, 2019; Nankufa, 2022). Location then becomes a major factor, given that these platforms are governed mainly by the laws in their countries of origin. The interviewees also seemed to have overlooked the fact that platforms like TikTok are under Chinese jurisdiction, a pointer to how Western-centric platform usage tends to be in Nigeria. Hence, it is unsurprising that the interviewees assumed that Nigeria only had to deal with Western platforms, without considering the major non-Western platforms, and the difficulty that Nigeria might have in extending a co-regulatory scheme to these non-Western platforms. In this, we see again the

Western postcolonial attachments that the interviewees attached to the call to copy other nations.

Despite the challenges that locationality presents, the interviewees generally believed that Nigeria had the clout to make co-regulation work. For instance, Participant 8 noted that "so-called third world countries" like Brazil, India, and Indonesia already engage in co-regulatory conversations with platforms, observing that Nigeria had the power to do something similar. This is because of the country's population/market strength, as Participant 14 said: "Nigeria is one of the biggest markets around the world for many of these platforms, certainly in Africa." The suggestion then is that platforms cannot but submit to regulation by the Nigerian government, since they can be put out of operation, as we saw with the Twitter ban.

With this mindset, the interviewees largely glossed over the limitations of co-regulatory intervention. For one, it has the potential to violate freedom of expression or to silence certain voices, given the reality of collateral censorship on users (Balkin, 2018). Co-optation also implies that platforms are under state control, but the reality is that platforms become even more central to the working and governance of social media. Balkin (2018: 1207) captures this by saying, "The more these businesses regulate, the more indispensable and powerful they become to the nation states that purport to regulate them." Hence, co-regulatory intervention is the ultimate admission by states that they are handicapped and cannot regulate without platforms – leading to a deepening cycle of reliance where the longer co-regulation lasts, the more powerful platforms become. Co-regulation further points to the balkanisation of social media and internet communication. That is, since platforms are subjected to different laws based on the number of jurisdictions they operate in, posts that are taken down as a form of sanction in a certain region can remain in another. The European Court of Justice acknowledges this possibility and has given individual EU countries the power to force platforms to remove content worldwide (New York Times, 2019). This presupposes the notion that the emerging European order of co-regulatory

intervention is becoming the new default for the world – a pointer to regulatory imperialism (see Charles, 2010; Atkinson, 2020 for research on regulatory imperialism).

By this, I mean that platforms, to sidestep the balkanisation of social media, will likely align their content moderation principles with European standards. Echoes of postcolonialism can be inferred here – the non-West (Africa inclusive) will be reinscribed in a history it has no say in, finding itself governed by digital norms and policies that are externally set. De Gregorio (2021) seems to understand this power dynamics. He suggests that the European system of co-regulatory intervention, which he calls "digital constitutionalism" should be exported to the rest of the world. This digital constitutionalism is seen as the maturation of online regulation, one where "duties of care" are imposed on platforms through strict rules such as the GDPR or soft rules such as the European Commission's Code of Practice on Disinformation. He then suggests the likely next phase of this regulatory evolution: digital humanism. Digital humanism involves exporting digital constitutionalism based on the idea that platforms will eventually tailor their operations to the European approach to avoid having different rules for different regions.

What is portrayed is the idea of regulatory imperialism, which directly implicates Africa. De Gregorio (2021), however, sees things differently. He cautions that digital humanism should not be seen as an "imperialist extension of constitutional values…but as a reaction of European constitutionalism to the challenges to human dignity in an algorithmic society" (De Gregorio, 2021: 70). In other words, the European system of co-regulatory intervention should be seen as the best and most ideal solution for human rights globally. In this, De Gregorio, clouded by expansionist thinking, fails to see the limitations of co-regulatory intervention and the imperialism by which it is underpinned. Having discussed postcolonialism as a basis for co-regulatory intervention, I now consider the fourth, and final, alternative: corporatist regulation.

8.4. Corporatist Regulation

Six of the 19 interviewees expressed a preference for corporatist regulation, noting that the current global system of regulation – platform self-regulation – should be maintained. Platforms are then expected to continue with their practice of moderation, either human or algorithmic (Participant 18). The interviewees recognised that platform self-regulation, although not perfect, should be embraced. Reference was made to the Internet Falsehood Bill, with participants saying that it was better to have platforms regulate content on their networks than to have the government do this:

> One is that we still think that if you give the power to the profession to self-regulate itself, it is far more reliable, consequential, and it has greater assurance than when government attempts to do it. (Participant 8)
>
> If you leave it (regulation) with the [Nigerian] government, the government of the day will most definitely cut anything that is going to shine a bad light on them. (Participant 19)

The sentiment here is tied to the citizens' distrust of the state, especially in terms of social media, as I pointed out earlier, which again shows why the theme, *governance built on trust*, is pervasive across the dataset. Some interviewees felt that trust had been so damaged that it was better to continue with platform self-regulation, what I term corporatist regulation – regulation carried out using parameters set by platforms as corporate enterprises. Established based on Section 230 of the US CDA, corporatist regulation espouses the notion that platforms themselves can best regulate social media usage. As I showed in chapter one, these platforms are said to be so big – Couldry and Mejias (2019a) call them company-states – that states can barely govern them. However, I suggest that this is related to the idea of a US hegemonic order, given that corporatist regulation of social media is constituted on the premise of the Good Samaritan provisions of Section 230 (see discussion on “social media users as publishers” in chapter six). This means Section 230 has become the default regulatory statute for social media usage in much of the world, including Africa since most of the dominant social media platforms are US-based. Consequently, a law that, on the face of it, was not made nor had jurisdictional application outside of the US, is in

effect being administered globally because of the considerable reach of US-based social media corporations. The exception would be countries like China, where platforms have to submit to a regulatory paradigm different from that which is based on Section 230, as we see for instance with the Great Firewall (Griffiths, 2021).

To facilitate corporatist regulation, Participant 13 observed that platforms should have moderating “teams” in all the countries where they have subscribers “to narrow down operations and regulate within the context of each country.” Participant 19 also said, “Since we are using Nigeria as our case study, they (platforms) should have agents here in Nigeria that can actually validate (moderate) information that is being passed on.” Marsden and Meyer (2019) uphold this view, pointing out that European lawyers and journalists should be employed as moderators to review specific posts shared in Europe with Europeans. The question here is the desirability of having US-based executives settle questions on culturally sensitive and potentially problematic content in other regions of the world – like Germany or Ghana. It further relates to calls for platforms to double their content moderation workforce and improve working conditions (see Barrett, 2020). As Roberts (2019) shows, moderators tend to work in outsourced jobs under third-party contracts doing unpleasant and low-paid work that may be hazardous to their mental health.

This arrangement potentially favours platforms' profit motive since it reduces overhead costs. A firm like Facebook already has 15,000 moderators as of 2020 (see Koetsier, 2020); recruiting moderators for each country where Facebook operates, as Participant 13 suggests, will translate to Facebook having considerably more moderators – and more by way of cost. This might account for why human moderation is something that Facebook CEO, Mark Zuckerberg, is looking to phase out or at least de-emphasise. After several ruptures, one of them being Cambridge Analytica, Zuckerberg (2018), in a blogpost, outlined his ultimate vision of a corporatist regulatory model – what he called a blueprint for content governance and enforcement. The blueprint centres on algorithmic (as opposed to human) moderation, seen as “the single most important improvement,” a system where codes are written to decide the boundaries of acceptable, borderline, and problematic

content. Problematic content can then be subjected to pre-emptive and automated enforcement (see Yeung, 2018 for taxonomy on algorithmic regulation).

What Zuckerberg fails to recognise, however, is the crisis of ethics that his corporatist vision feeds into. This includes questions on algorithmic bias in terms of gender and race that find expression in algorithmic regulation by technology (Nkonde, 2019). The UN Special Rapporteur (2018) also highlights the unpalatable notion of having algorithms regulate human behaviour, as currently exists with the profiling and recommender algorithms that platforms use. Couldry and Mejias (2019a) view this as data colonialism, seen as a threat to what they call the minimal integrity of the self. They further show that corporatist regulation has turned platform executives into social theorists who can unilaterally define the boundaries of the social order. Zuckerberg himself admitted this in his post when he pointed to questions of how to determine who should be able to speak online and what the limit of their expression should be. His thinking that Facebook alone should not make these decisions eventually led to the formation in November 2018 of the Oversight Board – a kind of Supreme Court for content regulation seen as promising by some (Klonick, 2020) and problematic by others (Carr Center for Human Rights Policy, 2021).

More important on a systemic level is the question of the privatisation of regulation (see Tambini et al., 2008) that is at the heart of corporatist regulation. It is the notion that social media companies have become “the New Governors of online speech” (Klonick, 2018: 1602), exercising full regulatory powers over the new public sphere. This bears consequences for democracy and civic engagement since platforms are largely opaque (Barrett and Kreiss, 2019) and are motivated not by the public good but by profit. Even the establishment of organisations such as the Oversight Board does not address this issue. Platforms like Facebook still carry out moderation in the first instance; again, moderation is likely to be influenced by profit motives (Gillespie, 2018). Based on this, I asked the interviewees who upheld corporatist regulation what they thought about privatised regulation.

They maintained that given the Nigerian peculiarity, platforms were in the best position to be entrusted with regulation. For instance, after reflecting on the implication of privatised regulation, Participant 19 said:

> Then I think we shouldn't trust them (platforms) at all because it is always going to be about their pocket…. I don't think we should give them that much trust. But at the same time, if they are going to be honest and sincere, I think they are the best persons to actually decide whether to cut or to leave any information or post to go through.

Beyond platform self-regulation, some interviewees noted that social media users could police the boundaries of online behaviour by themselves. In this regard, Gillespie (2018) points out that regulation can be done not only by platforms but also by users. Participant 17 described this as "naming and shaming." This involves using moralising tactics to humiliate people deemed to have posted content that deviates from the expected norm. The aim is to make them conform to collectively accepted standards. For instance, Participant 10 noted:

> Whenever people deploy hate speech, then organisations and individuals should come out to condemn that individual, pile on pressure on the person to withdraw or recant or whatever it is. If it is an organisation and it has services or goods that it is offering, we can organise boycott of those services and goods. That way, you can bring that moral weight to make them know that we don't like what they are doing or what they say. And that unless they are able to change and to apologise, then we will continue to hold them as a pariah, people that we don't want to associate with.

The fact that moral justification is used here points to Marwick's (2021) work on morally motivated networked harassment. I add that it is an endorsement of the practice of dragging as seen on the Nigerian Twittersphere (see discussion in chapter seven). In this sense, dragging becomes a regulatory practice to foster positive online behaviour. Regardless, the naming and shaming option represents (aggregate) individual interventions that are most likely inadequate to deal with systemic problems, as Couldry and Mejias (2019b) allude to. Therefore, we find that with naming and shaming, we are back to where we first began – the fact that there are issues with harmful online content that need to be dealt with.

Perhaps more consequential for countries and users in the Global South is that corporatist regulation of any sort will continue to function based on US hegemony, as I showed earlier in this section. Also noteworthy is that the interviewees did not highlight the

link between social media usage in Nigeria and dependence on US legal systems and structures. This reality, it seemed, had become so normalised that it was a preferred option for them – something that is unsurprising given the distrust that the interviewees had in the government. The distrust was evident from the start of this chapter, where I considered the theme, *governance built on trust*, before discussing *digital media literacy*, *postcolonialism as a basis for co-regulatory intervention*, and *corporatist regulation*, which I discussed in this section. Altogether, I note that these proposed alternatives are underpinned by distrust in the Nigerian state and the notion that Nigeria functions within the matrix of dependence as far as social media regulation is concerned. I have thus far touched on distrust; I now proceed to discuss the matrix of dependence.

8.5. The Matrix of Dependence

From all I have discussed so far, one thing is evident: the Global North effectively determines the regulatory paradigm for new media technologies operational in the Global South. As I have shown, on social media regulation, there is the American default of corporatist regulation codified in Section 230. Europe, faced with the reality of online harms, is now moving towards co-regulatory intervention, the next default. Platforms will then have to introduce geo-blocking or adjust their regulations in line with the European standard, extending the principles of co-regulation (duties of care) to the world, Africa inclusive. Also, the move toward regulatory annexation in Africa can be viewed as an attempt by semi-authoritarian governments to emulate Europe, as Kaye (2019) suggested. Multi-stakeholderism further signifies reliance on governments and institutions of the Global North for regulatory norms and principles. Even a systemic approach to regulation (Fagan, 2018; Hörnle, 2022) can only be done by the West. These underscore the fact that the Global South is locked into a matrix of dependence. I define the matrix of dependence as the notion that countries of the Global South remain reliant on the social media regulatory paradigm set by the West due to the global structural order.

Reference to the structural order shows that the matrix of dependence can be applied beyond social media regulation to any realm of human endeavour. What counts is:

1. The existence of power imbalances that relegate one group of people, institutions, or countries to another.
2. The plurality of dependence such that dependence in a given scenario exists in more than one context. As an illustration, in terms of social media regulation, the Global South relies on the Global North in virtually all the options available.

Galtung (1971) highlights this relation of dependence in his concept of structural imperialism. Structural imperialism essentially states that we live in a "two-nation world" (Galtung, 1971: 83) made up of the Centre (the Global North) and the Periphery (the Global South), with the Centre exercising power over the Periphery. The unequal relation of power finds expression in five areas, four of which are relevant to my research. One is political imperialism where "some nations produce decisions, others supply obedience." This is based on the thinking that "Center nations possess some superior kind of structure for others to imitate" (Galtung, 1971: 92). We see an example of this in the call from the interviewees for Nigeria to copy the regulatory programmes of Western nations. In economic imperialism, developed countries produce goods that developing nations have to depend on, even though developing countries largely supply raw materials.

For instance, raw materials for semiconductors that are crucial for modern technologies come from Japan and Mexico, but are made in the US and China (Heaven, 2019), and then exported as digital technology to the rest of the world. This is closely related to communication imperialism – the fact that developed nations are far advanced in communication and transportation technologies, e.g., satellites and internet cables. For example, with undersea cables, the dominance of US and Chinese firms is clear (Martin, 2019). Therefore, developed countries possess the industrial capacity to develop the latest technology and export to the Global South. This leads to cultural imperialism where "the

gospels of Technology" (Galtung, 1971: 93) are taught and preached to periphery countries which provide the learners. Indeed, I suggest that the use of social media underpinned by ideas of democracy, freedom, and enterprise can be viewed as cultural export from the West.

Based on Galtung's (1971) structural imperialism, what we then have with the matrix of dependence is a scenario where the Global South relies on the Global North for new media technologies and internet connectivity (Coleman, 2019). Kwet (2019) further shows that the three core pillars of the digital ecosystem – software, hardware, and network connectivity – are mainly domiciled in the US, giving it immense political, economic, and cultural power. They ask: "Should the Global South adopt the products and models of US tech giants, or should they think differently and pursue other options? Can the countries of the Global South shape their own digital destiny?" (Kwet, 2019: 4). This is related to calls for technology users in the Global South to play an active role in how technology is shaped in their best interests and to participate in its governance (Duncan, 2015). However, the matrix of dependence suggests that this is unlikely. I say this because the Global South has found itself on the receiving end of Western technological expansion and the regulation that has been baked into it. Even if asked to suggest alternatives, users in the Global South will perhaps ask that the West be imitated as did the interviewees for my research.

Hence, the matrix of dependence provides understanding regarding a regulatory system in which countries like Nigeria have to align with what the West does. At present, this system centres around the terms and conditions set by tech platforms. It also means that the Global North takes precedence over the Global South as far as digital regulation is concerned. Those in the Global South further yearn for conditions in the Global North such that they ask that their countries copy regulatory principles and standards in the West. This defines social media regulation in Nigeria, a regulation that is premised on the matrix of dependence, highlighting how the Global South is effectively locked into a system, one where it has to rely on the West for social media regulation.

8.6. Conclusion

In this chapter, I considered user perspectives on regulatory alternatives for social media in Nigeria, and I argued that this matters because of the need to study regulation holistically and explore what users think, given that regulation targets them. To this end, I interviewed stakeholders ranging from social media users, digital rights activists, media literacy experts, and internet policy experts. Based on reflexive thematic analysis, I found that the interviewees highlighted four regulatory alternatives. The most frequently mentioned alternative was *governance built on trust*, which is also tied to multi-stakeholderism. It is based on the need for collectivisation, given the existence of pervasive state-citizen distrust, a theme which was evident throughout the chapter. The second alternative was digital media literacy, centred on educating people on how to protect themselves from online harms. The third was co-regulatory intervention, which is the regulation of social media users through platforms. I further analysed the interview responses calling for Nigeria to copy the co-regulatory approach of other Western nations, critiquing this based on postcolonial research. The fourth was corporatist regulation, where private platforms are allowed to make the rules for social media usage, as currently is the case. For countries like Nigeria, corporatist regulation indicates reliance on the default internet content regulation premised on Section 230 of the US Communications Decency Act.

Overall, the highlighted alternatives showed that the interviewees were willing to accept several regulatory options as long as these options do not specify a leading role for the Nigerian government. I describe this as an *anything-but-government* posture. It implies the need for the government to build trust with the people, particularly users, before designing or implementing a social media regulatory agenda. Without this trust, my research has demonstrated that any type of regulation that involves the government in some shape or form will be problematic at best, and most likely unsuccessful. One thing that the interviewees suggested was consensus, and I note that this can be useful when it comes to

developing the Nigerian technology sector as a whole and introducing regulation that is seen as credible. What we see here is the thread of “good governance” that ran side by side with the theme of “trust” in the chapter. This is significant because it underscores the feeling among some of the interviewees that good governance will lead to the establishment of locally-based platforms that function under a regulatory system that the interviewees see as appropriate; that is, one that is not based on regime security and the silencing of dissent. For now, however, what I found in the transcripts was the anti-government sentiment that the interviewees held.

I note that as a consequence of this anti-government stance, the interviewees did not account for some of the weaknesses of their preferred alternatives. These alternatives aligned to some extent with the regulatory options present in the literature. The points of divergence include the notion of trust that the interviewees emphasised. I also observe that the literature includes the need for systemic or comprehensive regulation (Fagan, 2018; Wood, 2021; Hörnle, 2022), something that the interviewees did not mention. Regardless, it seems that almost all the available regulatory options represent one form of dependence or the other by countries like Nigeria on Western nations. Thus, the chapter’s main argument is that social media regulation in Nigeria is premised on the matrix of dependence. I defined it as a concept that draws from structural imperialism, political economy, and postcolonialism to explain how the Global South is effectively locked into a system, one where it has to rely on the Global North for regulatory intervention of virtually any kind.

CONCLUSION

The aim of this study was to consider social media regulation, based on political economy, not only from the standpoint of policy, but also from the position of stakeholders and users. In doing this, I have researched social media regulation in Nigeria and found that it mirrors broadcast media regulation, a concept which I described as regulatory annexation. I also found that social media regulation in Nigeria functions within a global structural order that relegates the Global South to regulatory decisions made by governments and platforms in the Global North – a phenomenon that I introduced as the matrix of dependence. By this, I mean that countries like Nigeria realise that they are on the disadvantaged end of a balance of power first with Western countries because of the global structural order, and second with social media companies as a result of platformatisation. Consequently, Nigeria finds that it cannot (yet) regulate platforms directly and that it is subject to regulatory policies made by Western governments and platforms. This scenario then means that the authorities in Nigeria are effectively forced to regulate users, given their desire to extend the level of control that they wield over traditional broadcasting to social media and internet content. Furthermore, I found that users play a key role in the regulatory process as they have done in prior attempts to regulate social media in Nigeria. Hence, I suggested the need to study how users and stakeholders interpret social media regulation, the way that regulations tend to mirror one another, and the relations that define regulatory dynamics between the Global North and South.

All these are contained in the study's findings, which I outlined in the previous four chapters. In chapter five, I examined the policy component and found that social media regulation in Nigeria can be viewed as a struggle between two policy approaches, one that is security-centred and another that is freedom-centred. The policy documents that I analysed include the Internet Falsehood Bill, Hate Speech Bill, Cybercrimes Act, Frivolous Petitions Bill, and Digital Rights and Freedom Bill. I classified the first four as security-centred and the final one as freedom-centred. My focus here was on the content, stated motives, and

underlying motives of the policies, and I argued, in terms of standard-setting, that the security-centred instruments are based on securitisation (Wæver, 1995), regime security, and the silencing of dissent. The suggestion, therefore, was that the government was introducing social media regulation not necessarily in the national or public interest as was stated, but to muzzle free and critical expression. This, I showed, has implications for state-citizen distrust, reinforcing the notion that people have to second-guess every action of government as far as regulation is concerned. The chapter also found that the enforcement provisions of the security-centred instruments are extensive in reach, open to interpretation, incompatible with platform policies, and will be difficult, if not impossible, to implement.

Chapter six contains the politics component, where I further appraised the divergence between the stated and underlying motives in the security-centred instruments. I situated the chapter within research into political economy and state-media relations in Nigeria, and what these portend for social media regulation. In particular, I reviewed broadcast media regulation contained in the NBC Code and other regulatory actions that the broadcasting regulator has taken. I also considered the Occupy Nigeria protest and the #EndSARS movement as case studies to highlight how they were reported by broadcast stations and the regulatory sanctions that the stations faced. I then compared broadcast media regulation with social media regulation, arguing that the latter mirrors the former. Based on this, I established the concept of regulatory annexation as the extension of standards, principles, and rules from one frame of reference to another. In this case, it is the extension of broadcast media regulation to social media and internet content. The reason for regulatory annexation of this sort is the government's desire to extend the control it exerts over broadcasting to social media; therefore, social media users are deemed to be publishers and are regulated as such. One way by which this happens is the manner that the NBC Code, originally intended for traditional broadcasting, has been extended to cover online broadcasting. The consequence, I argued, is that social media regulation is the annexation of the entire media architecture in Nigeria. I also found that regulatory annexation

finds expression in much of Africa (33 out of 54 countries), suggesting that the securitised regulatory pattern for new media technologies is prevalent on the continent.

The opposition component is what I explored in chapter seven. The chapter considered *why* and *how* Twitter was used to oppose social media regulation in Nigeria. In terms of *why*, I established the concept of the Nigerian Twittersphere, justifying why I used Twitter as an object of study. I also demonstrated that Twitter was the major platform used to oppose social media regulation in Nigeria. Drawing from interviews, I found that three themes account for Twitter's central role: it was seen as a platform for activism, justice, and "dragging"; the generational gap; and the perception of Twitter as a leveller. To analyse *how* Twitter was used to oppose social media regulation, I turned to the #SayNoToSocialMediaBill corpus, which I divided into two sub-corpora: pre-EndSARS and post-EndSARS. I analysed the sub-corpora using corpus linguistics and the socio-cognitive approach to critical discourse analysis developed by van Dijk (2006, 2015). The findings showed that for the pre-EndSARS sub-corpus, the hashtag users opposed regulation using themes of anti-democracy, ulterior motive, and misplaced priority. For the post-EndSARS sub-corpus, the themes were generational fault-lines, North-South divide (within Nigeria), and international pressure. Based on the themes, I argued that users in Nigeria oppose social media regulation by othering the government and what it stands for. Othering, in this way, points to the us-them narrative (see Said, 2003; Tajfel and Turner, 2004), particularly how the hashtag users positioned themselves under positive self-representation and the government under negative other-representation.

Chapter eight, which is based on the alternatives component, completes the presentation of findings. My aim here was to identify the approaches that stakeholders and users advance as alternatives to formal social media regulation in Nigeria. To do this, I drew from interviews with 19 participants, comprising digital rights activists, media literacy experts, internet and policy experts, and users who engaged with the #SayNoToSocialMediaBill hashtag. Overall, I found that the interviewees highlighted four alternatives. The most

mentioned alternative was “governance built on trust” – an indication of the participants’ views on state-citizen distrust. Second was digital media literacy, followed by co-regulation, and then corporatist regulation. For co-regulation, I found that it is based on a postcolonial call for Nigeria to copy other countries, particularly Western nations. This led me to introduce the matrix of dependence as a state of affairs that defines the reliance of Nigeria (and the wider Global South) on countries and platforms in the Global North for social media regulation. Having summarised the thesis and its major arguments, I now highlight its contribution to knowledge and new directions for research, but before that, I discuss the study’s methodological limitations.

