

UNPACKING
NIGERIA'S
2023 GENERAL
ELECTIONS



Corporate
Accountability &
Public
Participation
Africa

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ACRONYMS

APC	All Progressive Congress
ATM	Automated Teller Machine
BVAS	Bimodal Voter Accreditation System
CBN	Central Bank of Nigeria
CVR	Continuous Voter Registration
FCT	Federal Capital Territory
INEC	Independent National Electoral Commission
IReV	INEC Result Viewing Portal
LP	Labour Party
NCC	Nigeria Communications Commission
NITDA	National Information Technology Development Agency
NNPP	New Nigeria People's Party
NNPCL	Nigerian National Petroleum Company Limited
PDP	Peoples Democratic Party
PVC	Permanent Voters Card
RAC	Registration Area Centre

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PREAMBLE

The highly anticipated 2023 General Election has come and gone but its outcomes have engendered a plethora of fervent dialogues and contentious discourse across the country.

The election transpired amidst grave socio-economic conditions and insecurity, eliciting concerns regarding a possible postponement or even outright cancellation. Nevertheless, the elections unfolded successfully, largely due to the heavy deployment of security operatives to flashpoints of crisis across the country. This is commendable, underscoring what is possible when security agencies collaborate with civil authorities in pursuit of pre-determined objectives.

Preparations for the elections engendered a mood of high expectations among the Nigerian electorate. This was due to innovative steps taken by the government and Independent National Electoral Commission (INEC) to instil confidence and trust among key stakeholders. Notably, the Electoral Act of 2022, along with subsequent INEC regulations and guidelines for the conduct of the 2023 General Elections, introduced groundbreaking provisions. These provisions included the incorporation of modern technology in the elections such as the Bimodal Voters Accreditation System (BVAS), and the INEC Result Viewing (IREV) portal.

These innovative measures aimed to enhance the transparency of the electoral process by enabling the real-time monitoring of results, and ultimately inspiring citizens to take ownership of the process. Furthermore, INEC's confidence-building and sensitization initiatives prior to Election Day reassured the public of its commitment to upholding the integrity of the electoral process and utilizing technology to strengthen the democratic process.

Despite these positive expectations, the 2023 General Election was marred by incidents of violence, coercion, voter intimidation and suppression, late arrival of election staff and materials to polling units, attacks on press freedom, data rights infringement, ethnic baiting, and identity politics. Most concerning of all was INEC's failure to directly transmit the Presidential election results to INEC's Result Viewing portal on Election Day, significantly undermining the credibility and progress achieved by its latest reforms.

While Section 60 of the Electoral Act, 2022, and Clauses 38, 48, and 93 of the INEC Regulations and Guidelines for the Conduct of the Elections, 2022, grant the Commission discretion in determining result transmission methods, including manual transmission, when necessary, there seems to be no valid justification or plausible explanation put forward by the Commission regarding its inability to electronically transmit the Presidential election results in real-time. This is particularly puzzling given that the results of the National Assembly election, held on the same day, were electronically transmitted without any issues.

This inconsistency and failure to transmit the Presidential election results in real-time contradicted the Commission's previous assurances to Nigerians regarding the use of the IReV portal. For example, on November 16, 2022, INEC Chairman, Professor Mahmood Yakubu addressed public concerns about the potential discontinuation of the result-viewing portal on Election Day. In an official statement by INEC, he reaffirmed the Commission's commitment to using the BVAS and IReV for the 2023 general elections. He emphasized that this decision was made to guarantee a free, fair, and credible election.

Since the conclusion of the elections, several observers, aggrieved citizens, and parties have criticized INEC's approach. They have seized upon INEC's own logic for adopting the result-viewing portal, which the Commission publicly acknowledged as essential multiple times before the election. These critics argue that the failure to transmit the Presidential election results to the IReV portal casts doubt on the credibility of the election itself.

Furthermore, the controversies surrounding the conduct of the Presidential election have heightened suspicions about INEC's neutrality, leading to disputes over the outcomes of the election. This atmosphere of mistrust extended to the March 18 Governorship and State Assembly elections, resulting in an increase in hate speech, ethnic tension and divisions, voter inducement, intimidation and violence, and political disillusionment among citizens, all of which significantly tainted the electoral process.

By and large, an objective assessment of the 2023 General Election reveals that rather than being a completely bad and disreputable poll as some pundits have averred, it was a mixed bag of significant progress and noteworthy drawbacks. It is with this in mind that Corporate Accountability and Public Participation Africa (CAPPA) embarked on this post-election review as part of its mission to monitor and support the development of democracy in Nigeria and Africa. The study offers an objective assessment of the recently concluded elections, aiming to spotlight both achievements and areas of concern. In doing so, it provides valuable recommendations for strengthening national cohesion, and by extension, enhancing democratic processes not only in Nigeria but also across the wider African continent.

Accordingly, this report is divided into five segments – (i) *The 2023 General Elections: An Overview* (ii) *A Look at the Positives* (iii) *The Key Issues* (iv) *Conclusion*, and (v) *Recommendations* which offer ideas and pathways for improving Nigeria's democratic and electioneering processes.

THE 2023 GENERAL ELECTIONS: AN OVERVIEW

The highly anticipated Nigerian General Elections of 2023 took place in February and March, with a two-tiered structure that commenced with the Presidential and National Assembly Elections on the 25th of February 2023, followed by the Gubernatorial and State Assembly elections on the 18th of March. Although winners and losers have since been declared with the official inauguration scheduled for the 29th of May 2023, the conduct of the elections has continued to incite passionate debates across the country and the global community.

The 2023 general election is by far the most pivotal in the history of Nigeria since the return of civil rule in 1999. At 93.4 million, it had the highest number of registered voters although only 87.2 million collected their Permanent Voters Cards (PVC) and far fewer voted.¹

A noteworthy aspect of the electoral process was the marked increase in youth participation, with 39.65 per cent of registered voters falling within the age bracket of 18 – 35.² This shift underscored the emerging era of young voices, new entrants into the nation's political sphere, and the rising demand for fresh perspectives in governance.

In terms of expenditure, the election is also the country's most costly, with costs reaching approximately N335 billion, encompassing 176, 846 polling units across the 36 states and the Federal Capital Territory (FCT).³

The 2023 general election was conducted under the framework of an amended electoral legislation, the Electoral Act 2022, which introduced crucial electoral reforms aimed at aligning Nigeria's democratic practices with global standards.

¹ Kabir Yusuf. "Analysis: Trend of low voter turnout continues in Nigerian elections" *Premium Times*. March 05, 2023.

<https://www.premiumtimesng.com/news/top-news/586193-analysis-trend-of-low-voter-turnout-continues-in-nigerian-elections.html>

² Quosim Suleiman. "2023 Polls: Youth population tops age distribution chart as INEC presents list of 93.4 registered voter" *Premium Times*. January 11, 2023. <https://www.premiumtimesng.com/news/headlines/575140-2023-polls-youth-population-tops-age-distribution-chart-as-inec-presents-list-of-93-4-registered-voters.html>

³ Henry Umoru. "INEC to Spend N355bn in 2023" *Vanguard News*. November 2, 2022. <https://www.vanguardngr.com/2022/11/inec-to-spend-n355bn-in-2023/>

Furthermore, the election saw the deployment of advanced technologies to enhance the electoral process. These included the Bimodal Voters Accreditation System (BVAS), designed to minimize instances of manual result manipulation, and the INEC Result Viewing Portal (IReV), aimed at empowering stakeholders and citizens to monitor and ensure transparency in result collation.

Although the 2023 General Election set out on a promising note, it unfolded against a backdrop of severe socio-economic challenges and widespread insecurity, which had rendered several regions of the country nearly ungovernable.

Up until the eve of the elections, all key flashpoints of insecurity across Nigeria's six geopolitical zones remained active, instilling fears of potential postponement or cancellation. Nevertheless, the elections proceeded as planned on February 25, 2023, owing to extensive military and security deployment in flashpoint areas and nationwide.

According to the Inspector-General of Police Usman Alkali Baba, approximately 404,106 personnel from police and other security agencies were mobilized to ensure the smooth execution of the elections on February 25 and March 18.⁴

Although there is no conclusive evidence to indicate that insecurity substantially impacted the conduct of the 2023 elections, it is important to acknowledge the effects of pre-election attacks on INEC facilities, particularly in the South-East, South-South, and South-West regions, and the broad motivations behind them.

While attacks on INEC facilities as well as abductions and assassinations of electoral officers have always occurred as regular features of Nigeria's electoral process, the intensity of attacks targeting the electoral Commission in the lead-up to the 2023 general elections signaled a concerning escalation.

