

REFLECTIONS ON NIGERIA'S ELECTIONS: THREATS, POTENTIAL OUTCOMES AND RELEVANCE TO DEMOCRACY IN WEST AFRICA

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Key points

The two elections will result in the election of a new president and vice-president, members of the Senate and House of Representatives, state governors and legislatures. Eighteen (18) candidates are on the ballot for the presidential elections.

Beyond technology, Nigeria's new electoral law has enhanced the independence of INEC in terms of funding. It provides for the establishment of the Independent National Electoral Commission Fund to finance elections in the country.

The security agencies will have to be accountable to inspire confidence ahead of the election. Additionally, INEC should sustain public education and mitigate misinformation to build trust in the BVAS and IReV, being deployed for the 2023 election.

INTRODUCTION

The upcoming presidential election in Nigeria has generated huge interest and enthusiasm within the sub-region. The election has been described as the most competitive since returning to multi-party democracy in 1999. This paper reflects on the prevailing context barely one month into the election. It discusses the relevance of the election to the sub-region, major reforms around the election and why it is receiving enormous attention in Nigeria and the whole of West Africa. It concludes with an analysis of the factors shaping the potential outcome of the election.

THE 2023 ELECTION

Nigeria's 2023 General Election will be held in two phases beginning with national elections (Presidential and National Assembly) on Saturday 25th February 2023 and State elections (Governorship and State Houses of Assembly) on Saturday 11th March 2023. The two elections will result in the election of a new president and vice-president, members of the Senate and House of Representatives, state governors and legislatures. Eighteen (18) candidates are on the ballot for the presidential elections. Three of these candidates have been projected as the front runners – Atiku Abubakar, former vice president and candidate for the People's Democratic Party (PDP), Bola Ahmed Tinubu, a former Governor of the Lagos State and candidate for the All Progressives Congress (APC), and Peter Obi, former Governor of Anambra State and candidate for the Labour Party (LP). Rabi Musa Kwankwaso, former governor of Kano State and candidate for the New Nigeria People's Party (NNPP) is also seen as crucial to the election. Although he is not seen as a key contender for the presidency he could shape or influence the outcome of the election.

Nigeria's test for candidates for the presidency is very comprehensive requiring that the candidate who emerges victorious in the presidential election must have extensive support in all the six geo-political zones¹. Some analysts have predicted the likelihood of a run-off which the constitution

1 The President of Nigeria is elected using a modified two-round system. To be elected in the first round, a candidate must receive a majority of the vote and over 25% of the vote in at least 24 of the 36 states. If no candidate passes this threshold, a second round will be held between the top candidate and the next candidate to have received a plurality of votes in the highest number of states.

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stipulates must be held twenty-one (21) days after the first round of voting. They believe the three major ethnic groups in Nigeria (Yoruba, Fulani and Igbo) all have competitive candidates which limit the possibility of any alliance on the basis of ethnicity for the 2023 presidential race. Secondly, both Rabiun Kwankwaso and Peter Obi are actively campaigning and competing for votes in the stronghold of the PDP and APC and this could push the election into a run-off. Others have predicted a two-horse race between the PDP and APC.

The upcoming election is very unique to elections in Nigeria. The country will deploy advanced technological innovation with the introduction of the new Electoral Act 2022. This is seen as very progressive and reformative compared to previous elections. The Act empowers the Independent National Electoral Commission (INEC) to deploy technological solutions for the 2023 national and federal election. Consequently, INEC has deployed the Bimodal Voter Accreditation System (BVAS) and INEC Election Result Viewing Portal (IREV). These technological innovations have been found to enhance electoral integrity and inspire public confidence in elections. According to INEC, the addition of the BVAS and the IREV² are expected to solve perennial challenges with elections in Nigeria such as the manipulation of results and votes during voting and collation, including ballot snatching which is a major source of violence during elections. Other technological improvements are the introduction of “MyINEC Mobile App” which enable subscribers to seamlessly access information relating to the elections from their mobile phones, the online verification of registration in the final voters register by eligible voters, and the online Polling Unit Locator Tool to assist voters locate their polling units.

Beyond technology, the new electoral law has enhanced the independence of INEC in terms of funding. It provides for the establishment of the Independent National Electoral Commission Fund to finance elections in the country. INEC receives direct funding from the state and not through an agency or ministry. The Act also provides the timely release of funds, one year before the election to avoid delays by the federal government for elections. The Act also offers clarity on the definition of over voting, a contentious issue around many elections in Africa. For the 2023 election, the total number of accredited voters by the BVAS (not the number of voters on the register) will become the basis for determining the validity of votes for the election from each polling station. INEC has further increased the total number of Polling Units (PUs) to 176,846 by adding 56,872 new PUs for the 2023 election to expand access and reduce congestion at polling stations especially within the Federal Capital Territory (FCT).

