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SUMMARY OF DISCUSSIONS ON EMERGING ISSUES THAT WILL SHAPE THE 2023 GENERAL ELECTION IN NIGERIA

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Introduction

The 2023 general election will be a defining moment not just for Nigeria but also for West Africa. The region has suffered democratic decline and experienced coups and counter-coups in the past three years. However, beyond the hopes of the emergence of transformational leadership that will change the country's fate, there are existing challenges that threaten the conduct of free, fair, and credible elections in Nigeria.

Nigeria's 2023 election will be the seventh to be conducted in the fourth republic. It will be unique for two reasons. First, it will not have an incumbent running. Second, the country has promulgated the 2022 Electoral Act, bringing new changes to election guidelines and regulations. However, the 2023 election is one that many analysts speculate will be fraught with severe challenges. Nigeria's six geopolitical zones are currently embroiled in different conflicts, ranging from farmer-herder clashes witnessed in all the zones to banditry and terrorist threats in the northwest and north-central and secessionist agitations in the southeast. These conflict situations are likely to deteriorate further with increased political violence that could affect the safety of election materials, personnel and even voters. In addition, the security situation could affect voter turnout – despite ongoing voter registration already surpassing 85 million registered voters - and even the legitimacy of the results.

Beyond the security situation and the controversies arising from the interpretation of the 2022 Electoral Act by politicians and political parties, the lack of internal democracy in parties, monetization of the electoral process and the issue of zoning will all be critical issues that are likely to affect the outcome of the 2023 general elections.

It is on this basis that the Open Society Initiative for West Africa (OSIWA) and the Centre for Democracy and Development (CDD) organized a one-day colloquium to discuss "Emerging Issues that will Shape the 2023 General Elections in Nigeria". The event was held on 25 May 2022 and was attended by a broad spectrum of stakeholders interested in ensuring the peaceful and credible conduct of elections in Nigeria. They included the current Chairman of the Independent National Electoral Commission (INEC) and his immediate predecessor, representatives from leading civil society groups, political parties, security agencies, academia, and the media.

The keynote address by Prof Mahmood Yakubu, the Chairman of INEC, kicked off the day of discussions and was followed by four enriching panel sessions that x-rayed diverse emerging challenges to the conduct of elections in Nigeria with solutions proffered. The first panel dealt with the perquisites for a successful general election in 2023. The second panel examined the emerging threats and challenges to a successful 2023 general election. The theme of the third panel was the pathways to electoral accountability in 2023, while the fourth panel was a summary of cardinal issues arising from the colloquium.

Key takeaways that emerged from the deliberations included:

- The prevalent insecurity and rise in political violence in the different regions have implications for the conduct of the 2023 general elections
- There is a high proliferation of fake news and disinformation about the voter registration process, political parties, and their candidates.
- There are controversies arising from interpreting the 2022 Electoral Act that might result in the surge of post-election litigation cases.
- INEC has improved tremendously since 1999, but the improvement has been followed simultaneously by worsening political interference.

- There remain unresolved issues regarding women and youth representation in elective positions.
- There is a need for INEC to develop a plan to register and enfranchise those in internally displaced camps.

Keynote Address: INEC Preparedness for the 2023 General Election: Vision, Preparedness and Challenges – Prof Mahmood Yakubu, Chairman, Independent National Electoral Commission

Prof Mahmood Yakubu began his keynote address by discussing the nexus between elections and democracy. He stressed that election is the most significant indicator of democracy. The Chairman then acknowledged the security concerns in the country ahead of the 2023 polls. He noted that the Commission has conducted, and is still conducting, security and risk assessment analyses and that a new Electoral Guidelines and Regulations document based on the 2022 Electoral Act was signed off on 22 May 2022.



Prof Mahmood offered a comprehensive analysis of the logistical challenges facing INEC in conducting elections in Nigeria. He noted that a myriad of geographical challenges is further complicated by the poor transportation systems in Nigeria. Prof Mahmood noted that INEC staff require water transportation systems in some regions, while in other communities, polling and commission staff can only access communities by motorbike. Another challenge he identified is with the ad-hoc staff that it recruits for polling day support which can sometimes be difficult to control as they are not full staff of INEC. Reflecting on the eligible voting population in Nigeria – expected to reach 90 million in 2023 – he highlighted logistical challenges relating to producing ballot papers for the four types of elections - presidential, senatorial, house of representative and governorship elections.