⁴ Muideen Olaniyi. "Security Agencies to Deploy 404106 Personnel for General Elections, Says IGP". *Daily Trust*. February 16, 2023. <https://dailytrust.com/security-agencies-to-deploy-404106-personnel-for-general-elections-says-igp/>

For instance, according to The Armed Conflict Location & Event Data Project (ACLED), between January 2021 to February 2023, it recorded a total of 44 violent incidents involving INEC offices and staff. In the 12 months before the 2023 election, it recorded a total of 23 events, more than double the 11 events during the same period between 2018 and 2019.⁵

In the South-East region of the country where secessionist agitations have been ongoing, security agencies, fingered perpetrators of these attacks on INEC personnel and facilities to be members of the Indigenous People of Biafra⁶ (IPOB), Eastern Security Network,⁷ (ESN), militias and persons tagged unknown gunmen. While some of IPOB's methods of amplifying its demands have come under scrutiny in recent times, it must be said that the group through its spokesperson, Emma Powerful has repeatedly denied its involvement in these attacks stating that it had no interest in Nigeria's elections.⁸

As a matter of fact, the appearance of Peter Obi on the electoral turf as the flag bearer and presidential candidate of the Labour Party (LP) a few months before the election seemed to inspire a mood of inclusivity and willingness among Nigerians in the South-East to participate in the 2023 general elections with hopes hinged on the possibility of the region having a chance at leading the country after years of alleged exclusion and cries of marginalization.⁹

However, a broader analysis shows that cases of pre-election violence including those involving INEC facilities and staff were more widespread occurring in places such as the South-South and South-West where no evidence of IPOB and Unknown Gunmen operations exist.

This has led analysts to express strong suspicion about the nexus between separatist agitations and the spates of attacks in the build-up to the 2023 elections suggesting instead that the violence may have been orchestrated by

⁵ ACLED. "Political Violence and the 2023 Nigerian Election". *ACLED*. February 22, 2023. <https://acleddata.com/2023/02/22/political-violence-and-the-2023-nigerian-election/>

⁶ Jude Aguguo Owuamanan, Abbas Jimoh. "IPOB Behind Attack on INEC Office – Police" *Daily Trust*. December 5, 2022. <https://dailytrust.com/ipob-behind-attack-on-imo-inec-office-police/>

⁷ The Eastern Security Network is reportedly a paramilitary wing of the Indigenous People of Biafra (IPOB), a pro-Biafra separatist movement in SouthEast Nigeria.

⁸ Edward Nnachi. "IPOB Denies Attacking INEC Facilities in Imo State". *The Punch Newspapers*. December 5, 2022. <https://punchng.com/ipob-denies-attacking-inec-facilities-in-imo/>

⁹ Luke Onyekakeyah. "Nigeria 2023: Coast Clears for Igbo Presidency". *The Guardian*. March 30, 2022. <https://guardian.ng/opinion/nigeria-2023-coast-clears-for-igbo-presidency/>

desperate political actors' intent on scuttling the elections for personal interests. This school of thought believes that with the introduction of new technologies in the 2023 General Elections, which stirred public confidence in the process, mischievous political actors panicked at the thought of being unable to manipulate the elections as per usual, and hence resorted to the destruction of critical election facilities to undermine INEC's capacity or even disenfranchise voters in the strongholds of their opponents.

For instance, these incidents, primarily arson attacks, led to the disenfranchisement of thousands of voters whose PVCs were destroyed in the attacks. During the period before the elections, INEC also expressed fears that the attacks would place a considerable strain on its capacity to manage the elections due to the loss of essential election materials and infrastructure.¹⁰

The Arena

A total of 15,331 candidates vied for various positions during the 2023 General Elections. On 25 February 2023, 18 candidates contested for the seat of the President while 4,223 candidates contested for National Assembly seats.¹¹ At the end of the exercise, data revealed that only three (3) presidential candidates, Bola Ahmed Tinubu, Alhaji Atiku Abubakar and Peter Obi shared among themselves over 80 per cent of the total vote cast.

For the state elections, 420 candidates contested for governorship in 28 states, while 10,232 candidates vied for the State Houses of Assembly seats in all 36 states on March 18, 2023. The state election was shifted by a week from its original date, March 11, 2023, as captured in INEC's schedule of elections, due to operational challenges that arose in the aftermath of the Presidential elections, especially the need to reconfigure the BVAS.

On March 1, 2023, the INEC Chairman, Professor Mahmood Yakubu declared the All Progressive Congress' (APC) candidate, Bola Ahmed Tinubu the winner of the hotly contested election.

¹⁰ Abbas Jimoh, Haruna Ibrahim. "How Incessant Attacks Threaten 2023 Elections" *Daily Trust*. May 23, 2023. <https://dailytrust.com/how-incessant-attacks-threaten-2023-elections/>

¹¹ Premium Times. "Nigeria 2023 Elections: List of Presidential and National Assembly Candidates". *Premium Times*. March 6, 2023. <https://www.premiumtimesng.com/news/top-news/586523-nigeria-2023-elections-list-of-presidential-and-national-assembly-candidates.html>

Tinubu, a former Lagos State governor polled a total vote of 8,794,726 to defeat his closest rival and the presidential candidate of the Peoples Democratic Party (PDP), Atiku Abubakar who scored 6,984,520 votes, and Peter Obi of the Labour Party who polled 6,101,533 votes.¹²

Interestingly, the elections witnessed a historic low voter turnout despite the initial momentum recorded in voters' registration. Out of a total of 87.2 million eligible voters who collected their PVCs, only 26.72 per cent or 24.9 million people cast their votes. This makes the February 25, 2023, Presidential and National Assembly election, one with the lowest recorded turnout since 1999.

In other words, fewer than one-third of registered voters determined the election's outcomes. This diminished turnout is aptly reflected in the aggregate vote count of the winner in the 2023 Presidential elections. Since 1999, no Nigerian president has been elected with a vote count of less than 15 million, a threshold that was not reached in the 2023 general election. Notwithstanding the declaration of a winner in the Presidential election, Nigeria's two primary opposition parties – the Peoples Democratic Party and the Labour Party – submitted petitions to the Presidential Election Tribunal on March 21, 2023.¹³ The suits challenge Tinubu's victory, citing allegations of widespread election malpractices and rigging. It takes about eight months for the judiciary to determine a presidential election petition. A petitioner intending to challenge the results of an election must file their petition within 21 days after the declaration of the election results.

After doing so, the petition must be heard within 180 days from the day it is filed. A petitioner can appeal the tribunal's judgment at the Court of Appeal within 21 days from the decision date. If petitioners are dissatisfied with the appellate court's decision, which is delivered within 60 days, they have 21 days to appeal it at the Supreme Court, whose decision is final.^{14;15}

¹² Kayode Oyero. "It's Tinubu's Turn! Former Lagos Gov Declared Nigeria's President-Elect" *Channels News*. March 1, 2023.

<https://www.channelstv.com/2023/03/01/its-tinubus-turn-former-lagos-gov-declared-nigerias-president-elect/>

¹³ David Ijaseun. "2023 presidential election: A timeline of activities leading to the tribunals". *Business Day*. April 1, 2023. <https://businessday.ng/politics/article/2023-presidential-election-a-timeline-of-activities-leading-to-the-tribunals/>

¹⁴ Africa News. "Bola Tinubu to become Nigeria's president despite court challenges – minister". *Africa News*. April 13, 2023. <https://www.africanews.com/2023/04/13/bola-tinubu-to-become-nigerias-president-despite-court-challenges-minister//>

¹⁵ Samson Itodo. "Inside the Courts and Challenging Election Outcomes". *The Cable*. March 12, 2023. <https://www.thecable.ng/inside-the-courts-and-challenging-election-outcomes#:~:text=It%20takes%20approximately%20eight%20months,determine%20a%20presidential%20election%20petition.>

A LOOK AT THE POSITIVES

By and large, the 2023 general elections marked a significant milestone in the nation's democratic journey. Notwithstanding the disputes challenging the final outcomes, it is imperative to recognize the advancements made, which contribute to fortifying the nation's democracy and fostering a more transparent and democratic system. Among the noteworthy innovations and progress that epitomized the 2023 general elections are:

1. AN IMPROVED LEGAL FRAMEWORK

On February 25th, 2022, President Muhammadu Buhari signed into law the Electoral Act Amendment Bill after initial reservations and months of controversy over certain provisions of the legislation.

This groundbreaking legislation enhanced Nigeria's electoral integrity by upholding the financial independence of INEC, mandating the earlier conduct of primaries and submission of candidate lists, prohibiting political appointees from acting as voting delegates or aspirants in party primaries, directing INEC to take reasonable steps to provide an inclusive voting environment for People Living With Disabilities (PWDs), empowering aspirants to challenge false information, and providing legal backing for electronic verification of voters, and transmission of results among other developments. The innovative provisions of the Act contributed to the successful deployment of new technologies and stimulated the interests of citizens in the 2023 general elections.

2. ENHANCED ELECTION TECHNOLOGIES

Elections in Nigeria have always suffered listless registration processes that impede voter participation, as well as widespread incidents of electoral malpractice and manipulation of votes at polling units and collation centres. Thus, nothing excited the electorate more than the incorporation of new technologies to ease, streamline, and bolster electoral processes for the 2023 general elections.

