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## ACRONYMS

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**ACDHRS**- African Centre for Democracy and Human Rights Studies  
**CISLAC**- Civil Society Legislative Advocacy Centre  
**CPR**-Civil and Political Rights  
**CSO**-Civil Society Organisation  
**CVR**-Continuous Voter Registration  
**ECOWAS**-Economic Communities of West Africa  
**EMB**-Election Management Body  
**FCT**-Federal Capital Territory  
**FEC/FEDECO**-Federal Electoral Commission  
**HURIDAC** -Human Rights Advancement, Development and Advocacy Centre  
**ICCPR**- International Covenant on Civil and Political Rights  
**ICESCR**- International Covenant on Economic, Social and Cultural Rights  
**INEC**-Independent National Electoral Commission  
**LGA**-Local Government Area  
**MOVE**- Mobilising Voters for Election  
**NEC**-National Executive Committee  
**NECON**-National Electoral Commission of Nigeria  
**NGO**- Non-Governmental Organisation  
**NHRC**-National Human Rights Commission  
**PVC**-Permanent Voter's Card  
**SBM Data** – SB Morgen Data  
**UDHR**-Universal Declaration of Human Rights  
**UN**-United Nations  
**ISWAP**-The Islamic State in the West Africa Province  
**APC**-All Peoples Congress  
**ABATTS**-Anti-terrorist battalions  
**CPI**-Corruption Perception Index  
**BVAS**-The Bimodal Voter Accreditation System  
**IReV**-INEC Result Viewing Portal  
**VIN** -Voter Identification Numbers  
**PDP**-Peoples Democratic Party  
**CBN**-Central Bank of Nigeria  
**POS**-Point of Sale



Human rights are indivisible and are inherent to the dignity of every human being whether civil, political, economic or social in nature. Political rights are a class of rights that protects individuals' freedom from infringement by the government, social organizations, and private individuals. These rights ensure an entitlement to participate in the civil and political life of society and the state without fear of discrimination or repression.

1999 signalled the end of fifteen years of military rule in Nigeria and the introduction of a democratic system. This momentous event had a ripple effect on Nigeria's political landscape – it brought about the introduction of the 1999 Constitution and the establishment of the Independent National Electoral Commission (INEC). The Constitution and the establishment of INEC in turn provided a legal framework for the institutionalization and protection of political rights in Nigeria.

The Nigeria Election Report is an exploration of past and upcoming Nigerian elections from the standpoint of human rights, enshrined in the Nigerian Constitution including the right to vote, freedom of association and movement etc.

The report delves into three key areas: *the first area the report explores is the historical, political and legal background of elections in Nigeria. It highlights the*

*interface between elections and human rights and the human rights obligation of Nigeria to her citizens.*

*The second area or strand explores the legal framework for the conduct of elections consisting of domestic constitutional laws protecting the right to vote as well as international legal instruments such as the Universal Declaration of Human Rights.*

*The third area this report focuses on is the role and responsibility of stakeholders in the conduct of free and fair elections.*

### **The report contains ten chapters.**

Chapter One serves as the introduction of the report and contains a brief exploration of elections in Nigeria from a human rights perspective. It employs the 2023 general elections as a backdrop to briefly assess past elections in the country and other African countries, focusing on the right to vote and the electoral will of the people.

Chapter Two briefly evaluated the track record and historical background of elections in Nigeria since 1999 after the end of military rule. It focused on the human rights perspective, in particular the right to vote and the prevalence of the people's will in choosing elected leaders.

Chapter Three titled, "Human Rights and Elections" explored the legal framework underpinning the electoral process in Nigeria. The chapter highlighted various national and international legal instruments necessary for a successful electoral process and a human rights friendly environment.

The conduct of free and fair elections in any country is dependent on the actions of state and non-state actors. The fourth chapter titled "Role of Stakeholders in Elections" highlighted the role of stakeholders in the electoral process like citizens, political parties, national human rights commission, electoral bodies, CSOs and the wider diplomatic community.

Chapter Five explored the issues and challenges surrounding the 2023 elections. It utilized the recent primary elections of three major political parties as a backdrop to highlight the internal instabilities that have plagued Nigeria's political party system. This chapter also explored recent issues such as the CBN policy and the redesign of the naira notes and their implications on the upcoming elections. It went further to highlight the three major political contenders for the 2023 Presidential elections – Bola Ahmed Tinubu, Atiku Abubakar and Peter Obi – and the sentiments, undertones and issues surrounding their candidacy.

Chapter Six emphasized the role of INEC in the upcoming 2023 general elections and provided an in-depth demographic analysis of registered voters on a state-by-state basis.

The conduct of free and fair elections is highly dependent on the autonomy of electoral bodies and an acknowledgement of a country's current realities. Chapter Seven zeroed in on the New Electoral Act enacted in 2022, analysing its provisions and its impact on Nigeria's national electoral body – INEC.

Chapter Eight, titled Human Right Exploration of Nigeria 2023 General Elections is an analysis of the 2023 elections from a human rights perspective. It also examines certain human rights cases surrounding the 2023 election and expands on chapter one's earlier conceptual discussions of the subject. This chapter also reviews the various election phases and highlights any infractions that occurred.

Chapter Nine contains the data analysis portion of this report. It delineates the victims of election violence across the three phases of the electoral process using the indices of extra-judicial executions, unlawful killings, politically motivated killings, politically related deaths and injuries and destruction of property. It also provides an analysis of violence recorded in 2019 elections vis-à-vis the 2023 elections.

The strength of a democratic system is determined by an interplay of factors such as effective institutions and collaboration of stakeholders involved in the democratic process. Chapter Ten contains the recommendations and conclusions of this report. The chapter provides guidelines for the successful conduct of elections and emphasizes the importance of state and non-state actors in the electoral process. It also contains the motivations of HURIDAC in writing this report and pertinent information about the organization.