Despite expressing worry about the spate of insecurity in Nigeria, Prof Yakubu highlighted how INEC is working closely with the relevant agencies to ensure that the 2023 election is conducted peacefully. He cited the example of the Anambra gubernatorial elections in

November 2021 as an example of how collaborative efforts between INEC, security agencies and other critical stakeholders can support the holding of peaceful polls.

Prof Yakubu expressed worry about the rising rate of hate speech and fake news. While the Commission does not believe in censorship, it is prepared to ensure that it fights the menace through fact-checking, openness and transparency. On the issue of money in politics, he revealed that INEC is working closely with the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices and Other Related Offences Commission on issues relating to finance and the conduct of politicians and political parties.

The INEC Chairman asked colloquium participants to support the Commission and enrich its capacity with quality recommendations. In the last election, he noted that INEC received 170 recommendations and implemented all and that since 2012, the electoral process had been greatly improved. He highlighted that INEC has improved in election administration through early preparedness and robust training and engagement, which will be reflected in the 2023 elections. But agreed that unbundling efforts would help reduce the burden on INEC and allow it to focus on the conduct of elections fully

The INEC Chairman disclosed that 56,872 new polling units were created in 2021 to reduce overcrowding. However, he expressed displeasure that some new polling units still have zero registered voters. Evidence of this was seen in the Federal Capital Territory Area Council elections, in which out of 2,260 polling units, 593 had no registered voters. According to Yakubu, when the additional polling units were created nationwide, voters were given the opportunity to transfer to some of the new polling units, but many did not yet do so. However, he noted that the effectiveness of the new polling units before the 2023 general elections would be piloted during the Ekiti and Osun off-cycle elections as the Commission is making efforts to populate them.

Finally, regarding the extension of the voter registration process, Prof Mahmood stated that the Commission does not intend to extend the deadline for the registration¹. This is because there are numerous processes after the close of registration, such as printing and issuing permanent voter cards, cleaning up the voter's registers, printing and pasting the register for error spotting and certification, and populating the new polling units, which all take time.

Panel One: The prerequisites for a successful general election in 2023

This panel highlighted the preconditions for peaceful, free, fair, and credible 2023 general elections in Nigeria 2023. Panellists averred that efforts should be made to curb insecurity and vote-buying, improve inclusivity and address logistical challenges.

¹ Some days after the colloquium, The Independent National Electoral Commission (INEC) agreed to extend the ongoing continuous voter registration (CVR) exercise by 60 days after meeting with the House of Representatives Committee on Electoral Matters.



Prof Mohammed J. Kuna – Special Adviser to the Chairman, INEC

Prof. Kuna kicked off the discussion by highlighting critical conditions shaping the 2023 elections in Nigeria. First, he mentioned that the country now has a new and "progressive" electoral legal framework. In pursuance of the new Act, Prof Kuna revealed that INEC has just signed off new regulations and guidelines for the 2023 general elections. Prof Kuna also stated that INEC will do its best to ensure that the public is well informed about the electoral regulations and guidelines for the 2023 elections.

Prof Kuna also discussed the work INEC is doing to support a credible voter registration process. He highlighted that the continuous voter registration exercise has been ongoing for almost one year, and permanent voter cards are already being produced for those that have undergone the registration process. He explained that at the end of the voter's registration exercise, INEC would clean up, harmonize, and certify the register at least three months before the elections.

He emphasized INEC's readiness to conduct critical stakeholder engagements at all levels to ensure all concerned understand the operations of the Commission and to provide a space for INEC to learn from the knowledge-sharing opportunities available. He further noted that the Commission is willing to collaborate with different agencies and groups to ensure that the 2023 general election is successful.

Prof Kuna, however, decried political actors' rising rate of hate speech. He also noted that instances of extreme political rivalry and violence are increasing. He acknowledged that the task of de-escalating the violence and toxicity in political space also needs collaborative action and recognized that holding a free, fair and credible election goes beyond just what happens at the polling unit to include all pre-election and post-election processes.

Jibrin Ibrahim – Senior Fellow Centre for Democracy and Development

Prof Jibrin Ibrahim, in his presentation on the perquisites for free, fair and credible elections, noted that the greatest impediment to election is the nature of the political class in Nigeria. He stated that elections become problematic when the political class lacks integrity. He cited the actions of the Governor of the Central Bank of Nigeria (CBN), who wanted to stay in the office whilst seeking to contest the ruling party's presidential primary processes, even when the CBN is the allocated storage centre for all sensitive election materials.