Ahead of the elections, INEC noted that it had applied several technological innovations to manage the electoral process, such as the INEC Results Viewing portal, distinct portals for the nomination of candidates - accreditation of election observers - accreditation of the media for elections and for the nomination of polling agents.

In 2021, the Commission introduced an online portal for voter pre-registration, enhancing its Continuous Voter Registration (CVR) system.¹⁶ This innovative channel effectively alleviated congestion at physical registration centres in the aftermath of the COVID-19 pandemic, allowing numerous potential registrants to initiate registration process and monitor the progress of their applications remotely. Furthermore, registered voters could conveniently perform tasks such as transferring their registration to new locations or applying for replacement PVCs in case of loss or damage.

INEC also utilized the BVAS in the conduct of the elections. The BVAS is an electronic device designed to read permanent voter cards and authenticate voters' facial identities and fingerprints on election day in order to prove that they are eligible to vote at a particular polling unit. The BVAS is also used to upload election result sheets to IReV in real time. The BVAS was first tested in the September 2021 by-election of the Isoko South Constituency 1 of the Delta State House of Assembly, and subsequently employed in the Anambra, Ekiti and Osun States' off-cycle elections.¹⁷

While there were isolated complaints regarding the malfunction of the BVAS and its inability to validate the faces and fingerprints of certain voters, potentially disenfranchising them, the deployment of BVAS overall revolutionized the 2023 general elections by eliminating the usage of incident forms during Election Day accreditation processes.

¹⁶ <https://cvr.inecnigeria.org/>

¹⁷ TVC News. "INEC holds Isoko South constituency 1 by-election". *TVC News*. September 2021. <https://www.tvcnews.tv/2021/09/inec-holds-isoko-south-constituency-1-by-election/>

Serving as a game changer, the technology effectively reduced instances of electoral fraud by imposing heightened barriers to prevent over-voting. Moreover, the system barred individuals lacking valid PVCs from voting and deterred ineligible voters from attempting to participate at polling units. These advancements significantly addressed and rectified the persistent challenges that previously characterized the nation's electoral process.

3. INCREASED CIVIC AWARENESS AND PARTICIPATION OF YOUNG PERSONS IN POLITICAL PROCESSES

According to the voter registration data provided by INEC, youths aged 18 to 34 made up 39.65% of the total registered voters for the 2023 General Elections, accounting for 37,060,399 persons.

Out of the 9.4 million new voters who registered for the election, a significant 76% (7.28 million) were young people. In terms of their occupations, an impressive 40% of these newly registered youth voters identified as students.¹⁸

In the run-up to the elections, these youths, many of whom were new entrants into the political space actively engaged in campaigning and sensitization initiatives whether offline or online where they utilized social media platforms such as Twitter, Facebook, WhatsApp and other virtual spaces to dissect the character of political campaigns, coordinate for voter mobilization and election volunteer activities, call out abnormalities in governance, demand accountability, and engage in political discourses aimed at improving public awareness on election-related and governance matters of concern.

Numerous socio-economic factors contributed to the heightened political participation of young people in the 2023 General Election, such as deteriorating economic conditions, extended university strikes, and dissatisfaction with the prevailing status quo.

¹⁸ Israel Arogbonlo. "2023: Youths constitute the largest voting population – INEC". *Nigerian Tribune*. January 11, 2023. <https://tribuneonline.ng.com/2023-youths-constitute-the-largest-voting-population-inec/>

Nonetheless, observers and analysts have consistently cited the 2020 #EndSARS protests as the most significant driving force behind this development. The #EndSARS protests played a crucial role in mobilizing and sensitizing Nigerian youths to the importance of political participation. Social media platforms such as Twitter, Instagram, and Facebook were instrumental in organizing and amplifying the voices of young persons throughout the protests.

Upon the demise of the protest, the newfound sense of agency and activism led to the formation of youth-led organizations and advocacy groups focused on participating in the democratic space.

It also translated into a spring of first-time voters and young persons actively engaging Nigeria's latest electoral exercise. In review, it is no surprise that the pattern of issue-based mobilization, self-organizing and utilization of digital spaces for political activism identified during the #EndSARS protests was replicated in the 2023 elections.

4. POWER TO THE PEOPLE, NEW ENTRANTS AND MAJOR SHIFT IN THE POLITICAL ARENA

In his congratulatory speech on March 1st, 2023, to the President-elect, outgoing President Buhari noted, "never has the electoral map shifted so drastically in one cycle".¹⁹ In the wake of the 2023 General Election, a remarkable transformation has unfolded within Nigeria's political space. This circumstance is characterized by the influx of fresh faces and young and ordinary Nigerians who have emerged as influential players in the nation's political arena signaling the evolving nature of politics in Nigeria.

The catalyst for this political shift can be attributed to several factors, including increased political awareness, progressive legislation like the Electoral Act, 2022, and the Not Too Young To Run Act (which reduced the age qualification for President from 40 to 30, from 30 to 25 for the

¹⁹ Williams Anuku. "Tinubu's Victory: Take it to court not streets – Buhari tells Atiku, Obi". *Daily Post*. March 01, 2023. <https://dailypost.ng/2023/03/01/tinubus-victory-take-it-to-court-not-streets-buhari-tells-atiku-obi/>

House of Representatives and States' House of Assembly), and the emergence of the Labour Party as a third force in Nigeria's political arena—buoyed by the Peter Obi Phenomenon²⁰— and supported by a substantial slice of the youth demography. This radical development has broadened access to political spaces, dismantling barriers that once restricted participation to established political figures and moneybags with the resources and influence to assert control over the internal activities, leadership and representation of political parties.

No more is this evident than in the case of Rukayat Shittu, a 26-year-old online journalist who emerged victorious in the Owode/Onire State Constituency election in Asa local government area of Kwara State in the aftermath of the State House of Assembly elections. Rukayat, also a social media influencer, contested under the banner of the APC.²¹

Similarly, in Kaduna State, Donatus Mathew popularly known as an *okada rider*²² won a seat in the Federal House of Representatives under the umbrella of the Labour Party. Although Donatus had served as a one-time Supervisory Councilor in his ward, he had been reduced to riding motorcycle for a living due to economic hardship and lack of employment.²³

In Lagos State, a relatively unknown Thaddeus Attah of the Labour Party clinched the Eti-Osa Federal Constituency seat thrashing more popular candidates like the PDP candidate, Olubankole Wellington, a Nigerian entertainer popularly known as Banky W, and Babajide Obanikoro of the APC, who was vying for a second term bid.²⁴ Also reflecting this trend is the defeat of APC presidential candidate, Bola Ahmed Tinubu, in his Lagos stronghold by Peter Obi of the LP.

²⁰ Business Day. "The Obidient Phenomenon- Media agenda setting on Nigerian politics". *Business Day*. March 6, 2023. <https://businessday.ng/bd-weekender/article/the-obidient-phenomenon-media-agenda-setting-on-nigerian-politics/>

²¹ Abdullahi Olesin. "JUST-IN: 26-yr-old Female Journalist Wins Kwara Assembly Seat". *Leadership*. March, 2023. <https://leadership.ng/just-in-26-yr-old-female-journalist-wins-kwara-assembly-seat/>

²² An Okada is a motorcycle commonly used and adopted for taxi or transportation services in Nigeria

²³ Charles Ogwo. "Meet 'Okada rider', Donatus Mathew, who won House of Rep seat". *Business Day*. March 7, 2023. <https://businessday.ng/features/article/meet-okada-rider-donatus-mathew-who-won-house-of-rep-seat/>

²⁴ Abiodun Alade. "Lagos: Obi's Labour Party Sends Obanikoro's Son Out Of Reps, Stops Banky W". *Daily Trust*. February 27, 2023. <https://dailytrust.com/lagos-obis-labour-party-sends-obanikoros-son-out-of-reps-stops-banky-w/>

By and large, the 2023 General Election has broken a 24-year-old jinx which saw politics dominated by two leading political parties by introducing new dynamics and power relations in the country's democracy.

THE KEY ISSUES

Despite the positives and the promise of a credible poll, the 2023 general elections witnessed astonishing cases of manipulation, violence and lack of transparency.

We set out to enumerate below the key shortcomings of the elections based on findings and critical assessment of reports by local and external observers as well as credible media reports and analyses of the elections.

1. CASH CRUNCH SPARKED FEARS, DISENCHANTMENT AND VOTER DISENFRANCHISEMENT

A crucial challenge that nearly undermined election planning and disenfranchised voters, especially during the February 25 Presidential and National Assembly elections was the cash shortage caused by the Federal Government's Naira redesign policy and scarcity of petroleum products, particularly Premium Motor Spirit (PMS). These two developments constituted major obstacles to INEC's logistical planning and impeded prospective voters' ability to exercise their franchise in certain cases.