9.1. Researching Social Media Regulation in Nigeria

For the research, I introduced a methodological approach that built upon ideas from the regulatory analysis framework (Lodge and Wegrich, 2012) and the multiple streams approach (Kingdon, 1997). My approach was based on four methods: policy analysis, case study, interview, and social media analysis, as I described in chapter four. Although the approach afforded me the chance to study social media regulation in Nigeria in a holistic manner, I note that it has its limitations. First is the question regarding the relevance of studying users’ perspectives since regulation tends to be top-down, and users rarely, if ever, affect regulatory policies. Kingdon (1997), for instance, argues that policy decisions largely rest with high-ranking government officials in the executive and legislature, and that stakeholders, such as the media, follow, rather than lead, public policy agendas. Hence, I acknowledge the somewhat limited role that users and stakeholders outside of government play when it comes to enacting and enforcing social media regulation, and I highlighted this in my discussion of Figure 4.1. Nonetheless, I maintain that in the Nigerian case, grassroots stakeholders sometimes influence policymaking. We see an example with the Frivolous Petitions Bill, which the National Assembly stepped down, partly because of widespread

public opposition. Still, I recognise that the influence that users wield remains limited and researchers should be mindful of this when studying social media regulation.

The first limitation is connected to the second, which centres on how to capture users' views. Who are the users in the first place, and how can their voices be best represented? What I did was to turn to Twitter users, given that Twitter is the foremost platform for activism and oppositional discourse in Nigeria (see chapter seven). Consequently, my research does not include other social media users such as those on Facebook, Snapchat, or Nairaland. I also underscore how problematic it is to study the messiness of Twitter data. The data that I analysed were filled with retweets and duplicates, and the grammar of the tweets was unstructured, as was expected. I note, however, that this would have been the case if I had analysed data on other social media platforms. I add that my focus on Twitter was justified, since it would have been difficult to manage and research data across all social media platforms. Also, there would have been considerable data duplication as people tend to post across multiple online platforms. Additionally, just as I argued in chapter seven, Twitter is the default space for online activism and opposition, and scholars interested in oppositional discourse go there, not just because Twitter data is easy to collect and research, but also because that is where they can find the kind of activism-based information they seek.

Finally, my interviews did not include platform executives and government officials, and my analysis here was based on the views of experts, digital rights activists, media practitioners, and Twitter users. At the start, I collated a list of technology executives in areas of new media policy in Nigeria, West Africa, or Africa, and I reached out to them, but I got no positive response. Consequently, my findings do not include the voices of platform executives, who seem to be averse to research interviews (see Marda and Milan, 2018). I must add, however, that my consideration of platforms' terms of service and other texts (e.g., the Zuckerberg blogpost) provided insight into platform policies and motivations. I encountered a similar situation when it came to government officials, who also did not

respond to my interview requests. Hence, I approached the security-centred legislative instruments as a stand-in for the views of government policymakers. The question that I faced here was how to determine who the policymakers are, given that actors in the policy process tend to overlap, and it is sometimes difficult to ascertain who to attribute a particular policy to and what the overarching agenda is that a country abides by, as I explained in chapter five. These limitations regardless, I note that the methodology enabled me to study the Nigerian context for social media regulation comprehensively, taking into consideration the position of policy, the influence of platforms, the responses of users, the views of stakeholders, and the global structural order.

9.2. New Directions for Researching Social Media Regulation

Drawing from my thesis, what I have found is the existence of social media regulatory approaches that centre on regulatory annexation and the matrix of dependence. This is the study's contribution to knowledge – the outcome of my investigation into how social media regulation in Nigeria functions in a global order characterised by Global North dominance. It demonstrates the need for studies in the field of internet and social media content regulation to consider new media regulatory policies in Global South countries like Nigeria. As the literature shows, this is an area that has been largely neglected in research, where studies overwhelmingly focus on Western contexts. Relevant here are studies on the practical approaches to social media regulation, which I discussed in chapter three. For instance, Klonick (2018) outlines how corporatist regulation works and Balkin (2018) suggests that platforms reconfigure their moderation policies to privilege the public good. The critique typically rests on Section 230 (Napoli, 2019; Overton, 2020) and US First Amendment doctrine (Fagan, 2018; Brown and Peters, 2018), underscoring how US-centric the field is.

For Europe, scholars see the need for greater government intervention in regulating social media platforms, highlighting the European approach to co-regulation as what other countries should aspire to (De Gregorio, 2021; Manganelli and Nicita, 2022). In places like

China, the literature indicates that regulation anchored on technological surveillance and internet blockage has become entrenched (King et al., 2013; de Lisle et al., 2016; Couldry and Mejias, 2019a). What we see, therefore, is the recognisable footprint that Western and Chinese-based studies have in the scholarship on internet content regulation. These lines of research highlight the different regulatory approaches being introduced for different contexts based on the discursive use of online harms as justification for intervention (see Ohm, 2008). However, what has been overlooked in the field is focus on countries like Nigeria that sit on the periphery between Global East-West extremes. As a result, my study demonstrates that we still lack comprehensive knowledge of regulatory approaches across the world, particularly the regulatory interplay between the Global North (where much is known) and South (where regulation is more likely to target users).

Hence, I suggest that research in the field of social media regulation should being to examine regulation targeted at users, particularly in countries of the Global South. The need for this has become even more pressing, given that countries are increasingly introducing regulations from data privacy to cybersecurity to online copyright. Of all the censorship policies that I consider in the study findings, research has seemingly been most concerned with social media bans (Hobbs and Roberts, 2018; Boxell and Steinart-Threlkeld, 2019). For the others, Bainbridge (2008) has considered the application of defamation to the internet in the US and Australia. Regulation of this kind is what Kurbalija (2014) calls old-real regulation. For direct user regulation proper, Mueller (2015) has called for greater adoption of regulation targeted at users in the US, but his work lacks empirical evaluation. Roberts et al. (2021) expand on this focus by considering online surveillance laws in six African countries, including Nigeria, and Garbe et al. (2021) examine news reports on fake news and hate speech laws in Africa. The trend, therefore, suggests that researchers are beginning to consider this area, at least to some degree. Examples include Oladapo and Ojebuyi (2017) who analyse the Frivolous Petitions Bill. I build on these studies in the thesis,

while also advancing the need for research that investigates regulation of this kind in its comprehensive form.

What I found is the existence of the regulatory annexation concept, and I suggest that research into social media regulation and new media governance more broadly should begin to consider regulatory annexation as a concept that defines regulatory practice in many contexts. As I argued in chapter six, regulatory annexation already finds expression in the regulatory policies being introduced for social media platforms in the UK, Europe, and Australia. Currently, the usual practice in the literature is to view these policies as co-regulatory schemes/digital constitutionalism (De Gregorio, 2021; Manganelli and Nicita, 2022) or collateral censorship (Balkin, 2018). While both co-regulation and collateral censorship are useful as a way to define government regulation of social media users through platforms, I contend that they do not provide us the lens with which to interrogate the extension of regulatory principles from one frame of reference to another.

This matters because governments, in advanced nations at least, are beginning to heed the call to view social media platforms as publishers and to regulate them as such (see Napoli, 2019), just as we see in Europe. In countries like Nigeria, I found that the approach is to regulate social media users as publishers/journalists. Regulatory annexation, then, provides the framework for scholars to examine how regulation of this sort mirrors existing regulation (in broadcasting, for instance), the lessons that can be learned based on the pre-existing example, and the underlying regulatory motives that become evident when one context is compared with another. Put differently, regulatory annexation makes it possible to map one context unto another to gain analytical insight in ways that concepts such as co-regulation or collateral censorship do not allow for. It also shows the way that the entire media architecture, including broadcasting, can be implicated by social media regulation.

In the Nigerian case, the thesis further introduced the matrix of dependence in chapter eight to conceptualise social media regulation as a complex power struggle between the government on one hand and users, platforms, and Global North countries on the other.

To recount, the reality, as I showed in chapter one, is that social media platforms have become not just online monopolies, but also oligopolies (Flew et al., 2019), which determine the design, control, and regulation of new media technologies. In light of this, countries like Nigeria have found themselves on the disadvantaged side of the balance of power in relation to platforms. When it comes to Global North countries, Nigeria is again on the disadvantaged side of an asymmetrical balance of power. I showed, in chapter three for example, that with Section 230, countries like Nigeria have had to submit to the platform self-regulatory paradigm set by the US. We see something similar happening with Europe and its goal to set a co-regulatory order for the rest of the world (De Gregorio, 2021). Consequently, Nigeria finds itself in a web of dependence that subjects it to regulatory decisions made externally.

To regain a semblance of control, the country then turns to social media users and ISPs, over whom it has an upper hand in the balance of power, by introducing direct user regulation and social media bans. Hence, there is a need for research to give greater attention to the matrix of dependence that countries face and how this defines the kind of regulatory intervention that they implement. Scholars such as Kwet (2019) and Coleman (2019) have done some work in this regard by considering the influence that advanced nations wield; Kaye (2019) has also touched on platform power. However, I suggest that studies on social media regulation need to move beyond discussing dependence and power imbalance in an isolated manner to highlight the multiple dependencies that shape regulatory outcomes, and the matrix of dependence provides the framework for this.

Future work is also needed to build upon each strand of the findings based on the study's methodological framework. When it comes to the methodology itself, researchers need to mindful of the changes that platform executives like Elon Musk can introduce, sometimes without warning – these are potential eventualities that should be accounted for in the design of research both in the short and long term. One way to do this could be creating data back-ups and securing archives. But on the specific point regarding the strands of my methodology, I note the need for further studies that deepen each of the components

that I touched on – policy, politics, opposition, and alternatives. In terms of policy, there is already the 2022 NITDA Code of Practice for Interactive Computer Service Platforms/Internet Intermediaries. The Code suggests that Nigeria is moving towards co-regulation, and there is a need to study how its administration progresses, whether other African countries will emulate this example, and the extent to which it alters the balance of power between countries in the Global South and platforms in the Global North.

This is related to the politics, where there is a need for research that considers whose interests regulation promotes, what the underlying intentions are, and the agency, if any, that users have in determining regulatory outcomes. The indication is that users and civil society groups will continue to oppose the kind of regulation that is linked to regulatory annexation. But less known is what their reaction will be to other kinds of regulation such as co-regulation or multistakeholder regulation. Also relevant is the platform with which users will react to (or oppose) regulation of any kind. Will this still be Twitter, or will users turn to another social media platform? Will users still see Twitter as emancipatory given the changes that Musk is introducing? Will Twitter itself still exist in the next few years, and how will all these affect online activism (against regulation) writ large? In the broader African context, there is a need for research, along the lines of systematic review, that holistically maps the field to know what has been done and where the gaps are. These are issues that future research should consider in addition to the several regulatory alternatives that either exist or may come up subsequently across the globe.

One of these alternatives is co-regulation, which is still largely experimental – for instance, the EU is still trying to establish the Digital Services Act and the UK is still debating the Online Safety Bill. Co-regulation provides a framework that governments, especially in Europe, can use to demand accountability from platforms. But most of the major platforms are either headquartered in the US or China, presenting jurisdictional issues for Europe. Co-regulation could also mean the balkanisation of internet content regulation since nations are introducing their distinct regulatory policies. Hence, one thing that future research could

consider is how the various co-regulatory policies converge or diverge, and the implications of this for platform obligations. Equally important will be the developments that take place in the US. At the moment, the focus seems to be on holding congressional hearings where platform CEOs are questioned on a range of operational and regulatory issues – what Napoli (2021) calls symbolic action as opposed to substantive action. But there have also been calls for changes to Section 230, although there remain protracted ideological differences on the left and right of politics regarding what the changes should look like. Regardless, any policy shift in the US would constitute an item for further study, none more so than changes to Section 230.

Co-regulation might also be inadequate in meeting the scale of the challenge that social media regulation presents. This inadequacy can be seen in the fact that co-regulation does not typically account for the views of users in the regulatory process, leading to a lack of grassroots involvement. One way to remedy this is to consider a collaborative approach, where users, civil society groups, platform executives, researchers, government representatives and other actors are involved in regulatory conversations. This can be in the form of a social media council either at the national or international level. It can also incorporate practices like 'dragging' (in the Nigerian sense) as a way to institute the informal policing of online transgressions. No doubt, there are questions related to the workability of each of these approaches – the idea of a social media council itself has remained contested (McSherry, 2019; Docquir, 2019). But where research needs to focus on now is an evaluation of existing councils such as the Social Media Council in Ireland. How viable are they and are they fit for purpose? In what ways and on what terms can a similar approach be replicated at the global level?

Questions like these point toward multi-stakeholderism, which has hitherto been the focus of organisations like the Internet Governance Forum. UNESCO (2022) has also turned its attention to a multi-stakeholder approach to platform regulation. However, one major limitation of these multistakeholder frameworks or proposals is the dilemma of coordination

among several countries and a myriad of platforms that operate across multiple media systems and legal jurisdictions. There is also the fact that these multistakeholder approaches do not consider systemic platform regulation – the kind of regulation advocated by Fagan (2018) and Wood (2021). This limitation also applies to co-regulation, which tends to be about enforced content moderation and duties of care. As a result, platforms will likely continue to function based on their current business models, where algorithms are primed to stimulate online engagement at all costs, and where profit is placed above safety. What is needed, therefore, is research that examines how multistakeholder regulation can be made to work on the basis of systemic regulation. The goal should be to articulate a multistakeholder framework where countries collectively agree to create, domesticate, and apply a unified systemic regulatory code to any platform headquartered within their jurisdiction. Such a framework should be inclusive and collegiate so that it adequately represents the views of countries and stakeholders in the Global South, and it should be flexible so that it evolves in line with technology. This is urgent work for researchers working in the field, and what I have done in this study is to provide a foundational basis for future work on social media regulation of this nature, not only in the Nigerian context, but also in other spheres and regions of the world.

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APPENDIX 1 – STATUTES AND TREATIES

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9. US Communications Decency Act, 1996.

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15. Twitter Rules. https://help.twitter.com/en/rules-and-policies/twitter-rules

APPENDIX 2 – PILOT STUDIES

I carried out a pilot study as preliminary policy analysis of the Internet Falsehood Bill and the Hate Speech Bill using the regulatory analysis framework (Lodge and Wegrich, 2012) between July and August 2020. I did this to get a sense of what the policies contained, particularly in terms of their underlying motivations and inherent politics. This was useful as a way to refine my ideas and it also highlighted the limitation of the regulatory analysis framework, as I pointed out earlier in the chapter. I had also used the multiple streams approach (Kingdon, 1997) while I was developing my research proposal; this was when I noticed its limitation. Based on the components of regulatory analysis, I analysed both bills according to standard-setting, information-gathering, and enforcement. I also used this to identify who the targets of the bills were – this was used partly to compile a list of potential interviewees. The pilot study revealed that lawmakers described both legislations as necessary for public interest reasons such as national security and national cohesion, and the legislations tended to be over-broad. Knowing this, I was better able to frame my review as I prepared for the main policy analysis. In terms of target, I found that the Internet Falsehood Bill was targeted at the general public who use the internet, owners (operators/editors) of websites, and technology intermediaries such as social networking sites, search engines, content aggregation sites, internet-based messaging services, and video sharing services. The Hate Speech Bill was targeted at the general public, corporate bodies, and organisations. I included these targets in my list of interviewees – more on this later.

I also carried out a pilot study for the social media analysis segment. This was key to the opposition component of my mixed-method framework, and it provided an avenue through which to study the views of social media users, who were also targets of regulation. The pilot study here was done in two phases: quantitative and qualitative. The quantitative phase was done in August 2020. For this, I identified the #SayNoToSocialMediaBill hashtag as the most prominent tag used to oppose social media regulation in Nigeria. Using Twitter

Archive Google Sheets (TAGS), I collected 12,770 tweets posted between December 2019 and August 2020 that included the hashtag. The collected tweets were analysed using Python 3 based on frequencies, sentiment analysis, and topic modelling. Here, frequencies include basic counts such as the most frequent users. Sentiment analysis attributes emotion or affect to data (in this case, tweets), classifying them either as positive, negative, or neutral. The Python package that I used for sentiment analysis was TextBlob, which has an inbuilt dictionary to determine polarity and valence in the dataset. With regards to topic modelling, it categorises related words in the dataset into distinct topics or themes, to provide an idea of the subjects contained therein. For topic modelling, I executed a function known as Latent Dirichlet Allocation (LDA). LDA is an unsupervised probabilistic tool that utilises the Natural Language Toolkit (NLTK) Python library to determine the likelihood (probability) that each word in the dataset belongs to a certain topic. The topic labels come out as numerical outputs and the researcher is required to name them based on the meaning of the words in the respective topics. The researcher also determines the number of topics the model outputs.[1]

The major outcome of this pilot study was the realisation that I needed to use quantitative social media analysis with caution. For instance, the TextBlob sentiment analysis mixed up some of its classifications and coded some negative tweets as positive. I found this out after I reviewed some of the tweets manually to ascertain the accuracy of the sentiment analysis. The pilot study also showed the need for me to remove retweets, duplicates, and irrelevant posts from the dataset. To account for the limitations of using quantitative social media analysis, I implemented the qualitative phase of the pilot study for the social media analysis. This was completed in November 2020. Using NVivo 12, I manually analysed 6,000 tweets under the #SayNoToSocialMediaBill tag. Of this number, 3,000 tweets were posted in November 2019 when the Internet Falsehood Bill was

[1] For more on topic modelling and sentiment analysis, please see: Gupta et al. (2017), Jelodar et al. (2018), Saxton (2018), Negara et al. (2019), Diyasa et al. (2021).

introduced in the Nigerian Senate, and the remaining 3,000 were posted in November 2020 after the #EndSARS protests. I divided the tweets this way to see whether the October 2020 #EndSARS movement, which was related to the opposition to social media regulation (see chapter seven), had an impact on Twitter discourse.

For analysis, I used the concept of affect based on the appraisal framework of critical discourse analysis developed by Martin and White (2005). My aim was to highlight the sentiment that Twitter users had towards social media regulation. Using emotional markers adapted from Parkins (2012) and Zappavigna (2011), I found the sentiment to be overwhelmingly negative. I discovered, however, that although the use of affect in this manner showed that users were opposed to social media regulation, crucially, it did not explain how opposition was performed. This led to my choice in the main analysis of the socio-cognitive framework of critical discourse analysis developed by van Dijk (2006, 2009, 2015) – a qualitative approach that helped explain how opposition was done on Twitter. I used this framework in conjunction with corpus linguistics, utilising tools such as frequency, keyness or relative frequency, collocation, and concordance (Baker et al., 2008; Mautner, 2015); I explain these terms subsequently. To be clear, all the tools and methods that I used in the pilot studies were not part of the major analysis; I only utilised them as an initial step towards the major analysis.

APPENDIX 3 – INFORMATION SHEET FOR PARTICIPANTS

You will be given a copy of this information sheet at the interview. Your consent will be recorded before the interview starts.

Title of research

This is a PhD research titled "Regulating social media: freedom of expression, media literacy and new media governance in Nigeria". The research is being carried out at Birmingham City University and is funded by the Commonwealth Scholarship Commission in the UK.

Invitation paragraph

I would like to invite you to take part in this research which explores issues surrounding the regulation of social media in Nigeria and the various debates involved.

Purpose of study

The study aims to provide an understanding of the ways in which social media regulation is articulated in developing countries like Nigeria, an often-overlooked subject in the literature. It also intends to contribute to knowledge by theorising the Nigerian Twittershpere as a unique space for social media expression, while also exploring what the implications of regulation will be for it, and the relevance or otherwise of regulatory alternatives.

Why you have been invited to take part

You have been invited to take part because of your role in social media discourse in Nigeria based on the #SayNoToSocialMediaBill tag and/or because of your status as a stakeholder on issues around social media regulation, media literacy or freedom of expression.

Is your participation compulsory?

No. Participation in this research is voluntary.

What happens if you agree to take part?

A date and time for the interview will be agreed. The interview will be conducted online (e.g. via Skype/Zoom) because of the current Covid-19 restrictions. All personal data will be anonymised. The interview will be recorded and data from the interview will be used in my PhD thesis and also published in academic journals or as book chapters. You will be at liberty to withdraw your participation at any point during the interview.

What the interview entails

The interview will cover some of the following areas:

- Social media regulation and the debate between freedom of expression and national security.
- Your description of the Nigerian Twittersphere as a unique medium for activist discourse.
- What the social media bill, if it had been signed into law, would have meant for the #EndSARS campaign on Twitter.
- Your view on existing legal instruments such as the Cybercrime Act 2015 and whether or not they are sufficient for combatting online harms on social media.
- Media/digital literacy as a tool to stave off social media regulation.

- What you think a regulatory alternative should be considering Nigeria's socio-political realities.
- The challenges developing countries like Nigeria face in trying to control discourse on social media platforms, which are based in Western countries.

Possible risks of participating in the interview

There are no risks in taking part.

Confidentiality

Any personal data you provide during the interview that identifies you or your organisation will be anonymised during transcription. The transcription will also be stored in the secured OneDrive system at Birmingham City University.

Outcome of the research

The interview will form a part of my PhD thesis. It will also be included as publications in academic journals or as book chapters.

Contact for further information

If you have any queries or comments, please contact me directly using the following contact details:

Vincent Obia, PhD Researcher
Birmingham School of Media
Birmingham City University
+2347062332740, +447495669220
Email: Vincent.Obia@mail.bcu.ac.uk

You can also contact my Director of Studies: Dr Yemisi Akinbobola (Yemisi.Akinbobola@bcu.ac.uk) or my Supervisor: Dr Oliver Carter (Oliver.Carter@bcu.ac.uk)

Thank you for reading this information sheet and for considering taking part in this research

APPENDIX 4 – Are Social Media Users Publishers? Alternative Regulation of Social Media in Selected African Countries

This Appendix includes extracts from chapter six that were published in the *Makings* Journal – '*Are Social Media Users Publishers? Alternative Regulation of Social Media in Selected African Countries*'. Volume 2 Issue 1 (2021). https://makingsjournal.com/are-social-media-users-publishers-alternative-regulation-of-social-media-in-selected-african-countries/

Are Social Media Users Publishers?
Alternative Regulation of Social Media in Selected African Countries

Abstract

This article addresses the thinking behind social media regulation in Africa and explores how it diverges from the approach in Western countries. It gives attention to the debate relating to who should be labelled as publisher on social media, an issue that has significant regulatory implications. As a result, research on social media regulation, largely based on the West, has focused on platform self-regulation or the role that states have in terms of holding platforms responsible for objectionable content. I suggest that such a focus can be problematic since it presents the Western approach as the universal case of regulation, overlooking examples in other regions like Africa. Hence, this article considers the African approach to social media regulation by reviewing the policies that have been drawn up, how social media publishers are determined, and the politics that underlie the policies. To do this, I analyse social media regulation in Africa as an alternative to the Western approach by examining policy and legislative documents in Nigeria, Uganda, Kenya, Tanzania and Egypt. The article uses the multiple stream framework of policy analysis to underscore the problem, policy and politics inherent in the regulatory trend we find in Africa. I interrogate the data using Lawrence Lessig's (2006) work on the modalities of regulation and Philip Napoli's (2019) concept of publishers on social media. The article shows that the trend in Africa is to classify social media users as publishers who bear the burden of liability for the content they post. I argue that this approach is preferred because of the politics at play, where the aim is not necessarily to combat online harms but to silence public criticism and dissent.