2 Both tools perform mutually reinforcing and critical functions in elections. The BVAS is a technological device used to identify and accredit voters' fingerprints and facial recognition before voting. The device is also used for capturing images of the polling unit result sheet (Form EC8A) and uploading the image of the result sheet online. IREV is an online portal where polling unit level results are uploaded directly from the polling unit, transmitted, and published for the public.

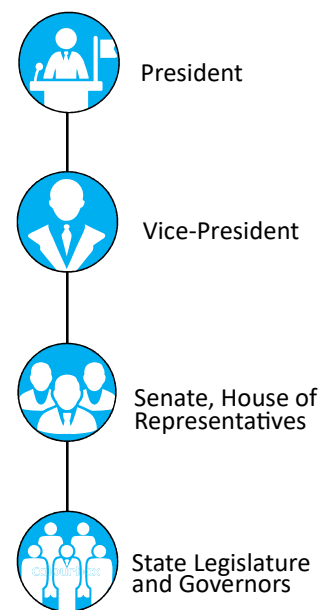
3 An NDI/IRI Pre-election Assessment Mission in Nigeria from December 4-9,2022 acknowledged the early release of funds to INEC which allowed for early commencement of procurement, domestic ballot printing, and deployment of non-sensitive materials compared to the 2019 election.

WHY THE ELECTION MATTERS TO WEST AFRICAN CITIZENS

Several reasons account for the huge interest in the upcoming national elections in Nigeria at the global and regional levels. First, it's been described as Africa's biggest election with an estimated 94 million registered voters, 176,846 polling units and 12,163 candidates sponsored by 18 political parties for the election. The offices available include the president, vice-president, senate, house of representatives, state legislatures and governorship positions.

Secondly, given that Nigeria, is the most populous and largest economy on the continent, the regional heavyweight in West Africa coupled with the current insecurity in the country, the 2023 election will automatically generate high stakes and interest among election watchers and stakeholders. Already the country is increasingly consumed by internal challenges of fighting violent extremism orchestrated by the activities of Boko Haram and its splinter groups predominantly in the North East and now spreading to other parts of the North; banditry in the North West; Separatist activities in the South East; and farmer-herder crisis in the North Central⁴. Again, events such as the brutal attacks on the END SARS protesters at the Lekki toll gate and the internet shut down have placed Nigeria in the spotlight ahead of the election.

Most significantly, West Africa is facing an increasing wave of autocracy. This has drawn growing attention to the region at continental and global level. It is experiencing a decline generally in the quality of democracy including elections. Elections in countries such as Nigeria (34.75% in 2019)⁵, Benin (50.63% in 2021), Burkina Faso (50.79% in 2020), and Côte d'Ivoire (53.90% in 2021)⁵ have all experienced low voter turnout. In Guinea, about 20 people were killed during violent disputes over the October 2020 elections where Alpha Conde manipulated the constitution to stay in office for a third-term. State sponsored attacks on the opposition in elections in Senegal and Benin were observed. In Senegal, a prominent opposition leader, Ousmane Sonko, is facing trial for alleged rape which is believed to be orchestrated by the incumbent government. His arrest in 2021 sparked a lot of protest and riots in Senegal. Countries such as Côte d'Ivoire, Togo, and Guinea have revised their constitutions to remove term limits despite popular upheaval and international condemnation. The region is also battling with insurgency within the Sahel and the spillover is being felt in coastal states of West Africa such as Côte d'Ivoire, Benin and Togo. Again, political instability persists in Burkina Faso, Guinea and Mali due to unconstitutional changes in government. It is therefore not surprising that the Nigeria 2023 election has become the focus of most West African citizens, governments and the inter-governmental authority. Pro-democracy actors are therefore concerned with the deteriorating political environment in the region and Nigeria is certainly critical in resolving these challenges. Any fallout from the election if not well managed could derail efforts and investments aimed at reversing autocracy and exacerbate the already fragile security situation in the region.



