

WADEMOS REPORT

On the 2023 Nigerian Elections



This report was produced by the Secretariat of the West Africa Democracy Solidarity Network (WADEMOS). WADEMOS is a non-partisan, independent civil society-led transnational democracy solidarity network. The WADEMOS Network consists of over 30 Civil Society Organizations (CSOs) located in 15 countries in West Africa.

No part of this publication may be used or reproduced in any manner without prior permission of the Copyright holder except in the case of brief quotations and reviews duly acknowledged.

© WADEMOS Network, April 2023

All rights reserved

Address: #95 Nortei Ababio Loop,
North Airport Residential Area, Accra - Ghana

E-mail: info@wademosnetwork.org

Website: www.wademosnetwork.org

Strengthening Solidarity Among Civil Society and Pro-democracy Actors for Peaceful and Credible Elections in West Africa

A Report on Nigeria's 2023 Presidential Election



ACKNOWLEDGEMENTS

The West Africa Democracy Solidarity Network (WADEMOS) acknowledges the invaluable efforts of CDD West Africa, Yiaga Africa, Transition Monitoring Group, Women in Politics Forum, all members of the Network Members based in Nigeria who facilitated the pre-election solidarity mission and assessment from January 24-28, 2023, and the election-day learning and observation mission. The Network acknowledges their contribution in facilitating access to key federal agencies and institutions during the pre-election assessment mission. We also acknowledge their contribution in granting the WADEMOS delegation unrestricted access and participation in activities and interventions at the various situation rooms as part of civil society observation and monitoring of the election on February 25, 2023. We also appreciate and acknowledge the Nigeria Civil Society Situation Room and the CLEEN Foundation for their support during the election learning and observation mission.

Additionally, the Network values the opportunity to interact with officials and representatives of prominent stakeholders and organizations whose insights put the Nigerian general elections in proper context for members of the delegation during the pre-election solidarity mission. These institutions include the ECOWAS Commission, the Independent National Electoral Commission (INEC), the National Peace Committee (NPC), Arise TV, The Federal Radio Corporation of Nigeria (FRCN), the National Human Rights Commission (NHRC), the Inter-Party Advisory Council (IPAC) and the various civil society organizations (CSOs) and media organizations we engaged during the pre-election solidarity mission.

The Network also cherishes the contribution of the representatives from Network Member Organizations from Ghana, Senegal, Liberia and Sierra Leone who were part of the delegations. The members of the missions include; Dr. Kojo Pumpuni Asante, Director, Advocacy and Policy Engagement, CDD-Ghana and Head of Secretariat, West Africa Election Observation Network (WAEON); Bernadette French, Regional Coordinator, National Election Watch (NEW), Sierra Leone; Ibar Sarr, Director General of Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO), Senegal; Dr. Bridget Osakwe, National Coordinator, WANEP-Nigeria; Mawusi Yaw Dumenu, the Coordinator for WAEON Secretariat; Matthias Yeanay, Executive Director, Institute for Research and Democratic Development (IREDD), Liberia; Aissata Bocoum, General Secretary, AFLED, Mali; and Badriatu Turay Alghali, Quality Control Officer, National Election Watch (NEW), Sierra Leone.

The Network also expresses its appreciation to representatives of member organizations from Nigeria, namely, Dr. Idayat Hassan, Director, CDD-West Africa; Austin Aigbe, Senior Program Officer, CDD-West Africa; Abdulkareem Tijani, Transition Monitoring Group (TMG); Madam Ebere Ifendu, President, Women in Politics Forum; and Ibrahim Faruk, Program Manager, Governance and Development, Yiaga Africa.

The Network also commends the technical team, namely, Paul Osei-Kuffour, the Anglophone Project Coordinator and the Ag. Network Coordinator for WADEMOS; and David Asante-Darko, Research Analyst at WADEMOS for producing this report covering the pre-election and election-day observation and learning missions, as well as Marie-Josiane Ngah, the Francophone Project Coordinator for WADEMOS and Jonah Eledi, Communications Specialist for WADEMOS for coordinating the activities of the mission including media and stakeholder engagements.

Table of Contents

EXECUTIVE SUMMARY	8
1. INTRODUCTION	11
Rationale and Objectives for the 2023 Nigeria Election Intervention	11
□ Pre-election Solidarity Mission	12
□ An Election Day Observation and Learning Mission	12
2. CONTEXT FOR THE NIGERIA 2023 ELECTION	13
Candidates	13
Economy	14
Insecurity	14
New Electoral Law and INEC Guidelines	14
3. THE PRE-ELECTION ASSESSMENT MISSION	16
Major Highlights and Observations from the Pre-election Assessment	17
□ Role of Civil Society	17
□ PVC Issuance and Collection	17
□ Functioning of the BVAS and IReV	17
□ The Economy	18
□ Peace and Security	18
4. ELECTION MISSION, OBSERVATION AND LEARNING	20
Significant Developments Prior to the Election	20
5. ANALYZING THE 2023 PRESIDENTIAL ELECTION – LESSONS AND OBSERVATIONS	23
Functionality of BVAS and Results Transmission onto IReV	23
Resolving Discrepancies during Results Collation	24
Independence of INEC & EMBs	25
Post-election Court Petitions	25
Voter Turn Out and Implications on the Legitimacy of the Election	26
Ensuring an inclusive electoral process in the 2023 Election	26
INEC Deployment of Logistics	27
Vote Buying	28
6. CONCLUSION	29
Recommendations	29
References	32
Pictures	34

ABBREVIATIONS

AFLED	–	Association Femmes Leadership et Développement Durable
APC	–	All Progressives Congress
BVAS	–	Biometric Voter Accreditation System
CODEO	–	Coalition of Domestic Election Observers
CSO	–	Civil Society Organisation
EMB	–	Election Management Body
ECOWAS	–	Economic Community of West African States
FRCN	–	Federal Radio Corporation of Nigeria
GEWE	–	Gender Equality and Women Empowerment
INEC	–	Independent National Electoral Commission, Nigeria
IREDD	–	Institute for Research and Democratic Development
IREV	–	INEC Result Viewing portal
IPAC	–	Inter-Party Advisory Council
LP	–	Labour Party
NEW	–	National Election Watch, Sierra Leone
NHRC	–	National Human Rights Commission
NPC	–	National Peace Committee
PDP	–	Peoples Democratic Party
PVT	–	Parallel Vote Tabulation
RADDHO	–	Rencontre Africaine pour la Défense des Droits de l'Homme, Senegal
TMG	–	Transition Monitoring Group
WA	–	West Africa
WADEMOS	–	West Africa Democracy Solidarity Network
WAEON	–	West Africa Election Observation Network
WANEP	–	West Africa Network for Peacebuilding

EXECUTIVE SUMMARY

In the leadup to the 2023 general elections, the growing dissatisfaction with the quality of democracy and accompanying disinterest in elections among the public, compelled the Nigerian government and the Independent National Electoral Commission (INEC) to adopt the new Electoral Act, 2022 which contains a series of amendments to the electoral processes and the conduct of elections in Nigeria. The Act introduced changes to the electoral system including - the provision for the timely disbursement of funds to facilitate INEC operations ahead of elections, the introduction of the Biometric Voter Accreditation System (BVAS) and the INEC Result Viewing portal (IReV). The aim of the Electoral Act was to enhance the integrity and credibility of the elections by improving public trust and confidence in the INEC to conduct transparent, free and fair elections.

The 2023 elections also witnessed the emergence of a third force in the Labour Party, an event tipped by many observers and social commentators to break the longstanding duopoly in the general elections between the two dominant parties; the All Progressives Congress (APC) and the People's Democratic Party (PDP). These events, along with the emergence of a large and energetic youthful voter population, engendered hopes of a free, credible and transparent electoral process. There was high optimism despite the threats of insecurity posed by terrorist insurgency, kidnapping, banditry, and electoral violence, such as attacks on INEC facilities and the rise of misinformation and vote buying.