The methodology for this report is multi-faceted utilizing desktop research, fieldwork, questionnaires and interviews with stakeholders in Nigeria's political process.

The report presents a snapshot assessment of not only Nigeria's political landscape in recent years, but also made reference elections in other West African countries such as Liberia, Gambia, Sierra Leone where the will of the people have prevailed.

It sheds light on the role of CSOs, national human rights institutions, and electoral bodies and regional institutions such as ECOWAS in ensuring that a country's elections are a reflection of the political will of the people.

The purpose of this report is two-fold: Firstly, to assess recent elections in Nigeria and highlight the challenges encountered so far from a human rights perspective; and secondly, to serve as a reference for future elections in Nigeria taking into consideration human rights issues for the purpose of standardizing political rights in the region especially the right to vote.

The challenges and case studies examined in this report are not peculiar to Nigeria alone and the recommendations will be beneficial to other West African countries in the standardization and protection of political rights in the region.

This report is the product of internal efforts of the two organisations HURIDAC and CISLAC, we express gratitude for the selfless service provided by the report writing committee comprising of Esther Atani, Alice Babalola, Amadou Tolno and Mfon Enoidem of HURIDAC. Ayodele Ameen (HURIDAC-ED), Auwal Musa (CISLAC – ED), Nelson Ekujimi – (HURIDAC Communication Manager) and Samuel Asimi (Senior Programmes Officer – CISLAC) provided the necessary review input. The digital team of Akinsola Ibrahim and Abbas Folarin of HURIDAC digitalised the report and Pat Uche provided editorial support.



## CHAPTER ONE: INTRODUCTION TO A HUMAN RIGHTS EVALUATION OF 2023 GENERAL ELECTIONS IN NIGERIA

The 2023 Nigerian presidential and gubernatorial elections just like other elections conducted in democratic era since 1999 needs to be explored from the human rights perspective, especially in the context of respecting the right to vote and strengthening democracy in the federal republic of Nigeria and in the region as a whole.

This report is the human rights assessment of the 2023 general elections in Nigeria. It is an exploration of the recently concluded national and gubernatorial elections in Nigeria from a human rights outlook, with a critical link to the right to vote. Electoral rights are the result of the application of all interrelated and interdependent rights connected to human rights, especially right of vote. These rights include, but are not limited to freedom of expression and association to name just a few.

The right to vote is significantly anchored on the expression of the will of the people during elections; this ensures that their votes count, but also ensures that the election will be 'free and fair'. The results of a free and fair election may positively affect the political atmosphere in the region and strengthen democracy. This is the key objective of the electoral process and the total inclusion of the people through respect of their choice is a great step toward ensuring sustainable democracy, development, and good

governance.

In 2015, an amalgamation of opposition political parties won the election in Nigeria. In 2016, which was a keenly contested presidential election, the opposition won with 53% electoral votes in Ghana. During the 2016 and 2020 elections, a coalition of opposition political parties defeated the ruling party of about two decades in the Gambia. In 2017, a former world best footballer led an opposition party to win the presidential election in Liberia. In 2018, Sierra Leone who is also preparing for elections in 2023, joined the ranks of countries in which the 'will of the people' counted in the voting process when the opposition party defeated the All Progressives Congress (APC) led government in the 2018 presidential elections, This has created a strong conviction that the will of the people will be respected again during the coming elections.

These were not easy achievements and the political candidates confronted many challenges and difficulties. However, the intervention and diplomatic efforts of international observers, notably the Economic States of West Africa Countries (ECOWAS) and their zero tolerance to undemocratic change of power helped in most of these cases. In Gambia, soldiers were deployed by ECOWAS to protect the results of the election and ensure that the election rights of Gambian citizens were maintained. (HURIDAC, 2019)



Civil society organisations have contributed greatly in making elections a success across the region. Voter education the deployment of elections observers during various elections in the regions and also the analysis of the elections through its situation rooms shows how important the protection of the will of the people in any country is. This in turn helps in maintaining democratic principles and strengthening the protection and promotion of human rights of the citizens. Many civil society organisations such as the Human Rights Advancement and Advocacy Centre (HURIDAC) as well as many others have contributed toward the promotion of this 'right to vote', as well as raising awareness on the danger of vote trading.

HURIDAC has in the past published post-election human rights reports, such as An Audit of the Sierra Leone election, the Nigeria 2019 Elections Report and the Gambia 2020 Elections Report. All these reports interrogate the human rights perspective and are all available at: [huridac.org/e-library/](http://huridac.org/e-library/). These reports serve as references point for electoral actors to integrate human rights into their electoral planning and management, especially the protection of the rights to vote.

This has motivated and encouraged Human Rights Advancement, Development and Advocacy Centre (HURIDAC), a regional election observer to invest their resources in the 2023 Nigeria elections project.

The HURIDAC team has previous experience working on elections and human rights projects. The team was involved in the Sierra Leone and Gambia elections. This experience came in handy for work on the election in Nigeria. HURIDAC partnering with CISLAC sets specific objectives for this report, which are twofold: to document elections observation from human rights standpoint in a report and advocate on the report's recommendations.

## 1.1. Methodology

The methodology of this report is multi-faceted, starting with desk research, fieldwork, questionnaire to political parties, interviews with victims as well as other stakeholders. The desk research relied on literature review, that is, previous work done on the relevant concepts and the country as it relates to elections. The incident and data analysis chapters rely on series of data sources such as reports from various observers made available to us by some Civil Society Elections Situation rooms.

The outcome of this process is this detailed report.

However, for ethical reasons, this report does not include the gruesome, ghastly, horrific, shocking, frightening, and horrible pictures in our possession.

## 1.2. Structure of the Report

The report is structured into ten chapters, beginning with **Chapter one**, which is the introductory part and sets the foundation for the report capturing the motivation of the organization to work on this report. It also highlights the methodology of the report, as well as the output and provides an overview of each chapter.