⁴ <https://issafrica.org/iss-today/nigerias-presidential-hopefuls-make-vague-promises-on-security>

⁵ <https://www.idea.int/data-tools/regional-comparison-view/522/40/20>

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POTENTIAL CHALLENGES AHEAD OF THE ELECTIONS

The 2023 election has seen a number of improvements and interventions that should inspire confidence in the electoral process. However, with a few weeks to the election, the current security situation is very worrying. The expectation was that the security environment will improve ahead of the election. Unfortunately, this hasn't been the case. Bandits and armed religious extremist groups, especially the Boko Haram appear to operate at will. On the election front, there have been sustained attacks on INEC facilities. The Armed Conflict Location & Event Data Project (ACLED)⁶, as part of the Nigeria Election Violence Tracker has recorded at least 134 incidents involving INEC offices and staff between 2019 and 2022. These attacks include lootings, arson attacks, shootings, as well as abductions and assassinations of electoral officers⁷. The report indicates that violence targeting INEC facilities has clustered in the South East, which is home to over two-thirds of the total events recorded between 2021 and 2022. Again, the recent attack at a train station in Edo state in January this year with 31 intending passengers abducted and the burning of a catholic priest do not provide assurance for safety and security of the election period. The rising insecurity in the country could undermine the credibility of the polls as some voters in violent prone communities may feel insecure to step out or travel to their polling units on election day to cast their ballot. Nigeria's elections have predominantly experienced low voter turnout and this may not improve if the current environment prevails.

It is commendable that INEC has extended the timeframe for the collection of PVCs to ensure that registered voters have ample time to collect their PVCs. INEC has been emphatic on the “No Verification No Vote” mantra for the 2023 election. A federal court in Nigeria is yet to decide whether to compel INEC to allow registered voters without Permanent Voter Cards (PVCs) to participate in the forthcoming general elections using their Temporary Voter Card⁸. INEC has maintained the PVC is critical to its accreditation process unlike in previous elections where it allowed eligible electorate that had issues with accreditation to vote after filling the Incident Form. INEC may be highly constrained if the judgement interferes with its preparations for the election.

INEC has also invalidated about 2.7million voters on the register. There are concerns that INEC should publish the list to clear any doubt and ensure transparency in the process. There are also attempts by some political party influencers and activist to undermine the integrity of the BVAS and IReV with fears of being compromised on election day, although they were deployed during the 2022 Ekiti and Osun gubernatorial elections, albeit on a limited scale compared to the general election. Similar concerns exist on the threat of cyber-attacks to disrupt the voting or transmission of results. INEC has given assurance that the BVAS will be deployed to all

6 <https://acleddata.com/about-acledd/>

7 <https://acleddata.com/2023/01/19/nigeria-election-violence-tracker-situation-summary-13-december-2022-15-january-2023/>

8 <https://www.thisdaylive.com/index.php/2023/01/17/court-decides-fate-of-registered-voters-without-pvcs-january-30/>

polling stations and will be the backbone for the election. The INEC chair, Prof. Mahmoud Yakubu has indicated on many platforms that “the system of using the BVAS for the conduct of elections has come to stay. There's no going back”. That notwithstanding, the recent ruling by the Osun State Governorship Election Petition⁹. Tribunal that overturned the election of the governor due to overvoting raised apprehension about the integrity of the accreditation process. BVAS is expected to check overvoting because of the verification processes involved. It promotes the principle of "one-man-one-vote" However, the judgment revealed a lapse in the BVAS deployment which questions the integrity of the election officials. The whole conundrum around overvoting has to be unraveled to inspire confidence among voters before the elections. Trust in EC remains very low (22%) according to the Afrobarometer RD 9 Survey conducted in 2022¹⁰. The EC must ensure that the ruling does not compromise preparations for the election, especially with the deployment of the BVAS.

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MAJOR FACTORS SHAPING THE OUTCOME OF THE ELECTION

The geopolitical environment has always been key to elections in Nigeria. At least, this is to ensure there is balance in representation reflecting the various blocs in the country in terms of religion, ethnicity and region. At least the constitution requires presidential candidates to obtain votes across majority of states as the minimum threshold for election as president. For the 2023 election, the selection of presidential candidates defies political tradition in Nigeria. Since Nigeria's return to multi-party politics in 1999, the presidency has rotated between Muslims and Christians. This may not be the case for the 2023 presidential election if the PDP or APC emerge victorious. Both presidential candidates for the PDP and APC are Muslims. For the APC, it presented a Muslim-Muslim ticket for the president and vice-presidential slot against concerns from the Christian community in Nigeria. It will be fascinating how the current composition of candidates will impact on the outcome of the elections considering the fact that Nigeria is a heterogeneous society. Will it set a new order and defy ethnicity and religion in Nigeria politics or disadvantage the candidates specifically for the APC which presents a Muslim-Muslim ticket?

Secondly, the PDP is undergoing internal wrangling, a fallout from the party's presidential primaries, which the party has failed to resolve¹¹. A group of PDP separatist governors referred to as the “G-5 Governors” from the south have withheld their support for the PDP presidential candidate demanding the immediate replacement of the National chairman of the PDP who is from the North as pre-condition for them to extend their support to the PDP candidate. They argue that the presidential candidate and chairman cannot be from the same region.