The West Africa Democracy Solidarity Network (WADEMOS), as part of its planned interventions in promoting free and fair elections in West Africa, conducted a pre-election solidarity and assessment mission to Nigeria. This offered the WADEMOS delegation insights into the socio-political context ahead of the election and also provided an opportunity to assess and interact with key stakeholders on their level of preparedness for the election. WADEMOS also deployed an election-day learning and observation mission to Nigeria.

Despite the prospects and optimism, the election was characterized by some irregularities including the late arrival of INEC officials in some polling units, challenges with the deployment of sensitive and non-sensitive election materials and logistics, voter suppression and violence, and low voter turnout.

WADEMOS commends all stakeholders for the changes to the Electoral Act that contributed to building trust among voters in the electoral processes in the leadup to the elections. WADEMOS presents the following observations and lessons for improving future elections in Nigeria and the sub-region drawing on the pre-election assessment and election observation missions:

- We recognize the critical role played by civil society and the media in Nigeria's 2023 general election. Various interventions led by CSOs contributed to mobilizing citizens and promoting inclusion and participation throughout the election cycle. A few of these initiatives were the CDD-West Africa Fact Checking project and Election Analysis Center, Yiaga Africa's Parallel Voter Tabulation (PVT), Election Result Assessment Dashboard (ERAD) and Election Manipulation Risk Index; Women Situation Room efforts to promote inclusion for women and youth, and CLEEN Foundation's election peace and security initiatives, among many other significant interventions. In the same vein, the media created a lot of excitement and interest within Nigeria and the sub-region and successfully promoted the election making it easy for West African citizens to follow and engage with the situation in the country. They supported fact checking, promoted voter education and registration campaigns and reported extensively on the political activities and campaigns of all the candidates including facilitating town hall meetings in partnership with civil society.

- Furthermore, technology plays an important role in improving public trust, transparency and confidence in elections thus we recommend that countries within the sub-region deploy technological innovations to enhance voting and collation of results. This will help mitigate the suspicion and mistrust associated with the manual systems for results collation.
- WADEMOS recommends that INEC reviews the performance of IReV and presents its findings to the public with measures to forestall similar occurrences in future elections. INEC must expand this exercise to cover other shortcomings recorded during the election such as the late arrival of election materials and logistics and provide clarity and education on procedures for resolving complaints during collation of results at the ward, local government, and state levels.
- Election Management Bodies (EMBs) are experiencing decline in trust among citizens. Appointments into the commission have over time contributed to undermining public trust and confidence, and independence of EMBs to conduct free and fair elections in the region. In Nigeria, the opposition accused the INEC of appointing persons known to be affiliated to certain political parties as Resident Electoral Commissioners. A similar situation pertains in Ghana where the largest civil society coalition on elections, Coalition of Domestic Election Observers (CODEO) and other civil society groups have protested the appointment of a person known to be a sympathizer of a political party and another politically exposed person into the Commission. Governments and EMBs should avoid appointing partisans to the election management bodies.
- WADEMOS commends the initiatives and interventions of ECOWAS including the various training and capacity building programs and diplomatic and mediation efforts aimed at promoting peace and security during the election. However, the sub-region is gaining attention for violence during elections. Evidence from Nigeria's 2023 presidential election attests to this. WADEMOS recommends the intervention of ECOWAS to review country-level response to election violence and build capacity of states to manage and counter election violence within a broad regional framework. Electoral violence poses significant threat to democracy, civil and political rights and, in addition, creates a volatile political environment, which heightens the state of insecurity to in the region.
- WADEMOS recognizes the importance of the courts in resolving election disputes and petitions which are mostly adversarial. Whilst the court provides avenue and security for resolving election disputes and dispensing justice, their role in determining electoral outcomes including the possibility of overturning the results of presidential elections has led to the occasional polarization of the courts, opening themselves up to unwarranted public attacks. Elections in Africa are divisive and will continue to remain because of state capture and winner takes all politics. There are calls for the review of the institutionalized mechanism for resolving presidential election complaints before declaration by EMBs. We recommend the practice where election results are certified by the EMB, and in some cases, the courts. This allows for all complaints and petitions to be addressed before declaration to provide assurance and safeguard for political parties and stakeholders to resort to non-violent approaches in addressing their grievances. This provides a reconciliatory process than the court process which is adversarial.
- Again, WADEMOS recommends that, similar to other countries in the sub-region, Nigeria should promote the inclusion and participation of Women into elected positions such as governors, National Assembly and state assemblies by drawing on best practices in the region. A case in point is the passage

of the Gender Equality and Women Empowerment (GEWE) Act of 2022 that seeks to advance women's rights in Sierra Leone.

- The Naira redesign policy must be assessed to determine its impact on the election. This could inform the roll out of similar major government policy reforms in election years in the future.
- Finally, the new regime must lead efforts to address discontent with governance in Nigeria. The Afrobarometer survey results show high disapproval ratings for the government over time from Nigerians. Similar to most African countries, unemployment is a major concern for young people in Nigeria coupled with the clamp down on dissenting voices. The election revealed that many Nigerians are discontent with politics and refuse to participate in elections, resulting in a low voter turnout.

1. INTRODUCTION

The West Africa Democracy Solidarity Network (WADEMOS) identified three upcoming national elections as the focal points for its election support work in the sub-region in 2023. These are the national elections in Nigeria (February 25), Sierra Leone and Liberia in June and October respectively. WADEMOS implemented a number of activities and interventions in support of Nigeria's 2023 presidential elections. These activities, which are part of the Network's strategies to promote the integrity and credibility of the elections, electoral processes and outcomes in the sub-region, included a pre-election solidarity and assessment mission, and election-day learning and observation mission. This report presents the findings and recommendations, based on WADEMOS' involvement in the Nigeria elections, aimed at contributing to knowledge on elections and to the improvement of the quality and credibility of elections in not only the sub-region but the African continent.

➤ Rationale and Objectives for the 2023 Nigeria Election Intervention

In line with the strategic aims of the Network, the purpose of WADEMOS' interventions for the 2023 Nigerian elections was to mobilize sub-regional support and interest for the election considering Nigeria's geo-political and socio-economic position in West Africa.

The significance of the forthcoming election in Nigeria for the ECOWAS sub-region transcends its large population or its cultural influence. With a 2021 GDP of over 440 billion USD,¹ it has an economy that is at least five times the size of that of its closest competitor in the sub-region, Ghana. It is arguably one of the few more successful electoral democracies currently in the sub-region and maintains its longstanding role as a peacekeeper in the sub-region in spite of its security challenges. The preservation of Nigeria's democracy and stability, as with the anticipated success of the forthcoming elections was considered crucial to the prospects of prosperity and stability across the rest of the sub-region.

Specifically, the objectives for WADEMOS' intervention in the Nigeria elections were as follows:

- Extend solidarity and support to the WADEMOS Members in Nigeria on their planned activities for the presidential and legislative elections.
- Promote learning and knowledge exchange on elections among the members of WADEMOS, particularly countries preparing for elections.
- Observe and report on various aspects of the elections to promote its integrity and credibility within the current context of democratic backsliding in West Africa in view of the significant role of Nigeria in the sub-region.
- Promote awareness and sensitization of the elections including candidates, context, electoral laws and regulations to drive interest and attention among West Africa citizens.

In pursuit of these objectives, the primary interventions planned by the WADEMOS Network involved two main activities:

¹ <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=NG>

➤ **A Pre-election Solidarity Mission**

The WADEMOS Network first deployed a pre-election solidarity mission to Nigeria, from January 24 – 28, 2023, to assess the socio-political climate and the preparedness of stakeholders ahead of the polls. In this regard, the mission engaged with an array of stakeholders comprising of public institutions, civil society, media and citizens. Some of the institutions engaged with include; the Independent National Electoral Commission, the National Human Rights Commission (NHRC), the National Peace Council (NPC) and the Inter-Parties Advisory Council (IPAC). The team concluded the mission with a press briefing and a statement that presented its findings, observations and recommendations targeting all stakeholders, especially the INEC. Pre-election missions were also carried out by other regional bodies such as the ECOWAS, the AU, the International Republican Institute (IRI) and the National Democratic Institute (NDI).