Introduction

On 8 June 2015, the police in Uganda arrested Robert Shaka, an information technology expert, for what was described as the publication of "offensive communication" via social media. Shaka was accused of acting under the name of Tom Voltaire Okwalinga (TVO), a Facebook account that had been critical of the government. In the charge sheet, he was said to have "disturbed the right of privacy of H.E. Yoweri Katuga Museveni (the President) by posting statements as regards his health condition on social media to wit Facebook".[1] For this, he was charged on the basis of Section 25 of the Computer Misuse Act, 2011, which criminalises electronic communication deemed to be offensive to the peace, quiet or privacy right of any person. I point to the Shaka case because it represents an increasing trend in the regulation of social media "harms" in African countries as I show in this article. We see examples of this in the August 2019 arrest of Nigerian journalist Ibrahim Dan-Halilu because of a Facebook post,[2] and the May 2020 case of comedian Idris Sultan in Tanzania, who was

[1] Available at: https://advox.globalvoices.org/2015/06/12/ugandan-authorities-jail-facebook-user-for-offensive-comments-about-president-musveni/

[2] Available at: https://punchng.com/dss-re-arrests-journalist-for-supporting-sowore-on-facebook-2/

prosecuted for making fun of President John Magufuli's outfit on social media.[3] This trend has seen the introduction of direct formal regulation where social media users are labelled as publishers. In other words, they are accountable for the posts they share online. It is then possible to apply regulatory weight to specific cases, like that of Shaka, that are deemed to be critical or offensive to the establishment. I suggest that such an approach is tied to the *politics* of social media regulation in Africa, and I explore this by considering Wæver's (1995) concept of the securitisation of speech acts; I explain this below.

Overall, the policies that I review indicate the extension of traditional media censorship to the online sphere with implications for freedom of expression on a continent-wide basis. In spite of this, research has remained largely focused on the realities of social media regulation in the West. This line of research usually considers regulation by platforms done with tools such as algorithms or content moderation (Sartor and Loreggia, 2020) or the need for Western nations to regulate social media platforms (Napoli, 2019). However, I argue that such an approach overlooks the contemporary regulatory agenda in developing regions such as Africa with the likely implication of presenting the Western approach as the universal example. This article, therefore, answers the call to de-Westernise the field of data studies and social science in general by considering "the diversity of meanings, worldviews, and practices emerging in the [global] Souths" (Milan and Treré, 2019, p.323). Hence, my focus on the regulatory policies on social media in five African countries, including Egypt, Kenya, Nigeria, Tanzania and Uganda. My aim is to underscore the fact that Western examples are not universal by drawing a parallel between Western and African approaches. Hence, I ask:

1. What is the policy approach to social media regulation in the selected Africa countries?
2. How do the policies frame and assign the *publisher* label on social media in determining who bears the burden of liability?

In the sections that follow, I review the literature by focusing on Lessig's (2006) notion of the modalities of regulation and Napoli's (2019) concept of publishers on social media. Using the multiple stream approach to policy analysis, I show that African countries are choosing an alternative approach to social media regulation, one that is wholly different from the Western pattern and one that can be explained by the *politics* of regulation in Africa.

Modalities of Regulation

In the 90s, there was a commonly held belief that the internet was un-regulatable. This view was championed by cyber-libertarians such as Barlow (1996) who saw the internet as a new world outside of this world, beyond the realm of regulation, and to be governed only by norms agreed to by members of this new world. Barlow's (1996) argument has largely lost currency as we now know that regulation can be applied to internet usage, including social media content. Lessig (2006) establishes this fact, arguing that the internet has always being regulatable because just like any other infrastructure, it is designed, built and can be modified by code. Hence, regulation was near impossible at the start because the architecture of the Internet at the time did not allow for this. With the development of systems of code such as online identity verification, this is now possible and online activities are therefore subject to greater regulation. Hence, if a government wants to regulate the Internet, it only has to "induce the development of an architecture that makes behaviour more regulable" (p. 62). This is using law to regulate computer and platform code so as to indirectly regulate behaviour. He says the code that makes this possible is the real law; hence, "code is law". In addition to architecture, Lessig (2006) highlights three other regulatory tools comprising law, norms, and market. Together, these four make up what he calls "modalities of regulation", observing that the modalities are distinct but interdependent – they can support or oppose one another, but they inevitably affect one another.

[3] Available at: https://www.amnesty.org/en/latest/news/2020/07/tanzania-charges-against-comedian-for-laughing-must-be-thrown-out/

The inter-relationship between the modalities of regulation can be seen in the self-regulatory system that has been adopted by the major tech giants. When it comes to rules/laws, they have developed internal mechanisms known as terms of service that can be interpreted as binding legal agreements between platforms and users. Hence, Kaye (2019, p. 16) notes that platforms have become "institutions of governance, complete with generalized rules and bureaucratic features of enforcement". For instance, Facebook has its *Community Standards*,[4] Twitter has its *Rules*,[5] and YouTube has its *Terms*.[6] These rules serve as guidelines against the circulation of harmful contents that typically border on disinformation and discriminatory speech. They are enforced through content moderation practices which can be done by humans or algorithms (Sartor and Loreggia, 2020). The use of algorithms to proactively filter out contents that violate terms of service therefore points to the way in which law and code have been used in the online environment. Code, based on machine learning, is also being used to curate the information that people are exposed to, providing them with pre-selected content and excluding them from others (UN Special Rapporteur, 2018). This is in effect regulation by technology. Zuboff (2019), in her work on surveillance capitalism, shows how regulation of this sort functions under a market regulatory modality where the decisions platforms make about algorithmic recommender systems, filtering and moderation are largely based on profit motives. Consequently, platforms are able to promote attention-grabbing contents, even if they are outrageous, as long as they can be sold to advertisers (Wood, 2021).

Norms as a regulatory modality also find expression in this mix, particularly with reactive content moderation. Generally speaking, norms are collectively shared beliefs about what is typical and appropriate behaviour within a community (Heise and Manji, 2016). On social media content moderation, norms are realised in the notice and take-down system made available by social media platforms where users provide information about questionable materials before a decision is taken about removing them. As Lessig (2006) notes, norms usually apply in online discussion fora where "a set of understandings constrain behavior" (p. 124). Today, this is more commonly realised as cull-out or cancel culture – "a form of public shaming that aims to hold individuals responsible for perceived politically incorrect behaviour on social media and a boycott of such behaviour" (Hooks, 2020, p. 4). In some ways, cancel culture on social media can be seen as an extreme version of norm as a regulatory modality, in contrast to mild and collective policing of online behaviour described by Barlow (1996) in his "Social Contract". Still, whether mild or extreme, normative regulation of this sort is problematic. The mild version proposed by Barrow (1996) simply cannot handle the volume and realities of online communication in an age of social media powered by surveillance capitalism and confirmation bias. Meanwhile, the more extreme version of cancel culture has been criticised for being a form of virtual war used to censor opposing views rather than sanitise the online space (Trigo, 2020).

Faced with the realities of these shortcomings, states are starting to introduce formal regulation through laws that regulate social media content. Calls for greater state regulation reflects what Baccarella et al. (2019) call the "dark side" of social media and the "curse of progress". These calls have grown louder after several "mishaps", prominent amongst which were the Cambridge Analytical scandal, the spread of far-right extremism, and the Christchurch terror incident. This takes us back to the concept of law as a primary regulatory modality as states seek means with which to curtail social media and its excesses. In the United States, there are moves to unbundle social media companies like Facebook to make them fairer in terms of competition.[7] In Australia, a law has been passed requiring platforms like Facebook and Google to pay news outlets for hosting their content.[8] While in the UK and Germany, laws to regulate online harms on social media have been introduced or are being

[4] Available at: https://www.facebook.com/communitystandards/
[5] Available at: https://help.twitter.com/en/rules-and-policies/twitter-rules
[6] Available at: https://www.youtube.com/static?gl=GB&template=terms
[7] Available at: https://www.nytimes.com/2020/12/09/technology/facebook-antitrust-monopoly.html
[8] Available at: https://edition.cnn.com/2021/02/24/media/australia-media-legislation-facebook-intl-hnk/index.html

considered. These all refer to the use of law to shape regulatory outcomes either in the market or content moderation design of social media platforms. However, the use of law in this manner is more of a Western feature, and it underscores the debate on whether platforms should be labelled as publishers. It also affords me the chance to interrogate the differences between the West and Africa in how a publisher is identified on social media.

Who is a Publisher on Social Media?

> No provider or user of an interactive computer service shall be treated as the *publisher* or speaker of any information provided by another information content provider. (Section 230(c)(1), Communication Decency Act, 1996 – emphasis mine).

The above "Good Samaritan" provision in US law absolves Silicon Valley companies from being liable for objectionable social media content posted by third party actors such as social media users, otherwise known as information content providers. Even if the platforms choose to moderate objectionable social media content, Section 230 still precludes them from liability. This is because the law does not deem platforms to be *publishers* of online content, allowing them the flexibility to characterise themselves either as technology intermediaries or media companies depending on the situation. For instance, in August 2016, Facebook CEO, Mark Zuckerberg told a group of university students that Facebook was a technology company, not a media company.[9] This was followed by a post after the 2016 US election stating that Facebook's "goal is to show people the content they will find most meaningful" (meaning a technology platform), adding that "I believe we must be extremely cautious about becoming arbiters of truth ourselves".[10] However, one month later, Zuckerberg admitted that Facebook was a media company, but not in the sense as we know television.[11] Following the aftermath of the Cambridge Analytica revelations in 2018, Zuckerberg has admitted to the platform being both a technology company made up of "engineers who write code" and a media company that has "a responsibility for the content that people share on Facebook".[12]

At the heart of this prevarication is the determination of whether or not platforms are media publishers or technological intermediaries, and this has fundamental regulatory implications. If platforms are media publishers, for instance, then they are bound to be regulated (House of Lords, 2018; Napoli, 2019). Instead, platforms have largely argued that they are computer or technology companies that should not be subject to media regulation[13] (Flew et al., 2019). Nonetheless, the aftermath of the Christchurch attacks in New Zealand has seen Prime Minister Jacinda Arden described platforms like Facebook as a "publisher", not just a "postman".[14] Napoli (2019) agrees, stating that platforms are media companies that should be subject to government oversight. In describing the publishing role of a media outlet, he observes that the job of a media company as publisher is to produce, distribute and exhibit content, and that these processes have been merged on social media such that it now plays a significant role in our news ecosystem. Although social media companies claim they only distribute and do not produce content, Napoli (2019) argues that content production has never served as a distinct rationale of media regulation, pointing out that solely distributive outlets such as cable and satellite platforms are regulated even in Western society.

Napoli's (2019) argument is also hinged on the practice of moderation and recommendation done by social media platforms. This, he says, should qualify them as news organisations or

[9] Available at: https://pctechmag.com/2016/08/mark-zuckerberg-says-facebook-wont-become-a-media-company-but-rather-stay-as-a-tech-company/
[10] Available at: https://www.facebook.com/zuck/posts/10103253901916271?pnref=story
[11] Available at: https://www.theguardian.com/technology/2016/dec/22/mark-zuckerberg-appears-to-finally-admit-facebook-is-a-media-company
[12] Available at: https://www.cnbc.com/2018/04/11/mark-zuckerberg-facebook-is-a-technology-company-not-media-company.html
[13] Available at: https://www.bbc.co.uk/news/entertainment-arts-38333249
[14] Available at: https://www.ft.com/content/13722f28-4edf-11e9-b401-8d9ef1626294

publishers, “given the extent to which they are engaged in editorial and gatekeeping decisions related to the flow of information” (p. 13). We already see examples of editorial decision-making with the labelling of certain posts as misleading or containing violent content on Twitter. Facebook has recently made moves to institutionalise the process, creating an Oversight Board which reviews decisions taken by the platform to take down certain posts. However, unilateral arrangements by platforms have been criticised. For instance, there are indications that the Facebook oversight board does not address contents that Facebook does not take down. This means the board is essentially aligned with Facebook’s advertising interests while simultaneously making the platform appear to be maintaining decorum on the space.[15] Also, the permanent removal of Donald Trump’s account from mainstream social media has been described by Angela Merkel as problematic,[16] raising new questions about whether governments or platforms should have powers over limitations to freedom of expression.

The move by Europe to regulate platforms then points to an increasing identification with Napoli’s (2019) position. In the EU, there is the Digital Services Act which requires platforms to be transparent and to take down illegal and harmful content. It also places a duty on “very large platforms” like the major social media companies to identify “systemic risks” and take action to mitigate them.[17] Also in the UK, an Online Safety Bill is being considered. The Bill places a statutory duty of care on platforms, mandating them to moderate contents that cause physical or psychological harm. These moves point to a recognition of the liability that platforms have for the content they host, suggesting that these platforms are *publishers* contrary to the position established by Section 230. African countries are also seeing the need for social media regulation, given the “mishaps” I mentioned earlier. However, their approach represents an alternate form of regulation insofar as it diverges from the approach being taken in the West, particularly in Europe. In the sections that follow, I examine the policy of selected African countries to highlight the regulatory system they are adopting and who they designate as publishers on social media.

Method

I use the policy analysis method to examine the legal documents and policies on social media in selected African countries. Specifically, I adopt the multiple stream framework of policy analysis developed by John Kingdon (1984) as the basis for analysing the policies. The multiple stream approach states that problem, policy and politics run concurrently until stakeholders (who Craig et al., 2010 call policy entrepreneurs) bring them together to provide a policy window, which can be an alternative solution (Craig et al., 2010; Browne et al., 2018). As a result, my approach is aimed at exploring the *problem* that state actors are concerned with, the *policy* they have constructed, and the *politics* that underpin particular policy approaches. This use of policy analysis in this fashion enables me to answer my research questions on the policy framework on social media being advanced by African countries and who are framed as regulatory targets or *publishers*.

Table 1: Regulatory documents analysed in this study

Country	Objects of Study (Policy/Act/Bill)
Egypt	Law on the Organisation of Press, Media and the Supreme Council of Media, 2018
Kenya	Computer Misuse and Cybercrimes Act, 2018

[15] Available at: https://www.theguardian.com/commentisfree/2021/mar/17/facebook-content-supreme-court-network
[16] Available at: https://www.cnbc.com/2021/01/11/germanys-merkel-hits-out-at-twitter-over-problematic-trump-ban.html
[17] Available at: https://www.traverssmith.com/knowledge/knowledge-container/eu-turns-the-screw-on-big-tech-the-digital-services-act-package/

Nigeria	Cybercrimes Act, 2015 Protection from Internet Falsehood and Manipulation Bill, 2019 Digital Rights and Freedom Bill, 2019
Tanzania	Electronic and Postal Communications (Online Content) Regulations, 2020 Cybercrimes Act, 2015
Uganda	Computer Misuse Act, 2011 Uganda Communications Act, 2011 Social Media Tax introduced in 2018

The countries that I consider in this study include Nigeria, Kenya, Tanzania, Uganda, and Egypt. They were selected because they provide the most obvious examples of attempts to regulate internet and social media communication on the continent. The documents that I consider are listed in Table 1. They include the current Internet Falsehood Bill in Nigeria that may not be passed because of the significant opposition it faces. Indeed, almost all the laws have been criticised by civil society groups as they face legal challenges in courts on whether or not they violate civil liberties. For instance, the Computer Misuse and Cybercrimes Act in Kenya was ruled in October 2020 to be unconstitutional.[18] This points to the *politics* that I consider under the multiple stream framework. Although some of these instruments are not yet law or have been deemed to be unlawful, I include them in my analysis as they point to the contemporary regulatory approaches being considered in these countries. Some of these countries also have additional legal instruments such as penal codes and terrorism laws that address social media harms like disinformation. I have not considered these additional laws since they tend to be repetitive.

Regulatory Approach in the Selected African Countries

In this section, I apply the multiple stream framework of policy analysis to my objects of study; that is, the policies on social media regulation in the selected African countries. The first stream, which has to do with *problem*, has been largely considered in the literature review above. To recount, this is the fact that social media use has become problematic given the challenges of online harms in what has been described as the "curse of progress" (Baccarella et al., 2019). What makes the problem even more daunting is the potential for limits to be placed on freedom of expression regardless of the policy approach that is taken. Added to this is the reality that social media platforms are essentially private corporations that operate globally. Consequently, the regulation that they currently perform using their terms of service or advisory board is an action that would be deemed in some quarters to be a privatisation of regulation (DeNardis and Hackl, 2015). Put differently, it is regulation being done – sometimes via opaque algorithms – by private entities that are not statutorily accountable to society. Their global reach also means they have enormous powers as internet information gatekeepers (see Laidlaw, 2010) that cannot be easily controlled, especially by countries in Africa.

The framing of the *problem* in the policy documents that I review is a little more targeted. Here, the problem is largely presented as online falsehood or disinformation. For instance, the Law on the Organisation of Press in Egypt targets the publication of falsehood on blogs, website and social media. In a report of 333 cases of digital expression violation from 2016 to 2019, it was shown that cases based on the publication of false news formed the overwhelming majority (Open Technology Fund, 2019). The focus on falsehood is also true in Kenya with the Computer Misuse and Cybercrime Act, which targets "a person who intentionally publishes false, misleading or fictitious data or misinforms with intent".[19] The law

[18] Available at: https://www.the-star.co.ke/news/2020-10-29-high-court-nullifies-23-bills-passed-by-national-assembly/?utm_medium=Social&utm_source=Twitter#Echobox=1603964924

[19] Section 22 (1), Computer Misuse and Cybercrimes Act, 2018.

also considers false information that "constitutes hate speech" and hate speech that is inciting, discriminating or harmful to the reputation of others.[20] In Tanzania, the Electronic and Postal Communications Regulations has a provision on "prohibited content"[21] which has ten categories of online harms. This includes the publication of "statements or rumours for the purpose of ridicule" and the dissemination of information that is false, untrue and misleading. In Nigeria, the proposed Internet Falsehood Bill shows the priority of place that has been given to online falsehood and this is clearly stated in the explanatory memorandum. However, there is also the Digital Rights and Freedom Bill, which is more concerned with promoting freedom of expression on social media and makes no mention of online falsehood. This shows the presence of a struggle in Nigeria between two sides of a regulatory divide, one based on censorship and another on freedom. Uganda has the Computer Misuse Act, where three sections are relevant in terms of problematising online harms. These include sections of cyber-harassment, offensive communication, and cyber-stalking.[22]

Uganda's interest in cybercrimes indicates that cybercrimes laws have been integrated with social media regulatory policies. We also find this in Nigeria and Tanzania, both of which have respective Cybercrimes Act. In Kenya, the integration is clearly visible in its Computer Misuse and Cybercrimes Act. What is curious here is the fact that the Cybercrimes Act is generally justified as an instrument needed to protect "critical national information infrastructure" – an example would be satellites. However, what we find with social media regulation is that these laws have been used to target false information published via a computer such as in Tanzania, and falsehood and cyber-stalking in Nigeria and Uganda.

When it comes to the *policy* stream, the documents show that the approach in all the five countries is to criminalise online harms such as falsehood or mis/disinformation. With the Nigerian Internet Falsehood Bill, there is a provision for the correction of a false message and a take-down if this is not done. The offender can also be jailed and/or fined if they do not comply. There are also provisions for targeted blocking of blogs, websites or social media pages. We also find similar cases of criminalisation in Egypt, Uganda, Tanzania and Kenya where offenders have been tried and sanctioned. Another *policy* approach is the use of registration. The Regulations in Tanzania for instance requires bloggers, online publishers and internet broadcasters to be licensed by the Tanzania Communications Regulatory Authority and to pay annual applications fees.[23] The Uganda Communications Commission in March 2018 also mandated all "online data communication and broadcast service providers" to be registered.[24] Uganda also pursued a policy of taxing social media and mobile money users. This was a 200 Shilling ($0.05) daily tax on each user, a policy which forced many to access social media through Virtual Private Networks (Whitehead, 2018). Additionally, the country is notorious for politically motivated blanket social media bans, the latest of which happened during the January 2021 elections. Egypt has also banned social media around politically sensitive periods such as during the Arab Spring uprising. The Law on the Organisation of the Press has been described as an instrument that legitimises the practice of blocking websites without the need for judicial oversight (Article 19, 2018). It also requires social media users who have more than 5,000 followers or subscribers to be subject to regulation by the Supreme Council.

All these points to the *politics* at play in social media regulatory policies being drafted in African countries. This is obvious in Egypt where the government is wary of another Arab Spring-style uprising fuelled by social media. Hence, regulatory enforcement usually targets the opposition or those who are critical of government since their comments can be

[20] Section 22 (2), ibid.
[21] Third Schedule, Electronic and Postal Communications (Online Content) Regulation, 2020.
[22] Section 24-26, Computer Misuse Act, 2011.
[23] Section 4, Electronic and Postal Communications (Online Content) Regulations, 2020.
[24] Available at: https://www.ucc.co.ug/wp-content/uploads/2018/03/UCC_ONLINE-DATA-COMMUNICATIONS-SERVICES.pdf

conveniently labelled as false (TIMEP, 2019). The *politics* can also be seen in Kenya where the Bloggers Association of Kenya (BAKE) challenged the constitutionality of the Computer Misuse and Cybercrimes Act in court before Supreme Court declared the law to be void since it did not go through the upper chamber of the legislature.[25] Similar court battles have been waged in Nigeria on the Cybercrimes Act, which has been used to target journalists, bloggers and social media users.[26] One common thread, therefore, running through the cases in the countries under review in this article is the use of regulation not to combat online harms, but to silence public opposition and criticism on digital platforms and social media. Hence, what I refer to as the *politics* of social media regulation in Africa.

My analysis shows that this is achieved through what Wæver (1995) calls the securitisation of speech acts. In the context of this research, securitisation is the practice of designating online harms such as falsehood and hate speech as security concerns that require extraordinary state intervention. The strategy is to securitise an issue by simply declaring it to be so even if the issue does not require the weight of securitisation. Examples of securitisation of this sort abound in my objects of study, revealing the *politics* at play in social media regulation on the continent. For example, the integration of cybercrimes law with social media regulation that we find in Nigeria, Kenya and Tanzania points to securitisation since cybercrime laws are justified primarily on "national security" grounds. In Egypt, the Law is also predicated on "national security" and enforcement is carried out by the State Security Prosecution, which only usually handles cases bordering on national security and terrorism (Open Technology Fund, 2019). In Tanzania, securitisation also covers national culture and morality, leading to the securitisation of abuse/insult, such as the case where five people were charged for "insulting" the President in a WhatsApp group chat.[27] The regulation being articulated in Africa is therefore possible because of the way internet and social media users are framed as publishers – a primary diversion from the regulation being considered in the West.

Internet and Social Media Users are Publishers

As I pointed out previously, the design of digital and social media regulation in places like Europe is based on placing the burden of liability or the label of *publisher* on social media platforms. Although Section 230 still largely shields platforms from this burden especially in the US, countries in Europe are starting to place on platforms a "duty of care". This is not the case in the regulatory policies that I reviewed in this article. My analysis indicates that social media regulation in Africa is predicated on users being viewed as *publishers* of information who are liable for the content they post. This means regulation in Africa bypasses platforms and seeks to regulate user activities directly using the modality of law. The difference in the Western approach is that a co-regulatory approach is preferred. Here, state actors seek to regulate social media usage in partnership with platforms – an indirect form of regulation where states regulate through platforms. We see this enshrined in the Digital Services Act and Online Safety Bill I mentioned earlier. In some cases, this is the use of the modality of law to regulate the modality of code in how algorithmic regulation is done by social media platforms or the modality of market in now advertising is realised.

My review shows that African countries have largely chosen not to regulate platforms in this way. One suggestion is that they do not (yet) have the powers to regulate platforms. Beyond this however, I argue that African countries largely choose to regulate users, not platforms, in ways that allow for the kind of *politics* I referred to in the previous section. The designation of social media users as publishers is most explicit in the Tanzanian Electronic and Postal Communications Regulations. It states that, "Every subscriber and user of online content shall be responsible and accountable for the information he posts in an online forum, social

[25] Available at: http://kenyalaw.org/caselaw/cases/view/202549/
[26] Available at: https://cpj.org/2020/06/nigerian-journalist-held-under-cybercrime-act-for-covid-19-coverage/
[27] Available at: https://web.archive.org/web/20171117160013/http://www.thecitizen.co.tz/News/Five-charged-with-insulting-Magufuli/1840340-3381718-qbmx20z/index.html

media, blog and any other related media."[28] This includes not just offences that are criminally covered in the Tanzanian legal system, but also misinformation, rumours, insults and messages that call for protests. A similar case exists in the other countries.