**The second chapter** provides the historical background to the political development of Nigeria as a country; this is important for two reasons. First, to provide useful background information for the emerging population of Nigerians. Second, to provide pertinent information for non-Nigerian readers.

**The third chapter** explores the interface between elections and human rights; it provides the legal and political background for elections in Nigeria. It also examines the human rights obligations of the country.

**The fourth chapter** examines stakeholders involved in Nigeria elections, their roles and responsibilities in ensuring a positive outcome of the electoral process.

**The fifth chapter** is an exploration of issues pertaining to the 2023 elections and it examines the impact of policies such as the CBN naira redesign on the 2023 elections.

**The sixth chapter** focuses on the assessment of the role of INEC in the 2023 general elections, including voter registration procedures, the distribution of permanent voter identification cards (PVCs) to eligible voters.

**The seventh chapter** examines a few provisions of the new Electoral Act as well as some of the significant difficulties it introduces. It also examines any potential effects these changes may have on future elections. Additionally, the chapter will look at the impact of the Electoral Act, 2022 on party primaries and politicians.

**The eighth chapter** is a human rights exploration of the 2023 elections and a review of the various election phases. The chapter also captures infractions and human rights violations that occurred during different

phases of the electoral process.

**Chapter nine** contains the database and data analysis of the infractions and human rights violations and abuses that occurred during the three phases of the election process: pre-election, during election and post-election. The 2019 general elections were marred by violence that led to the loss of one hundred and forty-four (144) lives, fifty-four (54) people who sustained injuries and the destruction of 118 properties. This chapter presents recorded incidences of violence during the 2023 national and gubernatorial electoral process. The 2023 National elections recorded the loss of one hundred and eighty-seven (187) lives, twenty-one (21) injuries and the destruction of eight (8) properties. While the 2023 gubernatorial elections recorded ninety-one (91) loss of lives, eighty-one (81) injuries and destruction of twenty-five (25) properties.

**Chapter ten** is the concluding chapter that provides a summary of all aspects of the report and contains recommendations for the successful conduct of future elections in Nigeria.

Finally, the report is not aimed at just the Nigerian reader, though it specifically examines human rights cases that occurred during the country's 2023 elections. Most of the lessons from the conceptual background pertaining to elections and human rights, elections management and security institutions are very relevant for most countries in Africa. The recommendations in this report are relevant for countries facing similar challenges. The National Human Rights Commission (NHRC) CISLAC and HURIDAC partnership is open to more collaboration to deepen research and advocacy on the critical issues in this report and in implementing the recommendations.



## CHAPTER TWO: HISTORICAL BACKGROUND OF ELECTIONS IN NIGERIA

### 2.1. INTRODUCTION

The 2019 elections report was the human rights examination of elections from Nigeria's independence to the country's 2019 general elections. The report explored elections management in Nigeria and provides insight into legal frameworks and international standards. It identified the emerging and shifting risks of election violence for Nigeria's 2019 elections and related socio-economic implications and provided recommendations for authorities and stakeholders supporting the electoral process to help mitigate these risks. This 2023 report is an updated version and its key focus is the relationship between the election process and human rights in Nigeria.

Nigeria became independent on October 1, 1960. The First Republic represents the period between this date and January 15, 1966, when the first military coup d'état took place. The country however, became a republic on October 1, 1963.

At independence, Nigeria had all the trappings of a democratic state and was indeed regarded as a beacon of hope for democracy. It had a federal constitution that guaranteed a large measure of autonomy to three (later amended to four) regions and Nigeria operated a parliamentary democracy modelled along British lines that emphasized majority rule. Unlike other African states that adopted one-party system immediately after independence, the country had a functional,

albeit regionally based, multiparty system.

The first post-independence election was organized by the government led by Prime Minister Tafawa Balewa/President Nnamdi Azikiwe in 1964 and 1965. It was characterized by widespread complaints of fraud, violence and intimidation; and protests in the wake of the regional elections in some areas degenerated into violence that claimed more than 200 lives.

The problems associated with the first post-independence national election of 1964 and 1965 as well as the crises-ridden Western Region election culminated in the January 15, 1966 coup. The elections were bedevilled by widespread rigging and intimidation, giving the impetus for the first military coup in Nigeria and the culture of instability that beset the country for over three decades.

Other elections that took place in Nigeria after the 1964 and 1965 elections have not fared any better. From 1966, the military held sway until 1979 when they handed over to another civilian government headed by Alhaji Shehu Shagari of the National Party of Nigeria (NPN).

Mallam Shehu Shagari emerged as the civilian president of the 1979 elections. However, the elections were criticized by international observers as having been massively rigged. Four years later, the 1983 election fared even worse, marred by corruption, political violence and polling irregularities. This

provided the military with another excuse to seize power on December 31, 1983, citing electoral malpractices as one of its reasons for overthrowing the civilian government.

The Shagari-led government organized a civilian to civilian electoral transition which went the way of earlier elections as there were outcries of massive rigging with the alleged connivance of security forces and the Election Management Body (FEDECO); resulting in electoral violence. This again set the stage for the second wave of military intervention in the nation's politics on December 31, 1983. The military then remained in power until May 29, 1999 after, several attempts to democratize.

The Abubakar Abdulsalami military regime that midwived the country's transition to the Third Republic and ushered in the present democracy, recorded notable steps in concretizing the nation's fledgling democracy. The first was the adoption of a new constitution, another milestone was the redefining of a new electoral process for the country and a name change of the election management body from FEDECO (Federal Electoral Commission) to INEC (Independent National Electoral Commission).

The implication of the electoral commission's name change was greater autonomy and provisions granting the Commission power to register political parties and conduct elections.

## **2.1. An Overview Of Post-military Elections In Nigeria**

The 1999, 2003 and 2007 elections were three elections conducted during a ten-year period of Nigeria's democracy. However, these elections have been lampooned by many critics as far from being free and fair, but rather marked by widespread violence and fraud.