➤ **An Election Day Observation and Learning Mission**

The second mission involved an election day observation and learning mission to Nigeria from February 22 – February 26, 2023. The aim was to consolidate and track progress based on recommendations from the pre-election mission, to promote learning within the Network and to support Nigeria's democratization process as international observers working with domestic civil society observer groups in Nigeria. The election observation mission also sought to promote and enhance learning and knowledge of the Nigerian electoral system, particularly, with the introduction and implementation of the Biometric Voter Accreditation System (BVAS) and the INEC Results Viewing Portal (IReV) for the first time for the 2023 elections.

2. CONTEXT FOR THE NIGERIA 2023 ELECTION

The 2023 election was the sixth (6th) consecutive election since Nigeria's return to democracy in 1999. It generated high stakes and interest among election watchers and stakeholders in the sub-region and across the continent. The developments and political context before and during the election are discussed extensively in this section. The major spotlights are on the candidates, insecurity, and the introduction of a new electoral law and regulations by INEC.

➤ Candidates

Nigeria's elections are considered Africa's biggest elections. A total of 12,145 candidates sponsored by 18 political parties vied for election into 109 senatorial districts, 360 federal constituencies, 993 state constituencies, and 28 governorship positions. For the Nigeria election, a candidate is declared the President if the candidate wins a majority of votes cast and at least 25% of the votes cast in two-thirds of the states and the Federal Capital Territory (FCT). Nigeria's courts prior to the election had ruled that for the purposes of elections, Nigeria's Federal Capital Territory (FCT) is regarded as a state². The election was predicted to be a keenly contested race between



Figure 1 Photo credit: Premium Times Nigeria. From left to right - PDP's Atiku Abubakar, APC's Bola Ahmed Tinubu, LP's Peter Obi

three frontline candidates largely perceived to be equally matched opponents. The perceived frontrunners were Atiku Abubakar, former Vice President and candidate of the People's Democratic Party (PDP), Bola Ahmed Tinubu, a former Governor of the Lagos State and candidate of the All Progressives Congress (APC), and Peter Obi, former Governor of Anambra State and candidate of the Labour Party (LP). Peter Obi also served as the running mate to Atiku Abubakar in the 2019 presidential election contest.

Rabiu Musa Kwankwaso, a former Governor of Kano State and candidate of the New Nigeria

People's Party (NNPP), although generally not considered a frontrunner for the presidency, had influence in the Northern part of Nigeria, which was seen as a major factor to influence the presidential election outcome.

Secondly, the election deepened the divisions among the people of Nigeria along ethnic and religious affiliations. In a country sharply divided along the lines of ethnicity and religion, the APC's pairing of Bola Ahmed Tinubu and Kashim Shettima, former Governor of Borno State as his running mate, marked the first time in Nigeria's Fourth Republic that a political party had presented two individuals of the same religion for the President and Vice-President. Many frontline Christian groups and organizations criticized the pairing and threatened to campaign and vote against the APC's Muslim-Muslim ticket for the presidential elections.

² <https://newspeakonline.com/on-the-status-of-fct-in-presidential-election-by-abiodun-owonikoko-san/>

➤ **Economy**

While campaign manifestoes provided optimism, the election came at a time of considerable political turmoil and severe economic hardship for the country. The National Bureau of Statistics reports that youth unemployment hovers around 42%. A 2022 survey by the African Polling Institute found that the proportion of Nigerians who would relocate out of the country if given the opportunity was 69%, a considerable increase from the 2019 figure of 39%. While Nigerians remain generally optimistic about the prospects of democracy to deliver on their economic needs and expectations, they are also not hesitant to admit that they have been dissatisfied with the delivery over the years. For instance, the perennial fuel shortages and the Naira redesign policy which is estimated to have cost the country between 10 and 15 trillion Naira in lost productivity alone. A recent news release by Afrobarometer showed that whereas 70% of Nigerians prefer democracy to any other form of government, 77% say they were not satisfied with how democracy works in the country. A February 2023 publication by Afrobarometer suggests that there is a general desire for change with a more inclusive and participatory political process among the vast majority of Nigerians. Additionally, the rising debt and low state revenue were of great concern to rating agencies causing them to worry whether or not the country could repay its debts. There were rumours that the government contemplated on removing subsidies on fuel to address the shortages and scarcity of fuel across the country but it did not materialize.

➤ **Insecurity**

In previous general elections in 2011, 2015 and 2019, insecurity, as a result of jihadist insurgency, banditry, kidnappings and secessionist agitations, were partly the reason for postponing elections in Nigeria. Insecurity continues to threaten all six geopolitical regions of Nigeria. In the leadup to the 2023 elections, the South-East and the North-West experienced the most severe security challenges. The imposition of curfews, locally known as 'sit-at-home' in the South-East by secessionists referred to as Indigenous People of Biafra (IPOB) resulted in civilian fatalities following clashes between defiant civilians and the secessionists. Moreover, electoral violence, which was identified as a major threat to the success of the elections also exacerbated the issue of insecurity. According to the Nigerian Election Violence Tracker, a joint effort between CDD-West Africa and the Armed Conflict Location & Event Data Project (ACLED)³, by the end of January there was a record 52 attacks on INEC infrastructure. Twenty percent (20%) of the attacks occurred in Imo State in South-West Nigeria. This heightened anxiety around the security of the elections in places engulfed in conflicts and violence and the fear that this could escalate during the elections and affect both the integrity of the election and voter turnout.

➤ **New Electoral Law and INEC Guidelines**

In a bid to ensure integrity in the forthcoming elections and tackle the challenge of transparency that had plagued past elections in the country, a number of reforms were introduced to the electoral system with the passage of the new Electoral Act of 2022⁴. The establishment of the Independent National Electoral Commission Fund to finance elections in the country enabled the electoral management body to add an additional 56,872 to the existing number of polling units (PUs), bringing the total number of polling units to 176,846. The Electoral Act

³ <https://acleddata.com/2022/10/26/introducing-the-nigeria-election-violence-tracker/>

⁴ <https://placng.org/i/wp-content/uploads/2022/07/Electoral-Act-2022.pdf>

requires that funds for general elections be paid no later than a year to the next general elections. This is commendable in terms of insulating EMBs from governmental control.

The adoption of the Bimodal Voter Accreditation System (BVAS) for voter accreditation was a step-up from the smart card readers deployed in earlier general elections in 2015. The BVAS was a direct replica of the Kenya Integrated Election Management System (KIEMS Kit) used for voter accreditation and results transmission during the Kenyan elections held in 2022. The new voting arrangement required voters who presented their Permanent Voter Card (PVC) at their assigned polling unit on election day in accordance with the new Electoral Act, to be identified and accredited with the BVAS machine through fingerprint or facial recognition technology before proceeding to vote.



Figure 2 WADEMOS Observation and Learning team monitoring electoral processes at a polling unit in Abuja

The BVAS contains the records of every voter that was accredited to vote on election day and was expected to

eliminate over voting and limit abuse of the voting procedures and manipulation. According to the new Electoral Act, in any polling unit where the accreditation device failed and a replacement could not be deployed, the election was to be cancelled and rescheduled within 24 hours if INEC was convinced that the result of the election in that polling unit will substantially affect the final result of the entire election and declaration of a winner in the constituency.

To further enhance transparency and ensure the integrity of the election, INEC deployed the Result Viewing Portal (IReV), a digital platform on which results from polling units were to be scanned using the BVAS and uploaded for citizens to monitor and independently verify the results transmitted by INEC officials at the polling units.

3. THE PRE-ELECTION ASSESSMENT MISSION

From the January 23 – 27, 2023, a 15-member delegation of the WADEMOS Network embarked on a pre-election assessment solidarity mission to Nigeria. The delegation comprised representatives of the Network from five (5) countries in the ECOWAS sub-region, representatives of the four (4) Network members in Nigeria and a 5-member technical support team from the WADEMOS Project Management Unit, as well as, a representative from the West Africa Election Observation Network (WAEON).