In criminalising the publication of false information, Kenya's Computer Misuse and Cybercrime Act places the burden of liability on users, not social media platforms. It is also clear that in Uganda, the social media tax was targeted at users, with the tax said to be supposedly needed to curb the spread of gossip and to improve the quality of information in circulation (Boxell and Steinert-Threlkeld, 2019). The Nigerian Internet Falsehood Bill also targets internet users and content providers before it mentions internet intermediaries. Likewise, the Egyptian Law is aimed at social media accounts with at least 5,000 followers as I mentioned earlier. Critics see the law as targeting social media users because the traditional media establishment in Egypt is already pro-government (Malsin and Fekki, 2018). In addition, spreading false information is already a crime under Egyptian penal code, but social media is not covered by the penal code (Malsin and Fekki, 2018). This points to the move to include people's decisions over social media content in the government's web of control by enacting legislations which mirror already existing laws for the traditional media.

It also explains why the legislations I reviewed affect the entire media architecture in the respective countries. As I have shown, they tend to cover all forms of digital content provision including blogs, online publishing and internet broadcasting. This is significant in the present age where it is the norm for media forms, irrespective of size, to have an online presence. In places where intermediaries are referenced such as in Nigeria or Uganda, these are not likely to be social media platforms even though these platforms are referenced in the interpretation section of the Nigerian Internet Falsehood Bill. Instead, I suggest that the aim is to regulate local internet service providers as we have seen in Uganda through the Uganda Communications Act. This law makes it possible for internet service providers to be classified as "communications services" and ordered at will by the Uganda Communications Commission to block access to websites or social media platforms at large – the ultimate ban on all publishers.

Conclusion

In this article, I have examined social media regulatory policies in five African countries, highlighting how they diverge from the dominant approach to regulation being considered in the West. Based on my analysis, I make the case that the regulation of online harms in the selected countries follows a pattern of direct formal regulation targeted at users. Hence, I suggest that the African example can be seen as the construction of internet and social media users (content providers in general), as opposed to platforms, as publishers who bear the legal burden of liability for the content they post. The African case then stands in contrast to the Western approach where the debate largely centres around holding platforms accountable for harmful content, whether or not they are illegal (Napoli, 2019). This then leads to the obvious question: Why do African countries tend to construct social media users and not platforms as publishers? One answer is that countries in the Global South do not yet have the capacity to regulate social media companies, especially those classified as Big Tech. However, my argument in this article is that African countries tend to prefer the social-media-users-as-publishers approach because of the *politics* of regulation. In this regard, I have used Kingdon's (1984) multiple streams framework to highlight the fact that the *policies* drawn up to address the *problem* of social media (mis)use in Africa can be understood by a study of the *politics* at play. *Politics* then means that regulation in Africa is not aimed at combating online harms (even if this might be a by-product), but at protecting political leaders from public dissent. As I have shown, this is possible because online harms have been securitised as issues requiring heightened state intervention. I suggest that this presents significant challenges for freedom of expression on social media and does not

[28] Section 14, Electronic and Postal Communications (Online Content) Regulations, 2020.

address the problem of online harms. What we then have is the use of online harms largely framed as falsehood as an excuse to impose censorship on social media usage on the continent.

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APPENDIX 5 – Regulatory Annexation: Extending Broadcast Media Regulation to Social Media and Internet Content

This Appendix includes extracts from chapter six that were published in *Communication Law and Policy* – 'Regulatory Annexation: Extending Broadcast Media Regulation to Social Media and Internet Content' (2023) https://doi.org/10.1080/10811680.2023.2206382

Regulatory Annexation: Extending Broadcast Media Regulation to Social Media and Internet Content

Abstract

This article considers the regulation of social media usage in Nigeria and Africa, drawing from ideas on critical political economy, securitization, and state-citizen distrust. Using a methodology that combines policy analysis, case studies, and qualitative reading of social media texts, it introduces for the first time the concept of regulatory annexation. This is the extension of standards, principles, and sanctions originally meant for a particular frame of reference to another. I establish the concept by drawing from case studies on broadcast media regulation to show that this is being mapped onto the emerging regulation of social media and internet content in what I describe as the politics of regulation. I argue that regulatory annexation bears significant implications for the control of the entire media architecture and our understanding of new media regulation in the wider sense, both now and in the future.

Keywords: Regulatory annexation, regulation, social media, internet, broadcasting.

Introduction

On 8 June 2022, Aminu Mohammed, a 23-year-old student at the Federal University, Dutse in the North-West of Nigeria sent out a tweet in Hausa, criticising Aisha Buhari, wife of the President. Roughly translated, the tweet read, "Mama is feeding fat on poor people's money"[1] and was accompanied by a photograph of the first lady. The tweet largely went unnoticed until five months later, when on 18 November 2022, Mrs Buhari, who has no executive portfolio, reportedly instructed the Police to arrest Mohammed.[2] The 23-year-old was subsequently charged to court based on Section 391 of Nigeria's Penal Code for allegedly posting false information capable of affecting Mrs Buhari's reputation.[3] The charge relates to offences bordering on cyberstalking and defamation[4] and is near-identical to the cyberstalking prohibitions in the Cybercrimes Act of 2015.[5] Facing public pressure, Mrs Buhari withdrew the case on 2 December 2022, with reports suggesting that she had

[1] *Why Police Dropped Charges Against University Student Accused of Defaming Aisha Buhari – Lawyer*, Premium Times. (Dec. 2, 2022), https://www.premiumtimesng.com/news/headlines/568692-why-police-dropped-charges-against-university-student-accused-of-defaming-aisha-buhari-lawyer.html

[2] *Nigeria: 'Bogus Charges' Against Student who Tweeted about President's Wife Must be Dropped*, Amnesty International. (Dec. 1, 2022), https://www.amnesty.org.uk/press-releases/nigeria-bogus-charges-against-student-who-tweeted-about-presidents-wife-must-be

[3] *See the Criminal Charge Sheet Against Aisha Buhari's Critic, Aminu Adamu*, Barrister NG. (Dec. 2, 2022), https://barristerng.com/document-see-the-criminal-charge-sheet-against-aisha-buharis-critic-aminu-adamu/

[4] *Aisha Buhari to Testify Against Student Over 'Poor People Money' Tweet*, Vanguard. (Dec. 1, 2022), https://www.vanguardngr.com/2022/12/aisha-buhari-to-testify-against-student-over-poor-people-money-tweet/

[5] Cybercrimes Act, 2015 § 24.

"forgiven" Mohammed, "due to the intervention of well-meaning Nigerians".[6] It follows another incident in November 2022, involving two TikTokers, who were sentenced to, among other things, 20 lashes for defaming Abdullahi Ganduje, the governor of Kano State, North-West Nigeria.[7]

I refer to these incidents because they highlight the approach to social media regulation, which is the focus of this article. In particular, they point to the tendency that the authorities in Nigeria have to hold social media users responsible for their online comments, especially for dissenting messages deemed to be offensive. They also underscore the inclination in Nigerian policy circles for exercising control over what is permissible content on social media spaces, the kind of control that regulators currently wield over broadcasting. This is what I consider in this study, which draws from and contributes to political economy research, including academic work by scholars like Hardy,[8] Wasko,[9] and McChesney and Schiller.[10] I also consider research on securitization[11] and media capture in Africa.[12] My approach involves examining existing legislation, proposals, and case studies on the regulation of social media in Nigeria and the wider African continent. It centres on the question: what conceptual tools can we use to describe the approach to regulating social media in countries like Nigeria?

The relevance of this question is tied to the gap that I have identified in the field of social media regulation. For instance, I find that there is a substantial body of knowledge on social media regulation in Western countries in North America and Europe.[13] We also have considerable knowledge about regulation and censorship in Global-East countries, particularly China.[14] However, far less is known about regulation in countries like Nigeria. The few studies that have explored regulation in Africa generally tend to focus on internet and social media bans.[15] Whilst I note that all these are important, I maintain that they do not outline a framework that comprehensively articulates the approach to social media regulation that Nigeria is adopting, the kind of regulation that targets users like Mohammed. This is what I consider in this study as I explore emerging forms of government intervention and the balance of power regarding social media regulation in an African context.

By so doing, I introduce for the first time the concept of regulatory annexation. I define regulatory annexation as the extension of standards, principles, and sanctions originally meant for a particular frame of reference to another. To demonstrate this, I compare the existing regulation of traditional media forms such as broadcasting, evident in official reactions to the Occupy Nigeria and #EndSARS protests, with social media policies to show the way in which broadcast media regulation is being projected onto social media usage. I further show that regulatory annexation finds expression in much of Africa and in

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[6] *Aisha Buhari Withdraws Case Against Student Critic*, Daily Trust. (Dec. 2, 2022), https://dailytrust.com/breaking-aisha-buhari-bows-to-pressure-withdraws-case-against-student-critic/

[7] *TikTokers Caned and Ordered to Wash Toilets as Court Rules They Defamed Nigerian Governor*, CNN. (Nov. 10, 2022), https://edition.cnn.com/2022/11/10/africa/tiktokers-flogged-kano-nigeria-intl/index.html

[8] JONATHAN HARDY, CRITICAL POLITICAL ECONOMY OF MEDIA: AN INTRODUCTION (2014).

[9] Janet Wasko, *Studying the Political Economy of Media and Information*, 7 COMUNICAÇÃO E SOCIEDADE (2005).

[10] Robert W. McChesney & Dan Schiller, *The Political Economy of International Communications: Foundations for the Emerging Global Debate About Media Ownership and Regulation*. United Nations Research Institute for Social Development, https://digitallibrary.un.org/record/508995?ln=en

[11] OLE WÆVER, SECURITIZATION AND DESCURITIZATION 46-86 (Ronnie D. Lipschutz ed., 1995).

[12] Hayes M. Mabweazara, Cleophas T. Muneri & Faith Ndlovu, *News "Media Capture", Relations of Patronage and Clientelist Practices in Sub-Saharan Africa: An Interpretive Qualitative Analysis*, 21 JOURNALISM STUDIES 2, 2154-75 (2020).

[13] Jack M. Balkin, *Free Speech in the Algorithmic Society: Big Data, Private Governance, and New School Speech Regulation*, 51 UC DAVIS LAW REV. 1149, 1149-1210 (2018). See also Giovanni De Gregorio, *The Rise of Digital Constitutionalism in the European Union*, 19 INT'L JOURNAL OF CONSTITUTIONAL LAW 1, 41-70 (2021).

[14] CHINA'S CONTESTED INTERNET (Guobin Yang ed., 2015). See also JACQUES deLISLE, AVERY GOLDSTEIN & GUOBIN YANG eds., THE INTERNET, SOCIAL MEDIA AND A CHANGING CHINA (2016).

[15] Nahed Eltantawy & Julie B. Wiest, *Social Media in the Egyptian Revolution: Reconsidering Resource Mobilization Theory*, 5 INT'L JOURNAL OF COMMUNICATION, 1207-24 (2011). See also Ben Wagner, *Understanding Internet Shutdowns: A Case Study from Pakistan*, 12 INT'L JOURNAL OF COMMUNICATION, 3917-38 (2018).

other settings, contexts, and regions of the globe. Hence, I begin the article by discussing research on social media and broadcast media regulation before touching on the political economy and social media regulation. Then, I outline my methodological approach, after which I present my findings, beginning with the analysis of broadcast media regulation as a backdrop for regulatory annexation. Following this, I establish the regulatory annexation concept in Nigeria before examining regulatory annexation in the wider African context. I conclude the article by pointing to the implications of regulatory annexation, not only for the entire media architecture in Nigeria, but also for other regulatory settings in other regions across the world.

Social Media Platforms, Broadcast Media Regulation, and Securitization in the Nigerian Context

To define social media platforms, I draw from Poell et al.[16] who see platforms as data infrastructures that among other things, facilitate and govern interactions between end-users, allowing for many-to-many interactions. It relates to van Dijck et al.'s definition of platform as "a programmable digital infrastructure designed to organize interactions between users."[17] Thus, I operationalize the term "platform" in this study to mean services like Facebook, Twitter, and YouTube that provide the means through which users upload and post content based on set rules of governance. They differ from other digital companies like Netflix and Uber which do not facilitate the kind of user engagement visible in social media spaces. Gillespie further shows that "platform" can be understood in four ways – architecturally, figuratively, politically, and computationally.[18] This four-way understanding of "platform" makes it possible for social media networks to present themselves as infrastructures that provide "raised level surfaces" for people to express themselves and to connect, interact, and sell on a global scale.[19]

It is this understanding that shapes how users in Nigeria view social media and the affordances that it provides them, particularly when it comes to the expression of dissent. For instance, Uwalaka and Watkins conceptualize social media in Nigeria as the fifth estate of the realm,[20] suggesting that social media now facilitates the watchdog function originally meant for legacy media. Recognising this, Oladapo and Ojebuyi observe that the Nigerian government should not be involved in regulating new media technologies.[21] The discussion here subsumes social media within the discourse of rights, presupposing that it has become the de facto tool of civic engagement and communication and that regulating it through formal means will limit people's ability to participate in the public sphere. It underscores the importance that people attach to freedom of expression on social media, freedom that exists without state regulation.

One thing that is crucial to appreciating this importance is knowledge of the socio-political context concerning what freedom of expression means in Nigeria and to Nigerians – this is related to the theme of state-citizen distrust, which I touch on throughout the article. An example is the way that the government has regulated traditional media forms using censorship and heavy-handed tactics, justified on grounds of national security[22] – pointing to the politics of regulation. This was particularly so during the military dictatorships, which

[16] THOMAS POELL, DAVID NEIBORG & BROOKE E. DUFFY, PLATFORMS AND CULTURAL PRODUCTION (2022).
[17] JOSÉ VAN DIJCK, THOMAS POELL & MARTIJN DE WAAL, THE PLATFORM SOCIETY: PUBLIC VALUES IN A CONNECTED WORLD (2018).
[18] Tarleton Gillespie, *The Politics of 'Platforms'*, 12 NEW MEDIA & SOCIETY 3, 347-64 (2010).
[19] See Gillespie, *supra* note 18.
[20] Temple Uwalaka & Jerry *Watkins*, *Social Media as the Fifth Estate in Nigeria: An Analysis of the 2012 Occupy Nigeria Protest*, 39 AFRICAN JOURNALISM STUDIES 4, 22-41 (2018).
[21] OYEWOLE A. OLADAPO & BABATUNDE R. OJEBUYI, NATURE AND OUTCOME OF NIGERIA'S #NOTOSOCIALMEDIABILL TWITTER PROTEST AGAINST THE FRIVOLOUS PETITIONS BILL 2015 106-124 (Okorie Nelson et al. eds., 2017).
[22] Chris Ogbondah & Emmanuel U. Onyedike, *Origins and Interpretations of Nigerian Press Laws*, 5 AFRICAN MEDIA REVIEW 2, 59-70 (1991).

ended in 1999. In that period, media houses faced government backlash and journalists were openly targeted when they deviated from the official state line. There were stories of the government using the repressive state apparatus to intimidate the media and to incarcerate, and in extreme cases, execute reporters and editors.[23] The public broadcasters, the Nigeria Television Authority (NTA) and the Federal Radio Corporation of Nigeria (FRCN), were also established during military rule in 1977 and 1978 respectively. They have largely operated as the government's mouthpiece, both in military and civilian administrations.

The result is the considerable hold that the government has over the traditional media, particularly broadcasting. Broadcasting in Nigeria, as in many other countries,[24] is highly regulated, at least far more than the press. One reason is that broadcasting tends to be considered a public utility for which regulation is needed for the fair allocation of spectrum.[25] There is also the belief that broadcasting is pervasive and intrusive.[26] Unlike the print media which tends to be elitist, broadcasting can be accessed by everybody, having considerable influence as "the most pervasive, powerful means of communication in the world".[27] It is then unsurprising that governments across the world have kept it under formal regulation whereas the print media is largely left to do with self-regulation. The same is true in Nigeria where broadcasting was kept under state monopoly from its inception in 1932 until liberalisation in 1992 made private entry possible. With liberalisation also came the establishment of the National Broadcasting Commission (NBC), the regulator. To regulate the sector, the NBC drafted a regulatory Code, which is updated fairly frequently in line with changes in the media ecosystem. The latest version is the amended 6th edition, which was brought in partly to address how television and radio stations handle "user-generated content" – in other words, citizen journalism and social media material.

Even though democracy has come to Nigeria, the indication is that the government still censors freedom of expression, using national security justifications.[28] National security concerns are further tied to research on securitization, which happens when an exceptional measure beyond the purview of normal politics is applied to address a situation likely to affect the functioning of a state.[29] These measures include employing secrecy, levying taxes, and restricting otherwise inviolable rights.[30] For this study, I am particularly interested in the securitization of speech acts, where anyone in authority can employ the instrument of securitization just by declaring an issue to be one, taking up the right to do whatever is necessary to combat the "threat".[31] The indication, therefore, is that securitization is a discursive instrument of power wielded by influential figures such as state actors, who have the means to apply it to a health emergency such as COVID-19 or the regulation of broadcast speech, even if the underlying justification is untenable. The consequence is that in the Nigerian context, people (and civil society groups) tend to be suspicious of government regulation that implicates free expression, even in the slightest way, regardless of the justifications that the government puts forward. It is this that shapes the regulatory outlook both for broadcasting and social media in Nigeria. It also points to the political economic considerations at play as far as social media regulation is concerned; it is this that I discuss next.

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[23] *June 12: PUNCH's Triumph in 25-Year Legal Battle*, Punch. (June 17, 2019), https://punchng.com/june-12-punchs-triumph-in-25-year-legal-battle/

[24] See ZEYNEP TUFEKCI, TWITTER AND TEAR GAS: THE POWER AND FRAGILITY OF NETWORKED PROTEST (2017).

[25] Mark Conrad, *The New Paradigm for American Broadcasting – Changing the Content Regulation Regimen in the Age of New Media*, 24 INTERNATIONAL REVIEW OF LAW, COMPUTERS & TECHNOLOGY 3, 241-250 (2010). See also AMIT M. SCHEJTER, MEDIA REGULATION AND POLICY (Philip M. Napoli, ed., 2018).

[26] Eve Salomon, *Guidelines for Broadcasting Regulation* (2nd ed.), https://www.legalbluebook.com/bluebook/v21/quick-style-guide

[27] See Salomon, *supra* note 26.

[28] Levi Obijiofor, Richard Murray & Shailendra B. Singh, *Changes in Journalism in Two Post-Authoritarian Non-Western Countries*, THE INTERNATIONAL COMMUNICATION GAZETTE, 1-21 (2016).

[29] See WÆVER, *supra* note 11.

[30] BARRY BUZAN, OLE WÆVER & JAAP de WILDE, SECURITY: A NEW FRAMEWORK FOR ANALYSIS (1998).

[31] See WÆVER, *supra* note 11.

Critical Political Economy and Social Media Regulation

The article centres around thinking on critical political economy, which involves "any examination of communications that addresses economic or political aspects".[32] These economic or political aspects are broken into media ownership, funding, and government policies/regulations.[33] Also relevant is the relationship between media power and state power,[34] and the question of whether media practices are influenced by state regulation. Put differently, "Whose interests and what values do government communication policies encourage?"[35] Hence, critical political economy raises questions related to who defines the terms of access to (new) media, what is permissible content and what is not, and how the boundaries of content production are determined. Evident here are notions of power and allocation of resources in the media ecology, leading Mansell to suggest that what is important is an understanding of "the way in which power is structured and differentiated, where it came from and how it is renewed".[36]

When it comes to social media regulation, those who wield this power tend to be platforms, given the realities of platformatisation.[37] We see this in the rules of content moderation and terms of service that platforms set and enforce either manually or algorithmically.[38] Platforms have, therefore, attained dominance in regulating digital communication such that Klonick calls them the "New Governors of online speech."[39] Napoli notes that this regulatory paradigm is steeped in the environment created by Section 230 of the Communications Decency Act, a 1996 US law which specifies the "Good Samaritan" principle that precludes platforms from liability whether or not they moderate harmful online content.[40] Similar laws that have set the order for platform-led regulation include the EU's e-Commerce Directive, with its "Safe Harbour" provisions, which came into force in 2000. What we then have is the existence of "fundamentally unequal information environments",[41] where platforms have the upper-hand and regulators always have to play catch-up. Critics of the platform-led regulatory approach further observe that it is tainted by profit motives[42] and that the use of algorithms translates to a lack of transparency and accountability.[43] Other privatized regulatory solutions relate to media literacy[44] which is usually immune from

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[32] See HARDY, *supra* note 8, at 6.
[33] See HARDY, *supra* note 8. See also Robert W. McChesney, *The Political Economy of Communication and the Future of the Field*, 22 NEW MEDIA & SOCIETY, 109-116 (2000).
[34] See Wasko, *supra* note 9.
[35] See McChesney & Schiller, *supra* note 10, at 3.
[36] Robin Mansell, *Political Economy, Power and New Media*, 6 NEW MEDIA & SOCIETY 1, 99 (2004).
[37] THOMAS POELL, DAVID NEIBORG & BROOKE E. DUFFY, see note 16. See also Terry Flew, Fiona Martin & Nicolas Suzor, *Internet Regulation as Media Policy: Rethinking the Question of Digital Communication Platform Governance*, 10 JOURNAL OF DIGITAL MEDIA & POLICY 1, 33-50 (2019). See also DAVID KAYE, SPEECH POLICE: THE GLOBAL STRUGGLE TO GOVERN THE INTERNET (2019).
[38] Kate Klonick, *The New Governors: The People, Rules, and Processes Governing Online Speech*, 131 HARVARD LAW REVIEW, 1598-1670 (2018). See also Mark Zuckerberg, *A Blueprint for Content Governance and Enforcement*, FACEBOOK (Nov. 15, 2018), https://www.facebook.com/notes/751449002072082/
[39] See Klonick, *supra* note 38, at 1602.
[40] PHILIP M. NAPOLI, SOCIAL MEDIA AND THE PUBLIC INTEREST: MEDIA REGULATION IN THE DISINFORMATION AGE (2019).
[41] Bridget Barrett & Daniel Kreiss, *Platform Transience: Changes in Facebook's Policies, Procedures, and Affordances in Global Electoral Politics*, 8 INTERNET POLICY REVIEW 4, 1-22, 16 (2019).
[42] DAMIAN TAMBINI, DANILO LEONARDI & CHRIS MARSDEN, CODIFYING CYBERSPACE: COMMUNICATIONS AND SELF-REGULATION IN THE AGE OF INTERNET CONVERGENCE (2008). See also TARLETON GILLESPIE, CUSTODIANS OF THE INTERNET: PLATFORMS, CONTENT MODERATION, AND THE HIDDEN DECISIONS THAT SHAPE SOCIAL MEDIA (2018). See also Nicolas Suzor, *Digital Constitutionalism: Using the Rule of Law to Evaluate the Legitimacy of Governance by Platforms,* SOCIAL MEDIA + SOCIETY, 1-11 (2018).
[43] *Content Regulation in the Digital Age.* ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC), https://www.ohchr.org/sites/default/files/Documents/Issues/Opinion/ContentRegulation/APC.pdf. See also Barrett & Kreiss, *supra* note 41.
[44] PETER LUNT & SONIA LIVINGSTONE, MEDIA REGULATION: GOVERNANCE AND THE INTERESTS OF CITIZENS AND CONSUMERS (2012).

opposition,[45] and digital detox[46] which represents "privatized solutions, and governmentality of the user".[47]