On the other hand, the 2007 and 2011 general elections were characterized by petitions challenging the validity of election results. Arising from the 2007 general elections alone, 1,299 election petitions were written challenging official results. These petitions were for a total of 1,496 elective offices which INEC organized elections. (HURIDAC/NHRC, 2019)

From the 2011 elections, there were an additional 769

petitions written, which made up a majority (51.4%) of electoral posts being challenged. This trend eroded the trust of Nigerians in the validity of the electoral process.

The 2011 election also culminated into violence that initially started with widespread protests by supporters of the leading opposition candidate, Muhammadu Buhari, of the Congress for Progressive Change (CPC), following the re-election of Goodluck Jonathan, who was the candidate for the ruling People's Democratic Party. The protests snowballed into violent riots or sectarian killings in the northern states of Adamawa, Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Niger, Sokoto, Yobe, and Zamfara. Relief officials estimate that more than 65,000 people were displaced. (HURIDAC/NHRC, 2019)

The April 2011 presidential election further divided the country along ethnic and religious lines as voters selected candidates based on sentiments of religion or ethnicity rather than pedigree, conviction, or a political party or candidate's manifesto.

### **2.1.1. 2015 General Elections**

During the preparations for the 2015 general elections, the country's concern was to organize peaceful elections and relevant national and international stakeholders were engaged in the discourse. Elections in any nation are significant because they have the potential to either strengthen or destabilize peace and security; and either of these outcomes depends on the preparation and administration of the elections by the relevant bodies. (Reliefweb, 2015)

The 2015 elections defied all expectations of violence as it was the first credible and transparent election in the history of the country. It restored the nation's democratic foundation by achieving an interparty alternation of the presidency for the first time. (Academia, 2015)

The national actors and international community embarked on a strong conflict mitigation campaign utilizing preventive mediation and peace messages not ignoring the early-warning mechanism; and effective monitoring mechanisms which contributed to the success of the elections. This led to the

emergence of a strong political opposition as four parties were set up: The Action Congress of Nigeria (CAN), Congress for Progressive Change (CPC), All Nigeria Peoples' Party (ANPP) and the All Progressive Congress (APC).

The effective conflict management during the 2015 election was a collective effort of relevant stakeholders. The impact of peace in the electoral process; strong and effective institutions, and a legal framework laid the foundation for healthy electoral competition and the effective management of elections. (Accademia, 2015)

INEC improved the credibility of the elections through the introduction of biometric technology for the management of the electoral and the result collation process. A peace-building mechanism was implemented by both national and international actors which led to the observance of a peace-building day, the first ever since the transition of the country to democracy. (Academia, 2015)

The 2015 Nigeria general elections were pivotal for the country itself and the region in general, from the alternation of coups and civilian rule to multiparty participation in inclusive and peaceful elections. The 2015 elections were a massive democratic success that showed promise of being replicated in coming elections.

## 2.1.2. 2019 General Elections

The 2019 general elections to elect the president, vice president, and members of the National Assembly were scheduled to take place in Nigeria on February 16. However, in a shocking development, the elections were postponed a few hours before the opening polls by the INEC chairman, Mahmood Yakubu, due to logistics and security issues. (Taylor & Francis Online, 2020)

The Chairman of the commission listed the key challenges to be delays in delivering ballot papers and result sheets, occasioned in part by flight challenges due to bad weather; and also, unlawful attempts to sabotage the commission's preparations such as fire outbreaks at INEC facilities that destroyed smart card readers and voter cards. The elections took place a week later on Saturday, February 23, 2019.

Four days later the country's Independent National Electoral Commission officially declared incumbent

President Muhammadu Buhari as the winner with 56 percent of the votes to opposition leader Atiku Abubakar's 41 percent.

The 2019 elections were characterized by widespread violence and human rights violations and abuse leading to loss of lives and destruction of property. International observers reported a marked disregard for the rule of law as voters experienced harassment, violation of ballot secrecy, intimidation, and harassment of journalists. The integrity of the 2019 elections were further marred by porous security exposing electoral officials and voters to physical attacks and intimidation.

From January 1, 2019, to February 22 2019, the 2019 election report records that one hundred and forty-four (144) lives were lost as a result of extra-judicial killings, politically motivated killings and politically related incidents. In the two months, around fifty-four (54) people sustained injuries while property estimated to the figure of 118 were destroyed due to violence. (HURIDAC/NHRC, 2019)

According to a report from the Nigeria Civil Society Situation Room, an estimated 626 people lost their lives in the six months between the start of the election campaign and the commencement of the general and supplementary elections.

The elections also occasioned over forty-one (41) attacks carried out against INEC offices across 14 states. These attacks led to the destruction of ballot papers, boxes, cubicles, smart card readers and other materials. (Sanni, 2019)

Factors responsible for the success of the 2015 elections degenerated to the extent that the 2019 election received a low appraisal from national and international actors. The weakness of state institutions like INEC and the rise of cultural and religious bias further degraded those elections. According to international observers, the 2019 elections did not meet the standard of the previous one due to inattention to technological, logistics and administrative issues by INEC.

The 2019 elections were a snapshot of recurrent democratic issues the country faced decades ago. Unfortunately, the achievements of the 2015 general elections were frustrated by violence and the lack of

proper monitoring and management by national institutions.

## 2.2. Conclusion

Under a democratic system, elections are the only means to change leadership in any political arena. Elections in any nation are significant to the point that it has the potential to either strengthen or destabilise peace and security and either of the outcomes depends on the preparation and administration of the elections by the relevant bodies.