The purpose of the mission was to solidarize with WADEMOS members in Nigeria. Secondly, it was to review the preparedness of INEC and major stakeholders involved in the election and offer recommendations. The mission commenced with an initial debriefing by CDD-West Africa on developments around the elections. The mission subsequently met with an array of stakeholders in Nigeria, including, ECOWAS, the



Figure 3 A picture of the team after the debriefing session at CDD-West Africa

Independent National Electoral Commission (INEC), the National Human Rights Commission, the National Peace Committee, the Inter-Party Advisory Council (IPAC), Arise TV, the Federal Radio Corporation of Nigeria (FRCN) and a segment of the media and CSOs. The mission was briefed by stakeholders on the political and electoral landscape particularly relating to peace and security, and the preparedness of INEC ahead of the election. The mission concluded with a closed-door briefing with the INEC Chair and staff of the commission. The delegation subsequently held a press briefing to share its observations and findings.



Figure 4 WADEMOS delegation with officials of ECOWAS



Figure 5 The WADEMOS delegation with Prof. Mahmood Yakubu (front row, fourth from right), Chairman of Nigeria's INEC



Figure 6 Dr. Kojo Pumpuni Asante, Head of the WADEMOS delegation to Nigeria addressing the media on key findings after the solidarity mission

Major Highlights and Observations from the Pre-election Assessment

- **Role of Civil Society** – The mission noted a number of commendable initiatives deployed by civil society ahead of the elections. Particularly, we noted their role in voter education, awareness creation and the promotion of peace and a conducive environment for the election.
- **PVC Issuance and Collection** - This bordered on INEC’s failure to provide PVCs to registered voters at INEC offices. Also, WADEMOS observed apathy among registered voters towards the collection of PVCs at the INEC offices. WADEMOS called for an improvement in the demand and supply of PVCs to avoid disenfranchising citizens.
- **Functioning of the BVAS and IReV** - WADEMOS raised concerns about the smooth functioning of the BVAS on election day given that INEC had not conducted a public simulation exercise using the consignment of BVAS recently received, although it had piloted the BVAS during the Osun and Ekiti off-cycle gubernatorial elections. WADEMOS noted that any large-scale malfunctioning of the BVAS on election day could foster distrust, cause anxiety and panic among voters and urged INEC to adhere to the contingency measures proposed to provide the necessary safeguards and assurance to citizens. WADEMOS emphasized the roles of the BVAS as a game changer for the 2023 elections and urged all stakeholders to work collectively to ensure its successful deployment.

- **The Economy** - WADEMOS noted the constraints the fuel scarcity and the Naira redesign posed to the election especially regarding voter turnout since some voters would have to travel to their polling units and states to vote on election day. The Network also expressed concern about the impact of the fuel shortages and Naira redesign policy on the deployment of logistics for the election. WADEMOS thus called for a review and effective deployment of the policy to reduce the trickling effects on citizens and the election. WADEMOS was particularly concerned about how the twin policies could affect the integrity of the polls if not resolved.

- **Peace and Security** - WADMEOS noted the anxiety and apprehension among Nigerians on the deteriorating security environment without any hope or assurance from the government. These include the strong undertone of religious and ethnic tensions taking center-stage in the political discourse and debate among political parties and candidates alike. Also, sustained insecurity and instability across the country as a result of increased incidences of kidnapping, banditry, insurgency, separatist groups created a high level of uncertainty. As the election day approached, there were increased incidences of hate speech and misinformation, causing fear and worry within the populace. WADEMOS recognized the importance of the Peace Accord signed by political parties and urged political parties to respect the commitments and terms stated therein to avoid both overt and covert violations of the agreement for their parochial interest. The Peace Accord was brokered by the NPC and endorsed by all political parties and presidential candidates. At the time WADEMOS embarked on the solidarity mission, the first peace accord had been signed. However, the delegation observed that some of the provisions of the Accord had been blatantly violated by political actors who chose to use insults, hate speech and personality attacks on opponents instead of focusing on a campaign of issues.



Figure 7 WADEMOS team with Fr. Atta Barkindo, Ph.D., (center) Director of the National Peace Council

- Finally, interpretation of the provisions in the Electoral Act on the threshold for the declaration of election results came to the attention of WADEMOS, that is, whether or not the 25% votes required across two-thirds of states in the country was inclusive of the FCT in calculating the two-thirds for the 36 existing states. The Constitution and the Electoral Act required that a candidate for the office of president must garner a majority of votes and 25% of votes in at least two-thirds of states in Nigeria, and the Federal Capital Territory (FCT). The concern was that INEC's failure to clearly state its position on the matter ahead of the election could result in disputes and consequential violence, particularly within the context of the 2023 elections and the possibility of a run-off. WADEMOS called on INEC to provide clarity on the law to avoid misinterpretation by political parties with high stakes in the presidential election.



Figure 8 A section of the WADEMOS delegation with the Yabagi Yusuf Sani (middle), IPAC-Nigeria Chairperson

4. ELECTION MISSION, OBSERVATION AND LEARNING

WADEMOS embarked on an election observation and learning mission to Nigeria in the week of the general elections scheduled for February 25, 2023. The 5-member delegation arrived in Nigeria for the election on February 23, 2023.

The delegation assessed progress made after the pre-election mission. The team was hosted by the CDD-West Africa Election Situation Room. The delegation observed and participated in the activities of all civil society situation rooms mounted for the elections including the press briefings held before, during and after the election. We observed, learnt and participated in activities by the Nigeria Civil Society Situation Room, the Yiaga Africa's Watching the Vote initiative and Parallel Voter Tabulation exercise, the CDD-West Africa Election Analysis Centre, the Election Results Analysis Dashboard (ERAD), the situation room at the Transition Monitoring Group, the Women Situation Room and the CLEEN Foundation Election Security Monitoring Situation room. The mission also had a representative attached to the INEC National Coalition Center (NCC) which was launched few days before the election. In addition to the situation room, the delegation conducted a limited roaming observation at some polling stations in Abuja. The election witnessed the pronounced presence, particularly in the capital Abuja, of several international election observer missions comprising the EU, Commonwealth Secretariat, ECOWAS and the AU, who were present to monitor the conduct of the election.

➤ Significant Developments Prior to the Election

In the last week of the election when the team arrived in Nigeria, we observed the signing of the 2nd Peace Accord and improvement in the issuance of the PVCs. On February 23, 2023, INEC declared that it had distributed 87,209,007, representing 93.3% of all PVCs printed, to voters across the country, leaving 6,259,229, representing 6.7% of all the PVCs printed. This showed a marked improvement on the part of INEC's efforts to ensure high voter turnout and legitimacy of the election.

Under the supervision of the NPC, all 18 registered political parties in Nigeria signed the Second Peace Accord in Abuja on Wednesday February 22. The pact required that all political parties accept the outcome of the elections or seek legitimate means of redress in the event of divergent positions. At the signing ceremony witnessed by WADEMOS, the NPC and its distinguished statesmen including former Presidents of Nigeria stressed the need for all parties to stay committed to the accord.

A court ruling on the Naira notes redesign and circulation policy dominated news headlines days to the election. The atmosphere became tenser when the Supreme Court upheld a petition by a coalition of state governors instructing the CBN not to halt the circulation of the old N200, N500 and N1000 notes. The Central Bank of Nigeria did not demonstrate good faith to abide by the ruling and the shortage persisted until the Supreme court ruled after the election to compel the CBN to extend the policy by a period of one year.

On Wednesday, February 22, 2023, Oyibo Chukwu, a senatorial candidate of the Labour Party for the Enugu East senatorial zone was shot dead and burned alongside an unnamed personal aide by assailants, who police suspect are operatives of the banned separatist group IPOB and its militant wing ESN. The party picked Kelvin Chukwu, brother of the slain senatorial candidate, to take his place in the senatorial election for the zone on March 11, 2023.

➤ Civil Society Situation Rooms

Almost all civil society organizations (CSOs) involved in the elections undertook their activities from their situation rooms set up to monitor the elections. From the situation rooms a good number of CSOs delivered their press briefings and statements which enabled the WADEMOS delegation to keep an eye on developments on election day. Their interventions and initiatives are summarized below:

- *Nigeria Civil Society Situation Room (also known as The Situation Room)*

The Nigeria Civil Society Situation Room is a collection of over 70 CSOs working in support of credible and transparent elections in Nigeria. Some of these CSOs include CDD-West Africa and Yiaga Africa, both members of the WADEMOS Network. For the 2023 general elections, the Nigeria Civil Society Situation Room deployed 2410 observers, with at least three (3) in every local government area (LGA). This number included 131 persons with disabilities (PWDs).