It appears, however, that privatized solutions have not been as effective, leading to calls in the literature for more aggressive regulation by platforms.[48] This is the result of the "global techlash" that social media networks are faced with,[49] which has meant that platforms are "in the midst of a legal and social reckoning".[50] The consequence, according to Flew, is that the "hands-off" platform-led regulatory approach has become increasingly unpopular; he concludes that state regulation of social media in both liberal and authoritarian countries will become the norm.[51] Consequently, there is an almost East-West split in the scholarship. For the West and liberal democracies there, Rochefort notes that state-led regulation can either be limited or comprehensive.[52] Limited government intervention generally involves "narrowly defined standards of industry conduct by public authorities".[53] Examples include digital constitutionalist measures[54] such as the Honest Ads Act in the US and the NetzDG in Germany – they mandate social media platforms to take greater action against problematic content but do not address broader structural issues. By contrast, comprehensive regulation focuses on systemic issues or fundamental normative concerns related to platform data extraction and business models. Instances include calls to regulate platforms as public utilities[55] or regulation that focuses on platform architecture.[56]

For authoritarian countries like China, where censorship tends to be extreme, studies indicate that the regulatory framework there can be understood as the Great Firewall,[57] censorship targeting collective expression,[58] or technological surveillance.[59] Countries like Nigeria, however, are in the midst of these East-West extremes. The few studies that have considered the Nigerian context include Garbe et al.[60] which only considers news reports on

[45] Zoë Druick, The myth of media literacy, 10 INT'L JOURNAL OF COMMUNICATION, 1125-1144 (2016).
[46] Ana Jorge, *Social Media, Interrupted: Users Recounting Temporary Disconnection on Instagram*, SOCIAL MEDIA + SOCIETY, 1-19 (2019). See also Adam Fish, *Technology Retreats and the Politics of Social Media*, 15 TRIPLE-C 1, 355-69 (2017). See also Theodora Sutton, *Disconnect to Reconnect: The Food/Technology Metaphor in Digital Detoxing*, 22 FIRST MONDAY 6 (2017), https://doi.org/10.5210/fm.v22i6.7561. See ALSO TRINE SYVERTSEN, MEDIA RESISTANCE: PROTEST, DISLIKE, ABSTENTION (2017). See also Anne Kaun & Emiliano Treré, *Repression, Resistance and Lifestyle: Charting (Dis)Connection and Activism in Times of Accelerated Capitalism*, 19 SOCIAL MOVEMENT STUDIES 5-6, 697-715 (2020).
[47] See Jorge, *supra* note 48, at 18.
[48] *Social Media Companies Should Self-Regulate. Now*, Harvard Business Review. (Jan. 15, 2021), https://hbr.org/2021/01/social-media-companies-should-self-regulate-now
[49] TERRY FLEW, BEYOND THE PARADOX OF TRUST AND DIGITAL PLATFORMS: POPULISM AND THE RESHAPING OF INTERNET REGULATIONS 281-309 at 299 (Terry Flew & Fiona Martin eds., 2022).
[50] Alex Rochefort, *Regulating Social Media Platforms: A Comparative Policy Analysis*, 25 COMM. LAW & POLICY 2, 225-60, 228 (2020).
[51] See Flew, *supra* note 49, at 299.
[52] See Rochefort, *supra* note 50.
[53] See Rochefort, *supra* note 50, at 235.
[54] Edoardo Celeste, *Digital Constitutionalism: Mapping the Constitutional Response to Digital Technology's Challenges*, HIIG DISCUSSION PAPER SERIES (Aug. 9. 2018) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3219905. See also De Grogorio, *supra* note 13.
[55] See Rochefort, *supra* note 50.
[56] Frank Fagan, Systemic Social Media Regulation, 16 DUKE LAW & TECH. REV. 1, 393-439 (2018). See also Poppy Wood, *Online Harms: Why We Need a Systems-Based Approach Towards Internet Regulation*, LSE MEDIA BLOG. (Feb. 19, 2021), https://blogs.lse.ac.uk/medialse/2021/02/19/online-harms-why-we-need-a-systems-based-approach-towards-internet-regulation/
[57] See deLisle et al., *supra* note 14.
[58] Garry King, Jennifer Pan & Margaret E. Roberts, *How Censorship in China Allows Government Criticism but Silences Collective Expression,* 107 AMERICAN POLITICAL SCIENCE REV. 2, 326-343 (2013).
[59] NICK COULDRY & ULISES A. MEJIAS, THE COST OF CONNECTION: HOW DATA IS COLONIZING HUMAN LIFE AND APPROPRIATING IT FOR CAPITALISM (2019).
[60] Lisa Garbe, Lisa-Marie Selvik & Pauline Lemaire, *How African Countries Respond to Fake News and Hate Speech*, INFORMATION, COMMUNICATION & SOCIETY, 1-18 (2021).

fake news and hate speech regulation in Africa, and Roberts et al.[61] which analyses surveillance laws and practices in six African countries, including Nigeria. In other parts of the Global South, researchers have considered internet and social media bans.[62] My research builds on these studies as I seek to define a conceptual framework that captures social media regulation in countries like Nigeria and the power dynamics that shapes regulation in an African context.

Methodological Approach

For this article, I used a triangulated methodological approach that combines policy analysis of legal instruments on social media usage in Africa and case study of media coverage of the 2012 Occupy Nigeria protests and the 2020 #EndSARS movement. I also drew on the reflections of social media users who engaged with the #SayNoToSocialMediaBill Twitter hashtag between December 2019 and December 2020.[63] The #SayNoToSocialMediaBill hashtag was used to oppose the Internet Falsehood Bill when it was introduced in the Nigerian National Assembly in November 2019. The use of the hashtag petered out in 2020 until October of that year when Twitter users deployed it in connection with the #EndSARS movement after governors of Nigeria's 19 northern states noted that social media must be regulated, given what they saw as the chaos that was #EndSARS.[64] Although the Nigerian example is my emphasis, I touched on other cases in Africa to highlight the existing and emerging African policy move to "sanitize" social media.

Policy analysis is particularly useful given my focus on the discursive formats and the wordings used in the regulatory instruments. It is also the primary method for scholars interested in media and internet regulatory policies.[65] Overall, the documents that I reviewed included legal documents, proposals (bills), online resources, press releases, and news reports. In Nigeria, the primary documents that I considered were the following:

1. Internet Falsehood Bill,[66] 2019: Officially known as the Protection from Internet Falsehoods and Manipulation and Other Related Matters Bill, it aims to criminalize the spread of online falsehood using tools of sanction such as correction notices, take down orders, blockage, fines, and imprisonment.
2. Hate Speech Bill,[67] 2019: Officially known as a Bill for an Act to Provide for the Prohibition of Hate Speeches and for Other Related Matters, it plans to allow for complaints to be made to a proposed Hate Speech Commission for conciliation; further sanctions include imprisonment and possible death penalty for hate speech offences that lead to loss of life.
3. Cybercrimes Act,[68] 2015: A law which protects critical national information infrastructure, but also targets cyberstalking and online falsehood.

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[61] Tony Roberts et al., *Surveillance Law in Africa: A Review of Six Countries,* INSTITUTE OF DEVELOPMENT STUDIES (2021), https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/16893/Roberts_Surveillance_Law_in_Africa.pdf?sequence=1&isAllowed=y

[62] See Eltantawy & Wiest, *supra* note 15. See also Wagner, *supra* note 15.

[63] An in-depth analysis of the #SayNoToSocialMediaBill data, which is outside the scope of the present study, is something that I consider in the wider research on which this article is based. For that wider research, I used Twitter Archive Google Sheets (TAGS) to collect 232,962 tweets on the hashtag and the analysis was done using corpus linguistics and critical discourse analysis. But for the present study, I only draw from the hashtag to provide a sense of how the hashtag users perceived broadcast media coverage of the #EndSARS movement.

[64] *Northern Governors Call for Social Media Censorship in Nigeria*, THE GUARDIAN. (Nov. 3, 2020), https://guardian.ng/news/nothern-governors-calls-for-social-media-censorship-in-nigeria/

[65] See John C. Reinard & Sanra M. Ortiz, Communication Law and Policy: The State of Research and Theory, 55 JOURNAL OF COMMUNICATION, 594-631 (2005). See also Edward L. Carter, Mass Communication Law and Policy Research and the Values of Free Expression, 94 JOURNALISM & MASS COMMUNICATION QUARTERLY 3, 641-662 (2017).

[66] See https://bcmcr.org/wp-content/uploads/2023/02/Social-Media-Bill-3.pdf

[67] See https://bcmcr.org/wp-content/uploads/2023/02/Hate-Speech-Bill.pdf

[68] See https://www.cert.gov.ng/ngcert/resources/CyberCrime__Prohibition_Prevention_etc__Act__2015.pdf

4. Frivolous Petitions Bill,[69] 2015: It was known as a Bill for an Act to Prohibit Frivolous Petitions and Other Matters Connected Therewith; it targeted the spread of petitions without a court affidavit, abusive statements, and false complaints on social media.

Although the Frivolous Petitions Bill has been withdrawn, I note that it is relevant in terms of providing insight into the recent regulatory approach in Nigeria and how this is reflected in the Internet Falsehood Bill. For the wider African approach, I conducted internet searches to locate existing policies on social media regulation in the 54 African countries. My search showed that out of these, 33 countries had at least one legal policy approach aimed at combatting online harms (see Table 1 below). These countries formed the basis for my wider review.

The overarching framework that I used for the policy analysis and selected case studies is the regulatory analysis framework developed by Lodge and Wegrich.[70] This approach assumes that regulation takes on a number of options involving trade-offs, side-effects, and a consideration of different interests. It addresses my research focus, which involves legal approaches to the regulation of social media in Nigeria, the wider African context, and the underlying interests that find expression with regard to issues like freedom of expression and securitization. In many ways, regulatory analysis is based on the rise of the regulatory state[71] and it disproves the notion that regulation is apolitical. This means regulation, as an activity taking place in "living systems", involves "a set of core ideas that are advocated by those sharing these ideas, and are opposed by those who have other views regarding cause-effect relationships".[72] In other words, regulation is primarily based on the contest of ideas/interests between the actors of concern, pointing to the political backdrop under which regulation is set.

It is the consideration of this underlying political context that makes the framework particularly useful. In this article, I considered the interests behind the state policy attempts at combatting social media disinformation by looking at the constituent parts of the regulatory analysis framework, or what Lodge and Wegrich call the "regulatory regime". These included standard-setting, information-gathering, and enforcement/behaviour-modification. My emphasis was on standard-setting; that is, the goals, objectives, and motivations behind a regulatory approach. This allowed me to consider both the stated and underlying reasons for regulation aimed at social media, and how they can be explained by the discourse on political economy. It is on this premise that I advanced the concept of regulatory annexation, where new media regulation becomes an extension of broadcasting media regulation.

Broadcast Media Regulation as a Backdrop for Regulatory Annexation

As a starting point for my discussion on regulatory annexation, I touch on the wider politics of regulation. This refers to regulation, which although favours political and state actors, is justified on public interest grounds such as national security and is expressed in terms related to the securitization of speech acts.[73] Hence, I refer to discourse on the political economy of media control to show how state regulation has influenced broadcast coverage during politically sensitive periods. My case studies are the 2012 Occupy Nigeria protest and the 2020 #EndSARS movement, two of the largest demonstrations to have happened in Nigeria since the return to civilian rule in 1999. I am interested in showing the vulnerability that the broadcast media had in covering both protests. In general, both cases point to a strikingly similar pattern of reportage that I suggest can be explained by the regulatory hold

[69] See https://bcmcr.org/wp-content/uploads/2023/02/SB143-Frivolous-Petitions-Bill.pdf

[70] MARTIN LODGE & KAI WEGRICH, MANAGING REGULATION: REGULATORY ANALYSIS, POLITICS AND POLICY (2012).

[71] See Giandomenico Majone, From the positive to the regulatory state: Causes and consequences of changes in the mode of governance, 17 JOURNAL OF PUBLIC POLICY 2, 139-67 (1997).

[72] See LODGE & WEGRICH, *supra* note 69 at 37.

[73] See WÆVER, *supra* note 11.

that the government has over broadcasting. The #EndSARS case study is particularly significant because it reveals the tendency the government has to censor activist discourse on social media – an indication of not just media capture, but also social media capture.

To provide a background, the Occupy Nigeria protests took place on 2-14 January 2012, after the removal of fuel subsidy by the Goodluck Jonathan Administration. The effect was a spike in the price of a litre of petrol from 65 Naira to approximately 145 Naira. To put things in context, the USD exchange rate at the time was $1 to 164.62 Naira[74] and monthly minimum wage was 18,000 Naira. Spontaneous nationwide protests broke out afterwards, lasting days until partial subsidy was introduced to make the litre price 97 Naira. The #EndSARS movement was also spontaneous. It represented a mix of social media and offline activism as young Nigerians demanded that the Special Anti-Robbery Squad (SARS) of the Nigerian Police be scrapped by the Muhammadu Buhari Administration – the unit was accused of brutality, highhandedness, and extrajudicial killings. Protests began on 8 October 2020, after SARS officers reportedly murdered a man in the Delta Region, south of Nigeria. The agitation against SARS had been building up since 2016, with intermittent demonstrations, but these were always small protest events. By contrast, the 2020 protests were widespread and lasted for weeks, snowballing into a broader campaign on socio-economic conditions. The protests continued even after the Inspector-General of Police announced the disbandment of SARS on 11 October. The announcement, however, was received by the protesters with scepticism, given that SARS had been "banned" severally on previous occasions – further pointing to state-citizen distrust. Eventually, on 20 October 2020, soldiers were mobilized to Lekki Toll Gate, the ground zero for the protests. An official report by the Lagos State Judicial Panel of Inquiry revealed that soldiers shot at and killed unarmed protesters,[75] a report that the Nigerian Government rejected.[76] Events degenerated into violence from there and the protests ended.

My major aim for discussing both events is to highlight how the media reported them, and the regulatory pressures (if any) that the media faced while covering them. Additionally, both events represent how social media became the site for citizen activism against the state, and how this activism shapes and is shaped by regulation. Hence, I use the case studies to explore state-citizen, state-media, and state-media-citizen relations, which further highlight the distrust that people have for social media regulation. For instance, during the 2012 Occupy Nigeria protests, Uwalaka and Watkins note that the public broadcaster – the Nigeria Television Authority (NTA) – did not report on the protests.[77] They recount a case where the protesters were angry that NTA aired swimming lessons while the protest was ongoing. The protesters then resorted to posting #OccupyNTA messages online. It was not until protesters demonstrated at NTA premises that the station began coverage of the protest. The reluctance NTA had in reporting the protest can be explained when one considers that the station is partly government-funded, and most of the protesters were critical of the government with some demanding the resignation of President Goodluck Jonathan. The case was different for privately owned broadcasting outfits that covered the protests. For example, Television Continental (TVC) began full broadcast of the protests on 9 January 2012. However, Uwalaka and Watkins found that the station was threatened with sanctions by the NBC, the broadcasting regulator, if it (the station) did not censor criticisms

[74] This is according to the official Central Bank of Nigeria (Bureau de Change) exchange rate as of January 2012. See: https://www.cbn.gov.ng/rates/exrate.asp?year=2012

[75] *Lagos State Judicial Panel of Inquiry on Restitution for Victims of SARS Related Abuses and Other Matters*, https://lagosstatemoj.org/wp-content/uploads/2021/12/Report-of-Judicial-Panel-of-Inquiry-on-Lekki-incident-investigation-of-20th-October-2020.pdf. See also *Nigeria: Killing of #EndSARS Protesters by the Military Must Be Investigated*, AMNESTY INTERNATIONAL. (Oct. 21, 2020), https://www.amnesty.org/en/latest/news/2020/10/killing-of-endsars-protesters-by-the-military-must-be-investigated/

[76] *Nigerian Government Rejects Report on Lekki Toll Gate Shooting as 'Fake News'*, CNN. (Nov. 24, 2021), https://edition.cnn.com/2021/11/24/africa/nigeria-rejects-endsars-report-intl/index.html#:~:text=Abuja%2C%20Nigeria%20(CNN)%20Nigeria's,officials%20tried%20to%20cover%20up.

[77] See Uwalaka & Watkins, *supra* note 20.

of the President.[78] Hence, they observe that the threat of sanctions partly led to a situation where broadcasters were cautious in their coverage of the protests.

By contrast, the print media faced little or no regulatory backlash and had no threat of sanctions to worry about. On this front, Egbunike and Olorunnisola, in their research into the 2012 protests, found that the print media was successful in contributing to the outcome of the protests, which was the partial restoration of the fuel subsidy.[79] To do this, they note that the press used a combination of frames to make possible a compromise that the government accepted. As opposed to Uwalaka and Watkins, therefore, Egbunike and Olorunnisola seem to indicate that the traditional media was active in shaping the 2012 protests. I suggest that this shows the critical role regulation plays in determining how the Nigerian media cover events such as activist movements that the government may consider offensive. On the whole, broadcasting, which is tightly regulated reflects the subalternity that Ogunleye refers to,[80] while the print media, being loosely regulated, is generally more vibrant as Tsado points out.[81]

There are similar patterns in the perception of media coverage of the #EndSARS protests. This was part of my analysis of the #SayNoToSocialMediaBill Twitter corpus which was jointly used with the #EndSARS hashtag after Lai Mohammed, the information and culture minister, and governors of the 19 northern states[82] said social media must be regulated in the aftermath of the protests. I found that those using the #EndSARS tag largely expressed dissatisfaction with what they saw as the refusal of broadcasting stations to cover the protests. One of them interpreted this as being because "they (the ruling political elites) gagged traditional media houses."[83] This reinforced the importance they attached to social media as their means of unfettered expression. In their tweets, they made appeals to international media outlets like CNN to cover the protest. One tweet read: "@CNN We can't breath [sic] in Nigeria!!! #EndSARS…#SayNoToSocialMediaBill". Locally, the only broadcast station the hashtag users seemed to be happy with was Arise TV, for what they construed as fearless reportage of the protests. This seeming reluctance on the part of most broadcast outlets, including private stations, to cover the protest indicates the atmosphere of intimidation that broadcasters operate under. On the face of it, reporting on the protests would not have violated the NBC regulation. Still, it seemed that broadcasters were wary of an unwritten backlash as Ogunleye alludes to.[84]

This backlash came after the Lekki Toll Gate shootings. The NBC imposed fines of 3,000,000 Naira each on three private television stations: Arise TV, Channels TV, and Africa Independent Television (AIT).[85] They were sanctioned for using what the NBC called "unverified and unauthenticated social media sources" on the protests and the shootings. Prominent among these sources and footage was an Instagram livestreaming of the Lekki shootings by activist DJ Switch, who fled the country afterwards for safety concerns.[86] Similar social media footage was later used by international broadcasters. One of them was CNN, which reported its investigation into the shootings, after which Lai Mohammed, the information and culture minister, said CNN should be sanctioned for reporting on what he

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[78] See Uwalaka & Watkins, *supra* note 20.

[79] Nwachukwu Egbunike & Anthony Olorunnisola, *Social Media and the #Occupy Nigeria Protests: Igniting or Damping a Harmattan Storm?*, 7 JOURNAL OF AFRICAN MEDIA STUDIES 2, 141-64 (2015).

[80] Yemisi Ogunleye, Let the Subaltern Speak! Bringing the African News Media into the 21st Century (2010) (PhD Thesis, Birmingham City University).

[81] Jacob S. Tsado, Reporting Violence or Mediating Peace? The Nigerian Press and the Dilemma of Peace Building in a Democracy (2016) (PhD Thesis, Birmingham City University).

[82] Nigeria is made up of 36 states: 19 in the North and 17 in the South. The North is generally more conservative and tends to be in favour of social media regulation.

[83] Quote from a tweet in the corpus.

[84] See Ogunleye, *supra* note 79.

[85] *NBC Fines Arise TV, Channels, AIT Over 'Unprofessional Coverage' of #EndSARS Protest*, THE GUARDIAN. (Oct. 26, 2020), https://guardian.ng/news/nbc-fines-arise-tv-channels-ait-over-unprofessional-coverage-of-endsars-protest/

[86] *She Livestreamed the Shooting of Peaceful Protesters in Lagos. Now in Exile, DJ Switch is Still Fighting for the Future of Nigeria*, TIME. (Dec. 17, 2020), https://time.com/5922305/dj-switch-nigeria-endsars/

called a "fake story".[87] This suggests that if CNN had been under Nigerian jurisdiction, it would have been sanctioned.[88] The fact that the government could say this about an international broadcaster shows the control it wields over local broadcasters, especially when the dissemination of "unwanted" content comes into view.

Other recent cases of sanctions include the imposition of a 5,000,000 Naira fine on Nigeria Info,[89] a private radio station in Lagos, on the basis of the hate speech amendment to the broadcasting Code, an amendment that was said to have been unilaterally introduced by Lai Mohammed.[90] One should note that the amendment was later ruled by a court to be unconstitutional because of its provision on the exclusivity of sporting rights.[91] Among other things, the amendment criminalizes any broadcast that leads to public disorder, is repugnant to public feelings or contains an offensive reference to any person or organisation.[92] This provision widens the remit of a concept like "offensive reference" from normative hate speech to criminal hate speech.[93] Also, on 26 April 2021, Channels TV was issued a "regulatory instrument" or letter by the NBC containing a warning of a possible five million naira fine and suspension of license.[94] In the letter, the station was condemned for a live programme interview of Emma Powerful, the leader of the Indigenous People of Biafra (IPOB), a secessionist group, who was said to have made "secessionist and inciting declarations on air without caution".[95] There are indications that the NBC has previously issued other letters like this serving as regulatory instruments. For instance, a news report shows that in late 2018 when a video of Abdullahi Ganduje, Governor of Kano State, North-West Nigeria, surfaced showing him receiving a bribe in dollars, the NBC sent a circular to all broadcast outlets warning that the video should not be relayed in full or in part.[96]

I point to these cases to highlight the strict regulatory context that exists for broadcasting where the dissemination of materials deemed to be unwanted by government is tightly policed. It also suggests that the watchdog function of journalism in Nigeria is endangered, a sign of the political economy of media capture through censorship. In terms of media capture in sub-Saharan Africa, Cardenas et al. describe the journalistic intimidation caused by unwritten rules as non-coercive, while direct government intervention in shutting down a station for instance is coercive.[97] Hence, they note that the media in developing

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[87] *FG Threatens to Sanction CNN Over Lekki Shootings Report*, THE GUARDIAN. (Nov. 19, 2020) https://guardian.ng/news/fg-threatens-to-sanction-cnn-over-lekki-shootings-report/

[88] One should note that Stephanie Busari (a Nigerian), the head of CNN Nigeria bureau at the time, was in Nigeria, reporting on the movement. Yet, the state left her undisturbed, suggesting that her international affiliation deterred government.

[89] *The National Broadcasting Commission Fines Nigeria Info 99.3FM for Unprofessional Broadcast*, FEDERAL MINISTRY OF INFORMATION & CULTURE. (Aug. 13, 2020), https://fmic.gov.ng/the-national-broadcasting-commission-fines-nigeria-info-99-3fm-for-unprofessional-broadcast/

[90] *Outrage as NBC Fines Radio Station N5m for Hate Speech*, THIS DAY, 2020, https://www.thisdaylive.com/index.php/2020/08/14/outrage-as-nbc-fines-radio-station-n5m-for-hate-speech/

[91] *Court Rules Nigerian Govt Cannot Implement Controversial NBC Code*, PREMIUM TIMES. (May 27, 2022), https://www.premiumtimesng.com/news/more-news/532896-court-rules-nigerian-govt-cannot-implement-controversial-nbc-code.html

[92] Amendment to the Sixth NBC Code, 2020 § 3.0.2.1. https://techpoint.africa/wp-content/uploads/2020/06/NBC-Reform-curved.pdf

[93] For information on the categories of hate speech, see Iginio Gagliardone, Danit Gal, Thiago Alves & Gabriela Martinez, *Countering Online Hate Speech*, UNESCO (2015), https://unesdoc.unesco.org/ark:/48223/pf0000233231

[94] *IPOB Interview: Channels TV Has Apologised for Breaching Broadcast Code, Says NBC*, THE CABLE. (Apr. 27, 2021), https://www.thecable.ng/ipob-interview-channels-tv-has-apologised-for-breaching-broadcast-code-says-nbc

[95] *NBC Suspends Channels Television, Fines Station N5m*, THE GUARDIAN. (Apr. 26, 2021), https://guardian.ng/news/nigerian-government-suspends-channels-tvs-politics-today/

[96] *Nigerian Government Moves to Cage the Last Untamed Media Space*, NEWS WIRE NGR. (Nov. 26, 2019), https://newswirengr.com/2019/11/26/nigerian-government-moves-to-cage-the-last-untamed-media-space/

[97] Pamela J. Cardenas, Antony Declercq & Mandy S. Lai & Nathan Rasquinet, *The Political Economy of Media Capture*. LSE MASTER OF PUBLIC ADMINSTRATION CAPTION REPORT. https://assets.publishing.service.gov.uk/media/58d131dde5274a16e8000076/1.LSE_Capstone_Final_Report_for_DFID_WB_09Mar2017.pdf

regions such as Africa usually cannot afford to report information that threaten or displease the authorities for fear of the application of vague legislations. Mabweazara et al. have also come up with a typology of media capture in Africa, one which includes legal and administrative regulation.[98] According to them, "regulatory frameworks are the main cog for the curtailment of journalistic autonomy by controlling the administrative elements around licensing, funding and other aspects of media development and management in sub-Saharan Africa".[99] The aim is then to secure the interest of the ruling political and economic elite, and its motivation is to maintain the power structure by preventing government criticism.