In December 2022, two months before the presidential election, the Central Bank of Nigeria (CBN) redesigned three of Nigeria's currency notes: the 1000, 500, and 200 Naira denominations. The policy aimed to check counterfeiting, strengthen the economy, reduce the expenditure on cash management, promote financial inclusion, and enhance the CBN's visibility of the money supply.²⁵

Citizens were given, in the first instance, up to January 31, 2023, to exchange their old denominations for new ones, after which the old notes would cease to be legal tender. Unfortunately, as the deadline approached, many Nigerians struggled to access the new notes, resulting in long queues at the banks and Automated Teller Machines (ATMs).

²⁵ https://www.cbn.gov.ng/out/2022/ccd/naira_redesign.pdf

Despite several deadline extensions, the issue persisted throughout January, February, and March 2023, leading to riots, arson and attacks on bank employees. The chaotic implementation of the policy and its timing, coinciding as it did with the high-stakes elections, threatened the peaceful conduct of polls and this much was communicated to INEC by several stakeholders.

In the days leading to the Presidential poll, violence broke out in many states due to frustration over cash shortage leading to attacks on vehicles and campaign billboards of the Presidential Candidate of the ruling APC in Ogun State²⁶ and elsewhere.

This chaotic situation contributed to fear and apprehension that violence may persist till Election Day thereby discouraging some individuals from participating in the poll. Moreover, the difficulties in obtaining the new currency notes prevented many voters, who typically would travel during election week to vote in their registration areas, from doing so.²⁷ Consequently, many were disenfranchised, contributing to the low voter turnout observed during the elections.

The situation also added to INEC's logistical challenges in transporting sensitive electoral materials shortly before the February 25 polls, prompting the Commission to secure agreements with the Central Bank of Nigeria (CBN) and Nigerian National Petroleum Company Limited (NNPCL) to guarantee cash and fuel supplies to it.

2. EMPLOYMENT OF PARTISAN INDIVIDUALS IN ELECTION MANAGEMENT

A significant issue in the 2023 general election was the hiring of transport operators with questionable political neutrality to transport sensitive election materials. According to INEC National Commissioner and Chairman of Information and Voter Education Committee, Festus Okoye, the Commission entered into individual contracts to hire at least

²⁶ Daily Trust. "Fuel/Naira Crises: Protesters Vandalise Banks in Ogun; APC Cancels Rally In Ondo" *Daily Trust*. February 9, 2023. <https://dailytrust.com/fuel-naira-crises-protesters-vandalise-banks-in-ogun-apc-cancels-rally-in-ondo/>

²⁷ Daily Trust. "Naira Scarcity Hindering Voters From Travelling For Elections". *Daily Trust*. February 23, 2023. <https://dailytrust.com/naira-scarcity-hindering-voters-from-travelling-for-elections/>

138,000 vehicles, 4,000 boats; and at least 88,000 motorcycles for use to transport electoral materials and officials on Election Day.²⁸ However, many stakeholders, including political parties, disagreed with this approach, highlighting the fact that many transport operators are often affiliated with gangsterism or support the ruling political parties in their states, therefore the neutrality and safety of sensitive electoral materials in their custody could not be guaranteed.^{29;30}

Despite these objections, INEC persisted in utilizing the services of these operators³¹ defying a court order that prohibited its actions.³² Unfortunately, one of the key leaders of the transport unions in Lagos State, Musiliu Akinsanya alias MC Oluomo (the Chairman of the Lagos State Parks Management Committee) not only served as a member of the labour directorate of the APC Presidential campaign council³³ but also delivered a public speech threatening voters of Igbo extraction³⁴ in the days leading up to the highly-charged *March 18* gubernatorial elections in Lagos State which saw a rise in ethnic tension, violence and voters suppression.

Also, on the eve of the presidential elections, there were reports that MC Oluomo allegedly stopped the movement of electoral materials to strongholds of opposition parties in the state namely: Ojo, Apapa and Mushin local government areas.³⁵

²⁸ Miftaudeen Raji. "We're not contracting election materials logistics to NURTW, others – INEC". *Vanguard News*. February 10, 2023. <https://www.vanguardngr.com/2023/02/were-not-contracting-election-materials-logistics-to-nurtw-others-inec/>

²⁹ Sahara Reporters. "Don't Use Transporters Led by Oluomo To Distribute Election Materials In Lagos — Atiku Presidential Council Warns INEC". *Sahara Reporters*. February 2, 2023. <https://saharareporters.com/2023/02/02/dont-use-transporters-led-oluomo-distribute-election-materials-lagos-atiku-presidential>

³⁰ Emameh Gabriel. "LP Kicks against Alleged Plan to Use MC Oluomo to Distribute Election Materials". *This Day*. February 2023. <https://www.thisdaylive.com/index.php/2023/02/14/lp-kicks-against-alleged-plan-to-use-mc-oluomo-to-distribute-election-materials/>

³¹ Premium Times. "Lagos Elections: We have to work with MC Oluomo-led parks committee to distribute materials – INEC". *Premium Times*. February 8, 2023. <https://www.premiumtimesng.com/regional/ssouth-west/580555-lagos-elections-we-have-to-work-with-mc-oluomo-led-parks-committee-to-distribute-materials-inec.html>

³² Adeshola Adeoye. "2023 Elections: Court Gives Final Order Stopping INEC From Using MC Oluomo". *ChannelsTv*. February 23, 2023. <https://www.channelstv.com/2023/02/24/2023-elections-court-gives-final-order-stopping-inec-from-using-mc-oluomo/>

³³ Bakare Majeed. "MC Oluomo makes APC presidential campaign list". *Premium Times*. October 20, 2022. <https://www.premiumtimesng.com/news/more-news/560608-mc-oluomo-makes-apc-presidential-campaign-list.html?tztc=1>

³⁴ Sahara Reporters. "Tinubu's Loyalist, MC Oluomo Threatens Igbo People In Lagos, Tells Them To Stay Home If They Won't Vote For Governor Sanwo-Olu, Other APC Candidates". *Sahara Reporters*. March 17, 2023. <https://saharareporters.com/2023/03/17/tinubu-loyalist-mc-oluomo-threatens-igbo-people-lagos-tells-them-stay-home-if-they-wont>

³⁵ Godwin Oritse & Yinka Ajayi. "MC Oluomo allegedly stops drivers from moving election materials". *Vanguard News*. February 25, 2023. <https://www.vanguardngr.com/2023/02/mc-oluomo-allegedly-stops-drivers-from-moving-election-materials/>

The questionable decision by INEC to hire vendors with established political affiliations to transport electoral materials has considerably tarnished the election's image, particularly in relation to allegations of compromised credibility.

As numerous stakeholders have argued, if the Federal Government can procure vehicles for use during sporting events, international gatherings like the Common Heads of Government Meeting, or even large-scale civic activities like Census, there is no justification for INEC to rely on external vendors during such a sensitive exercise as a general election.

Furthermore, various government parastatals and departments at federal, state, and local government levels possess thousands of vehicles with drivers who are government employees and bound by oaths of political neutrality in accordance with civil service rules. These resources could be pooled together for election duties during general elections, ensuring a more reliable and impartial process.

Still, on the issue of partisan management of election materials, INEC also came under fire for awarding the contract for the printing of election result sheets to Binani Printing Press, a company purportedly owned by the governorship candidate of the APC in Adamawa State, Aishatu Binani.

In defence of its actions, the Commission argued that it had awarded the contract through an open bid that validated the company's capacity to deliver the task, and an additional due diligence with the Corporate Affairs Commission that did not list Binani as one of the Directors of Binani Printing Press Limited. However, this claim was debunked by media fact-checkers who uncovered company records and documents explicitly identifying Binani as a director, further undermining the commission's credibility.³⁶

³⁶Adefemola Akintade. "INEC lied, documents show APC candidate on CAC filing of firm awarded contract to print sensitive election materials"

3. LATE ARRIVAL OF ELECTION MATERIALS

In the recent elections, INEC's subpar logistics and administration of the electoral process were manifest in issues such as the late arrival of officials and materials to certain polling units (PUs).

During the presidential elections, CAPPAs Election Situation Room received reports regarding the late arrival of election materials and staff. These incidents were reported in a number of locations, including polling units 18/19 in Oke-Aro Ibaragun, Ifo Local Government Area of Ogun State, Asaga Ohafia local government area of Abia State, and Umuahia Urban Ward 1, polling units 12 and 13, located at Umuokeyi Civic Hall in Enyiukwu-Afara, Umuahia North local government area of Abia State.

According to the Nigeria Civil Society Situation Room, less than 30 per cent of Polling Units started on time showing how pervasive the problem was. There were significant delays in the commencement of polls, with many PUs yet to open as of 11.30 am in Enugu, Anambra, Imo, Abia, Ebonyi, Rivers, Kaduna and FCT. In most states, the deployment of election officials and materials to the RACs commenced only in the early hours of the election day, making it extremely difficult for the election to commence on time. In other places, many ad-hoc staff of INEC could not find their names on the staff list, even after participating in training exercises, causing further delays.