Prof Jibrin argued that Nigeria is not just battling with armed bandits but contending with the "banditry of the political class". Comparing the character of politicians to the nature of bandits in the northwest region, he noted that both groups are insincere, lack integrity and are involved in different forms of criminal activities that are derailing the country. Prof Jibrin strongly contended that the plight of citizens would not improve in Nigeria if the political process continues to enthroned people that lack integrity.

He noted that from his observations of elections in Liberia, Niger and other countries in the region, they conduct more organized forms of elections because of the character of the leaders and citizens. And argued that the political party system, in theory, is very important as it is designed to be the training arena for leadership with integrity, but in Nigeria, political parties are commercialized and characterized by corruption.

Whilst acknowledging that since 2012, the quality and integrity of the elections in Nigeria have been growing, he expressed worry that the political actors are looking for new ways to subvert the system, particularly around the issue of vote-buying. Prof Jibrin noted that vote-buying aims to destroy democracy from the root and argued it is the greatest challenge facing democracy in the country. He challenged citizens not just to complain but to act, to find people with integrity right from the ward level and to support them on their political journey.

Cynthia Mbamalu – Program Director, YIAGA Africa

For Cynthia, one of the greatest threats to the credibility of the 2023 polls in Nigeria is the commercialization of politics. She noted that political parties in Nigeria and their members have converted the electoral process into an issue of the highest bidder. According to her, the election process is often rigged from Nigeria's political parties' primary process. She expressed worry over political parties' unethical practices, noting that if the parties' primary processes do not throw up good leaders, the election's credibility is already in question.

Cynthia averred that young persons are more interested in an electoral process that appropriates technology. She, therefore, recommended that a mock accreditation process be conducted using the Bimodal Voter Accreditation System (BVAS) machine to instil confidence in young people that the technology is credible and reliable. Although she acknowledged that the voter's register had improved substantially, she encouraged INEC to prioritize effectively cleaning the voters' register. She noted that some of the new polling units approved by INEC had zero registered voters in the last council elections conducted.

Cynthia expressed worry about the spiralling insecurity in the country and advised INEC to conduct a thorough security assessment before the elections. She noted that one of the fallouts of the insecurity in Nigeria is an increase in the number of internally displaced people (IDPs) and suggested that INEC should consider an IDP voting plan. She also expressed worry that the long time available for campaigns by political parties might afford them the opportunities of searching for new ways to subvert the positive sides of the 2022 Electoral Act. Cynthia drew attention to the fact that there was observed door-to-door inducement of voters in Ekiti state during the June gubernatorial election to buttress her point. She also emphasized that the breach

of campaign finance is an economic crime, and EFCC should partner with INEC to ensure that offenders are punished.

Engr Yabagi Sani – Chairman, Inter-Party Advisory Council

Engr. Sani highlighted that every society gets the kind of leadership it deserves. He argued that it is not right to blame the political parties and politicians alone because the ills of elections in Nigeria are complex. He noted that challenges faced by the Nigerian electoral system reflect the actions of the citizens and all the stakeholders in the electoral process. He noted that even if the political parties and politicians must bribe, someone must be willing to accept for it to be undertaken.

On the complaints that elections in Nigeria are monetized, Engr Sani responded that elections everywhere in the world are expensive to run. However, he noted that it is worse in countries like Nigeria, where there is a low record of the payment of dues by members of political parties and state funding of political parties does not exist. He added that vote-buying is not unique to Nigeria, but often, it is presented as though it began in Nigeria.

Engr Sani took the opportunity to express dissatisfaction with INECs decision to release the election timetable without consulting political parties. He noted that the Inter-Party Advisory Council (IPAC) had been requesting an extension of the date for the primaries, but INEC has not obliged².

On the work of IPAC he noted that the council does not have the power to discipline political parties. However, the organization will do its best to monitor the activities of political parties and steer conversations that will enhance the conduct of the 2023 elections.

Panel Two: Emerging threats and challenges to a successful 2023 general election



² Days after the colloquium, the Independent National Electoral Commission (INEC) extended the 3 June deadline for the conduct of primary election by political parties to 9 June 2022.

This panel critically examined the emerging and longstanding threats to elections, including structural factors. The discussions were constructive to proffer solutions to the threats and challenges identified. Specific issues like insecurity, electoral violence, hate speech, defections and voter apathy were discussed extensively. The role of different agencies and institutions, including traditional and religious institutions, security agencies, electoral institutions, and development partners, in containing these threats and challenges was also examined.

