



**Welcome Address Delivered at the 2024 Edition of the Judges Workshop at
Sheraton Hotel Ikeja, Lagos**

**By
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Commission (NCC)**

Protocols

I am pleased to welcome you to the 2024 edition of our Annual Workshop for Judges on Legal and Regulatory Issues in the Communications Industry, organized by the Nigerian Communications Commission (NCC) in collaboration with the National Judicial Institute (NJI).

This year's theme, **“The role of the judiciary in accelerating digital transformation in Nigeria”** is especially fitting, given the urgency of scaling up digital transformation across Nigeria, as well as the importance placed by the government on improving coordination and synergy among key stakeholders to achieve more beneficial outcomes on its policies.

I am delighted by this opportunity to forge deeper partnership and understanding between the NCC and the judiciary, with the goal of advancing Nigeria's digital transformation.

Over the course of this workshop, subject matter experts will provide valuable insights to further support the judiciary in fulfilling its vital role within our democratic framework, especially as it relates to the evolving landscape of digital technologies and communication practices.

For my opening remarks, I would like to set the stage by speaking on the role the Commission is playing in the digital transformation of Nigeria by providing the backbone of our connectivity, while emphasizing our commitment to building enduring partnerships across government, including – and especially with – the judiciary.

Our mandate at the Nigerian Communications Commission, as enshrined in the National Communications Act 2003, is a wide-ranging one that includes the establishment and oversight of a regulatory framework for the Nigerian communications industry, as well as the promotion of efficient, reliable, affordable and easily accessible communications services across the country.

This mandate means that we play an integral role in Nigeria’s transition to a truly digital economy. An important aspect of this role involves facilitating the deployment and safeguarding of telecommunication infrastructure – which is essentially the backbone upon which digital services are delivered across various sectors of the economy.

You will agree with me that we cannot guarantee a truly digital economy without being able to adequately protect this telecommunication infrastructure that underpins the digital economy. I am aware, as you all are, of the extent to which the judiciary today depends on digital tools and technologies to carry out its functions. Much of the work that you do as Judges has been transformed over time by the introduction of technology, commendably improving the pace and quality of the delivery of justice in Nigeria.

So, clearly, no sector of national life is left out of the digital transformation conversation. It impacts all of us.

Increasingly over the years, telecommunication infrastructure has suffered from disruptions due extensive damage from vandalism and theft, fiber cuts by construction companies to mention a few, and even restricted access that prevents operators from servicing critical infrastructure. The industry has long called for special protections to be accorded to these assets to ensure continuous connectivity and reliable communication services.

Drawing from the powers granted under the Cybercrimes Act of 2024 to designate what may be characterized as Critical National Information Infrastructure, President Bola Ahmed Tinubu, in July 2024, signed a Presidential Order that designates all telecommunications infrastructure as Critical National Information Infrastructure. This pivotal advancement for our industry was achieved through the NCC’s proactive advocacy and strategic collaboration with key stakeholders, including the Office of the

National Security Adviser (ONSA) and the Federal Ministry of Communications and Digital Economy.

With this Presidential Order, Nigeria now has a comprehensive policy framework to protect vital telecommunication assets—from base stations and data centers to fiber optic cables. This framework strengthens our ability to decisively confront issues such as vandalism, illegal tampering, and preventing access to communications infrastructure, holding violators accountable to deter future offenses.

Under this Order, individuals, organizations, or even government agencies are prohibited from sealing, removing, or damaging telecommunications infrastructure without a lawful court order.

We anticipate that the courts may occasionally receive requests for orders to grant exceptions to the protections afforded to these Critical National Information Infrastructures. During this workshop, we aim to provide insights that will support judicial discretion in evaluating such requests.

The Office of the National Security Adviser, which plays a central role in coordinating the operationalization of the Presidential Order, has already begun stakeholder consultations and meetings to facilitate immediate implementation. It is likely that, in the near future, vandals, thieves, and others who breach this Order's provisions will be brought before your courts.

We trust that with a deeper understanding of the harm and disruption caused by such actions, the judiciary will impose appropriate sanctions to serve as strong deterrents against criminal activity.

This workshop will serve as a platform for the Commission to share insights into the workings of the Critical National Information Infrastructure Presidential Order, its significance, and the crucial role of the judiciary in bringing the Order's provisions to life, ultimately supporting the accelerated digital transformation that will drive our nation forward.

Your Lordships, distinguished guests, ladies and gentlemen, ensuring and regulating Nigeria's digital transformation is not a task that the NCC can fulfil alone. It involves strategic collaboration with key partners, and the judiciary remains one of our most important stakeholders in this regard. A functional digital economy is built on investor and consumer confidence, which are impossible in the absence of the rule of law – a critical element that is supplied by the judiciary.

As the digital landscape continues to evolve at an unprecedented pace, the judiciary stands as a vital pillar in shaping a present and a future where technology serves humanity. The judiciary is not simply a bystander observing the digital revolution; instead, it is an active participant, playing a continuous role in shaping the legal frameworks that govern this new technological era. The judiciary's ability to adapt and evolve alongside technological advancements is paramount to ensuring that the benefits of digital transformation are accessible to all, while mitigating potential risks.

As the digital age advances, judicial officers must constantly adapt to ensure that the rule of law is as effective and enforceable in the online realm as it is in the world of brick and mortar. One key challenge lies in adapting existing legal principles to the complexities of emerging and evolving technologies.

Nigerians are eager to see a new chapter of digital justice, where the roles played by the judiciary are effectively translated and adapted into online contexts, as follows:

- **Protecting fundamental rights:** The responsibility of the judiciary to act as a guardian of individual rights in the digital sphere, safeguarding privacy, freedom of expression, and access to information, while also ensuring a balance between these rights and the need for security and order.
- **Enforcing digital contracts and resolving disputes:** The responsibility of the judiciary to provide a mechanism for enforcing online agreements and resolving disputes arising from e-commerce, intellectual property, and other digital transactions, fostering trust and predictability in the digital economy.
- **Developing digital jurisprudence:** The responsibility of the judiciary to continually interpret and apply existing laws to new digital contexts, creating a body of digital jurisprudence that provides clarity and guidance for individuals, businesses, and governments operating in the digital space.
- **Promoting innovation:** the responsibility of the judiciary to foster innovation by providing a stable legal framework that encourages investment and development in emerging technologies.

On that note, let me express my strong optimism that this workshop will enrich the development of communications law in Nigeria, and produce outcomes that will be of immense benefit to all stakeholders.

Permit me to briefly take a moment to express our profound gratitude to the National Judicial Institute (NJI), our valued collaborators in delivering this workshop, as well as

our host. Thank you for ensuring a most conducive atmosphere for your Lordships to brainstorm, exchange learning and insights, and enhance professionalism.

Your Lordships, we look forward to hearing and learning from you, from your wealth of knowledge and experience. I assure you that every view expressed here will be respected and valued.

Distinguished guests, participants, members of the press, ladies and gentlemen, I thank you all for your time, and wish you productive deliberations.

Dr Aminu Maida
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