There were also reports of the deployment of election materials to the wrong PUs in parts of North-West and North-East states.³⁷ These delays in the arrival of election materials inadvertently led to a degree of voter disenfranchisement, as some potential voters, after lengthy waits at their polling units, eventually abandoned attempts to vote. Furthermore, due to the initial time wasted, the accreditation period was effectively reduced, resulting in the loss of voting rights for those who could not partake in accreditation within the shortened timeframe.

Peoples Gazette. March 17, 2023. <https://gazettengr.com/inec-lied-documents-show-apc-candidate-on-cac-filing-of-firm-awarded-contract-to-print-sensitive-election-materials/>

³⁷ <https://situationroomng.org/second-interim-statement-by-the-nigeria-civil-society-situation-room-on-the-presidential-and-national-assembly-elections/>

4. MALFUNCTIONING OF THE BVAS

Despite pre-election assurances by INEC that the device would function optimally and promises to ensure that more than one BVAS is allocated to each PU to ensure that there is at least a spare to replace a malfunctioning device, if any, some polling units experienced challenges with the use of the BVAS including, failure to validate voters' biometrics, power outages and discharge of the battery, failure of the device to start. For instance, the accreditation of voters in many polling units in Jos South and Jos North Local Government Areas was delayed because of the malfunctioning of the BVAS.^{38,39}

In Rivers State, Governor Nyesom Wike and his wife also faced initial challenges of accreditation at their polling unit in Obio/Akpor local government area when the machine failed to recognize them.⁴⁰ The issues arising from the malfunctioning of the BVAS impacted voters' experiences while disenfranchising some. Also, in some polling units, INEC's Ad-hoc staff struggled to operate the BVAS due to their limited knowledge and understanding of the device's functionality.

5. VOTE BUYING, VOTER INDUCEMENT AND MANIPULATION

Despite the recovery of a substantial amount of cash from the financial system arising from the cash redesign policy of the Central Bank of Nigeria (CBN), it was surprising that vote buying was the order of the day in several states across the federation during the Presidential/National Assembly and Gubernatorial/State Assembly elections. While there was a noticeable decline in this trend in the February 25 Presidential and National Assembly elections, the trend of vote buying was quite pronounced during the March 18 gubernatorial and state assembly elections.

³⁸ Bere, Gyang, et al. "Late arrival of electoral materials, BVAS malfunctioning mar voting process". *The Sun Newspapers*. February 26, 2023. Retrieved from <https://sunnewsonline.com/late-arrival-of-electoral-materials-bvas-malfunctioning-mar-voting-process/>

³⁹ Bere Gyang. "Plateau: INEC recover 14 missing BVAS for gubernatorial poll" *The Sun Newspapers*. March 21, 2023. Retrieved from <https://sunnewsonline.com/plateau-inec-recover-14-missing-bvas-for-gubernatorial-poll/>

⁴⁰ NAN. "BVAS machine fails to recognise Wike, wife". *The Guardian*. February 25, 2023. Retrieved from <https://guardian.ng/news/bvas-machine-fails-to-recognise-wike-wife/>

Apart from cash, other items like food, wrappers and ‘credit vouchers’ were handed out to voters on Election Day by party agents to procure their votes.⁴¹

According to a summary of the report of the Election Analysis Centre of the Centre for Democracy and Development “In total, 25.3 percent of observers noted vote buying at their polling units across the country with the highest figures reported in the southeast (41.4 per cent) and northwest (35.4 per cent). In Anambra State, party agents were observed using materials, phones and other souvenirs to entice voters. In the South-South, multiple party agents encouraged voters to show proof of their vote before being paid, with party agents reportedly compiling a list of their voters in Esan Central LGA, Edo State. In polling units in Dutse, Ringim and Birnin Kudu LGAs of Jigawa State observers highlighted that some voters were actively soliciting funds in exchange for their votes”.⁴²

6. BIGGER THAN THE LAW

Central to the integrity of any election is the fair and unbiased conduct of all participants, including candidates, the electorate, supporters, political figures, and election officials. However, recent events during the 2023 general elections have raised concerns regarding the enforcement of electoral laws, particularly in relation to high-profile individuals who seemingly act with impunity.

A glaring example of the disregard for electoral regulations occurred when President Muhammadu Buhari publicly displayed his ballot paper, revealing his thumbprint in favour of the APC presidential candidate, Bola Tinubu, during the presidential elections. Similarly, Senator Orji Uzor Kalu, a prominent political figure, also flagrantly displayed his ballot paper to demonstrate his support for the APC presidential candidate during the presidential elections.

⁴¹ Friday Olorok. “Gov Election 2023: CDD reports massive vote-buying, thuggery across states”. Punch Newspapers. March 18, 2023. Retrieved from <https://punchng.com/gov-election-2023-cdd-reports-massive-vote-buying-thuggery-across-states/>

⁴² Jibrin Ibrahim. “Votes, Violence And Validity: Nigeria’s 2023 Sub-National Elections”. *Daily Trust*. March 23, 2023. Retrieved from <https://dailytrust.com/votes-violence-and-validity-nigerias-2023-sub-national-elections/>

These actions directly contradict the Electoral Act, of 2022, which stipulates that public campaign activities should commence 90 days before the polling day and cease 24 hours before the election. Surprisingly, neither President Buhari nor Senator Kalu has faced any penalties or reprimands from INEC for their clear violations of the law.

In Kogi State, Nigerians woke up to news reports that the Kogi State Command of the Nigeria Police Force had on March 2, 2023, intercepted workers of a Chinese construction firm, CCECC, allegedly engaged by Governor Yahaya Bello, to cut off roads leading to Kogi Central Senatorial District, the home base of a political opponent to the governor, Senator Natasha Akpoti. Defending his actions, the governor admitted to destroying the roads in order to stop criminals from escaping.⁴³

In the wake of his actions, observers and members of the public collectively highlighted how Bello's excavation of the roads, in a gross abuse of power, would impede INEC officials from conducting elections in certain communities considered strongholds of his political opponent, as well as undermine the democratic rights of citizens to freely exercise their votes.

While it is commendable to note that the Nigeria Police Force has apprehended over 700 offenders and violators of electoral laws during the 2023 general elections, it is important to note that the lack of repercussions faced by notable figures for their blatant violations of electoral regulations sends a troubling message to the general public.

Impunity not only breeds a culture of misconduct but also undermines the faith of citizens in the electoral process. When influential individuals are seen flouting the law without facing any consequences, it erodes trust in the institutions responsible for upholding democracy, such as INEC and the Nigeria Police Force.

⁴³ John Owen Nwachukwu. "2023 elections: Real season I cut off roads to Natasha Akpoti's constituency – Yahaya Bello". *Daily Post*. March 4, 2023. <https://dailypost.ng/2023/03/04/2023-elections-real-season-i-cut-off-roads-to-natasha-akpotis-constituency-yahaya-bello/>

7. ELECTION VIOLENCE, INTIMIDATION, VOTER PROFILING AND SUPPRESSION

Generally, the 2023 General Election was marred by incidents of violence, assassination of political opponents, intimidation and voter suppression.

This happened in both cycles of elections on February 25 and March 18 with the only difference being that the scale of the incidents was significantly higher during the gubernatorial and state assembly poll. Notable occurrences included voter intimidation and suppression, physical attacks, carting away of ballot boxes – BVAS devices and electoral materials, disruption of the voting process, as well as the kidnapping of electoral officers.⁴⁴

The dynamics of the 2023 general election were such that it provoked a trend of ethnic baiting, tension and targeted violence and manipulation. This was notable both during the February 25 Presidential/National Assembly poll and more intensely, during the days leading to and on the day of the March 18 gubernatorial and State Assembly elections. In Lagos State, for instance, the Oro Cult was reportedly deployed to intimidate and deter voters from casting their votes. On Election Day, members of this cult were spotted in some parts of Lagos in broad daylight, a development perceived by many as a calculated attempt to discourage voter turnout.^{45;46}

A Daily Sun correspondent expressed the following thought concerning the elections: “Violence in the 2023 election went beyond the normal disruption of the election, carting away of ballot boxes and election materials, to what is now called ‘a new normal’ where political thugs were seen moving from street to street, warning people not to come out for election if they would not vote for a particular party and its candidates.

⁴⁴ Sunday Ani. “Nigeria Decides 2023: Voter suppression, killings, violence hallmark 2023 polls”. *The Sun Newspapers*. March 23, 2023. Retrieved from <https://sunnewsonline.com/nigeria-decides-2023-voter-suppression-killings-violence-hallmark-2023-polls/>.