These cases provide the context for the politics of regulation and enable an understanding of the wider setting within which social media regulation finds expression. In other words, I suggest that broadcasting regulation in Nigeria is relevant for the how and why of social media regulation. In terms of *how*, there is an indication that social media regulation largely mirrors the regulation of broadcasting as outlined in this section. I build on this argument in the next section. When it comes to *why*, the politics of it all becomes relevant as government moves to silence "offensive" posts and activist discourse on social media. This is important because social media, particularly Twitter, has become central to activism in Nigeria, despite attempts to regulate it. This was evident during the #EndSARS protests, where social media was used to organize, coordinate, and amplify the movement.[100] It is then not surprising that the rhetoric on social media regulation was loudest in the aftermath of the protests. I have already referred to Lai Mohammed who said "social media must be regulated" to prevent what he saw as the spread of fake news fuelled by online posts on the protests.[101] However, the likelihood is that the language of online harms masks the need to protect the political establishment from criticism and activist discourse. I show in this section that we already see this with the censorship and intimidation that broadcasters face, presenting it as a case of the political economy of media control by government. The regulatory context I highlight here provides a backdrop for my concept of regulatory annexation – the fact that social media legislations mirror broadcasting regulation. It also points to why and how social media users are deemed, just like broadcasters, to be publishers responsible for what they post. I turn to these areas next.

The Regulatory Annexation Concept

Drawing from my analysis of the policies on broadcasting and social media regulation, I point to the existence of what I call *regulatory annexation*. I describe regulatory annexation as the extension of standards, principles, and sanctions originally meant for a particular frame of reference to another. In light of my research, regulatory annexation explains the way in which social media regulation in Nigeria mirrors traditional media regulation. Hence, social media usage is "annexed" in regulatory terms. As shown in Figure 1, the regulatory annexation model refers to a situation where regulators view two or more ordinarily different spheres (broadcasting and social media in my case) as objects requiring a similar governance approach. I use the term "regulators" in this sense to refer broadly to the Nigerian government which has powers to enact and enforce legislations, as contained in the Internet Falsehood Bill, for example. "Regulators" also refers to the NBC, which has a specific remit for broadcasting. Although the NBC regulates broadcasting, it remains under the control of the Nigerian Government, particularly the Minister of Information and Culture acting on behalf of the President. The President appoints the board of the Commission,

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[98] See Mabweazara et al., *supra* note 12.

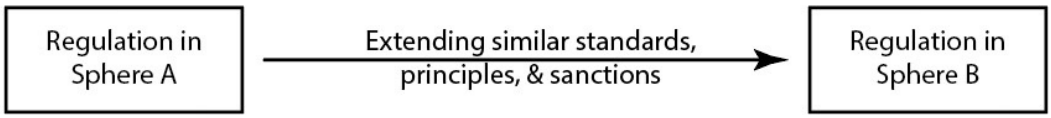
[99] See Mabweazara et al., *supra* note 12 at 2162.

[100] Vincent Obia, *#EndSARS, a Unique Twittersphere and Social Media Regulation in Nigeria*, LSE MEDIA BLOG. (Nov. 11, 2020), https://blogs.lse.ac.uk/medialse/2020/11/11/endsars-a-unique-twittersphere-and-social-media-regulation-in-nigeria/

[101] *Nigerian Govt 'Must' Regulate Social Media – Minister*, Premium Times. (Oct. 31, 2020), https://www.premiumtimesng.com/news/headlines/423969-nigerian-govt-must-regulate-social-media-minister.html

grants broadcasting licenses, and has a definitive say in the drafting of the NBC Code as I pointed to earlier in the unilateral amendment of the Code by Lai Mohammed.

Figure 1: The Regulatory Annexation Model



Alt Text: Two rectangular boxes, labelled “regulation in Sphere A” and “regulation in Sphere B”, which are connected by a horizontal arrow. The arrow points towards the box containing “regulation in Sphere B”, demonstrating that regulatory annexation is the extension of standards, principles, and sanctions from Sphere A to Sphere B.

Therefore, it is the case that broadcasting remains generally under the influence of the government despite the 1992 liberalisation. Regulatory annexation then refers to a situation where control of this sort by government is extended to other media forms, especially social media content. To establish this, I compare social media legislations (Internet Falsehood Bill, Hate Speech Bill, Cybercrimes Act, and Frivolous Petitions Bill) with existing broadcasting regulation (the NBC Code) to show that the government seeks to regulate social media in the same manner that the NBC regulates broadcasting. I also make the argument that regulatory annexation is being applied to other new media forms, such as online broadcasting and internet usage more broadly. By way of structure, I explain the regulatory annexation concept under the following points: (1) the semblance between broadcast media regulation and social media legislations; (2) broadcast media regulation as the annexation of online audio-visual content, including social media; (3) social-media-users-as-publishers as the premise for regulatory annexation. I begin with the first two points before discussing the concept of social-media-users-as-publishers.

On the first point, I found that the semblance between the instruments on social media regulation and broadcasting regulation in Nigeria is most explicit in their standard-setting provisions. For instance, the NBC Code as part of its standard-setting states as follows:

> The cardinal responsibility of broadcasting to inform, educate and entertain shall not be at the expense of national interest, unity and cohesion of Nigeria’s diverse social, cultural, economic, political and religious configurations.[102]

I note that this provision on protecting “national interest, unity and cohesion” is closely related to the “national security” justification in the instruments on social media regulation. We see this in the fact that the Code specifies that broadcasting should not “incite to crime, lead to public disorder or be repugnant to public feeling or contain an offensive reference to any person, alive or dead, or generally, be disrespectful to human dignity.”[103] This provision is mirrored in terms of substance in the Frivolous Petitions Bill, which criminalised the publication of “any abusive statement” on social media “knowing same to be false with the intent to set the public against any person and/or group of persons” including “an institution of government.”[104] Also, provisions in the NBC Code such as “an offensive reference to any person” highlight issues of vagueness and general applicability that are present in the instruments on social media regulation such as the Frivolous Petitions Bill.

Perhaps more consequential is the question of who determines what is inciting or repugnant or disrespectful. This power lies with an agency of government (such as the

[102] NBC Code, 6th Edition, § 0.2.1.
[103] NBC Code, 6th Edition, § 0.2.1.
[104] Frivolous Petitions Bill, § 3(4).

Police or "Law Enforcement Department"[105]) when it comes to the Internet Falsehood Bill just as it lies with the NBC acting on behalf of the government when it comes to broadcasting. Similarly, the NBC Code refers to falsehood where it states that: "Broadcasting shall adhere to the general principles of legality, decency, truth, integrity and respect for human dignity".[106] Here, I draw parallels with the Internet Falsehood Bill, wherein people are liable for posting "false DECLARATION of fact"[107] on social media and the internet (original emphasis). The Code also prohibits hate speech, and this is explained as broadcasting likely to provoke "intense dislike, serious contempt or severe ridicule against a person" because of their demography.[108] This is closely related to the Hate Speech Bill which targets "ethnic discrimination", "hate speech", and "harassment"[109] on the basis of people's demography.

More broadly, the NBC Code is based on professional guidelines and journalistic ethics, requiring broadcasters to adhere to principles of accuracy, objectivity, fairness, and integrity. It also focuses on the policing of morality as it mandates broadcasters to give particular attention to moral and social issues, including that "cruelty, greed, selfishness and revenge are not portrayed as desirable human values".[110] Thus, I observe that social media regulation is an attempt to project similar journalistic ethics on social media users, requiring them to be factual, accurate, and not offend anyone in their posts as we see with the Internet Falsehood Bill and the Frivolous Petitions Bill. However, such an approach that might work for a few licensed stations will undoubtedly prove to be wieldy when applied to millions of social media users. Except that the scapegoat principle can be used to target specific cases on social media to make a wider point.

On the second point, I note that the NBC Code also annexes online broadcasting, making it mandatory for online broadcasting services to be licensed just like a traditional broadcast station. For instance, Section 2.3.1 of the Code states that "The Commission shall receive, process and consider applications for the grant of broadcast license in the following categories…Internet Broadcasting…Digital TV Content Aggregation…Over The Top/Video on Demand". These online broadcasting outlets, alongside traditional broadcast media, are then expected to remit annual income payments to the Commission. This provision is restated in the amendment to the Code, with the amendment adding that internet broadcasters are subject to similar programming standards as traditional broadcasters: "Contents on web/online platforms shall conform to the provision of the [NBC] Code on programming standards, especially as it relates to hate speech and fake news".[111]

The amendment adds that "Web/online platform owners shall bear liability for every content on their platforms".[112] Sanctions for breaches include a "take-down order, a block or a shutdown order"[113] – reflecting the suspension or revocation of licenses in the NBC Code for traditional broadcasters indicted for the most serious offences.[114] Licenses, in particular, are tied to critical political economy in African countries. For instance, Mabweazara et al. show that the system of broadcast licenses in Africa is linked to patrimonialism and clientelism, where licenses are "caught up in the patronage networks that are all aimed at maintaining political power".[115] This points to a system where licenses are only issued to "friends" of government, making the media "beholden to political leaders".[116] Herman and Chomsky also show that broadcasters, since they require government licensing, function

[105] Internet Falsehood Bill, Part 3 & 4 Regulations.
[106] NBC Code, 6th Edition, § 0.2.3.
[107] Internet Falsehood Bill, § 6(1)(a).
[108] NBC Code, 6th Edition, § 3.0.2.2.
[109] Sections 3, 4, and 5 of the Hate Speech Bill contain provisions on discrimination, hate speech, and harassment.
[110] NBC Code, 6th Edition, § 3.6.1.
[111] Section 2.12.7.1. Amendment to the 6th Edition of the NBC Code.
[112] Section 2.12.7. Amendment to the 6th Edition of the NBC Code.
[113] Section 2.12.7.2. Amendment to the 6th Edition of the NBC Code.
[114] These are known as Class A sanctions contained Section 15.1.2 of the NBC Code, 6th Edition.
[115] See Mabweazara et al., *supra* note 12 at 2171.
[116] See Mabweazara et al., *supra* note 12 at 2160.

under a "technical legal dependency" which government can use to "discipline the media, and media policies that stray too often from an establishment orientation could activate this threat".[117] A similar regulatory relationship can then be applied to online broadcasting, which is increasingly becoming associated with social media with platforms like YouTube channels.

Consequently, I refer to the annexation of online broadcasting to highlight the fact that regulatory annexations are usually applied out of context in the sphere unto which they are projected. In other words, they tend to be unfit for purpose. When it comes to online broadcasting, for instance, there is a myriad of podcasts and vlogs. There are also grassroots online broadcasting platforms run by faith-based organisations (e.g., Emmanuel TV),[118] non-governmental organisations and several small-scale outreaches. Added to this mix is the live streaming and uploading of audio or audio-visual content to social media platforms such as Facebook, Instagram, and YouTube. It is unclear whether these are included in the definition of online broadcasting, precisely because the Code does not delineate online broadcasting. This leaves room for vagueness in interpreting who the rules apply to. Licensing online broadcasters might also prove to be impractical and policing them can even be more problematic. Hence, bringing online broadcasting under the same regime as traditional broadcasting indicates that regulatory annexation in this context has not taken the realities of the online sphere into account.

Social Media Users as Publishers

On the third point, I found that regulatory annexation in the Nigerian context is essentially based on regulating social media users as publishers. This is related to the wider debate on who should be considered a publisher in the new media age. The debate can be traced to the "Good Samaritan" provisions of Section 230 of the US Communications Decency Act, 1996, a law which enables social media platforms to choose whether they are technology intermediaries or media publishers or both. The Act states that "No provider or user of an interactive computer service shall be treated as the *publisher* or speaker of any information provided by another information content provider"[119] (emphasis mine). This means that computer network services, such as social media platforms, should be seen as technology intermediaries that are not liable for the content or information provided by users of their platforms. However, Section 230 adds that platforms are still free from liability if they take on the duties of publishers by moderating "objectionable" content in "good faith".[120] On this account, Section 230 has come under criticism precisely because it has given social media platforms a dual mandate based on American First Amendment principles. For instance, Napoli criticizes it for granting platforms a double advantage of "immunity from liability of common carriers and the editorial authority of publishers".[121] He argues instead that social media platforms are publishers and should be regulated as such because of their roles in content moderation, news aggregation, and information distribution. Based on this, he reiterates that platforms "operate as *news organizations*, given the extent to which they engage in editorial and gatekeeping decisions related to the flow of information" (original emphasis).[122]

There are indications that this view of platforms-as-publishers is beginning to take hold in Europe, implying that European countries are deviating from the American position. We see this in the regulatory policies being introduced in places like the United Kingdom where an Online Safety Bill is being considered. The Bill ascribes liability to platforms, placing on them a statutory duty of care to moderate physical and psychological harms.

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[117] EDWARD S. HERMAN & NOAM CHOMSKY, MANUFACTURING CONSENT: THE POLITICAL ECONOMY OF MASS MEDIA, 13 (2022).

[118] See https://emmanuel.tv/

[119] Communications Decency Act, 1996, § 230 (c)(1).

[120] Communications Decency Act, 1996, § 230 (c)(1).

[121] See Napoli, *supra* note 40 at 33.

[122] See Napoli, *supra* note 40 at 13.

Germany also has the NetzDG, while the European Union has the Digital Services Act. In short, both laws are similar to the UK proposal – they mandate platforms to moderate harmful content or be subject to fines. Therefore, I suggest that the European approach points to labelling platforms as *publishers* and the resultant liability this confers on them. This is different from the underlying principle of Section 230 where platforms can choose where they stand and whether or not they moderate harmful content.

An altogether different approach is being taken in Nigeria where my review of instruments on social media regulation shows that internet and social media users, as opposed to platforms, are labelled as publishers who are liable for the content they post. This, as I have explained, is because of regulatory annexation, given that broadcasting regulation cannot be extended to internet and social media users unless they are classified as publishers. In criminalising falsehood, for instance, the Internet Falsehood Bill designates users as publishers by making it clear that "A *person* must not do any act in or outside Nigeria in order to transmit in Nigeria a statement knowing or having reason to believe that it is a false statement."[123] The liability placed on users is further established in the provision that anyone who contravenes the above "shall be guilty of an offence and shall be liable on conviction".[124] I argue that this signifies the labelling of social media users as publishers who are liable for the content they post. My argument is further reinforced by the fact that users are criminally liable with punishments of fines and/or imprisonment if they transmit false information. This same user liability is echoed throughout the Bill, including for Part 3 Regulations where users are required in the first instance to either correct or takedown misleading content.[125] It should be noted that the offences for which users will be held culpable are only those classed as disinformation by the Police – the repressive apparatus of state. The implication then is that content deemed to be offensive to or critical of the authorities can be targeted, reflecting the politics of regulation.

In similar ways to the Internet Falsehood Bill, the other regulatory instruments that I analyse also view internet and social media users as publishers liable for the content they post. For instance, the cyberstalking provisions of the Cybercrimes Act target "any *person* who knowingly or intentionally sends a message or other matter by means of computer systems or networks that he knows to be false"[126] (emphasis mine). In like manner, the Hate Speech Bill, when applied to social media, considers users as publishers. It states that "A *person* who uses, publishes…any material, written and/or visual which is threatening, abusive or insulting…commits an offence if such person intends thereby to stir up ethnic hatred"[127] (emphasis mine). Compliance notices can then be issued to those found culpable.[128] The Frivolous Petitions Bill also held users responsible for their posts, noting: "Any *person* through text message, tweets, WhatsApp or through any social media post any abusive statement knowing same to be false…shall be guilty of an offence"[129] (emphasis mine).

One might argue that the mention of "person" in these legislations refers to a juridical person, but my review indicates that anyone is a target, whether they are individuals or bodies corporate. We see this in the Cybercrimes Act, which defines "person" as "an individual, body corporate, organisation or group of persons".[130] Section 391 of the Penal Code, for which Mohammed, who I mentioned in the introduction, was charged to court also targets "Whoever by words either spoken or reproduced by mechanical means…*publishes* any imputation" that harms a person's reputation (emphasis mine). Overall, this shows that platforms are being absolved of the publisher label, while the weight of liability is placed on

[123] Internet Falsehood Bill, § 3(1).
[124] Internet Falsehood Bill, § 3(2).
[125] Internet Falsehood Bill, § 7 & 8.
[126] Cybercrimes Act, § 24.
[127] Hate Speech Bill, § 4(1).
[128] Hate Speech Bill, § 51(1).
[129] Frivolous Petitions Bill, § 4.
[130] Interpretations. Cybercrimes Act, § 58.

individual users based on policies that are premised on the concept of regulatory annexation.

From Nigeria to Africa – Regulatory Annexation in the African Context

So far, I have considered regulatory annexation as the overarching framework for social media regulation in Nigeria. In this section, I show that regulatory thinking of this sort is not exclusive to Nigeria since it is prevalent across Africa. To show this, I conducted internet searches on existing policies on social media in the 54 countries on the continent. The result shows that in total, 33 countries have at least one policy on internet and social media, and these policies generally mirror the politics of regulation. What this implies is that the dominant approach to regulation in Nigeria, the type that mirrors broadcasting regulation seen in the Occupy Nigeria and #EndSARS case studies, also finds expression in much of Africa. Overall, my search shows that there are five broad categories of this approach as outlined in Table 1. These include laws or legal restrictions; in other words, legal instruments that are in force, having been assented to by the government. Bills are instruments that may or may not become laws. I separate them from laws to show that the use of law in this manner is likely to continue across the continent as more countries consider new measures of restrictions. Also, blanket social media bans have increasingly become a trend across Africa, especially during politically significant periods such as elections or protests. I suggest that the use of this measure during politically sensitive periods strengthens my argument on the politics of regulation, where regulation is being used for regime security purposes rather than the public interest. Social media taxes have also been introduced. Again, this points to the politics involved, since more often than not, the aim is to tax dissent.[131]

Table 1: Countries with Social Media Policies in Africa

Legal Restrictions	Bills/Proposals	Social Media Ban	Registration	Social Media Tax
Angola	Ivory Coast	Burundi	Benin	Benin
Burkina Faso	Morocco	Chad	Egypt	Uganda
DR Congo	Namibia	Congo	Lesotho	Zambia
Egypt	Nigeria	DR Congo	Tanzania	
Ethiopia	Zimbabwe	Egypt	Uganda	
Kenya		Equatorial Guinea		
Madagascar		Eritrea		
Malawi		Ethiopia		
Mali		Gabon		
Mauritania		Guinea		
Niger		Liberia		
Nigeria		Mali		
South Africa		Nigeria		
Sudan		Senegal		
Tanzania		Sudan		
Zambia		Togo		
		Uganda		

The use of the social media tax as a policy began in Uganda in June 2018 when the legislature there passed the Excise Duty (Amendment) Bill, including a 200-Shilling ($0.05) tax on social media usage per person per day. President Yoweri Museveni had said the tax

[131] See Levi Boxell & Zachary Steinart-Threlked, *Taxing Dissent: The Impact of a Social Media Tax on Uganda*. https://arxiv.org/pdf/1909.04107.pdf

was needed to curb the spread of gossip,[132] but this justification masks the politics behind it. For instance, Whitehead shows how the tax has adversely affected the level at which people engage on social media by making it more costly.[133]

Such a policy introduces economic factors to potentially discourage the rate at which people engage on political issues and criticize public leaders – a pointer to the political economy of it all. Still, Whitehead notes that 57% of their respondents had turned to Virtual Private Networks (VPNs) as an alternative means of accessing social media, indicating that people usually find ways to circumvent regulations on the internet.[134] Beyond taxes and levies, registrations make up another policy instrument that can be seen as a stand-in for taxes. This is because registrations are generally of two kinds – one which involves payment for "license" and another which requires no payment. The Tanzanian Electronic and Postal Communications Regulations, 2020 is one of such requiring payment. The law provides that "online content services" must be licensed by the Tanzania Communications Regulatory Authority every three years.[135] These "online content services" include bloggers, online broadcasting services, or any other online services, making its reach of applicability as broad as possible. Hence, the patrimonial linkages that accrue to traditional broadcast licenses which Mabweazara et al.[136] allude to can be potentially applied to online media forms.

In other countries, the licensing implication of "technical legal dependency"[137] that registrations portend for regulatees is extended to social media users. We see this in Uganda where social media users with large followings were asked to register with the Uganda Communications Commission and pay a $20 levy.[138] A similar situation exists in Egypt where the 2018 Law on the Organisation of the Press, Media and the Supreme Council of Media requires social media accounts that have more than 5,000 subscribers/followers to be registered with the Egyptian Supreme Council. In Lesotho, a proposal specifies that the requirement for registration of social media users goes down to accounts with more than 100 followers. These supposedly large accounts are seen as "internet broadcasters" and are to "comply with broadcasting principles and standards".[139]

Regulations like these show that the classification of social media users as publishers is more explicit in some African countries than it is in Nigeria. Therefore, I make the point that the regulation of social media that is becoming common in Africa is aimed at viewing users as journalists or broadcasters and regulating them as such – a reference to the regulatory annexation concept. I argue that such an approach misses the underlying point, which is that not all social media users are journalists, never mind the label of "citizen journalists" usually thrust on users. Trying to "annex" social media usage – by applying broadcasting standards and regulations – then mirrors the classic case of putting square pegs in round holes. Except of course that the security-centred regulation represents the political economy of (social) media control where the aim is to police "unwanted" content deemed to be offensive or dangerous by the governing authority.

Perhaps the most obvious manifestation of the politics of regulation across Africa is the use of social media and internet bans. They became a major feature during the Arab Spring uprising when Egypt banned access to all social media in a desperate bid to stop

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[132] *Uganda Imposes WhatsApp and Facebook Tax 'To Stop Gossip'*, BBC. (May 31, 2018), https://www.bbc.co.uk/news/world-africa-44315675

[133] Whitehead, *Uganda Social Media and Mobile Money Taxes Survey Report*. http://ictau.ug/wp-content/uploads/2018/07/ugtaxsurveyictauwhiteadsml-ilovepdf-compressed-1.pdf

[134] See Barney Warf, *Geographies of Global Internet Censorship*, 76 GEOJOURNAL, 1-23 (2011).

[135] Electronic and Postal Communications (Online Content) Regulations, 2020, § 4.

[136] See Mabweazara et al., *supra* note 12.

[137] See Herman & Chomsky, *supra* note 108.