- *Yiaga Africa Parallel Voter Tabulation (PVT) & Election Analysis Centre*

The broad aims of the PVT were to provide information on voting and counting in the polling units and determine whether the official election results declared by INEC were a good reflection of votes cast in the polling units. To support this exercise, Yiaga Africa deployed 822 long term observers, consisting of 774 local government observers to observe collation in each of the 774 local government area collation centers as well as additional 48 observers for each state focal point. Yiaga Africa also deployed 3000 polling unit observers selected from 1500 randomly selected polling units in every local government area (LGA) in Nigeria.



Figure 9 CSOs and observers in a situation room

At the Election Results Analysis Dashboard (ERAD), a joint initiative between Yiaga Africa and the UNDP, about 400 data clerks collated election results from the polling units as they were uploaded onto the IReV for all 18 political parties participating in the election. Data clerks entered the results from the IReV portal on to ERAD's platform for collation and subsequent analysis.

On display at Yiaga Africa's Situation Room were copies of its Election Manipulation Risk Report⁵ Index; BVAS Testing, Mock Accreditation and Electronic Transmission of Accreditation Data⁶; and National Pre-Election Observation Report for 2023 National Election.

- *CDD-West Africa Election Analysis Centre (EAC)*

For the 2023 Election, the EAC deployed over 4000 trained and accredited observers, in addition to teams of data clerks, fact checkers and social media monitors. A team of CDD staff monitored news stories and developments in the media, while the data clerks-maintained communication with observers on the ground, noting developments and analyzing them so they could be reported to the relevant quarters immediately. In the War Room, a section of the EAC dedicated to fighting fake news, fact checkers and social media monitors countered misinformation and disinformation with verified facts, prompting the public to be cautious with the

⁵ https://www.yiaga.org/sites/default/files/portfolio/Election%20Manipulation%20Risks%20Index_260123.pdf

⁶ <https://www.yiaga.org/sites/default/files/portfolio/Report%20of%20BVAS%20Testing%20and%20Mock%20Accreditation.pdf>

information they receive. An interesting observation noted about the War Room was that, in response to the factchecked information from the War Room, some peddlers of misinformation would take such information which favours them, modify it to suit their agenda and disseminate it to the public.

- *The Women Situation Rooms*

As part of its election observation program, the WADEMOS mission visited two situation rooms dedicated to observing developments involving women and their participation in the election. These were the Women Situation Room Nigeria and the International Federation of Women Lawyers in Nigeria (FIDA). The Women Situation Room Nigeria deployed 350 observers to cover 11 states. Their focus was on transparency, accountability, inclusion and participation of women in the elections. The International Federation of Women Lawyers in Nigeria covered 4 states with 100 observers who were recruited through organizations that empowered and supported women in the 4 states. Their observation focused on violence against women and inclusion in deployment of INEC staff, party agents and security forces. They had a monitoring tool to capture reports from the field and also captured events through narrative reports. They monitored the media for reports on physical and sexual abuse, as well as tribal and religious issues against women.

- *The CLEEN Foundation Election Security Support Centre (ESSC)*

The focus of the CLEEN Foundation's Election Security Support Centre (ESSC) was to monitor the conduct of security agencies over the course of the election. With observers deployed across 109 senatorial zones in the country, representatives of civil society organizations, independent experts, women, youth and professionals across a broad spectrum of professions, the objectives of the center were to offer a credible assessment of the conduct of security agencies during the elections and recommendations to enhance security in elections in the future.

5. ANALYZING THE 2023 PRESIDENTIAL ELECTION – LESSONS AND OBSERVATIONS

In the early hours of March 1, 2023, INEC declared that based on the final tally, Tinubu garnered 8,794,726 of the total number of valid votes, Atiku won 6,984,520 of the votes while Obi earned 6,101,533 of the valid votes cast. The candidate of the New Nigeria People's Party (NNPP) Rabi'u Kwankwaso obtained 1,496,687 votes. Bola Ahmed Tinubu was, therefore, declared the winner of the election, to strong protests from the two other candidates. The election was postponed till Sunday February 26, in some polling units in different states due to violence, logistical problems, theft of BVAS and other issues. Of the 36 states and FCT, Ahmed Tinubu, Peter Obi, and Atiku Abubakar won 12 states each while Kwankwaso won only Kano State.

According to the INEC, after polling unit results have been uploaded onto the IReV, the collation of results would be done at four levels - the ward level, local governments areas, and state collation centers for the National Assembly positions, and for the presidential election by the INEC chairman at the National Collation Centre.

In this section, WADEMOS presents a number of reflections and perspectives on the 2023 presidential and gubernatorial elections.

➤ **Functionality of BVAS and Results Transmission onto IReV**

A major attraction for the Nigerian election was the introduction of new technological solutions to promote transparency, build trust and confidence in the electoral process. It sought to address manipulation of elections during voting and collation, something that had characterized previous Nigerian elections. Section 60 of the Electoral Act provides for the "post-election procedure and collation of election results" after voting. Section 60(5) and (6) requires the presiding officer to transfer the results including total number of accredited voters and the results of the ballot in a manner as prescribed by the Commission. In this case, a scanned copy of the results using the BVAS machine and transmitted to the IReV. To promote enforcement and compliance by election officials, the Act stipulates sanctions of a fine or imprisonment against presiding officers who willfully contravene any provision of this section.

Going into the election, there were concerns about the functionality of the BVAS and IReV. Indeed, INEC had on many occasions provided assurances to the public on the functioning of the BVAS and IReV for the election. The election proved otherwise with respect to the functionality of the IReV for the presidential election. We witnessed the failure of INEC to upload the results from the polling stations on IReV. Surprisingly, this was not the case for the state-level elections held on March 18, 2023. Although INEC released a statement explaining the failure to upload the election results immediately after the election, it caused many people to doubt the credibility of the results collation process. Yiaga Africa and the CSO Situation Room both noted how the lack of effective and regular communication from INEC exacerbated the anxieties around the IReV. INEC blamed its failure to upload the results to technical glitches. The reaction to INEC's statement and explanations proved that it had failed to live up to the expectations of many Nigerians who had placed their trust in the IReV as the tool to improve transparency in the 2023 election.

Yiaga Africa's "Watch The Vote" observers recorded that in 83% of polling units, the Presiding Officer used the BVAS to scan/take a snapshot of the results sheet (Form EC 8A). In 69% of polling units, the Presiding Officer attempted to transmit/send the polling unit result image to the INEC's online database (IReV). Many polling units were closed by 2.30 pm on election day, nonetheless, results only began to trickle into the IReV portal at 10pm, about 8 hours after close of polls. Additionally, in many polling stations, Presiding Officers refused to upload the electoral results unto the IReV. WADEMOS monitoring of the IReV platform showed that 79,315 PU results forms were uploaded out of a total of 176,846 polling units three days (February 28) after the election. This represented

only 45% of the total number of polling units. Again, Yiaga Africa noted that as at March 1, 73% of the polling unit-level results had been uploaded.



Figure 10 Electorates waiting to cast their ballot at a polling unit in Abuja

the IReV operated effectively during the gubernatorial election. It is, therefore, not surprising that the BVAS and IReV have become the main grounds for disputing and challenging the outcome of the February 25 election by opposition parties.