⁴⁵ Foundation for Investigative Journalism(FIJ). “Oro Festival Suddenly Kicks Off in Lagos Community 2 Days to Election”. FIJ. March 17, 2023. Retrieved from <https://fij.ng/article/oro-festival-suddenly-kicks-off-in-lagos-community-2-days-to-election/>

⁴⁶ Sunday Ani. “Nigeria Decides 2023: Voter suppression, killings, violence hallmark 2023 polls”. *The Sun Newspapers*. March 23, 2023. Retrieved from <https://sunnewsonline.com/nigeria-decides-2023-voter-suppression-killings-violence-hallmark-2023-polls/>

They did not stop at making such announcements in the open; they went as far as manning some polling units with cutlasses, wooden planks and cudgels, waiting to deal ruthlessly with those who would defy their warning to vote against their preferred party and candidates. The traditional rulers were not left out as some of them were seen moving from one polling station to another to make sure that voters who were not prepared to vote for their preferred party and candidates were intimidated, harassed and even beaten into line. Some high-profile politicians across the country were also seen moving with thugs and police security details from one polling unit to the other destroying ballot boxes and even taking some away with them”.⁴⁷

In Enugu State, the Senatorial candidate of the Labour Party under the Enugu East Senatorial District, Oyibo Chukwu was assassinated a few nights before the Presidential election alongside members of his convoy, whom the perpetrators also set ablaze despite gunning them down already.⁴⁸ In Aguda, Surulere, Lagos, a woman, Ms. Jennifer Efidi Bina was stabbed in the face by thugs who disrupted the voting process. These political thugs armed with dangerous weapons went about snatching ballot boxes, attacking voters and preventing those suspected to be opponents from voting.⁴⁹

In Kano State, while collation was ongoing at the INEC Office in Tundun Wada local government area during the governorship election, a group of thugs mobilized and attacked the Campaign Office of the NNPP House of Representatives Candidate, setting it ablaze and killing two persons.⁵⁰ In Cross River state, an Ad-hoc staff of INEC, Miss Glory Effiom Essien was hit by a stray bullet after some gunmen opened fire while she was in a boat heading to Bakassi for election duty.⁵¹

⁴⁷ Ibid.

⁴⁸ The Sun Newspapers. “Labour Party Senatorial candidate, Oyibo Chukwu assassinated in Enugu”. *The Sun Newspapers*. February 23, 2023. Retrieved from <https://sunnewsonline.com/labour-party-senatorial-candidate-oyibo-chukwu-assassinated-in-enugu/>

⁴⁹ Eniola Olatunji. “Resilient lady votes after suffering election violence”. *Business Day*. February 25, 2023. Retrieved from <https://businessday.ng/news/article/resilient-lady-votes-after-suffering-election-violence/>

⁵⁰ Ibrahim Shuaibu. “Election Violence: Two Die as Thugs Set NNPP Campaign Office Ablaze in Kano NIGERIA” *This Day*. March 2023. Retrieved from <https://www.thisdaylive.com/index.php/2023/02/28/election-violence-two-die-as-thugs-set-nnpp-campaign-office-ablaze-in-kano/>

⁵¹ Ike Uchechukwu. “REC laments, as INEC ad-hoc staff shot in C’River’”. *Vanguard Newspapers*. March 19, 2023. Retrieved from <https://www.vanguardngr.com/2023/03/rec-laments-as-inec-ad-hoc-staff-shot-in-crivier/>

In Kogi State, a total of 101 officials of INEC, including temporary staff, were kidnapped by armed criminals. This took place in the early hours of Sunday, March 19, 2023, around 2 am at the Obajana junction, a location less than 20 kilometres away from the state capital.⁵²

Similarly in Kano, the residence of a popular singer and chieftain of the APC party, Dauda Rarara was set ablaze by political thugs after the announcement of the gubernatorial election results by INEC.

In an apparent testament to the prevalence of violence during the elections, the Inspector-General of Police, Usman Baba, has revealed that police recorded and responded to 185 major incidents including the arrest of 203 electoral offenders during the presidential and National Assembly elections held on Saturday, February 25, 2023.⁵³ Also, the country's National Human Rights Commission has revealed that it recorded a total of 88 deaths during the 2023 elections and observed 450 human rights-related incidents and complaints from the general public including 22 hate speeches by political actors.⁵⁴

In discussing the violence that occurred during the 2023 general election, it is important to note that the use of force, intimidation and tactics of voter suppression were not exclusive to any single political party. Indeed, supporters of major political parties engaged in acts of aggression, both offline and online, particularly in areas where their influence was strongest.

- 8. DATA BREACHES:** The 2023 General Election also featured a worrying rise in data breaches, manifesting as intrusive calls, text messages, and emails from purported campaigners of various political figures. Notably, some of these unsolicited communications alarmingly revealed private information of voters, including full names, residential

⁵² Ibrahim Obansa. "Kogi: Save our loved ones, families of abducted INEC officials cry as kidnappers demand N50m ransom" *The Guardian*. March 28, 2023. Retrieved from <https://guardian.ng/news/kogi-save-our-loved-ones-families-of-abducted-inec-officials-cry-as-kidnappers-demand-n50m-ransom/>

⁵³ Abiodun Sanusi. "Electoral violence: Police record 185 incidents, 203 arrests, recover 18 firearms" *Punch Newspapers*. March 6, 2023. Retrieved from <https://punchng.com/electoral-violence-police-record-185-incidents-203-arrests-recover-18-firearms/>

⁵⁴ Wondrous Nnaemeka. "2023: 88 Deaths, 450 Rights Violations Recorded During Elections – NHRC". *The Whistler*. April 3, 2023. Retrieved from <https://thewhistler.ng/2023-88-deaths-450-rights-violations-recorded-during-elections-nhrc/>

addresses, and registered voting units. This triggered apprehension about potential surveillance and egregious privacy violations. Voters were left questioning the public availability of their data and speculated if INEC might be inadvertently or deliberately sharing their information with third parties.

These occurrences of data breaches not only constituted a breach of trust and a potential threat to individuals' safety, but they also directly contravened Section 37 of the Nigerian Constitution, which guarantees the right to privacy. Such incidents underscore the need for stringent data protection measures, particularly in the context of elections, to preserve the integrity of the democratic process and ensure citizens' rights and confidence.

- 9. ATTACKS ON PRESS FREEDOM:** During the elections, press freedom faced significant challenges. Journalists encountered harassment, intimidation, and in some extreme cases, were subjected to physical violence and unlawful arrests, as they attempted to cover the election proceedings. According to the Committee to Protect Journalists (CPJ), no fewer than 42 journalists were attacked, harassed, beaten and denied access, among incidents of assault on them while covering the elections.⁵⁵

The attacks on the media are unacceptable. Not only do they infringe on press freedom, but they also impact the public's right to information and undermine the transparency and accountability that are fundamental to a democratic election process.

- 10. NEW RISK PATTERNS INTRODUCED:** The partial digitization of the 2023 General Election aimed to elevate citizens' choices and enhance the integrity of the elections. However, events during the elections indicate that the infusion of technology such as BVAS and IReV has become not only a game changer in empowering citizens, but also in providing mischievous political actors and their henchmen with new

⁵⁵ Abbas Jimoh. "Journalists Assaulted, Denied Access Nationwide During 2023 General Elections". *Daily Trust*. March 28, 2023. Retrieved from <https://dailytrust.com/journalists-assaulted-denied-access-nationwide-during-2023-general-elections/#:~:text=The%20CPJ%2C%20in%20a%20report,governorship%20and%20state%20assembly%20election.>

means to undermine the electoral process. This emerging pattern has become a matter of concern following the actions of criminals stealing the BVAS during the elections.

According to the INEC Chairman, while speaking at a press conference during the presidential election, Mr. Yakubu noted that thugs had attacked a number of voting locations in the country, making away with the BVAS. This prompted him to express that the BVAS had become the new target of thuggery.⁵⁶ Unfortunately, the deployment of police officers at polling units was not enough to provide effective security for INEC infrastructures and personnel during the election.

Infact, in some polling units, police officers were caught on video making away with electoral materials and destroying ballot papers. A crucial problem was the inadequacy of police personnel. According to the police authorities, a total of 425, 106 personnel were deployed for the elections but considering an election landscape spread across over 176, 000 polling units, this only amounts to less than three police personnel per polling unit. Given the typical scale of violence on election day, this level of security presence proved to be woefully inadequate.

A deeper risk pattern in the future following the partial digitization of INEC's processes may also present increasing attacks on the Commission's servers and databases such as the IReV. According to the Ministry of Communications and Digital Economy, while monitoring the cyberspace, the Ministry intercepted about 12.9 million attacks launched against servers of INEC and others during the February 25, 2023, Presidential and National Assembly elections from within and outside Nigeria.⁵⁷ These revelations clearly underscore the need for INEC in collaboration with relevant agencies and stakeholders to reinforce the security of digitized election assets and infrastructure.