Nigeria's elections are a mechanism to ensure political stability and promote fundamental human rights and the lauded 2015 election was the fifth consecutive election since her return to democracy in 1999. Factors like the rise of a strong opposition that defeated the ruling party after the country had been subjected to a single-party dominance for two decades, and a balanced race between Christians and Muslims were considered critical in setting up a strong response system to the Boko-Haram insurgency. (Academia, 2015)

Nigeria's electoral history has been beset by many challenges and has been characterized by acts of violence, ballot box snatching, manipulation of results and other electoral malpractices including attacks on politicians; that have dogged the country's elections since independence. In between independence in 1960 and 1999 when civilian rule was restored, Nigeria produced only two elected governments, and both were overthrown in a military coup d'état before completing a second term in office. Also, the performance of the Independent National Electoral Commission (INEC) in past elections has shown that the commission struggles with its 'independence'. The electoral environment continues to be challenging. electoral mayhem, violence, polling irregularities underscores the need for the Nigerian government and its political class to pursue enduring remedial actions to address the plethora of electoral problems.

Till date, some voters and politicians have continued to indulge in grievous electoral infractions, often with the connivance of security personnel. Such elections are usually followed by unending lawsuits, a crisis of legitimacy, instability, and chaos.

Since its achievement of independence in 1960, Nigeria has been tormented by political instability mainly fuelled by an electoral process in crisis. This trend can be reversed only if there is a re-orientation on the tenets of politics and governance. It is therefore hoped that there will be more concerted and sustainable efforts aimed at restoring the credibility of elections in Nigeria as the most acceptable way of conferring legitimacy to those who govern in a democratic setting.

Electoral reforms are sorely needed using the 2015 elections as a reference to restore the hope of the people during the coming elections in 2023. Stakeholders such as INEC, the security forces and other relevant institutions need to work independently and free from any form of manipulation. The national peacebuilding committee should be involved in the coming elections to avoid division. There is also need for greater advocacy and awareness on the right to vote. These measures should be implemented to encourage huge participation in elections, properly equip people against vote trading and therefore protect the will of people.



## CHAPTER THREE: HUMAN RIGHTS AND ELECTIONS

This chapter explores the interface between elections and human rights; and it provides the legal and political background for elections in Nigeria. It also examines the human rights obligations of the country with consideration to the interplay of human rights and elections at the national and international arena. This chapter also provides an explanation of the context of the right to vote and its importance in ensuring free and fair elections.

### 3.1. Legal framework

From the electoral standpoint, the legal framework is a set of national and international laws that govern the electoral process with the main purpose to protect and promote the right to vote in the course of choosing leaders. Most of these rules are national legislations supported by international conventions vis a vis the respect of the right to vote and other related human rights.

#### 3.1.1. The National Legal Framework

The legality of elections as a process for deciding public officers upon whom the affairs of the state will be bestowed, does not only stem from moral conviction but it is given some backing through the legal framework. This framework explains the legal basis for elections in Nigeria, it explains how they should be conducted and highlights the rules of the

game. It also describes the roles of each stakeholder. (HURIDAC, 2019)

In Nigeria as well as other countries, the essence of elections as a process to choose or change leadership structure has been recognised and adopted by the citizens. As part of the democratic process, all stakeholders are expected to be actively involved. (HURIDAC, 2019)

The following framework better describes the link between elections and human rights.

#### 3.1.2. Electoral Provision in the Constitution:

The 1999 Constitution of the Federal Republic of Nigeria (as amended), will be the basis of reference, in considering the constitutional provision for elections in Nigeria. The constitution in Chapter One states clearly that "the Federal Republic of Nigeria shall not be governed, nor shall any persons or group of persons take control of the Government of Nigeria or any part thereof, except per the provisions of this Constitution". In Nigeria, the Electoral Act (2010) is the principal legislation regulating elections and its conduct. (HURIDAC, 2019)

Under the Electoral Act, the Independent National Electoral Commission (INEC) is saddled with the responsibility of conducting all elections for the offices

of the president, the vice-president, the Governors and their deputies, the Federal and State houses of Assembly and other elections. (HURIDAC, 2019)

The constitution further provides a real platform to ensure that these aspirations are fulfilled; this is achieved through Chapter four of the Constitution which provides for the protection of fundamental human rights.

The right to participate in governance is also constitutionally guaranteed in Nigeria as clearly seen in Section 132(5) of the 1999 Constitution which states: "Every person who is registered to vote at an election of a member of a legislative house shall be entitled to vote at an election to the office of President".

There are similar provisions in the Electoral Act, 2010 (as amended) concerning the right to vote or be voted for during elections. More so, Nigeria is a party to various international human rights instruments. These instruments complement domestic constitutional and legal guarantees on human rights.

The Right to Vote under International Law:

There is no gainsaying the fact that the right to vote encourages civic consciousness through political participation; as such, the right to vote is anchored on the tenets of democracy; and democracy is regarded as one of the universal core values and principles of the United Nations. It therefore follows that respect for human rights and fundamental freedoms and the principle of holding periodic and genuine elections by universal suffrage are essential elements of democracy. As such, the right to vote is an essential right and the fulcrum upon which democracy rests.

The Universal Declaration of Human Rights, adopted unanimously by the United Nations General Assembly in 1948, recognises the integral role that transparent and open elections play in ensuring the fundamental right to participatory government.