➤ Resolving Discrepancies during Results Collation

Section 51 of the INEC election regulations and guidelines for the conduct of the 2023 election, “Resolving Discrepancies in Polling Unit Results at Ward Collation”, require that where there was any discrepancy in a result submitted by a Presiding Officer to the RA/ Ward Collation Officer as verified from the result transmitted or transferred directly from the Polling Unit, the RA/Ward Collation officer shall: (i) Request explanation(s) from the Presiding Officer(s) concerned about the circumstances of the discrepancy; (ii) Locate the point of discrepancy, **resolve the discrepancy using the electronic result and request the Presiding Officer to endorse the resolution**; and (iii) Make a report of the discrepancy to the next level of collation. The implication is that where there are discrepancies, the electronic results are used to resolve these discrepancies. However, the breakdown of the IReV undermined this provision during the presidential election. Complaints and objections were major issues that derailed the collation process at the state collation centers. It appears many political parties did not take advantage of the provisions and procedures for filing complaints and challenging polling unit results at the Ward Collation Centers for resolution by the presiding officers. At the State Collation Centers, there were recurrent complaints from political party representatives. Unfortunately, the resolution mechanisms were not open to the public. State Collation Centers have to report and account for all complaints made to enhance integrity of the process. This is one area that is overlooked by EMBs in terms of improving transparency but could be a very useful tool in calming tensions and reducing mistrust surrounding the conduct of election officials.

The blackout from the IReV had many consequences on the election. Firstly, political parties and citizens lost the opportunity to object to the results reported at the polling units and transferred to the Ward Collation Centers. This therefore denied aggrieved parties any opportunity to have their grievances addressed by election officials using real time information from the results transmitted to the IReV in accordance with the Electoral Act. Secondly, the challenges with collation and the uploading of results onto the IReV made it impossible for Election Results Analysis Dashboard (ERAD), set up by Yiaga and many other citizens collation groups to proceed with parallel collation of results as part of the independent election results verification mechanism.

Going into the election, the BVAS and the IReV had become the major rallying point and focus for mobilizing and convincing citizens that their votes will count and as such should participate in the election. However, INEC will have to do more to convince voters that the malfunctioning of the IReV was not politically motivated. This would be challenging since

➤ Independence of INEC & EMBs

WADAMOS recognizes the strides made in strengthening the independence of INEC through the establishment of an Independent National Election Commission Fund. However, appointments into EMBs are potential triggers that could undermine the integrity of elections in the sub-region. EMBs are facing all forms of interference by State parties, particularly with appointments onto the Commission. This could undermine public trust and confidence in EMBs to conduct free and credible elections in the region. In Nigeria, the opposition accused INEC of appointing persons openly known to be affiliated to or sympathetic to a political party as Resident Electoral Commissioners. Similar situation occurred in Ghana where the largest civil society coalition on elections, Coalition of Domestic Election Observers (CODEO) and other civil society groups have protested the appointment of a partisan person known to be affiliated to the governing political party and another politically exposed person onto the Electoral Commission. In Liberia, the House of Representatives stepped in to reject a Legislative Instrument from the Senate that would have rendered all 19 election magistrates across the country jobless. The bill, which the Senate passed with limited opposition, was slammed by critics as usurping the administrative function of the National Elections Commission.

➤ Post-election Court Petitions

Following the declaration of the results by INEC, the LP and PDP have alleged the lack of transparency in the vote collation processes and called for the cancellation of the results declared by INEC. The Court of Appeal, in its ruling ordered INEC to upload the data on the BVAS machines to the back-end server and make certified true copies of the data available to the respondents following an earlier petition and counter petition by INEC for the LP and PDP to inspect the BVAS and other sensitive election materials. Many have hailed the ruling of the court and described the judgement as a demonstration to dispense justice impartially. Indeed, the presidential candidate of the LP indicated his trust in the courts to dispense justice to their petition. The Electoral Act provides enough guidance and direction for the Courts in determining election petitions in Nigeria. For example, Section 35 of the Act stipulates that not all defects in the conduct of an election could lead to the invalidation of the results⁷.

The threshold is held high and parties must prove how these defects and irregularities happened contrary to the Electoral Act and further prove the substantial impact the failure to comply had on the elections results. Hence a mere defect would not be enough to convince the court to over-turn the results of the election unless proven that it did so substantially. The public has to be educated and sensitized to manage expectations around the outcome of the election petition. But most importantly, West African citizens have to dialogue on measures to promote non-violent elections in the region as electoral violence garner notoriety in the region.

Moreover, there are calls for the live broadcast of the petition hearing by the election tribunal as in the case of Ghana and Kenya's presidential election petition. This could avoid the spread of misinformation and disinformation that could deteriorate the existing polarized environment as a result of the outcome of the election. The live transmission would promote transparency and open up the adjudication process to build trust among citizens. This worked for Ghana in the 2012 and 2020 presidential election petitions and countries within the region must consider managing public anxiety around election disputes.

Another important concern is the increasing role of the courts in deciding the outcome of elections in the midst of the challenges like mistrust facing the judiciary in Africa. Political parties tend to castigate and attack the courts

⁷ 135.(1) An election shall not be liable to be invalidated by reason of non-compliance with the provisions of this Act if it appears to the Election Tribunal or Court that the election was conducted substantially in accordance with the principles of this Act and that the non-compliance did not affect substantially the result of the election.

and judges if the ruling does not go in their favour, further polarizing the environment. There are calls for the review of the institutionalized mechanism for resolving presidential election complaints before declaration by EMBs or post declaration. In Senegal, the Constitutional Court receives all complaints for review and resolution before election results are certified and validated. That could be a lesser acrimonious process than the court process which is mostly adversarial.

➤ **Voter Turn Out and Implications on the Legitimacy of the Election**

Elections in Nigeria's fourth Republic have consistently recorded low voter turnout. While substantial increases in the number of registered voters have been recorded with each electoral cycle since 2015, voter turnout has consistently declined over the same period. In 2015, only 43% of the 68 million registered voters turned out to vote; Out of the 82 million registered voters in 2019, a voter turnout of 34% was recorded; while in 2023, with 94 million eligible voters registered, the voter turnout was 29%. Until 2023, the voter turnout in Nigeria's 2019 presidential election was the second lowest in the history of presidential elections in African countries, second only to the 32.3% recorded in Zimbabwe's 1996 presidential election. With the 29% recorded in the recent 2023 presidential election, Nigeria holds the record for the lowest-ever voter turnout in an African presidential election. Many analysts have expressed the opinion that the voter-turnout leaves a lot of legitimacy crisis for the president-elect. Several reasons including economic and political factors account for the low voter turnout. These reasons are also worsened by the lack of confidence and trust in the electoral process and the belief held, especially among the youth and millennials, that the ballots will not count because of manipulation. The lack of confidence among the youth in the electoral process and the INEC post the election is in sharp contrast to what we observed in ahead of the 2023 general elections. The BVAS and the deployment of the IReV also improved confidence in the electoral process. INEC also made it easy with the introduction of technology for voters to conveniently locate their polling stations. In the lead-up to the election, young people were seen actively engaged in the electoral process using traditional and new media platforms to promote their candidates and the election.

The outcome of the election doesn't seem to reflect the expectations ahead of the polls. Out of the 87.2 million of the 93.4 million voters registered for the 2023 general elections who collected their PVCs, the total number of actual voters on election day was only 24.9 million. Barely 9 million people voted for President-elect Bola Tinubu who will now govern 220 million Nigerians. In all 36 states, less than half of the eligible population turned out to vote, and no state had a turnout above 40%. In the three largest states by voter registration, Lagos, Kano and Rivers, less than a third of the eligible population voted. Rivers State's turnout was an alarming 15.6%, the lowest in the country, despite producing higher voter turnouts in past elections.

Again, for the 2023 general election, some stakeholders have attributed the low voter turnout partially to logistical challenges, voter suppression and other socio-economic factors such as the Naira redesign and fuel scarcity. The low voter turnout requires deep introspection and reflection particularly about how Nigerians view citizenship and calls for measures to promote state-society-relationship.

➤ **Ensuring an inclusive electoral process in the 2023 Election**

WADEMOS observed active involvement of women in all aspects of the election. The Young Women in Politics Forum Kogi Chapter took to the streets to campaign and educate the general public on the need to collect their PVCs. Women In Politics Forum (WIPF), a support group for female politicians trained and deployed 100 election observers in 11 states for the 2023 general election in Nigeria. Yiaga Africa recorded that in 99% of the 1,507 polling units they monitored across the country, pregnant women, the elderly and persons with disabilities (PWDs) were given priority when it came to voting.