⁵⁶ Oluwatobi Aworinde. "2023 Elections: INEC Bemoans Attacks, Says Snatched BVAS Machines Replaced". ChannelsTv. February 25, 2023. Retrieved from <https://www.channelstv.com/2023/02/25/2023-elections-inec-bemoans-attacks-says-snatched-bvas-machines-replaced/>

⁵⁷ Adeyemi Adepetun and Nkechi Onyedika-Ugoeze. "Ministry monitors cyberspace, claims INEC, others witness 12.9m attacks". *The Guardian*. March 15, 2023. <https://guardian.ng/news/ministry-monitors-cyberspace-claims-inec-others-witness-12-9m-attacks/>

11. TRENDS OF CANCEL CULTURE, VIOLENT RHETORIC, ATTACKS ON FREEDOM OF ASSOCIATION ON DIGITAL PLATFORMS

Violence was not just an offline phenomenon. Online platforms also witnessed significant instances of threats and violent rhetoric by political actors and their supporters. Misinformation and disinformation on social media, often driven by identity biases, were employed extensively. Warring camps used these tactics to promote intimidation and suppression of perceived opponents.

The 2023 General Election featured a surge in cancel culture and attacks on freedom of association with specific political parties. Social media platforms became battlegrounds where voters, celebrities, and other individuals faced extensive bullying for expressing support for their chosen candidates. The widespread public withdrawal of support, or cancellation, targeted those whose political preferences were deemed controversial or objectionable, contributing to a highly charged and polarized online environment.

12. FAILURE TO ENSURE ELECTRONIC TRANSMISSION OF ELECTION RESULT

Before the 2023 general elections, the Independent National Electoral Commission (INEC) effectively bolstered the trust of Nigerians and the international community in its ability to conduct a credible poll.

This confidence was built on INEC's promise to leverage two significant technological innovations - the Bimodal Voter Accreditation System (BVAS) and the Results Viewing Portal (IReV) - to end election rigging in Nigeria. Various stakeholders, including political parties and their candidates, the media, civil society organizations, security agencies, and the international community, trusted INEC's commitment. Indeed, INEC dedicated an entire year before the elections to educate various stakeholders, reaffirming its commitment to transmitting election results to the INEC Result Viewing Portal (IReV) in real-time on Election Day.

Regrettably, the events that unfolded during the Presidential and National Assembly elections on February 25, 2023, starkly deviated from these assurances. Across many polling units in the country, various stakeholders, including party agents, voters, media personnel, and election observers, reported that INEC Presiding Officers either refused or were unable to electronically transmit the presidential election result sheets in real time. This non-compliance breached stipulations under Clause 38 of INEC's Regulation and Guidelines for the Conduct of Elections, 2022.

In certain instances, INEC's Ad-hoc staff cited network, power and connectivity issues or the inability to gain passcode as reasons for their failure to transmit the results. However, these justifications were quickly deemed unconvincing as the results of the National Assembly elections, which held on the same day, were successfully transmitted to IReV. Weeks after the election, a review of the IReV portal revealed that the Presidential election results were still being uploaded.

This not only broke the promise of real-time transmission but also undermined the intended purpose of IReV, which was designed to prevent manipulation and ensure transparency. Infact, according to clauses 48 and 51 of the INEC Regulations and Guidelines for the Conduct of Elections, 2022, in the event of result discrepancies or suspicion of manipulation, the electronically transmitted result should be used to identify the source of the discrepancy.

In a bid to justify its actions, INEC has argued that section 60 of the Electoral Act 2023 grants it discretionary powers to decide the method of result transmission, which can be either electronic or manual depending on the circumstances.

Indeed, a comprehensive reading of Section 60 of the Electoral Act 2022, together with Clauses 38, 48(C), and 93 of the INEC Regulations and Guidelines for the Conduct of Elections, 2022, indicates that the use of electronic transmission is not absolute, and manual collation and transmission of results is still valid. However, the significance of the situation extends beyond empty legalese.

The main issue at hand is that, through its mishandling of the 2023 General Election and particularly its failure to fulfill its promise to transmit results sheets electronically, INEC has missed a critical opportunity to maintain public confidence and trust in the electoral system. Consequently, it has subjected the election's outcome to suspicion, legal disputes, and questions of legitimacy.

13. PERSISTENCE OF GENDER IMBALANCE IN THE ELECTORAL PROCESS

A sad aspect of the election was the continued disparity in female representation within the electoral process as compared to their male counterparts. This highlights Nigeria's ongoing struggle to achieve equal gender representation in political leadership. According to the United Nations Women Office in Nigeria, only 1,553 of the total 15,307 candidates who contested in the elections were women representing only 10.1 per cent of the total figure.⁵⁸

For instance, there was only one female out of the 18 presidential candidates that contested in the February 25 Presidential election. Likewise, there were only 380 women among the total of 4,258 contestants for the National Assembly seat bringing the total number of female representations in the February 25 election to 8.9 percent of the candidates. Out of the 1,101 candidates that vied for 109 Senatorial seats, 92 were women, while 288 women contested for House of Representatives out of the total 3,122 candidates.

In the same vein, out of the total of 10,240 candidates who contested for the 990 State Houses of Assembly seats across the 36 states on March 18, 2023, 9,221 were male, while 1,019 were female.⁵⁹

⁵⁸ Mojeed Alabi. "2023: Only 10% of candidates in Nigeria are women" *Premium Times*. November 22, 2023. Retrieved from <https://www.premiumtimesng.com/gender/567616-2023-only-10-of-candidates-in-nigeria-are-women.html?tztc=1>

⁵⁹ Chiamaka Okafor & Miriam Ileyemi. "IWD 2023: Nigeria falling in women's political participation" *Premium Times*. March 10, 2023. <https://www.premiumtimesng.com/gender/587049-iwd-2023-nigeria-falling-in-womens-political-participation.html>

While fewer women contested, far fewer performed creditably. Of the 1,019 female candidates who contested for State Assembly seats on March 18, 2023, only 48 won amounting to a 4.7 per cent success rate for women.

The only female presidential candidate, Chichi Ojei of the Allied People's Movement, secured only 25,961 votes from the 24 million total valid votes cast in the election. Similarly, of the 92 women who contested for the Senate in the February elections, only three won, while out of the 286 who contested for seats in the House of Representatives, only 15 have been declared winners.

Meanwhile, according to figures from INEC, the total number of eligible voters rose by 9,464,924 or 11.3 per cent from the 84 million recorded in the 2019 general elections to 93.4 million in 2023. Of the total registered voters, 49 million or 52.5 per cent are male while the remaining 44 million or 47.5 per cent are female voters.

This yawning discrepancy in the number of female voters and the number of female candidates clearly reveals that Nigeria's electoral system is still far from being fair towards women thereby encouraging the persistence of female underrepresentation in political leadership.

Experiences of Nigeria's ebullient political culture since the First and Second Republic show that women are not only a significant portion of the electorate but are oftentimes the most active demography in political party activities, campaign rallies and vote canvassing and mobilization usually in support of male candidates. It is an undeniable fact that no electoral campaign can succeed without the active involvement and backing of women.

Consequently, it begs for understanding that these women, so critical to the electoral process, fail to excel when they step into the role of candidates.

To be precise, the underrepresentation of women in the 2023 general elections does not reflect on the capabilities of Nigerian women, whose political astuteness is well-recognized. Instead, it underscores the persistent and resistant nature of entrenched patriarchy that pervades all strata of society, including political parties and the electoral system, and how it continually undermines women's advancements, despite legislative progress aimed at promoting gender balance and equity.

The Inter-Parliamentary Union's Women in Politics Report 2022 confirmed this, ranking Nigeria 184th out of 192 countries for women's representation in the national parliament. Among Africa's 54 nations, Nigeria ranks at the bottom, placing 54th with a mere 5.45 percent female representation.

14. PERSISTENCE OF INCLUSIVITY ISSUES FOR PWDS AND OTHER MINORITY GROUPS

Another concerning aspect was the inability of the Independent National Electoral Commission (INEC) to adequately facilitate the participation of Persons With Disabilities (PWDs) in the electoral process. This is despite the fact that PWDs constitute a substantial segment of Nigeria's population, contributing significantly across various areas such as the informal sector, private sector, civil and public services, clergy, and all other sectors of Nigeria's economy and society.

Indeed, the cumulative data from the recent Continuous Voter Register (CVR) between June 2021 and July 2022 reveals the extent of registered voters with disabilities: 21,150 persons with albinism, 13,387 with physical impairments, and 8,103 with blindness. Additionally, the register includes 1,719 individuals with cognitive or learning disabilities, 6,159 with deafness, 13,387 with physical impediments, 660 with Down syndrome, 2,288 with spinal cord injuries, and 27,636 with other types of disabilities.⁶⁰

⁶⁰ Radio Nigeria. "2023 elections: advocating more inclusion for PWDs". *Radio Nigeria*. February 9, 2023. Retrieved from <https://radionigeria.gov.ng/2023/02/09/2023-elections-advocating-more-inclusion-for-pwds/>

Section 54 of the Electoral Act, 2022 states as follows: (1) A Voter with visual impairment or other forms of disability who is otherwise unable to distinguish symbols or who suffers from any other physical disability may be accompanied into the polling unit by a person chosen by him or her and that person shall, after informing the Presiding Officer of the disability, be permitted to accompany the voter into the voting compartment and assist the voter to make his or her mark in accordance with the procedure prescribed by the Commission, and (2) The Commission shall take reasonable steps to ensure that persons with disabilities, special needs and vulnerable persons are assisted at the polling place by the provision of suitable means of communication, such as Braille, large embossed print, electronic devices, sign language interpretation, or off-site voting in appropriate cases.