It is also worthwhile to mention the emergence of a third force in the presidential election through the Labor Party (LP) whose presidential candidate was the running

⁹ <https://businessday.ng/news/article/osun-tribunal-judgement-questions-bvas-ahead-elections/>

¹⁰ <https://www.afrobarometer.org/articles/nigerians-want-competitive-elections-but-dont-trust-the-electoral-commission/>

¹¹ <https://www.thecable.ng/g5-governors-enemies-of-progress-frustrating-pdps-quest-for-presidency>

“ There are concerns around the distribution and collection of PVCs, invalidation of voters from the register, insecurity, vote-buying and disinformation, violent attacks on INEC staff and facilities can undermine the credibility of the election. ”

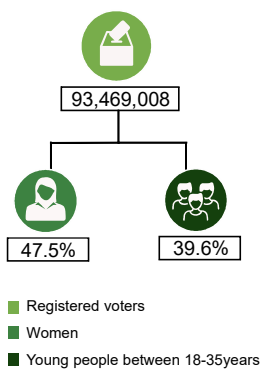
mate to the current PDP candidate, Atiku Abubakar in the 2019 election. Indeed, some election pollsters have predicted victory for the Labor Party. The Labor Party appears to be the new hope for the youth in Nigeria who have expressed frustration with the two dominant parties, the PDP and the APC. In a twist of events, the former president of Nigeria, H. E Olusegun Obasanjo has thrown his support for the presidential candidate of the LP contrary to his own party, the PDP. He has publicly endorsed the presidential candidate of the LP against Atiku Abubakar, former vice-president under Obasanjo and presidential candidate for the PDP in the 2023 election. Obi has received other high-profile endorsements ahead of the election and many believe that it will enhance his chances and outcome of the election. Many people however are of the opinion that the LP lacks broad-based national and grassroots support to garner the required votes across all the six-geopolitical zones to win the election.

Women and youth are also crucial in this election in terms of determining the outcome. Recent Voter Registration statistics released by INEC indicates that of the 93,469,008 registered voters, 47.5% are women whilst 39.6% are young people between 18-35 years. This is a huge voting community which can determine the election outcome if they turn out massively for the polls. The incumbent government may not be popular with the youth due to its manhandling of the END SARS protesters and the concurrent shut down of the internet in the midst of the protest.

On the socio-economic front, unemployment, corruption, payment of subsidies and insecurity are among the major priority issues receiving attention in the presidential contest.

CONCLUSION

It is not in doubt that the impending election in Nigeria is critical to stability and democracy which is declining in West Africa. Nigeria is the pacesetter for presidential elections in the sub-region. Liberia and Sierra Leone will also hold presidential elections in 2023. Stakeholders expect the Nigeria election to provide exemplary indicator for these other elections in the region. Any adverse consequences may severely worsen the volatile environment which the region may not be able to contain. The reforms by INEC are very commendable and inspiring. That notwithstanding, there are genuine concerns around the distribution and collection of PVCs, invalidation of voters from the register, insecurity, vote-buying and disinformation that could undermine the credibility of the election. Most importantly, the violence and attacks on INEC facilities and staff particularly in the South East and the anxiety around security for the election is very worrying. The security agencies will have to be accountable to inspire confidence ahead of the election. Additionally, INEC should sustain public education and mitigate misinformation to build trust in the BVAS and IReV, being deployed for the 2023 election. Particularly in view of the judgment in the Osun State. The law must be amended to provide sanctions against election officials who are found culpable to serve as a deterrent and protect the credibility of the polls and the integrity of the BVAS.



References

- <https://www.kofiannanfoundation.org/app/uploads/2021/11/Democratic-backsliding-in-West-Africa-Nature-causes-remedies-Nov-2021.pdf>
- <https://www.mondaq.com/nigeria/constitutional--administrative-law/1185368/the-electoral-act-2022-key-changes-and-impact-on-the-2023-elections->
- <https://www.vanguardngr.com/2022/11/inspiring-confidence-in-the-bvas-and-electronic-transmission-of-election-results-seven-urgent-actions-for-inec/>
- <https://www.vanguardngr.com/2022/11/inspiring-confidence-in-the-bvas-and-electronic-transmission-of-election-results-seven-urgent-actions-for-inec/>
- <https://www.thisdaylive.com/index.php/2022/09/21/nigeria-requires-a-new-constitution/>
- <https://www.premiumtimesng.com/news/headlines/575885-analysis-2023-nigerias-most-consequential-year-since-1999.html>
- <https://www.inecnigeria.org/>
- <https://www.idea.int/news-media/news/inspiring-confidence-bvas-and-electronic-transmission-election-results-seven-urgent>



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