However, like many African countries, this did not reflect in the results of the election for female representation. Although political parties had female quotas enshrined in their constitutions, none paid attention to them. Only 3 female candidates won their seats out of the 92 female candidates that contested in the senate elections. This is a considerable decline from 2019 where females occupied 8 out of the 109 seats in Nigeria's senate. There were 24 female candidates contesting for deputy governorship that made it to the ballot in 15 states, with only six being elected, which is an improvement from the four (4) elected in the 2019 governorship race. Nigeria, according to the Inter-Parliamentary Union Women in Politics Report 2022, ranked 184 out of 192 for women's representation in the national parliament.⁸ Some of the challenges that have limited women participation in politics in Nigeria are vote buying, online harassment and physical violence.

➤ **INEC Deployment of Logistics**

The electoral body had a commendable start with the distribution of the PVCs and the deployment of the BVAS despite initial skepticism and challenges. Despite the gains made prior to the presidential election with the deployment of the BVAS, the enthusiasm and the eagerness with which people looked forward to the 2023 election was dampened with the shortfalls encountered during the election. The late opening of polls resulted in the late commencement of accreditation and voting which varied across the geo-political zones. Additionally, the malfunctioning of BVAS in some polling units, and the incidence of violence in about 2000 polling units per CDD West Africa's estimates interrupted the accreditation process⁹.

The Nigeria Civil Society Situation Room stated that there were reports of deployment of election materials to the wrong polling units in parts of North West and North East states. Yiaga Africa received reports of shortfalls in sensitive and non-sensitive materials such as ballot papers, indelible ink and result sheets. The ECOWAS preliminary report on the election indicated that many of the INEC staff and ad hoc staff were not well-versed in the application of the BVAS. Yiaga Africa observed that in 9% of the polling units it monitored, the BVAS malfunctioned, but was later fixed and in 2% of the polling units, it malfunctioned and were replaced. The Situation Room stated that in 14 per cent of the polling units, there were glitches including failure of the device to start, failure to authenticate voters, discharge of battery, and intermittent power malfunctioning. Of all the shortcomings of the INEC, perhaps none has been as costly as the failure of the timely and effective deployment of the IReV.

➤ **Election Security**

CDD-West Africa noted that whereas prior to the election, it was expected that the activities of bandits, extremist and kidnappers will be the biggest source of violence during the election, most incidents of violence on record were actually perpetrated by thugs. Yiaga Africa's 'Watch The Vote' observed that at 5% of the polling units voters faced intimidation, harassment or assault. The Situation Room equally reported thugs destroying election materials and dispersing voters in Kogi and Rivers States. BVAS readers were also targeted in some parts of Imo and Anambra states. Without a reader, voting was unable to continue and although replacements were found, this tactic for voter suppression could become more widespread in the future with the introduction of the BVAS and IReV.

CDD-West Africa also reported incidents of vandalism and destruction in 1.2% percent of polling units where their observers were stationed, which translates to as many as 2,000 polling units. Whilst this should not

⁸ <https://www.premiumtimesng.com/gender/587049-iwd-2023-nigeria-falling-in-womens-political-participation.html>

⁹ <https://www.cddwestafrica.org/reports/understanding-the-2023-nigerian-presidential-and-national-assembly-elections/>

overshadow the fact that the polls were generally free from violent incidents it should be acknowledged that this still impacted a sizeable number of voters seeking to exercise their democratic right. It also heightened the feeling of fear and panic among voters.

The CLEEN Foundation observes that the communication channels for reporting incidents to security agencies during the 2023 general elections were not quite as effective as envisaged. Calls placed to police were not attended to effectively and action was not taken on reported complaints though the calls were going through. The Situation room observers reported the presence of adequate security personnel in 84% of the polling units monitored. They reported tension and violent incidents in 11% of the polling units visited, adding that some of these incidents occurred in the presence of security personnel, who appeared unable or unwilling to intervene. There were also accusations of collusion levelled against some security personnel. The amended Electoral Act assigns a prison term of up to 3 years for all manner of violent and physical disruptions to the electoral process. Furthermore, for the 2023 elections, it has been suggested that owing to the scarcity of the Naira on account of the Naira redesign policy, the capacity of political parties to buy votes was significantly curtailed, resulting in the increased attempts to resort to violence to undermine votes in opposition areas.

If the stringent legislation against electoral misconduct such as violence and vote-buying are not brought to bear on offenders, eradicating these menaces will be ineffective. A case in point is the Peace Accord, that is meant to ensure peace and stability and orderly conduct among all stakeholders in the elections. It serves little purpose if it is intermittently renewed, only to be broken again, without the culprits suffering any consequences for their actions. The earlier peace pact, signed in September 2022, was flouted by all the major political parties. Forty-four per cent (44%) of the violations were carried out by spokespersons of the political parties and 26% by party members. Nineteen per cent (19%) of the violations were carried out by the presidential candidates themselves; 11% by hard-core supporters and 4% by party chairmen. The peace accord risks becoming a ceremonial activity if the laws of the state punishing electoral misconduct are not enforced and offenders duly prosecuted.

➤ **Vote Buying**

The incidence of vote buying was still a significant feature in the general elections, in spite of the Nigerian economy being brought virtually to a standstill due to currency shortages. According to CDD West Africa, even though the canker appears to have reduced in comparison with recent off-cycle elections, 11% of observers reported some form of vote buying taking place in or around their polling units.¹⁰ Reports of the incident were highest in the Northwest geo-political zone, where 18% of observers reported some instance of it. It was lowest in the Northeast, where only 5% of observers reported the incident. The Transition Monitoring Group (TMG) also observed that the 2023 general elections as well as the gubernatorial elections were flawed by considerable vote buying.

CDD-West Africa noted that vote buying is used more by political parties in their strongholds, where they want to ensure that those inclined to vote for them are encouraged to do so. For the most part, vote buying appears to be a common practice of the two major parties in the last two elections – the All Progressive Congress (APC) and People’s Democratic Party (PDP) - with the Labour Party becoming a political party of note at a time when there is scarcity of cash.

¹⁰ <https://www.cddwestafrica.org/reports/understanding-the-2023-nigerian-presidential-and-national-assembly-elections/>

6. CONCLUSION

The Nigerian election garnered international attention and coverage. This was expected considering Nigeria's relevance in sub-regional politics. We recognize the critical role played by civil society and the media that contributed to mobilizing citizens and promoting inclusion and participation throughout the election cycle. A few of these initiatives were the CDD West Africa Fact Checking project and Election Analysis Center, Yiaga Africa's Parallel Voter Tabulation (PVT), Election Result Assessment Dashboard (ERAD) and Election Manipulation Risk Index; Women Situation room efforts to promote inclusion for women and youth, and CLEEN Foundation's election peace and security initiatives, among many other significant interventions. In the same vein, the media created a lot of excitement and interest within Nigeria and the sub-region and successfully promoted the election making it easy for West Africa citizens to follow and engage with the developments in Nigeria as they evolved. They supported fact checking, promoted voter education and registration and reported extensively on the campaigns of all the candidates including facilitating town hall meetings in partnership with civil society.

The outcome of the election is a manifestation of the popular disapproval for the political establishment in Nigeria. The votes attained by the president-elect, Bola Ahmed Tinubu is the lowest ever a candidate has obtained for the presidency in Nigeria. It raises questions about the legitimacy of the government as some have questioned the elections as lacking the true identity and representation of Nigerians. There are calls for the review of the electoral laws with respect to the threshold for the declaration of candidates contesting for the presidency.

Recent elections conducted in Africa have witnessed all forms of violations, abuse of the political systems, attacks on opposition, term elongation, and violence to suppress voters. The Nigerian 2023 election produced similar incidents. The election was marred by irregularities which undermined the credibility of the poll including late opening of polls, failure to open polls in some areas, electoral violence, and most importantly, failure to upload results to the INEC Result Viewing Portal as required by law, among others. Yiaga Africa, the Situation Room, TMG, ECOWAS, the AU, NDI-IRI and other international organizations captured these incidents in their election report.