Regrettably, reports from election observers, media, and other participants indicate that INEC fell short in fulfilling the mandates of the Electoral Act 2022, particularly in ensuring inclusivity for PWDs. For example, INEC was expected to supply 21,165 magnifying glasses at 16,071 polling units for persons with albinism and minor visual impairments. Additionally, 6,167 posters were to be provided at 5,085 polling units for individuals with hearing impairments, and 8,117 braille ballot guides were to be available at 5,957 polling units for visually impaired voters nationwide.

Furthermore, the Electoral Act, 2022, in section 54, sub-sections 1 & 2, stipulated that persons with disabilities should be granted priority voting, but this provision was not adequately implemented.⁶¹

Despite all these, only a limited number of locations provided any assistive tools for PWDs during the voting process. In most instances, polling agents did not differentiate between PWDs and other voters, neglecting to provide necessary assistive tools for those who required them.

⁶¹ Gabriel Ewepu. "2023 Elections: PWDs excluded, disenfranchised, TAF Africa tells INEC". *Vanguard Newspapers*. March 1, 2023. <https://www.vanguardngr.com/2023/03/2023-elections-pwds-excluded-disenfranchised-taf-africa-tells-inec/>

For instance, “in the FCT, Gwarinpa ward, KARON-MAJIGI disabled community polling unit, persons with disabilities were not allowed priority voting which discouraged their participation despite having a good number of persons with disabilities registered.

Kubwa Village/Kofar Sarki and Deidei primary school front of primary two block both in Kubwa Ward, Bwari area council are expected to have at least six and 13 registered visually impaired persons respectively. As such at least one braille ballot guide should be provided at these polling units. On the contrary, large font posters for the deaf were the only assistive devices made available”.⁶²

Also, violence or the threat of it, hate speech and ethnic tension as well as the late opening of Polling Units affected PWDs’ participation thereby contributing to their systematic disenfranchisement.

In the same vein, only one, Mr. Umo Eno, Governor-elect of Akwa Ibom State, out of the 36 PWD candidates in the 2023 General Election was elected further showing larger issues of trust deficiency and ablest biases among electorates with regards to PWD candidates.

⁶² Ibid

CONCLUSION

The 2023 General Election offered so much promise but sadly, so little was delivered. The crucial shortcomings enumerated above, although not exhaustive, highlight the jarring failure of the Electoral Management Body, INEC, to leverage the rare historic opportunity that the 2023 general elections presented to take Nigeria's electoral system to a whole new level. This failure has led to severe repercussions, including the contestation of the election results and the resulting identity-based divisions and tensions within society. Unless promptly addressed, these could erode citizens' trust in governance processes, impede the stability of an incoming administration based on legitimacy concerns, while also inflicting lasting damage on Nigeria's electoral integrity.

Nevertheless, a significant and encouraging development is the manner in which political parties and candidates have opted to channel their disputations of election results within the framework of the law, taking advantage of the extensive provisions for election petitioning offered by the Electoral Act 2022. Now, more than ever, it is critical to make every effort to maintain disputants' confidence in the judicial process. This will facilitate the acceptance of judicial outcomes, even when they may not favour the involved parties.

Despite all the foregoing, it is important for all stakeholders to continue to keep faith in the Nigerian project especially the sustenance of the democratic order which was established through the struggles, blood and sweat of the Nigerian people. The ultimate hallmark of nation-builders is the ability to continue to work for the greater good even when personal and group ambitions are thwarted by forces beyond one's control. In the end, a democratic, just, fair and equitable Nigeria must be the central goal for all and sundry.

This is crucial going by the illiberal wave sweeping across sub-Saharan Africa today which has led to a recrudescence of military coups and undemocratic usurpation of political power.

With its demographic size and economic weight on the African continent, Nigeria can help to stymie this negative wind blowing across the continent, but this is only possible if a robust democratic practice survives in Nigeria and all stakeholders keep faith in the system.

At the same time, however, it is important for urgent steps to be taken to address all legitimate grievances arising from the elections in order to foster confidence and renew trust. This cannot be achieved if crucial shortcomings of the elections are ignored or glossed over. Hence, the importance of INEC, the federal and subnational government, citizens, political parties, civil society organizations and the international community drawing useful lessons from the 2023 General Elections with a view to adopting all necessary measures to address identified shortcomings, in order to ensure the unity of the country while setting the nation on a more assuring path towards the next general elections.

RECOMMENDATIONS

Based on the foregoing analysis, we propose the following measures to the government, INEC, security agencies and all stakeholders to address the identified shortcomings in the 2023 General Elections, with a view to improving the conduct of elections and democratic practice in Nigeria.

1. Security agencies must ensure that perpetrators of violence, hate speech, intimidation, inducement and voter suppression in the 2023 general election are arrested and prosecuted in compliance with the electoral law. Accountability through the enforcement of the punitive measures contained in the Electoral Act, 2022 can help ensure deterrence while restoring public confidence.
2. The Federal Government should implement some of the long-standing recommendations of the Justice Mohammed Uwais Electoral Reform Committee such as the proposal to establish the “Electoral Offences Commission”.
3. INEC should work together with relevant parastatals and stakeholders such as the National Information Technology Development Agency (NITDA), Ministry of Communications, and Cybersecurity outfits to safeguard its digital and electronic assets.
4. Considering the now-significant role of the IReV in our voting processes, it's imperative for INEC to conduct thorough pre-election testing of its digital systems. This should be done well before election day to ensure its systems are in optimal working condition and capable of handling the high volume of interactions typically experienced during a nationwide election. This proactive approach is crucial to prevent any instances of system failures or slow performance that could negatively impact the voting experience.

5. There should be the establishment of a “Political Parties Regulatory Commission” dedicated to building the strength and capacity of political parties. It is important to take this responsibility off INEC so that the Commission can focus exclusively on organizing elections.
6. There is a need to strengthen the Independent National Electoral Commission (INEC) by granting it more autonomy, especially in relation to the appointment of its members by a wider section of democratic and non-partisan stakeholders.
7. There is a need to consider an amendment to the electoral law to ensure electronic voting. This will totally remove the human element from elections by ensuring full automation of the voting process while also permitting Nigerians in the diaspora to vote in elections.
8. For measures to enforce the observance of the peace accord by political parties and candidates.
9. In the wake of the election and widespread issues of ethnic divisions, identity politics and citizen disillusionment, it is important for key national agencies such as the National Orientation Agency (NOA) and Ministry of Information to work hand in hand with INEC to reinforce national unity, peace, and citizens’ trust in democratic institutions and political processes.
10. INEC, security agencies, the Central Bank of Nigeria (CBN) and the Nigeria Financial Intelligence Unit (NFIU) should work together to curb vote buying and address the violation of the limits set for campaign expenses.
11. The participation of technology companies, fact-checkers, and the media should be encouraged in the monitoring and debunking of election-related misinformation.

12. Improved collaboration between INEC, security agencies, media and civil societies to leverage existing platforms like the “Nigeria Civil Society Situation Room” to develop robust early warning, prevention and mitigation mechanisms for the next general elections.
13. INEC should liaise with relevant government, intergovernmental and non-governmental agencies to agree on measures to ensure more effective participation of women, PWDs and other marginalized groups in subsequent elections.
14. Government should recruit more police officers with a view to improving Nigeria’s election security management which is currently deficient due to the inadequacy of security personnel. Additionally, specialized training and capacity-building programs should be offered for security personnel assigned to election duties. The provision of special duty allowances can further serve to insulate them from potential manipulation and inducement, thus enhancing the integrity and security of the electoral process.
15. INEC, civil society and all relevant communication agencies of the federal government should invest in extensive voter education programmes well ahead of elections in order to empower the electorate with sufficient information on electioneering processes to enable them make informed decisions and keep abreast of all relevant information pertaining to election administration.
16. With the evolving incorporation of technology into Nigeria’s electioneering processes, there is a need for robust investments to build the country’s digital infrastructure, including supporting infrastructures such as road networks and power in order to boost connectivity and enhance the inclusion and experiences of every section of the eligible voting populace, especially rural dwellers during elections.

17. To counter data breaches observed during the 2023 general elections, it is essential to enforce robust data protection measures during elections. Stringent controls should be placed on the access and dissemination of voters' personal information to prevent unauthorized use. INEC must work together with the National Communications Commission (NCC) and National Information Technology Development Agency (NITDA) to formulate a clear and enforceable policy to prevent the sharing of voters' data with third parties without explicit consent. Furthermore, all election-related personnel should be trained in data protection principles and practices to safeguard the personal data of citizens.



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