[138] *Uganda to Register, Monitor Social Media Influencers*, REUTERS. (Aug. 8, 2019), https://www.reuters.com/article/us-uganda-communications-idUSKCN1UY265

[139] *Proposed Internet Broadcasting Rules 2020*, INTERNET SOCIETY LESOTHO CHAPTER. (Oct. 28, 2020), https://isoc.org.ls/news/elementor-11517/

anti-government protests.[140] Since then, bans have become increasingly common, and as I mentioned earlier, they are usually implemented around politically sensitive periods. These include before, during and after elections such as in Gabon,[141] Equatorial Guinea[142] and Congo.[143] Bans are also introduced during general protests, particularly those that call for political reforms. Examples can be seen in Togo,[144] Chad[145] and Mali.[146] Here, we see that the political motivation behind regulation in general and social media bans, in particular, is clear. These bans are becoming an increasing feature; I suggest that this is so because of the ease and comprehensiveness they provide when it comes to silencing oppositional or activist narratives. All that is required is for internet service providers, generally locally based, to be ordered to cut internet or social media access to millions of users. Given the established power structure that places internet service providers under direct government regulations, they cannot but comply. Hence, bans can be more appealing to semi-authoritarian governments for whom the rigours of policing individual social media content online on the premise of disinformation can be daunting. The implementation of bans is then the ultimate tool to silence all users at once and at scale (except for those who circumvent blockades using tools like VPNs).

There are also laws and bills that have been introduced on internet and social media content in Africa that reflect the Nigerian example. Hence, just as Nigeria has the Cybercrimes Act, some African countries also have similar laws wherein the regulation of social media content is inscribed. Examples include cases in Malawi, Madagascar, Zambia, Mauritania, and Tanzania.[147] On the face of it, these laws or bills on cybercrimes have nothing to do with social media usage since they are generally concerned with protecting critical national infrastructure. Despite this focus, governments across Africa have introduced provisions, particularly on falsehood and harassment, in ways that make it possible for these laws to be extended to regular internet and social media users, not just cybercriminals. Beyond cyber legislations, a combination of other laws or proposals have been introduced on internet and social media use in Africa. One of such is Morocco, which has a draft law on social media and broadcast networks, which criminalizes calls for boycotts and the publication of false information.[148] This speaks to the power ordering that social media regulation creates, elevating the repressive state apparatus to a position where it not only

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[140] See Eltantawy & Wiest, *supra* note 15.

[141] *Gabon is the Latest African Country to Shut Down its Internet as Election Protests Grow*, QUARTZ. (Sep. 2, 2016), https://qz.com/africa/771996/gabon-is-the-latest-african-country-to-shut-down-its-internet-as-election-protests-grow/

[142] *Freedom in the World 2019: Equatorial Guinea*, FREEDOM HOUSE. https://freedomhouse.org/country/equatorial-guinea/freedom-world/2019

[143] *Internet Shutdown in the Republic of the Congo on Election Day*, NETBLOCKS. (Mar. 21, 2021), https://netblocks.org/reports/internet-shutdown-in-the-republic-of-the-congo-on-election-day-xAGR398z

[144] *Social Media Inaccessible in Togo as Opposition Calls for Change*, IFEX. (Sep. 7, 2017), https://ifex.org/social-media-inaccessible-in-togo-as-opposition-calls-for-change/

[145] *Chad Lifted the 16-Months Social Media Shutdown but Concerns Remain*, CIPESA. (Oct. 21, 2019), https://cipesa.org/2019/10/chad-lifted-the-16-months-social-media-shutdown-but-concerns-remain/

[146] *Social Media Restricted in Mali Amid Protests Against President*, DIGWATCH. (Jul. 13, 2020), https://dig.watch/updates/social-media-restricted-mali-amid-protests-against-president

[147] The following African countries have cybercrime provisions that include regulation that target or include social media use: Nigeria has the *Cybercrimes Act*. Malawi has the *Electronic Transactions and Cyber Security Act* of 2016, which makes provision for online communication to be restricted to promote human dignity, public order or national security. Madagascar has a cybercrime law of 2014, which criminalizes insults targeted at the state. Zambia has the *Cyber Security and Cybercrimes Act* of 2021 which targets issues such as hate speech. Mauritania has a 2015 Cybercrimes Law. Zimbabwe has the *Cyber Security and Data Protection Bill* of 2020 which criminalizes online falsehood. Tanzania has the 2015 *Cybercrimes Act* where five sections are related to online falsehood, xenophobic material, discriminatory insults, incitement, and cyber harassment. Kenya has the *Computer Misuse of Cybercrimes Act* of 2018 (this has been ruled to be unconstitutional), with similar provisions on falsehood in all online forms and cyber harassment. Uganda also has the *Computer Misuse Act*, 2011 which has provisions on cyber harassment and cyberstalking.

[148] *Morocco: Government Must Fully Withdraw Draft Law on Social Media*, ARTICLE 19. (Jul. 10, 2020), https://www.article19.org/resources/morocco-social-media/

determines but also enforces decisions about what is the right or wrong thing to say online. As is the pattern already established, these legislations are explained using vague and security-worded provisions. To point to a case, Niger Republic has passed a law that makes it possible for authorities to intercept information based on national security.[149] This means regulatory annexation is the operational basis since the law makes it possible for the entire media architecture there to come under government surveillance. We also find regulatory annexation in Ethiopia where the Hate Speech and Disinformation Prevention and Suppression Proclamation, 2020 criminalizes hate speech and disinformation via print, broadcasting, or social media.[150]

Despite their public interest justification, therefore, I make the case that the regulatory instruments on disinformation exist primarily for regime security ends. Take Egypt for instance where the Law on the Organisation of the Press is justified on the basis of national security. It legitimizes the power of the government to block websites and blogs without recourse to a court. However, it is seen as an attempt to silence dissenters because of fears in official circles "couched in concerns over the spread of false news and rumours that cause social chaos and undermine national unity".[151] In Gabon, a news website was suspended for a month in August 2019 for publishing a story on the lack of beds in a Gabonese hospital.[152] This shows that regulation is aimed at silencing critical media reports, not necessarily protecting national security as if put forward. Beyond national security justifications, the tendency in Africa is also to securitize social and cultural values as we see in Tanzania where the Electronic and Postal Communications Regulations has been used to prosecute five people for allegedly insulting the president in a WhatsApp group chat.[153] Given all I have noted, therefore, it is clear that other African countries have embraced the regulatory annexation principle, highlighting the fact that they tend to learn regulatory tactics from one another. This is the basis for my argument that the regulation that we see in Nigeria reflects a broader pattern across much of Africa. Seen from this prism, the implications of social media regulation in Nigeria then have continent-wide ramifications.

Conclusion

This article introduced the concept of regulatory annexation, which I defined as the extension of standards, principles, and sanctions originally meant for one frame of reference to another. I considered the concept in light of the politics of social media regulation in Nigeria and much of Africa. I began by highlighting the literature on political economy and media capture through censorship using cases such as Occupy Nigeria and #EndSARS, suggesting that the foundational theme here also applies to the regulation of social media usage – the underlying premise for regulatory annexation. It also means that social media users like Aminu Mohammed, who was dragged to court by Mrs Aisha Buhari, are considered publishers liable for the content they post online. I further argued that regulatory annexation in Nigeria is ill-fitting, not least because all social media users cannot be equated as journalists. The regulatory annexation approach also exists in the wider African continent, leading me to suggest that the Nigerian case, far from being an isolated phenomenon, mirrors a widespread approach to social media regulation on the continent.

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[149] *Niger Passes New Law on Interception of Communications*, CIPESA. (Aug. 25, 2020), https://cipesa.org/2020/08/niger-passes-new-law-on-interception-of-communications/

[150] Article 7, Hate Speech and Disinformation Prevention and Suppression Proclamation, 2020.

[151] *Digital Authoritarianism in Egypt: Digital Expression Arrests 2011-2019*, OPEN TECHNOLOGY FUND (2019), page 21, https://public.opentech.fund/documents/EgyptReportV06.pdf

[152] *Gabon's Media Regulator Does It Again, Suspending a Leading News Site*, REPORTERS WITHOUT BORDERS. (Aug. 6, 2019), https://rsf.org/en/news/gabons-media-regulator-does-it-again-suspending-leading-news-site

[153] *Five Charged With Insulting Magufuli*, WEB ARCHIVE. (Sep. 15, 2016), https://web.archive.org/web/20171117160013/http://www.thecitizen.co.tz/News/Five-charged-with-insulting-Magufuli/1840340-3381718-qbmx20z/index.html

Put together, regulatory annexation as described here bears three implications, which I briefly touch on. First is the reality that regulatory annexation redefines how the control of the entire media architecture in Nigeria and Africa more broadly is conceived. In Nigeria, for instance, the print media is barely regulated, save for professional self-regulation and general media laws on offences like defamation and libel. There are also exclusive online news platforms such as *Premium Times* and *Sahara Reporters* that have proliferated in recent times. These operate under a similar regulatory environment as the print media. With new media regulation, this is likely to change. This is because regulation targets anyone who publishes anything online, namely "computer systems",[154] bringing the full scope of internet media under regulatory purview. The Cybercrimes Act in particular has been used to target online media outlets, including *Naija Live TV*, which published information on the collapse of a Covid-19 facility.[155] Likewise, the Internet Falsehood Bill brings all media outlets under its ambit. This is so because the Bill *annexes* all websites delivering "mass media services" in Nigeria. Given the realities of the 21st century, these media services all have an online presence and use social media to direct traffic to their websites. This shows that social media regulation has a direct impact on the overall media system. By targeting websites, therefore, the print and online media that have hitherto operated under no formal regulation are affected.

A second implication is that beyond Africa, regulatory annexation also finds expression elsewhere. In the UK, for instance, the Online Safety Bill places social media companies under Ofcom's regulatory purview, implying that platforms will be regulated in much the same way as broadcast stations. This is also evident in the case of the Online Safety Act in Australia. For the EU, the Digital Services Act gives the European Commission significant supervisory and enforcement powers to regulate platforms. It seems that even Nigeria, with its recently introduced Code of Practice for Interactive Computer Service/Internet Intermediaries,[156] is trying to regulate platforms directly. These all serve as examples of regulatory annexation because they show that the regulation that exists for one frame of reference (typically broadcasting) is being extended to social media. What it signifies is that regulatory annexation is not necessarily negative; it can also be seen in a positive light – what matters is the underlying notion of extension from one sphere to another. Regulatory annexation further implies that regulators are still grappling with how best to regulate social media, having not (yet) caught up with the realities of new media technologies and how to manage them. For now, they are perhaps settling for new-cyber regulation[157] – that is, enacting entirely novel forms of regulation, but in ways that border on regulatory annexation.

Finally, regulatory annexation has implications for the regulation that will define the technology of the future. We only have to consider the introduction of newer technologies such as the metaverse, generative AI, and the Internet of Things. Will regulatory annexation be the operational paradigm for these technologies? By that I mean, will nation-states resort to the default of regulating these newer technologies using principles and rules that currently exist for the traditional or social media? These are pertinent questions, given the concern that some scholars are raising with the metaverse, particularly in terms of data privacy violations and the harms that come with user interactions.[158] The argument could follow, therefore, that regulatory annexation would be inadequate for the realities and challenges that these newer technologies represent. If social media regulation has proved problematic thus far, one can only imagine how much more difficult it will be to regulate the metaverse.

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[154] This is the broad description of targets in the Cybercrimes Act, 2015.

[155] *Nigerian Journalist Held Under Cybercrime Act for COVID-19 Coverage*, COMMITTEE TO PROTECT JOURNALISTS. (Jun. 10, 2020), https://cpj.org/2020/06/nigerian-journalist-held-under-cybercrime-act-for-covid-19-coverage/

[156] *Code of Practice for Interactive Computer Service Platforms/Internet Intermediaries*, NATIONAL INFORMATION TECHNOLOGY DEVELOPMENT AGENCY (NITDA), 2022, https://nitda.gov.ng/wp-content/uploads/2022/10/APPROVED-NITDA-CODE-OF-PRACTIVE-FOR-INTERACTIVE-COMPUTER-SERVICE-PLATFORMS-INTERNET-INTERMEDIARIES-2022-002.pdf

[157] See JOVAN KURBALIJA, AN INTRODUCTION TO INTERNET GOVERNANCE, 6th ed (2014).

[158] *The Metaverse: Three Legal Issues We Need to Address*, THE CONVERSATION. (Feb. 1, 2022), https://theconversation.com/the-metaverse-three-legal-issues-we-need-to-address-175891

The issues that I touch on in this article not only remain, they are further amplified in ways that we have not even come to terms with yet. Based on this, I reckon that although the tensions between state intervention and platform self-regulation will persist, the knowledge and power asymmetries will mean that platforms will continue with the self-regulatory model, further entrenching a regulatory system that places profit above safety.

This is why I believe that the most effective regulatory solution is a systemic or comprehensive approach of the sort proposed by Frank Fagan[159] and Poppy Wood,[160] which specifically addresses the business models that platforms have adopted in areas related to algorithmic recommender systems, user data exploitation, and content moderation. The aim here is for platforms to place online safety and the sanity of our collective social experience on a similar, if not greater, footing as corporate profit. But I recognize the practical challenges of enacting and enforcing systemic regulation, given that internet platforms crisscross multiple media systems and legal jurisdictions. These platforms are also not likely to acquiesce to the regime that systemic regulation imposes. The balance of power, therefore, means that only a country like the US, and, to a lesser extent, European countries can design and implement systemic regulation. hina is perhaps the only other actor strong enough to introduce systemic regulation, but the country has chosen to allow, even encourage the current platform business model for authoritarian reasons.[161] For countries like Nigeria in the Global South, the goal should be to canvass for a global multistakeholder arrangement where countries collectively agree to create, domesticate, and apply a unified systemic regulatory code to any platform headquartered within their jurisdiction. This is what is needed to tame platform excesses and address the many challenges tied to the regulation of social media and other new communication technologies.

[159] See FAGAN, *supra* note 56.

[160] See WOOD, *supra* note 56.

[161] See COULDRY & MEJIAS, *supra* note 59.

APPENDIX 6 – Twitter Activism: Understanding the Twittersphere as the Foremost Community for Activism and Dragging in Nigeria

This Appendix includes extracts from chapter seven that were published in *New Media & Society* – 'Twitter Activism: Understanding the Twittersphere as the Foremost Community for Activism and Dragging in Nigeria' (2023). https://doi.org/10.1177/14614448231172967

Twitter Activism: Understanding the Twittersphere as the foremost community for activism and dragging in Nigeria

Abstract

This article appraises the use of Twitter as the principal platform for activism in Nigeria to underscore why it is preferred above all others when it comes to the formation and operation of activist communities. Drawing from reflexive thematic analysis of interviews (n=15), I demonstrate that four reasons explain why the Twittersphere has become the central platform for activism in Nigeria. These include the use of Twitter for activism, justice, and dragging; the functional uses made possible by Twitter's architecture; Twitter as a platform for young elite influence; and the perception of Twitter as a leveller. I expand on what these themes mean for Twitter activism and social media regulation, further arguing that research into digital activism and communities should start to recognise Twitter's centrality as a tool of choice in the formation, coordination, and amplification of activist voices.

Keywords: Twitter activism, Nigerian Twittersphere, activist discourse, dragging, hashtag activism

Introduction

What is now known as the October 2020 #EndSARS movement, perhaps the largest demonstration to have occurred in Nigeria's history, was sparked by a series of tweets.[1] The tweets alleged that members of the now-disbanded Special Anti-Robbery Squad (SARS) unit of the Nigerian police were involved in extortions and extra-judicial killings. This led to renewed calls for the scrapping of SARS, a demand stretching back to 2016. Before long, protests began in several parts of the country and calls grew beyond ending SARS to wider socio-political reforms. In all these, Twitter, with about three million users in Nigeria,[2] was crucial, as activists made it the central platform for organising, coordinating, and amplifying the movement.[3] The platform was also described as having made "its biggest political impact," becoming "the platform of choice for young demonstrators".[4] Hence, what we see with #EndSARS is the appropriation of Twitter as the foremost mediating tool for activist discourse in Nigeria.

It appears that the Nigerian government also took notice of Twitter's central role. In June 2021, the government announced a Twitter ban that lasted seven months, citing the use of the platform for activities "capable of undermining Nigeria's corporate existence"[5] – what might be interpreted as a vague reference to #EndSARS. The ban came after Twitter deleted one of President Muhammadu Buhari's tweets, which Twitter said violated its policy on abusive behaviour.[6] The deletion prompted Lai Mohammed, the information and culture minister, to say in an interview that "Twitter's mission in Nigeria is very suspect".[7] It can be argued that this is connected to the politics of regulation, suggesting that social media

regulation in Nigeria is being drafted to target the kind of overt dissent that happens on Twitter. We see an example of this in proposed regulation codified in the Internet Falsehood Bill 2019[8] (widely known as the Social Media Bill). In turn, Twitter users have opposed the regulation through the #SayNoToSocialMediaBill hashtag, which I consider in this study. The #SayNoToSocialMediaBill opposition, which started in 2019, became most pronounced during the #EndSARS protests when some political leaders called for the regulation of social media as a way to end the demonstrations.

What all these presuppose is the existence of Twitter activism, and the interpretive lens that I deploy for its conceptualisation is one which underscores the active role that users play in determining what platform to use for activism. I use this lens in order to demonstrate that Twitter, although not a causative agent of social movements in Nigeria, has become a tool of choice for mobilising online and offline activism based on specific factors, which I explore in this study. We see examples of this with protest movements such as Black Lives Matter (BLM), which gained popularity and is sustained primarily by activists on Twitter.[9] Surprisingly, research into online activism hardly points to the central mediating role that Twitter plays, even though they all use Twitter disproportionately as their object of study (Housley et al., 2018; Li et al., 2020; Poell and Rajagopalan, 2015). The implication, I suggest, is that knowledge regarding the recent evolution and practice of activism in online spaces is limited, particularly in terms of the specific usage of digital platforms. Hence, I call on researchers to be more intentional in stating Twitter's central role as a tool of choice for activism as a way to, in part, historicise the shifts and contours of the usage of new media technologies.

Given all these, the question that this article concerns itself with is: Why has Twitter become the foremost platform for activism in Nigeria? To learn why this is the case, I interviewed a range of stakeholders, including Twitter users. Findings indicate that four reasons explain the reality of Twitter activism in Nigeria. I also draw from interview transcripts to describe the concept of "dragging". Before this, I touch on the evolution of mediated activism and the emergence of Twitter as the foremost community for activism in much of the world.

Context: The Emergence of Twitter-Centred Activism

From its inception, modern mediated forms of communication have been vital for activism and dissent. At the start, there was the printing press used for producing pamphlets and newspapers – publications that were used in the French Revolution of 1789 (Sturm and Amer, 2013). Print publications were also crucial to the Women's Suffrage Movement of the 19th and 20th centuries (Cancian and Ross, 1981), and by nationalists in colonial Africa seeking self-governance (Olayiwola, 1991). At the time of the civil rights movement in the US, electronic broadcasting had been introduced. Those who led the movement sought to attract media (and public) attention through speeches (think of the "I have a dream" speech) and demonstrations. Moments like these served as "telegenic confrontations…brought into American living rooms by the seductive new medium of television" (Hall, 2005: 1236). Electronic broadcasting was equally important in the opposition to the Vietnam War (Mandelbaum, 1982) and in the Tiananmen Square uprising (Calhoun, 1989).

With their introduction, new media technologies such as the internet and social media have also been co-opted by activists and users for activist-oriented conversations. Castells (2015) explores this in their concept of networked social movements, where they draw from the grounded theory of power to show that social media allows social actors, especially activists, to exercise counterpower in new ways. Counterpower, in this sense, is wielded when "citizens of the Information Age" (Castells, 2015: 9) form digital networks and use autonomous communication to shape the construction of meaning and oppose the establishment. We see examples of this exercise of counterpower with movements like Occupy Wall Street and #MeToo (Corsi et al., 2019; DeLuca et al., 2012). The Occupy

movement itself became a major instance of the internationalisation of protest. For instance, there were several Occupy campaigns in other places inspired by the US movement. One was the 2012 Occupy Nigeria campaign against the removal of fuel subsidy, becoming perhaps the first time that social media was used for nationwide protests in the country. Uwalaka and Watkins (2018), for example, show that platforms like Twitter, Facebook, and Nairaland were avidly used for Occupy Nigeria. Another social media moment was the 2014 #BringBackOurGirls campaign, calling for action to release 276 schoolgirls abducted by Boko Haram (Chiluwa and Ifukor, 2015). To cap it off, there was the Arab Spring uprising, of which much has been said, including the acknowledgement of the role social media played in facilitating, even if it did not engender it (Hussain and Howard, 2012).

My point in all these is to first establish the fact that just like any other media innovation, social media has found its usefulness for activism. Even if social media may not be as emancipatory as techno-optimists think, its role as a tool of power and "means of mobilisation" for social movements is hardly in doubt (Gerbaudo, 2012: 9). Second, and more importantly, within this construct, it has become increasingly evident that out of all social media platforms, Twitter has emerged as the principal social media forum for activism. This has been demonstrated by Haßler et al. (2021), whose research into the Friday For Futures movement shows that although offline protests are still relevant for social movement organisations, the vital role that Twitter plays is evident. This is likely because Twitter is particularly useful in helping people advocate and "feel part of a movement" (Amnesty International, 2018). Theocharis et al. (2015: 203), who analyse Twitter discourse on protest movements such as Occupy Wall Street and *Indignados*, also observe that "Twitter has been singled out for its capacity to help activists manage the complexities of mass protest organisation and coordination more effectively". Related here is research into hashtag activism (Ofori-Parku and Moscato, 2018; Haßler et al., 2021), where Bruns and Burgess (2015) refer to the particular use of Twitter, describing the Twitter hashtag as the "killer app" that facilitates the (re)formation of publics around which people congregate. Furthermore, Jenzen et al. (2021: 433) in their study of the 2013 Gezi Park protest in Turkey conclude that for people, Twitter has become *the* "digital public square", given that "Twitter has emerged as a signifier of contemporary protest" and that "Twitter was variably imagined as the extended public space for protest expression".

It is based on this that I argue that activists have appropriated Twitter as the foremost platform for activism and dissent, more so in Nigeria. This speaks to the existence of what I call the Nigerian Twittersphere – a fluid community of users who assemble around Twitter hashtags to freely and uniquely express their opinions in ways that are nationalistic, political, and combative. One way to explain this is the particular way in which Nigerians invoke Twitter NG, a place for Twitter wars where you "don't mess with Nigerians".[10] Broadly speaking, it is in this way that macro and loose publics are constructed on Twitter, with references to identity signifiers like *Nigerian Twitter*, *Ghanaian Twitter*, *American Twitter,* or *Black Twitter*. The significance of Twitter, therefore, lies in the fact that parallels do not exist with other social media platforms – there is no "Facebook NG" or "WhatsApp NG" for instance, at least not in the sense that Twitter NG has been deployed, especially for activism as seen during #EndSARS.[11] It is this that underpins my articulation of Twitter as the most recognised digital space where Nigerians assemble to perform activism, and this article demonstrates why this is so.

Method

Data Collection

The present study is part of my wider research into social media regulation in Nigeria and its relation to Twitter activism. Semi-structured interviews served as the means of data collection. Altogether, there were 15 interviewees, and they included policy experts, digital

rights activists, online media practitioners, and Twitter users who engaged with the #SayNoToSocialMediaBill tag. In the period with which I was concerned (November 2019 to December 2020), the #SayNoToSocialMediaBill tag became the most prominent hashtag used to oppose the move to regulate social media usage in Nigeria. The hashtag also coincided with the October 2020 #EndSARS campaign against police brutality. #EndSARS is relevant here because, in November 2020, it led to the resurgence of the Twitter campaign against social media regulation after some political leaders in the country called for social media usage to be regulated given what they saw as the chaos that was the #EndSARS movement.[12] Hence, the interview responses were substantially influenced by #EndSARS.