Prof Sam Egwu - INEC Resident Electoral Commissioner, Niger state

Prof Egwu highlighted the need for INEC and civil societies to enlighten the public on the location of new polling units due to a lack of knowledge amongst the local populace. Furthermore, he also stated that CSOs should educate the citizens on the role of technology in elections as, in his view, people often think incorrectly that Nigeria will conduct electronic voting. In reality, technology will only be used for accreditation and transmission of results. He pointed out that one of the greatest impediments to a successful election is the ignorance amongst Nigerians of civic duties and rights and argued that there had been very little sensitization of what constitutes electoral misconduct, which has led to the manipulation of the masses by politicians.

Adegoke Adetoma - Representative of the Inspector General of the Nigerian Police Force

The representative of the Inspector General highlighted the importance of the new electoral bill, which empowers the police to arrest election offenders. He also highlighted the preparedness and measures being implemented in the run-up to the election that will ensure a safe election in 2023. Extensive training is currently being undertaken to provide adequate security for INEC officials and voters in the upcoming elections. He added that the force recruits more officers to ensure voters are adequately protected when casting their votes. Police officers are also trained to promptly arrest electoral offenders and strictly adhere to the electoral code of conduct. He revealed that the police are working in synergy with all other agencies, in particular INEC, to ensure that they are adequately briefed and deployed in various roles.

Ruth Olofin - Acting Director, CLEEN Foundation

Ruth Olofin focused her remarks on emerging security concerns. She pointed out that the proliferation of violence in Nigeria has increased tension in the run-up to 2023 across the six geopolitical zones arguing that there is a need to change the operational strategy of all stakeholders. She highlighted the need for a regional security dialogue involving politicians, CSOs, security agencies and other relevant stakeholders, believing this partnership will be key. Since 2011, CLEEN Foundation has identified politicians as posing the highest threat to the political process.

Drawing on her organization's work, she revealed that specific communities, particularly in the southeast and northwest of the country, are at particular risk of violence in 2023. In addition, she noted that security agencies have a slow response time even when intelligence information is provided to them. She then emphasized the vulnerability of women in conflict situations in Nigeria and advised the government to prioritize the security of these groups during the elections.

To round off, she reminded participants that as Nigerians, we are all stakeholders in the overall electoral process and as such there needs to be more cross-sectoral collaborations.

DCC Ajiboye K. Hopeman - Representative of Nigerian Security and Civil Defense Corps (NSCDC)

The representative of NSCDC stated that CSOs and stakeholders should interrogate the influence of religious leaders and their utterances in shaping the elections. Furthermore, he

highlighted that the utterances of the leaders of sociopolitical groups such as the Arewa, Ndi-Igbo and the Northern Elders Council have also stoked tribalist passions and increased tensions in the country.

The representative also flagged an often-overlooked causal factor in electoral violence: youths' use of illicit drugs. The representative gave anecdotal evidence to suggest that youth become fearless and prone to acts of violence when under the influence of these illegal substances.

Panel Three: Pathways to electoral accountability in the 2023 elections

Electoral fraud has been a recurring problem in Nigeria. The panel on the pathways to electoral accountability in the 2023 election interrogated the anomalies in the electoral process and suggested remedies.



Osaze Uzzi - Former Director, INEC Voter Education and Publicity

Osaze Uzzi highlighted that a fundamental challenge is the ignorance of politicians, political parties and the citizens about the rules and regulations concerning illegal campaign financing. He posited that INEC needs to take more responsibility for educating critical stakeholders on what constitutes an election crime. He added that there needs to be a penal provision in the Electoral Act for early campaigns and illegal campaign financing.

Prof Joy Onyesoh - Coordinator, Women Situation Room

Professor Onyesoh highlighted the need for inclusiveness as a pathway to accountability. She highlighted how political parties had been biased in fielding women as their candidates during elections. She also stressed that there is a near absence of females in INEC. She argued that the non-inclusion of women at the helm of election decision-making is reflected in the high cost of nomination fees they incur, apathetic attitudes toward female participation in Nigeria, and the entrenched nature of plutocracy and political thuggery.

More generally, Professor Onyesoh argued that voter apathy has increased in Nigeria because of violence during elections. She gave the example of the Anambra election, where turnout was

less than 20%. Finally she contended that there is a pressing need for early and adequate training of INEC officials on using BVAS technology ahead of the 2023 poll.

