

**POWERING CONNECTIVITY:  
LEGAL ISSUES IN 5G ROLLOUTS  
AND FIBRE EXPANSION IN NIGERIA**



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## INTRODUCTION

The Nigerian telecommunications sector is currently ranked as the largest in Africa and the biggest contributor to the Information and Communications Technology (“ICT”) sector of Nigeria. Nigeria aspires to establish itself as a digital hub in Africa and this aspiration rests on reliable connectivity and, to achieve this aspiration, it adopted the National Broadband Plan 2020-2025 (the “National Broadband Plan”).<sup>1</sup>

The National Broadband Plan committed to providing average speeds of 25 Mbps in urban areas and 10 Mbps in rural areas with 90% coverage by 2025. Actual broadband penetration reached an estimated 50%–51 % by November 2025, meaning roughly half of the population had access to broadband service leading to the government drafting a new five year strategy to close the lingering gap.

Achieving the initial goal of the National Broadband Plan required two complementary projects: the deployment of fifth generation (5G) mobile networks and the expansion of the country’s fibreoptic backbone. Both initiatives raise legal and regulatory issues that must be addressed to ensure the success. Nigeria intends to embark on the Project for Building Resilient Digital Infrastructure for Growth (Project BRIDGE)- a publicprivate partnership designed to roll out 90,000 km of fibre optic cables across the country- critical infrastructure which serve as the backbone for hitch-free nationwide access to services.

This article explores the existing legal framework governing telecommunications, discusses the proposed Project BRIDGE, and analyses emerging legislation that will shape the future of digital connectivity in Nigeria.

## Overview of Nigeria’s Telecommunication Regulatory Framework

### Key Legislation and Regulators

Nigeria’s telecommunications sector is overseen by several laws and agencies:

**A. Nigerian Communications Act 2003 (NCA):** The primary law which establishes the Nigerian Communications Commission (NCC) and confers the NCC with powers to regulate telecom licensing, spectrum management and consumer protection.

Sections 23 and 25(1) empower the minister to issue policy directions; the NCC must implement these directives.

**B. National Information Technology Development Agency (NITDA) Act 2007 & Code of Practice 2022:** These regulate information technology services and cybersecurity; The NITDA Act regulates data governance and digital services.

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<sup>1</sup> [https://ncc.gov.ng/sites/default/files/2024-11/Documents/Nigerian\\_National\\_Broadband\\_Plan\\_2020-2025.pdf](https://ncc.gov.ng/sites/default/files/2024-11/Documents/Nigerian_National_Broadband_Plan_2020-2025.pdf)

**C. The National Broadcasting Commission (NBC) Act 2004 & Code 2020:** Governs broadcasting services including internet streaming, ensuring compliance with content standards.

**D. The National Film and Video Censors Board Act 1993 & Advertising Regulatory Council of Nigeria (ARCON) Act 2022:** Regulate content and advertising across telecom platforms.

**E. The National Data Protection Act 2023 (NDPA) General Application and Implementation Directive 2025:** Establishes principles of lawfulness, fairness and transparency in personal data processing; requires data controllers to conduct Data Protection Impact Assessments for high risk processing and to provide employees with privacy notices. Fines for noncompliance can reach ₦10 million or 2 % of annual revenue.

**F. The Critical National Information Infrastructure (CNII) Order 2024:** Designates telecom infrastructure (towers, fibre cables, data centres) as critical assets. Intentional damage carries up to 10 years' imprisonment. Installation on public land requires permits and consent from state or local government.

Regulatory agencies include the NCC (licensing, spectrum and quality of service), Ministry of Communications, Innovation and Digital Economy (FMCIDE) (policy and project supervision), National Information Technology Development Agency (NITDA) (IT standards), National Data Protection Commission (NDPC, created under the NDPA), National Broadcasting Commission (content), and Office of the National Security Adviser (cybersecurity oversight). Foreign investment is permitted subject to shareholding caps and licensing requirements.