➤ Recommendations

WADEMOS shares in the recommendations of our partners and the international observers who participated in the election. In line with the suggestions and proposals already put forth by WADEMOS Network Members in Nigeria and other reputable organizations who observed the 2023 Nigerian general elections, we make the following recommendations:

INEC

- Whilst INEC has to be commended for the introduction of advanced technology for the 2023 elections, the Commission needs to initiate internal investigations to review the performance of IReV and submit its findings to the public. Persons found complicit should be sanctioned in accordance with the law. The election review process must be inclusive and transparent involving representatives of political parties and other relevant stakeholders. This is essential for INEC to regain the confidence of the electorate.
- That INEC conducts a comprehensive investigation into the reasons for which some polling units failed to open on time and the causes of the late arrival of materials to improve on future elections. Late opening of polls and delayed deployment of logistics are all forms of voter suppression.

- That the duration for voting be reviewed to provide citizens reasonable time to participate in the election considering the low voter turn-out and late arrival of election officials and logistics. This requires bi-partisanship and consensus building.
- That INEC should go beyond the upload of polling unit results onto IReV, to include uploads of results at the collation centers at the WARD, LGA and state level and provide concrete and specific timelines for transmission of results at all levels of collation.
- That INEC should probe into the low voter turn-out characterizing elections in Nigeria which undermines its legitimacy and work with stakeholders to address the challenges.
- There should be promotion of public education targeting political party agents, media and civil society on the procedures and mechanisms for challenging and resolving complaints during collation. INEC itself must review and streamline the process to promote transparency in the process and for citizens and political parties to monitor the outcomes of the complaint process.

Election Security and Violence

- There are growing concerns about the security architecture for the conduct of elections in the sub-region. Election-related violence have marred the integrity and quality of elections conducted within the ECOWAS region. The pecuniary interests of politicians in the perpetration of electoral violence means it might fall on ECOWAS to develop a framework on promoting electoral peace and security and countering election-related violence by learning from the conduct of recent elections in the sub-region. The framework could go a long way to support the supplementary protocol on democracy and good governance.
- Strengthen compliance mechanisms of the Peace Accord and sanction perpetrators of electoral violence.

Inclusion

- Female representation in governance and politics still require deliberate and conscious efforts at national and regional levels. The Nigerian election offers little or no hope for the representation of women in occupying political offices. The Sierra Leone Affirmative Action Law sets a good example in championing affirmative laws in the sub-region. The law dubbed, Gender Equality and Women Empowerment (GEWE) Act of 2022 seeks to advance women's rights in Sierra Leone. It requires public and private employers to reserve 30% of jobs for women, including leadership positions. It also stipulates that 30% of candidates put forward by any political party for parliamentary and local elections must be women.

Political Parties

- Political parties must address all election related grievances through the existing legal frameworks and avoid acts of violence that can escalate existing conflict and worsen insecurity in the region.
- There should be a bi-partisan, multi-stakeholder discussion on addressing vote buying, misinformation and disinformation in elections with a special focus on the 2023 election and lessons for reforms.
- Political parties must strengthen their internal vote collation system to benchmark INEC's collation to enhance accountability and transparency. A functioning IReV is critical in supporting parties in this regard.

Government

- Government must review the impact of major policy initiatives such as the Naira redesign and currency recirculation program deployed in an election year.

Judiciary

- Review the increasing role of the courts in resolving election disputes in the sub-region which are mostly adversarial.
- Adhere to the timelines provided in the Electoral Act for resolving election disputes.

References

1. Statement by the Nigeria Civil Society Situation Room on the State of Preparedness for Nigeria's General Election Holding on 25th February and 11th March 2023 (2023) <https://situationroomng.org/statement-by-the-nigeria-civil-society-situation-room-on-the-state-of-preparedness-for-nigerias-general-election-holding-on-25th-february-and-11th-march-2023/>
2. Third Interim Statement by the Nigeria Civil Society Situation Room on the Presidential and National Assembly Elections (2023) <https://situationroomng.org/third-interim-statement-by-the-nigeria-civil-society-situation-room-on-the-presidential-and-national-assembly-elections/>
3. Second Interim Statement by the Nigeria Civil Society Situation Room on the Presidential and National Assembly Elections (2023) <https://situationroomng.org/second-interim-statement-by-the-nigeria-civil-society-situation-room-on-the-presidential-and-national-assembly-elections/>
4. Interim Statement on the Start of the 2023 General Election (2023) <https://situationroomng.org/interim-statement-on-the-start-of-the-2023-general-election/>
5. Preliminary Statement on the Pre-Election Environment ahead of the 2023 General Election (2023) <https://situationroomng.org/preliminary-statement-on-the-pre-election-environment-ahead-of-the-2023-general-election/>
6. Preliminary Statement on the Governorship and State Houses of Assembly Elections (2023) <https://situationroomng.org/preliminary-statement-on-the-governorship-and-state-houses-of-assembly-elections/>
7. Interim Statement on the Commencement of Governorship & State Houses of Assembly Election (2023) <https://situationroomng.org/interim-statement-on-the-commencement-of-governorship-state-houses-of-assembly-election/>
8. Second Interim Statement on the Governorship & State Houses of Assembly Election Held on Saturday 18th March 2023 (2023) <https://situationroomng.org/second-interim-statement-on-the-governorship-state-houses-of-assembly-election-held-on-saturday-18th-march-2023/>
9. Situation Room's Statement on the Reconfiguration of the BVAS (2023) <https://situationroomng.org/situation-rooms-statement-on-the-reconfiguration-of-the-bvas/>
10. Yiaga Africa Post election Press Statement on the 2023 Presidential elections: The 2023 Presidential Elections Are Once Again a Missed Opportunity: INEC Must Be Fundamentally Reformed (2023) <https://yiaga.org/sites/default/files/portfolio/Yiaga%20Africa%20Post%20Election%20Statement%20on%202023%20Presidential%20Election.pdf>
11. Yiaga Africa Pre-election Press Statement on the 2023 Presidential Election (2023) <https://yiaga.org/pre-election-press-statement-2023-presidential-election-1>
12. Yiaga Africa Mid-day Situational Statement on the 2023 Presidential Election (2023) <https://yiaga.org/mid-day-situational-statement-2023-presidential-election>
13. Yiaga Africa Watching The Vote PVT 2023 Presidential Election Preliminary Press Statement (2023) <https://yiaga.org/yiaga-africa-watching-vote-pvt-2023-presidential-election-preliminary-press-statement>
14. Inside the courts and challenging election outcomes - – Samson Itodo (2023) <https://yiaga.org/inside-courts-and-challenging-election-outcomes-samson-itodo>
15. Yiaga Africa Pre-Election Statement on the 2023 Governorship and State Assemblies Election (2023) <https://yiaga.org/pre-election-press-statement-2023-governorship-and-state-assemblies-election>
16. Yiaga Africa Preliminary Statement on the March 2023 Governorship Election (2023) <https://yiaga.org/preliminary-statement-march-2023-governorship-election>
17. CLEEN Foundation Situation Analysis of Election Security Management and the 2023 Gubernatorial and State Assembly Elections (2023) <https://cleen.org/2023/03/18/interim-statement-on-the-march-18-2023-governorship-and-state-assembly-elections-by-cleen-foundation-election-security-support-centre/>
18. CLEEN Foundation. Election Security Management and the 2023 General Elections: A SWOT ANALYSIS (2023) <https://cleen.org/2023/03/07/election-security-management-and-the-2023-general-elections-a-swot-analysis/>

19. TMG Election Observation Report Says After N355b, “INEC Failed To Deliver” (2023)
https://247ureports.com/2023/03/just-in-tmg-election-observation-report-says-after-n355b-inec-failed-to-deliver/?fbclid=IwAR0IkquDT80_O41OC7tbQ1LHJsABYXNnRuNWpB7Bof5M6FdU33LE8kGPXw
20. TMG Delivers the Deadliest Blow on INEC, Securitis Conduct of February 25th, 2023 Poll (2023)
<http://intervention.ng/27974/?fbclid=IwAR25gSwefcbDXrDcvJUpSKQ147Q7pRf20haqnMVxvMMso3xAQ2170kszgVg>

Pictures





WADEMOS

report on 2023 Nigerian elections