The Universal Declaration of Human Rights in Article 21 essentially states that "the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret ballot or by equivalent free voting procedures." (HURIDAC, 2019)

The role that periodic, free and fair election plays in ensuring respect for political rights is also enshrined in the International Covenant on Civil and Political Rights (ICCPR). Article 25, particularly recognises that every citizen has the right "...to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors...", The key international guarantee of voting rights and free elections rest on this premise. (HURIDAC, 2019)

### **3.1.3. Electoral Administration In Nigeria:**

The 1999 Constitution (as amended to 2018) provides the legal rationale for the management of elections; it affirmed clearly that:

The Independent National Electoral Commission shall comprise of the following members - a Chairman, who shall be the Chief Electoral Commissioner and twelve other members to be known as National Electoral Commissioners, who shall be persons of unquestionable integrity and not less than fifty years and forty years of age, respectively. That there shall be for each State of the Federation and the Federal Capital Territory, Abuja, a Resident Electoral Commissioner who shall be appointed by the President, be persons of unquestionable integrity and not be less than forty years of age. (HURIDAC, 2019)

It further added in Section 78 that:

The Commission shall have power to - organise, undertake and supervise all elections to the offices of the President and Vice-President, the Governor and Deputy Governor of a State, and to the membership of the Senate, the House of Representatives and the House of Assembly of each State of the Federation. It shall register political parties in accordance with the provisions of this Constitution and an Act of the National Assembly; monitor the organisation and operation of the political parties, including their finances and all relevant activities necessary for the good conduct of free and fair elections. (HURIDAC, 2019)

### **3.1.4. The International Legal Framework:**

This exploration focusses on the international human rights framework and helps to draw the needed link between elections and human rights and why such a



relationship is essential and necessary for healthy elections. The United Nations, the custodian of most international human rights treaties, has been examining this link in many rigorous processes. They believe that the rule of law should be posited effectively by drawing the connection between democracy and human rights. They describe this link as:

Pursuant to the Universal Declaration of Human Rights and further developed in the International Covenant on Civil and Political Rights of the United Nations, respect for human rights and fundamental freedoms and the principle of holding periodic and genuine elections by universal suffrage are essential elements for democracy.

Nigeria is highly committed to international treaties and also highly represented. (Huridac, 2021). The country is bound by article 18 of the Vienna Convention on the Law of Treaties 1969 to refrain from acts which would defeat the object and purpose of that treaty. On the African front, Nigeria ratified the African Charter on Democracy, Elections and Governance in 2007; the Africa Charter on Human and Peoples Rights in 1983; Constitutive Act of the Africa Union in 2001. In March 2012, the UN's Human Rights Council adopted a resolution titled "Human rights, democracy and the rule of law," which reaffirmed that democracy, development and respect for all human rights and fundamental freedoms were interdependent and mutually reinforcing. (HURIDAC, 2019)

### **3.2. Human Rights and Elections:**

Pursuant to the article 25 of the International Covenant on Civil and Political Rights "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: a) To take part in the conduct of public affairs, directly or through freely chosen representatives; b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the voters; c) To have access, on general terms of equality, to public service in his country." (HURIDAC, 2019)

For this article to be fully impactful, it needs the support of other provisions of the covenant, chief

among which are article 6.1 and article 7. While article 6.1 made provision for the protection of rights to life of Nigerians, including when they are voting, article 7 prohibits torture and inhuman and degrading treatments. These articles state thus:

*Article 6.1. "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life." (HURIDAC, 2019)*

*Article 7. "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation." (HURIDAC, 2019)*

Other relevant articles include article 9.1 that prohibits arbitrary arrest, article 19.1 and 19.2 that promote freedom of opinion and freedom of expression respectively. Freedom of assembly and freedom of association are protected by article 21 and 22 respectively.

*Article 13 (1). "Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law." 2. "Every citizen shall have the right of equal access to the public service of the country." 3. "Every individual shall have the right of access to public property and services in strict equality of all persons before the law." (HURIDAC, 2019)*

### **3.2.1. The right to vote**

Voting is a legal opportunity given to citizens of any country to freely express their will in term of choosing representation in various strategic offices in the nation. This should be done in respect to their choice as well as their dignity irrespective of their sex and physical status, ethnic background or any other distinguishing attribute. The right to vote is one of the pillars of democracy and free and fair elections are an instrument of democratic measure in a given country. (Britanica, 2023) The violation of the right to vote may not be considered as gross as it can appear, but the impeding indicator of freeness and fairness is observed in most elections in the region and Nigeria is not an exception.

#### **3.2.1.1. The Notion of Free and Fair Elections:**

Free and fair elections are the means by which eligible

voters elect their heads of state, parliamentarians, and local government representatives in transparent and credible elections. The right to vote in free and fair elections is inextricably linked to a number of other fundamental rights that are necessary for a successful electoral process such as the freedom of expression and peaceful assembly. (HURIDAC Gambia Election Report, 2021)

According to the Universal Declaration of Human Rights (UDHR) and its two Covenants (ICCPR and ICESCR, 1966), the effective participation of all citizens in the management of public affairs should be done without prejudice. (HURIDAC Gambia Election Report, 2021) From the connected rights to the right to vote to technical discrepancies that alter the nature of election negatively impact the denomination of elections to be free or fair.

### 3.2.2. Human Rights Friendly Environment

This is an environment that will not only guarantee a “free” election but also guarantee the “fairness” of the election, which is an essential precondition for good governance and respect for the rule of law. Elections must guarantee the exercise of freedom of opinion, association, expression, non-discrimination, and the use of the secret ballot box system. (HURIDAC Gambia Election Report, 2021)

To maintain a human rights friendly environment during electoral process, all actors must have respect for human rights, the security force need to be prepared and highly involved. Trained and credible people with high level of integrity should carry out responsibility of conducting and monitoring elections to promote the above attribute and report on infractions for immediate remedial actions.