Obo Efanga - INEC commissioner for Rivers State

Obo Efanga introduced his analysis by saying that many factors hinder the electoral process, but corruption is the biggest obstacle. He detailed how community leaders encourage people to register multiple times, giving examples from his state about how as many as 50% of registered voters appeared more than once. Whilst technology has improved the timely and transparent conduct of elections; the technology operators need to be incorruptible because technology does not fully safeguard against a breach of electoral integrity. Whilst the use of ad-hoc staff and lecturers is necessary; there needs to be a shift in attitudes amongst Nigerians towards a more duty-bound and upstanding orientation.

He then discussed the role of electoral justice in elections in Nigeria and questioned the frequency with which electoral outcomes were contested in court. He emphasized the need to track judicial tribunal financing, its processes, and the importance of engaging judges on the new Electoral Act to ensure violators of election law are punished.

Panel Four: Summary of key issues arising

This panel summarized the various issues the panellists and participants raised in the colloquium. The panellists noted security challenges, hate speech, disinformation and misinformation, the insincerity of the political class, controversies arising from interpreting the 2022 Electoral Act and lack of inclusivity as key issues.



Idayat Hassan – Director, Centre for Democracy and Development

Idayat Hassan highlighted three recurrent issues raised in the colloquium that will shape the 2023 elections. The first is the issue of security, which is linked to the proliferation of arms and the use of drugs. She noted that every geopolitical zone is faced with different and complicated security challenges. In addition to the severe banditry crisis in the northwest and secessionist

agitations in the southeast, the northeast is also witnessing increased violent activities that have implications for the 2023 elections, especially related to IDPs.

The second key issue is hate speech and disinformation's role in the political process. She highlighted that they have severe consequences, especially in conflict-related contexts like Nigeria, and recommended that efforts be made to support fact checks and broader efforts to fight the spread of disinformation that potentially exacerbates ethnic and religious tensions in the country.

Finally, the issue of logistical challenges facing INEC was reiterated by Idayat. She noted that in previous elections, logistics challenges have been recurrent. With 1491 electable positions, there is a need to ensure early preparations to avoid logistical pitfalls. She added that from the discourses that arose in the colloquium, the interpretation and enactment of the 2022 Electoral Act would be an area to watch closely.

Ebere Ifendu – President, Women in Politics Forum

For Ebere Ifendu the character of the political actors in Nigeria - described as political bandits by Prof Jibrin's – was a key takeaway. In her view, the virility of the political space and the commercialization of the process have generated political apathy among women in Nigeria.

She appreciated the work of INEC and noted that they had shown integrity and readiness to improve the 2023 elections. She averred that the BVAS technology is good innovation that needs to be applauded but suggested knowledge building across all stakeholders, from judges to political parties, is needed on the provisions of the 2022 Electoral Act.

Prof Okechukwu Ibeanu – Senior Fellow, Centre for Democracy and Development

Prof Ibeanu reiterated the point made by Prof Egwu that the fundamental challenge bedevilling elections in Nigeria are the question of trust. He noted that how Nigerians trust INEC in the process will ultimately determine the credibility of the 2023 general election.

Prof Ibeanu also stated that it was recurrent in the conversations in the colloquium that there is a need to ensure the INEC is not delegitimized. According to him, politicians have habitually waged war on INEC by making the citizens feel that the electoral umpire and its officials are not credible. This creates distrust between the citizens and INEC and ultimately leads to situations where citizens are not willing to provide support to the Commission.

He noted that INEC has improved tremendously since 1999 but pointed out that the improvement in INEC has been followed simultaneously by the worsening of political interference. He argued for the decrease in the interference of political actors in the system through dialogue.

Next Steps

The panel discussions highlighted the myriad of challenges facing Nigeria as it prepares for the 2023 general elections. Despite the divergent views by panellists and participants, the common resolve was that there is a strong need to deal with the security concerns in the country on the one hand and strengthen the democratic institutions in the country on the other.

With regards to security concerns, INEC must make conscious efforts to engage security agencies to conduct deeper security analyses, map out hotspots and develop strategies to conduct elections in those areas. There is a need also for the Commission to collaborate with the National Orientation Agency (NOA) and CSOs to propagate and spread peace messaging, counter disinformation and promote social cohesion.

Participants called for regular engagements and information sharing between CSOs, INEC, political parties, security agencies and other critical stakeholders.