### **5G licensing and policy**

To support 5G deployment, Nigeria held auctions for spectrums in the 3.5 GHz band. In 2021 the NCC auctioned two 100 MHz blocks; MTN Nigeria and Mafab Communications each paid US\$273.6 million for their licences.<sup>2</sup>

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<sup>2</sup> MTN, Mafab pay \$273.6 million each for 5G licence – NCC

In a 2022 auction, Airtel Africa was issued a license at the same reserve price. 5G Licensees are required to obtain frequency authorisations, rights of way (RoW) permits and civil works permits from state or local authorities; towers above 25 meters must be shared by multiple providers and comply with environmental and safety regulations.

The National Policy on 5G Networks for Nigeria (2021) sets out strategic objectives to guide deployment. According to the Minister of Communications, it aims to, among other objectives, ensure:

1. the effective deployment of 5G to cover major urban areas by 2025.
2. the security of the 5G ecosystem and protection of data.
3. that international best practices and globally accepted standards and specifications are entrenched in Nigeria's ecosystem.
4. the deployment of the required infrastructure such as data centers, power, etc.

The policy emphasizes stakeholder engagement, including public hearings, ministerial directives and consultations with security agencies, culminating in proof of concept trials in various states in Nigeria using 3.5 GHz and 26 GHz bands localhost. This process demonstrates the government's commitment to balancing innovation with public concerns and security.

### **Data protection and digital rights**

Telecom operators and employers processing personal data must comply with the NDPA and its General Application and Implementation Directive (GAID) 2025. The GAID operationalises NDPA principles and imposes sectors pecific duties. Employers are deemed data controllers and must:

- ▶ Ensure that workplace surveillance is lawful, necessary and proportionate;
- ▶ Provide privacy notices to employees;
- ▶ Limit data collection to what is needed; conduct Data Protection Impact Assessments for highrisk processing; and
- ▶ Establish policies for retention and erasure.

Employees (data subjects) enjoy rights to information, rectification and erasure, breach notification and recourse.

Digital rights are expected to be strengthened through the Digital Rights and Freedom Bill (HB 490), a draft law aimed at protecting human rights online, safeguarding fundamental freedoms and balancing security with civil liberties. The National Digital Economy and EGovernance Bill 2024 (also called the Digital Signature Bill) will legally recognise electronic signatures and records; it requires digital signatures to be unique, verifiable and securely linked to the signatory, giving them equal legal weight to handwritten signatures. These bills, once enacted, will support digital transactions and reinforce trust in online services.

₦9477. Some states such as Niger and Kaduna have waived fees entirely (although Niger charges a one off ₦500 000 application fee), while Ondo adheres to the benchmark and promotes shared infrastructure through a One Dig policy , which is a policy that mandates installing empty fibre optic conduits or other utility ducts during any road or construction project, so future broadband/telecoms cables can be added later without needing to dig up the road again, saving significant time and money, reducing disruption, and promoting digital inclusion.

These divergent fees, combined with the different taxes and levies imposed by various authorities, inflate deployment costs and deter investment. Fibre networks also suffer from vandalism and accidental cuts; MTN Nigeria recorded 5,478 fibre cuts between January and July 2025, largely from road construction and vandalism. Such damage increases operational expenses and disrupts service, underscoring the need for stronger enforcement of the CNII Order and public awareness campaigns.

### **Closing the Gap: Enter Project BRIDGE**

To overcome connectivity gaps, Project BRIDGE will deploy at least 90,000 km of openaccess fibre backbone, complementing existing infrastructure and bringing Nigeria’s fibre network to roughly 125 000 km – the third longest in Africa. The initiative is estimated to cost US\$2 billion, financed through loans from the World Bank, the African Development Bank and other partners, with the government retaining a 25 %–49 % equity stake. The European Union has pledged €45 million (about ₦76.76 billion) to support fibre design, local skills development and supply chain deployment. The project’s open access model requires carriers to share infrastructure, which should reduce duplication and encourage competition.

### **Statelevel cooperation and Right of Way (ROW reform)**

As at late 2025, 11 states had waived rightsofway fees and 17 states had adopted the federal benchmark of ₦145 per metre. The Minister of Communications expressed optimism that all states would align, noting that high RoW fees have slowed progress. The success of Project BRIDGE is hinged on consistent regulation; states must streamline approval processes, eliminate multiple taxation and adopt One Dig policies to encourage shared trenches and ducts.