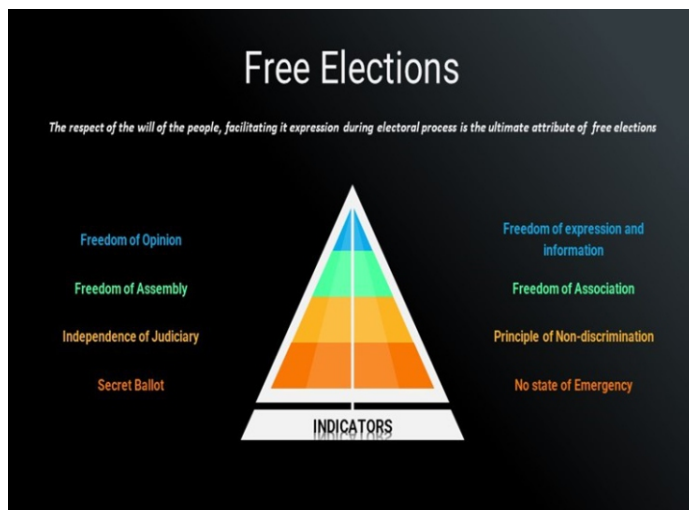
### 3.2.3. Free Election

According to the Universal Declaration of human rights (article 21, paragraph 3), the respect of the will of the people, facilitating its expression during electoral process is the ultimate attribute of the free elections. (HURIDAC Gambia Election Report, 2021)

Free elections must be enshrined in the fundamental principles that reflect the people's freedom of expression, freedom of association, inclusiveness,

transparency, and accountability, as well as encourage equal opportunity for all parties involved in the electoral process. In contrast to this, if a state declares a 'state of emergency due to any electoral discrepancy,' as shown by the red colour, elections held during that time period cannot be termed 'free elections.' (HURIDAC Gambia Election Report, 2021)

*Diagram Showing Human Rights Elements of Elections on Free Election*



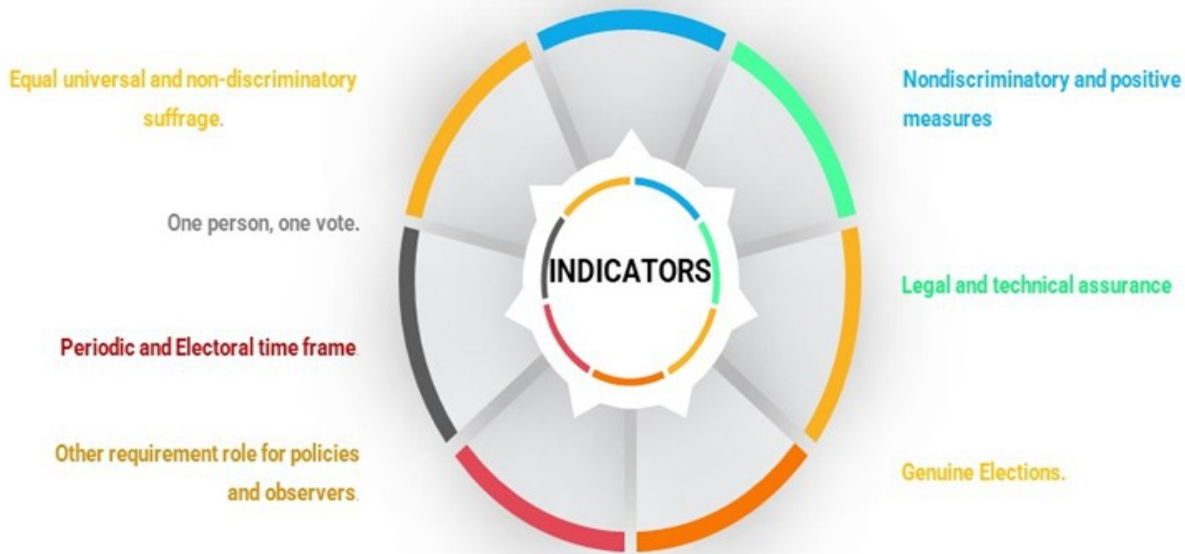
### 3.2.3. Fair Election

The requirement that election is “fair” is an easily identifiable international norm. Any measures which could have the effect of circumscribing or frustrating the will of the people would of course violate the Universal Declaration of Human Rights (article 21 paragraph 3) and render elections not fair. (HURIDAC Gambia Election Report, 2021)

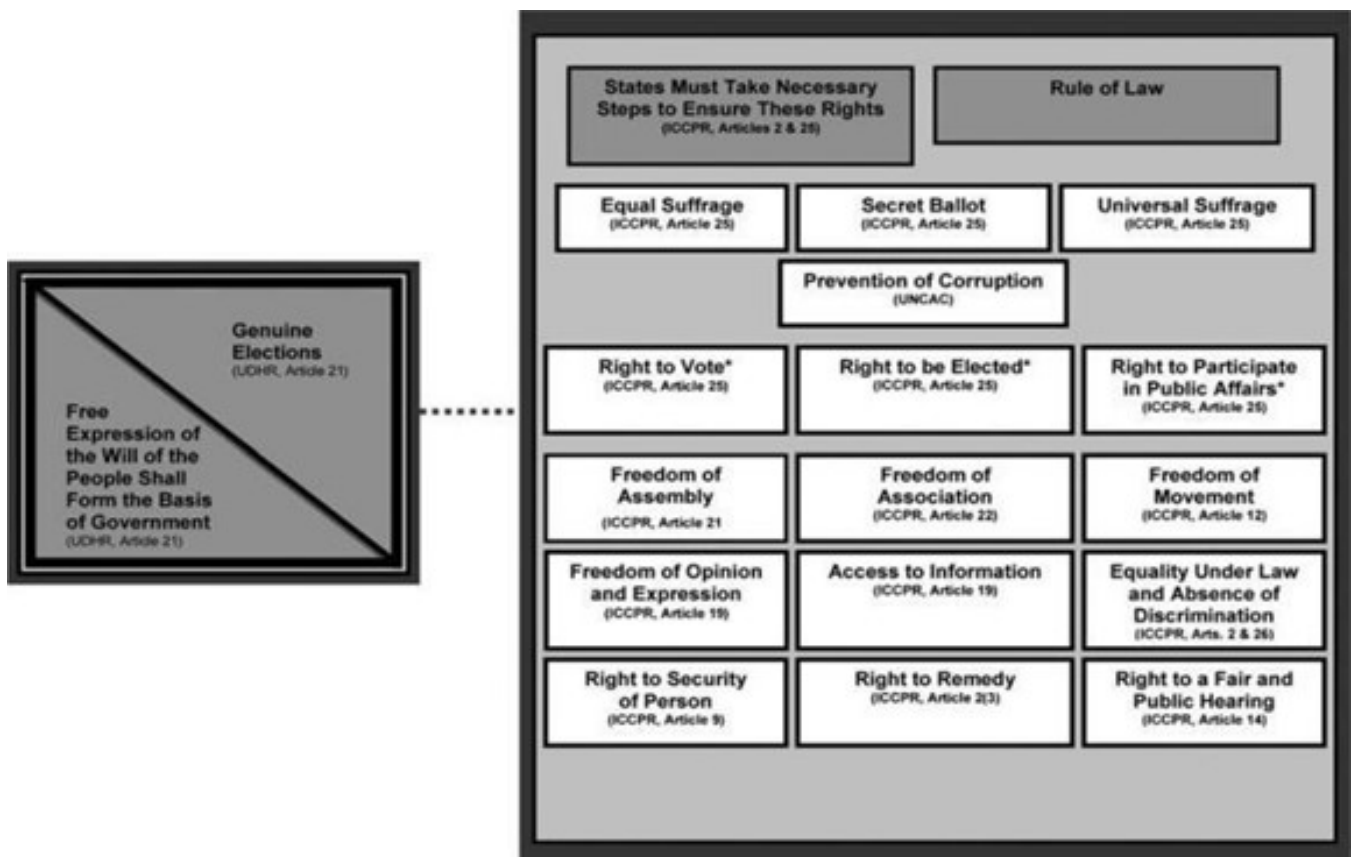
However, in West Africa especially in Nigeria, there is a continuous challenge of genuine elections and one person, one vote. If an election is rigged, invariably breaching the one person, one vote element such election cannot be considered 'fair election'. These human rights violations and abuses often affect the credibility of elections which determine the “Freeness and the Fairness” of the electoral environment within the international framework.