My goal was to contact the most frequent people who tweeted using the #SayNoToSocialMediaBill tag to understand why Twitter was their platform of choice. Using Twitter Archive Google Sheets (TAGS), I collected 232,962 tweets posted during the period along with their user data. From this, I narrowed the total number of users to just over 12,000 after removing retweets and duplicates using Python 3. To further narrow this number, I settled on users who had posted 30 tweets or more – this was an arbitrary number. I was left with 48 users and potential interviewees, who had posted tweets ranging in number from 30 to 372. Out of this number, I identified 29 users whose posts centred on the topic: social media regulation. This was apparently because some users took advantage of the trending hashtag to post on other issues such as religion, motivation, and random self-promotion. I contacted the 29 users through Twitter DMs or emails if they were listed in the bios. Overall, seven users who engaged with the #SayNoToSocialMediaBill tag accepted my invitation.

The remaining eight interviewees comprised well-known activists and policy experts in areas ranging from public policy reforms to digital media literacy. Others were contacted using a loose snowballing technique. The interview questions began with a general note on the participants' observation of the way that Twitter is used for activism in Nigeria compared to other social media platforms. Questions then delved into why Twitter has become central to activism and what makes it unique in the Nigerian context. The interviews took place online in two tranches: first between January and March 2021, and second in October 2021. They each lasted between 30 and 50 minutes. It was agreed beforehand that the interviews would be confidential, with the transcripts securely stored while the analysis process lasted.

Data Analysis

I analysed the data using a thematic analysis framework. Essentially, my objective was to highlight common patterns in the interviews and to organise them into codes, initial themes, and fully-developed themes using an open-ended approach. In doing this, I drew from Braun and Clarkes' (2021) reflexive thematic analysis. The reflexive approach to thematic analysis is "open and organic" where theme development follows an interactive process (Braun and Clarke, 2021: 334). My approach, therefore, was to search out and collate themes manually using an inductive, semantic, and iterative framework. There were four rounds that I went through. In the first round, I read the transcripts and coded them, highlighting keywords, phrases, and passages using basic desktop applications. Next, I compiled these codes into seven initial themes. In the third round, I revised the themes, merging some and strengthening others after reverting to the transcripts. And at the fourth round, I held discussions with academic colleagues to refine my ideas and make adjustments where necessary. In the end, I settled on four themes.

This process aligns with the fluid six-phase process of reflexive thematic analysis: data familiarisation, systematic data coding, generating initial themes, developing themes, refining themes, and writing the report (Braun, Clarke and Rance, 2015). Hence, my analysis was based on a process that was more about interpretation born out of data immersion and reflection. The following section details the themes that I found.

Results

The findings overall demonstrate the importance that activists attach to Twitter as a tool of opposition and the factors that account for this. Based on analysis of the data, I organise the findings into four themes. These are (1) Twitter as a platform for activism, justice, and dragging, (2) functional uses, (3) generational gap, and (4) Twitter as a leveller.

Twitter – A Platform for Activism, Justice, and "Dragging"

The most prominent theme from the interviews that explains why Twitter is central to activism in Nigeria is the notion that users have attached ideas of intensified political exchanges to the platform. All the interviewees referred to this, making the point that Nigerians tend to use Twitter for a different reason than they do other social media platforms – one that is geared towards the posting of political, activist, and agitative content. Interviewees noted that they use Twitter to be confrontational and aggressive, describing it as their preferred platform to identify trending political issues, grievances, and campaigns. One interviewee described their approach:

> If I am opening my Twitter app now, I am not opening Twitter with the hope of expecting peace. Once you open Twitter, your mind is already open that you can see anything. With that mindset – anything could be that a little girl was raped and because you have an open mind to see anything, you quickly pick on that matter (Participant 12).

The above presupposes that Twitter users come to the platform with a certain psychological resolution; one which alerts them to engage actively with social issues such as a rape case. There is then a sense that "You don't get to decide; the conversations come from anywhere [on Twitter]. And that information is always so shocking, you will have to react" (Participant 10), leading to the description of Twitter as "an activist platform" (Participant 13) and a "war zone" (Participant 3). Tied to the impulse to engage in this manner is the belief that "a lot of Nigerians have gotten justice from Twitter" (Participant 12). Here, "justice" is used loosely to refer to a sense of reprieve that users get when they report wrongdoings, for example, an incidence of crime or extortion on Twitter. The underlying suggestion is that this loose sense of justice – the willingness to right a wrong – conditions the expectations that users have when they visit Twitter. The platform is then a site where social media users expect to find conversations on happenings that are meant to shock people's senses and subsequently lead to demands for redress and change, or justice. #EndSARS provides a typical example since it was ignited after the video of an extrajudicial killing was posted on Twitter.[13] From this perspective, the #EndSARS movement can be seen originally as a demand for (retributive) justice for all those who had fallen victim to police brutality – a call for justice on Twitter that snowballed into a major activist campaign.

What is even more noteworthy is the notion that social media users usually expect to find calls for justice or activism specifically on Twitter. This suggests that agitative and activist content is far more likely to be posted on Twitter; thus, creating a cyclical pattern where Twitter's central role in activism is further entrenched. Take #EndSARS for instance. One can assume that those who posted the video would have wanted rapid agitative responses to the post, aiming for it to go viral. Thus, having a sense of the expectations that social media users in Nigeria bring to Twitter would likely have settled the question of *where* to post the video. Twitter users, in turn, would not have found the video to be peculiar given their expectations about Twitter contents, prompting them to *engage*[14] with the tweet. Twitter is then described as a gathering for "conversations that wake you up" and "information meant to trigger" (Participant 10), as a way to perform activism aimed at achieving perceived justice.

Dragging

Activism and justice, in their excessive form, also manifest in what is known as “dragging” – an intense Twitter conversation aimed at denigrating, attacking, or criticising specific persons for their actions or comments deemed by users to be deplorable, and for which accountability is needed. The interviewees referred to it in different ways including “dragging” (Participant 12), “mob” (Participant 6), “war zone” (Participant 3), a way to “harass one another” (Participant 1), a “brutal place” (Participant 5), and a site where Nigerians “abuse” (Participant 8) or “insult” specific persons (Participant 9). I settled on the description given by Participant 12 because it most clearly captures the characterisations that other interviewees provided and because of its wide usage in the Nigerian Twittersphere. It is unclear how the term came about, but parallels can be drawn to the way a defendant is “dragged” to court by the plaintiff or the manner that someone is “dragged” through the mud. This reinforces the view of Twitter as a site for dispensing justice, where Twitter users simultaneously wear the garb of judge, jury, and executioner. Objects of dragging can be anyone, but they tend to be high-profile figures such as public office holders and celebrities. What counts is their involvement in perceived wrongdoing that Twitter users feel they should be held accountable for. In this regard, Participant 15 described a situation where a sitting Senator was effectively dragged on Twitter, saying:

> Since my coming on Twitter, I have seen drastic action taken simply because a group of people, in thousands, usually complain about a particular thing. Take, for instance, the case of the Senator who…slapped a lady. The whole fuss that was around that incident – that guy almost lost his job to an extent he went back to apologise. In normal circumstances in Nigeria here, that is very impossible for that Senator to go back and say he is apologising. It was because of the pressure around that situation – he had no choice because he knew he was going to lose his job.

More often than not, dragging is spontaneous and starts with a tweet, not necessarily amplified by a highly followed account, accusing someone of transgressing values commonly held by Twitter users; the objective being to get the perceived transgressor to acknowledge their wrong and repair the damage or suffer some punishment. Dragging can last for a few hours or days and it can be one-off or intermittent, depending on how long the issue remains of interest. Regardless, it is almost always the case that the name of the person being dragged will feature on the Twitter trend table. I found nothing in the literature on dragging, but connections can be made to studies on online shaming and networked harassment (Laidlaw, 2017; Marwick, 2021; Shenton, 2020; Thompson and Cover, 2021).

When targets of dragging are public figures, it becomes a case of demanding accountability and expressing overt dissent, with the belief that “dragging…has helped to change things” (Participant 12) as seen in the Senator example above. Participant 12 went on to add that “policymakers are also very conscious of what goes on on Twitter…. They also are human beings and they’ve got families”, the suggestion being that these policymakers would not want their family names to be dragged. Some prominent names that have been implicated include Desmond Elliot, former Nollywood actor and lawmaker in the Lagos State House of Assembly, who has been repeatedly dragged on Twitter for, among other things, his pejorative referral to social media users as children.[15] Other politicians such as Lai Mohammed and even President Buhari have been the objects of dragging. In this sense, dragging is seen as criticism and becomes a form of online shaming that is humbling, perceived by users as a justified act aimed at knocking someone down a peg because of their social transgression (Laidlaw, 2017). Those involved are then able to rationalise their act of dragging, deploying what Marwick (2021) calls morally motivated networked harassment. For instance, Participant 4 said: “The good thing is that you can’t just say something silly and stupid and think you can get away with it” – the impression being that other users will drag you on Twitter in an attempt to police social behaviour.

Despite this moral justification, at intervals, one will find those whose intention is to engage in acrimonious exchanges. Hence, the interviewees described Twitter as a “brutal place [where] people will come after you. There is a negative side of it where people attack you”

(Participant 5). This is related to the trolling that happens on social media broadly. People on Twitter were also seen as "a mob", making the platform "a bit like a reality show where people are just looking for the next scandal, the next person to abuse" (Participant 6). These users typically hurl insults at or wish ill to the person being dragged, and they can also dox their victim, asking Twitter users to *bless* (i.e., bombard) them with *greetings*. Instances include the release of phone numbers of public officials during the #EndSARS campaign on Twitter.[16] Thompson and Cover (2021) describe this as digital hostility. Laidlaw (2017) also presents this as the other side of online shaming – humiliation representing an affront to dignity.

The concept of dragging can then be seen in the broader sense of Twitter's role in facilitating confrontational exchanges, for good or evil. It is under this overarching conceptualisation that dragging is understood as a social practice that makes Twitter unique in the way people use it to criticise and police social and political transgressors. And although dragging also happens on other social media platforms (e.g., Facebook), Twitter is where it reaches its highest form of expression such that reference to dragging is almost always interpreted by default to mean dragging *on Twitter*.

Functional Uses

When referring to the centrality of Twitter in its own right, the interviewees pointed to the role it plays in facilitating activism, dissent, and dragging. When referring to Twitter's centrality in comparison with other social media platforms, the interviewees (13 of them) drew attention to the techno-social functions it provides. The central role that Twitter plays in Nigerian activism is then tied to its architecture and the realisation of this by activists and users who see Twitter as useful for the activist discourses they engage in. Facebook, for instance, is seen as a platform of nostalgia and informal interactions where people "catch up with family and friends", a platform more suited to the older generation for whom nostalgia is more of present reality (Participant 9). This interviewee also saw LinkedIn as a professional/employment platform, making it an unlikely site for activist discourses. Instagram, on the other hand, is described as a "show-off platform" for the "glitz and glamour" where conversations do not become heated (Participant 11).

> If I go on Facebook, what I will see is, 'Thank God for five years of marriage'. But if I come on Twitter and I just scroll a little, I see something about one teacher in one school telling the girls they can't wear short skirts (Participant 10).

Usually, it is the same set of people who use Facebook to mark anniversaries that also use LinkedIn for promotion and Twitter for activism. What this presupposes is that social media users choose different platforms depending on the kind of information they want to send out, as Bossetta (2018) illustrates. This aligns with Boczkowski et al.'s (2018) study on social media repertories, where they observe that people indeed use each platform differently. The understanding from the interviews, therefore, is that it is the same person who uses Twitter for activist discourse who also uses Facebook for familial interactions. According to the interviewees, the major reason why users view Twitter as an activist tool is because of its platform design.

In essence, the interviewees described Twitter as a platform that facilitates the viral spread of information. They saw it as "the most engaging social media network" (Participant 13), particularly for "real-time intellectual engagements and feedback" (Participant 14). Indeed, one of Twitter's appeals is that it encourages public conversations with strangers in real-time (Amnesty International, 2018). Interviewees also noted that Twitter promotes activist discourses in Nigeria because its platform design enables users to see not just what their followers post, but also what appears on a hashtag. O'Reilly (2009) describes this as the "asymmetric follow" system which makes it possible for tweets to potentially reach millions of people including those that are not on the sender's follower list. Twitter is then seen as being "more connected" than other social media platforms in a non-personal way since "you don't

have to know the person [you are interacting with]; it will appear on your timeline" (Participant 10).

Interviewees also observed that Twitter only allows 280 characters per tweet, noting that this enables fast-paced interactions. Since it is short, "people have to make their answers concise and to the point, unlike on Facebook where there is a long conversation" (Participant 5). Participant 13 further said: "Twitter helps to make your conversation very sharp, crispy, and straight to the point". The use of short texts then means posts can be "pushed out" (Participant 5) quickly to facilitate discourses of activism and resistance, accounting for Twitter's usefulness in this sense.

Generational Gap

In addition to Twitter's design and functional usage, five participants noted that the choice of Twitter for activist discourses in Nigeria can be explained in demographic terms. They described Twitter as a platform that has been adopted overwhelmingly by young people who are said to still have the idealism and passion required to challenge the political establishment. One interviewee saw youths as the "impatient generation" for whom "there is a wellspring for sufficient anger" (Participant 7). The interviewees further shared the understanding that different platforms serve different generations, with Twitter being the platform for young Nigerians today. As one interviewee noted, Blackberry Messenger was the platform used to organise, coordinate, and sustain the 2012 Occupy Nigeria protests. "This generation", they said, "is using Twitter [instead] and they are much angrier. This generation's anger is being vented on Twitter" (Participant 9). One crucial thing to acknowledge here is the fact that social movements do not necessarily reside in digital platforms, but in the creative practices of activists who shape the usage of new media technologies in achieving their cause (see Srinivasan & Fish, 2017). Hence, the suggestion is that the usefulness of Blackberry Messenger for activism now finds expression on Twitter, pointing to the importance of historicising activist practices in relation to the use of digital platforms.

Young people are also said to have "less baggage" in terms of caring responsibilities, and they are described as people who are "not jaded by life" and feel they can get things done right away (Participant 5). Consequently, Twitter's centrality to activism was seen as:

> more of the age group of the people who are on this social media, rather than the social media itself. Most of the youths have nothing to lose in a way, and that is why they were able to carry out the #EndSARS protest…. For them, Twitter is more accessible. It is what they use (Participant 5).

This view was corroborated by another interviewee, a #SayNoToSocialMediaBill hashtag user. They viewed social media platforms in segmented terms where Twitter is used by the youth, while Facebook and WhatsApp are preferred by those in the older generation:

> Twitter is still mostly a platform for young Nigerians. My mother has a Twitter account, but she doesn't use it. She uses WhatsApp all day. So, I think different platforms are more catered to different audiences. WhatsApp is for our parents; Facebook is also for them (Participant 2).

The interviewees held on this view, even though demographic information on age is difficult to infer from Twitter profiles. Regardless, their view is consistent with the literature (Blank, 2017, Poell and Rajagopalan, 2015). For instance, Blank's (2017) submission is that Twitter users constitute the young elites in the US and the UK. They are younger than users of other social media platforms, who are in turn younger than other internet users, who are then younger than the offline population. Viewed from this perspective, Twitter can be seen as the "transmission of [young] elite influence" (Blank, 2017: 13). Participant 13 also described the platform in similar terms, saying, "Twitter is still being seen as elitist".

This is the suggestion that Twitter is preferred by the urban and educated youth. We see this in the #EndSARS example, which indicates the demography of those who tend to use Twitter for activist discourses in Nigeria. Since the protests were youth-led (Lorenz, 2022) and Twitter was the major platform used,[17] it is plausible to suggest that the relationship between Twitter and its usage by young people is relatively strong. This is not to imply that those in the older generation do not engage in activist discourses on Twitter, but that young people tend to form the majority.

Twitter as a Leveller

Four of the interviewees further shared their understanding of Twitter as a leveller – a site where "nobody cares who you are" (Participant 5). This is the realisation that people are willing to address others as equals without regard for age, status, or standing:

> Twitter is like a leveller. No matter who you are, whether president or senator. It provides a level playing field. As long as you bring yourself to the Twitter table, just be ready to play the ball (Participant 4).
>
> They (Twitter users) are very hostile…. And irrespective of your class; they do not care whether it is Trump, Buhari, Wole Soyinka (Participant 3).

Twitter as a leveller is facilitated by the @mention function, where any user can be addressed in a conversation. Twitter mentions can also create visibility and recognition for a particular viewpoint – seen as a demonstration of social capital (Maares et al., 2021; Recuero et al., 2019). A sense of someone's social capital on Twitter can be made using metrics such as follower count, account verification status (the blue tick), and a user's ability to influence conversations. Seen from this perspective, Twitter rarely functions as a leveller; instead, the platform tends to reproduce unequal social relations. For instance, Maares et al. (2021) show that high-profile journalists on Twitter tend to mention, reply, and retweet only those in their professional networks, rarely interacting with regular users. It might also be said that high-profile users, who usually have large followings, tend to follow far fewer people in return. These are the supposed opinion leaders, whose tweets are far more likely to be of consequence than the "average" tweet – presupposing that Twitter does not reflect equality among users.

We see this in the Nigerian context, where there is little to suggest that a level-playing field exists. For example, in my analysis of the #SayNoToSocialMediaBill corpus, I found that although Twitter users regularly mentioned the names of top politicians, including President Buhari, there was no corresponding response in the form of replies. What is relevant, however, is the sole @mention that happens, reinforcing the view that users can address anyone, including high-profile users, demanding attention and responses from them. It is this access that underpins Twitter as a leveller for people from different social cadres.

Participant 13, for instance, pointed to the fact that they mentioned Ahmad Lawan, Nigeria's Senate President, using the @mention function for weeks until he responded to their campaign on electoral reforms, stating, "he (the Senate President) couldn't resist the pressure". He added that Twitter makes it easy to "connect with anybody" including "most global leaders". From this standpoint, Twitter activism makes it possible for users to address political leaders directly and demand action without fear of social sanctions related to deference. This is significant in a relatively high-power distance society like Nigeria, where deference to elders and leaders is entrenched. It also means that platforms like Twitter have largely bridged the relational gap between leaders and citizens, making it possible for regular users to "hail" political leaders as a form of interpellation (see Althusser, 2014). It is in this way that Twitter can be seen loosely as a leveller.

Discussion and Conclusion

This article has demonstrated why Twitter is the platform of choice for online activism generally and for Twitter activists in particular. Using analysis of interviews, I pointed to the manner that Twitter is favoured as a tool of activism, explaining its use as a medium for activism, justice, and dragging, especially by the youths who tend to see it as a leveller, and the understanding that Twitter's platform design facilitates online activism. The study's limitations arise from the fact that it does not refer to social media analysis to quantitatively compare platform outputs as a way of determining Twitter's dominance. Despite this, I drew from secondary material and case studies such as #EndSARS to establish the notion of Twitter's central usefulness for activism in Nigeria. The interviewees further buttressed this notion; on this basis, I qualitatively analysed their responses regarding why this is so.

To conclude, I point to some reflections. First is that my use of the Nigerian Twittersphere should be seen in light of the agency that users deploy in their online engagement and not a suggestion that Twitter accounts for online activism in a techno-deterministic sense. Consequently, what is important is the value that activists attach to the platform as a tool for the expression of counterpower (Castells, 2015), such that the circulation of activist discourses is strongest within Twitter, even though conversations on social movements also take place across other digital platforms. There are, in essence, "multiple assemblages" (Srinivasan & Fish, 2017: 102) of which Twitter occupies a prominent position as far as heightened political exchanges and activism are concerned. Equally relevant is the fact that social media networks function according to rules set by platform executives, who are mostly interested in profit-making (Couldry & Mejias, 2019). We see this currently at Twitter, given the chaotic policy shifts of Elon Musk, its new owner.[18] What remains to be seen is whether and how Musk's idiosyncrasies will affect the way that the platform is used for activism and dissent.

Second is the concept of dragging and how it is deployed by Nigerian Twitter users. During the #EndSARS movement, for instance, some celebrities were dragged on Twitter for promoting their work while the protests were on.[19] Hence, dragging is similar to the way that pressure or shaming is used generally on social media against individuals or organisations. What is significant about dragging in the Nigerian sense, however, is that it tends to be carried out only on Twitter. This is because of the way that dragging is understood and performed as a cultural exercise, where, as noted above, Twitter users tend to associate certain (aggressive) behaviours with the platform and expect to find provocative contents there. Dragging also goes beyond online shaming and harassment, serving sometimes as a tool of activism. Also related is the functional usage of Twitter as opposed to other social media platforms. This was a major theme that the interviewees highlighted as they drew connections between Twitter's affordances and the view of the platform as a leveller. All these underscore why activists, particularly young activists, perceive Twitter as pivotal.

Third is that Twitter's usage in the manner described by the interviewees can be tied to the growing move to regulate all social media platforms and users in Nigeria. For instance, there is the Internet Falsehood Bill which targets all forms of online communication. Therefore, the likelihood is that regulation can become an instrument to tame the activism that finds expression on Twitter. The Twitter ban gives credence to this suggestion. It came because Twitter deleted President Buhari's tweet, further suspending his account for 12 hours. Nonetheless, the same post was also shared on Facebook by the President's account and was subsequently deleted by Facebook. Yet, nothing was said about Facebook's deletion. The government simply pressed ahead with a ban targeted solely at Twitter, because of what can be interpreted as the outsized and principal role that Twitter plays in activist discourses. In other words, the Nigerian government recognised the salience of Twitter activism and saw the ban as a way to quell it, even if temporarily. In reality, this was counter-productive, as Twitter users circumvented the ban and continued using the platform for activism. As an example, the #EndSARS tag appeared on the Nigerian Twitter trend table on many occasions during the ban. This only goes to reinforce the use of Twitter as the foremost platform for activism, since users stayed with the platform and did not move elsewhere as was seen in the migration from Blackberry Messenger.

Finally, this article points to the need for researchers to recognise the importance of Twitter activism, something which is rarely done. There is an acknowledgement, for instance, that the BLM movement began on Twitter, but this is usually credited to the role played by social media generally (Housley et al., 2018). We find a similar trend in research into online feminist campaigns, where Horeck (2014: 1106) refers to the "radical potential of digital media" and social media more broadly when the campaign used in the study was based solely on activism on Twitter. Likewise, Li et al. (2020) use social media activism as a general frame of reference, even though the social movements they consider are overwhelmingly Twitter-based. What we see therefore is a cautiousness among researchers in recognising the principal usage of Twitter as a tool for activism. However, I argue for the need to refer to specific platforms and the particular socio-technical features they possess, rather than generalising to social media. I find support for my argument in Bossetta (2018) who criticises scholars for their "penchant for treating social media as a single genre" (p. 472), noting instead that platform architecture shapes how political messages are posted on different social media platforms. Consequently, I call on researchers and others to use Twitter activism (or hashtag activism), as opposed to the more general "cyber activism" or "digital activism" when dealing with the (overwhelming) use of Twitter for activism.

A potential argument against my position could be that researchers disproportionately use Twitter, in comparison with other social media platforms, because Twitter data is far easier to access and analyse (Blank, 2017). It could then follow that this ease, and not the usage of Twitter, is what accounts for the overwhelming focus on Twitter campaigns and hashtags in the literature. This is a plausible explanation, but one that needs some revision, particularly in the Nigerian case. Take the #EndSARS movement for instance. Twitter's central role in the movement has been established previously in its description as the platform of choice for young protestors. Also, we see a near 100% increase in Twitter traffic in October 2020 – the month of the movement. Social media usage figures show that Twitter traffic for Nigeria at the start of October put at 22.01%, rose to 39.88% by the end of the month.[20] This was just as traffic for Facebook, which has far more users in Nigeria, fell from 55.13% to 42.89%. Although the data on traffic flow does not specify that increased Twitter usage during the period is tied to #EndSARS, this can be implied when we consider that the #EndSARS tag generated no less than 302 billion Twitter impressions between 1 October and 18 November 2020.[21] I argue that this indicates the important role played by Twitter in the #EndSARS movement. The suggestion, therefore, is that researchers dealing with online activist discourses (as in my case) turn to Twitter, not just because of its ease of use, but also because it is preferred by online activists, who generate the kind of discourse we are interested in. In other words, researchers typically go where the data can be found. In this case, the data can be found on Twitter, which has become the foremost platform for activism in Nigeria.

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