3 <https://techcabal.com/2025/05/26/what-each-nigerian-state-charges-for-broadband-right-of-way/#:~:text=As%20Nigeria%20races%20toward%20its,and%20the%20Federal%20Capital%20Territory>

4 <https://guardian.ng/technology/telecoms/mtn-laments-5478-fibre-cuts-due-to-road-works-vandalism/#:~:text=Operator%20repairs%2C%20upgrading%20infrastructure%20in,in%20the%20last%20seven%20months>

5 <https://technologytimes.ng/project-bridge-eu-stakes-#76-billion-in-nigeria/#:~:text=Project%20Bridge%2C%20short%20for%20Building,expanding%20broadband%20reach%20and%20quality>

6 <https://guardian.ng/technology/states-role-in-deepening-broadband-access/#:~:text=2020-2025%2C%20which%20targets%20achieving%2070,national%20entities>

## **Emerging Legal Issues in 5G and Fibre Rollout**

1. Infrastructure rights and permits – Installing fibre and towers on public land requires permits or approval from state or local governments. The absence of a unified permitting process leads to delays and potential corruption. On private land, operators generally acquire leasehold interests but must secure the governor’s consent for transfers or mortgages of such interests.

2. Spectrum licensing and tower sharing – 5G deployment hinges on access to licensed spectrum and compliance with NCC conditions. Operators must obtain separate frequency licences, RoW permits and civil works permits, and towers above 25 m must be designed for colocation to minimise environmental impact. Coordinating these permits with state authorities can be complex.

3. Security, privacy and data protection – The NDPA and GAID impose rigorous obligations on telecom operators to protect customer data and employee privacy. 5G networks will generate massive data flows, increasing the need for secure infrastructure and robust data governance frameworks. Furthermore, the draft Digital Rights and Freedom Bill seek to safeguard online freedoms, while the Digital Signature Bill aims to legitimise transactions

4. Vandalism and critical infrastructure protection – Persistent vandalism of fibre cables and towers requires stringent enforcement of the CNII Order 2024, which criminalises damage to telecom infrastructure. Operators have urged the government to prosecute offenders and to deploy surveillance technologies (e.g., AI-based monitoring) to prevent cuts.

5. Fiscal incentives and local content – To encourage investment, the National Broadband Plan offers incentives such as tax holidays for local production of telecom equipment and duty waivers on imported ICT gear. Effective implementation of these incentives will be critical to reducing the cost of fibre and 5G deployment.

6. AI and emerging technologies regulation – The National Artificial Intelligence Strategy 2024 (Draft) and proposed Critical National Infrastructure Bill (separate from the CNII Order) will establish governance frameworks for AI and IoT, ensuring safety and ethical use. These policies must balance innovation with oversight, particularly as 5G enables low latency applications such as autonomous vehicles and smart grids.

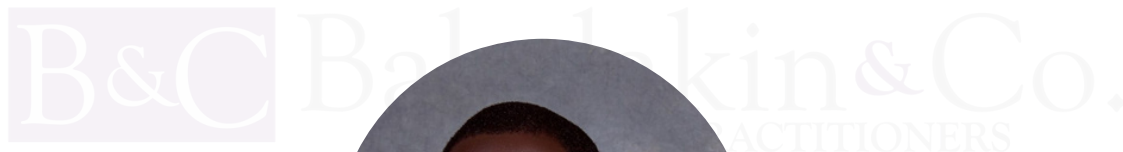


## CONCLUSION

Nigeria stands at a pivotal moment in its digital evolution. The existing legal framework provides a foundation for 5G and fibre rollout, but gaps remain in permitting processes, right of way harmonisation, data protection and infrastructure security.

Project BRIDGE offers an unprecedented opportunity to extend fibre connectivity to underserved areas and to catalyse economic growth. For this initiative to succeed, state governments must adopt uniform RoW policies, streamline permits and protect critical infrastructure. Simultaneously, federal lawmakers must, considering the need to secure citizens' rights and promote a trustworthy digital ecosystem, enact pending legislation focused on a wide range of ICT concerns including digital rights, esignatures, and AI governance frameworks.

With cohesive policies and effective enforcement, Nigeria can power its connectivity revolution and make the promise of a vibrant digital economy a reality.



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