# Fair Elections

*Any measures which could have the effect of circumscribing or frustrating the will of the people would of course violate the Universal Declaration of Human Rights*



The Carter Centre has a compilation of all relevant human rights laws that relate to elections. The diagram below identified soft and hard laws at the international fora. It identified “genuine election” and “free expression of the will of the people” as soft laws and consider the others as hard laws and accountable treaties that are mandatory for states. (HURIDAC, 2019)



### 3.3. Conclusion

Since the early 1990s, there have been significant transformations in many African countries, notably Nigeria. Civilian and military dictatorships have fallen, paving the way for the establishment of rule-of-law based governance systems. These governance systems are characterized by constitutionalism and constitutional governments, that have implemented reforms such as establishing legal frameworks that guides the electoral process.

A country cannot be truly democratic until its citizens have the right to choose their representatives through elections that are free and fair. The right to participate in the conduct of public affairs, including the right to vote and to stand for election, is at the core of democratic governments based on the people's will. Genuine elections are a necessary and pivotal component of an environment that protects and promotes human rights as they provide an important opportunity for a country to advance democratization and encourage political freedom. (USAID, 2017)

The right to vote and be elected in genuine, periodic elections is intrinsically linked to a number of human rights, the enjoyment of which is crucial to a meaningful electoral process. These rights include: the right to freedom from discrimination; the right to freedom of opinion and expression; the right to freedom of association and of peaceful assembly and the right to freedom of movement. (OHCHR, 2011)

The legal framework of national (the Nigerian Constitution and The Electoral Act) and international laws, treaties, declarations and conventions enshrine provisions that ensure the protection of these rights; these laws can be used as an assessment of the electoral process in the light of freeness and fairness. However, in West Africa particularly Nigeria, elections are often characterized by allegations of rigging, corruption, electoral malpractices and violence: factors that negate the flourishing of a vibrant democracy and a human rights friendly environment. For democracy and human rights to be established, the integrity of the electoral process must be protected by all stakeholders involved.

The election management body must operate autonomously and insulated from any influence by the government or political parties. The judiciary must also play its role, not only in providing the legal framework, but in actively defending the electoral process before, during and after elections. Cases of electoral malpractice should be treated with urgency and impartiality as a deterrent to other political contenders in future elections.

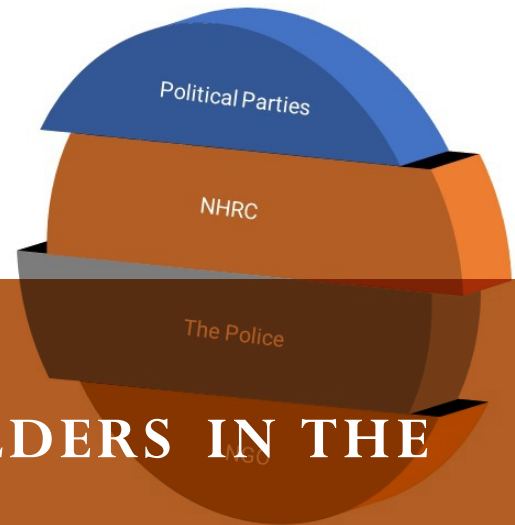
# Role of Stakeholders in Election

## Political Parties

Political parties have an immense role to play in the democratic journey of a nation. Primarily, they sustain the democratic principle of transitioning power and an avoidance of a monopoly of power. Political parties also provide and guide voters in their choice of representatives.

## National Human Right Commission (NHRC)

For the effective protection of human rights during elections, the commission is mandated to play a monitoring and observation role. Elections cannot be called free and fair if basic human rights such as the freedom of association, assembly, expression, opinion, and movement are not enjoyed by participants and stakeholders.



## CHAPTER FOUR:

# THE ROLE OF STAKEHOLDERS IN THE ELECTION

A political party is an organized group of people who share similar political aims and opinions about the running of a country. Political parties have different views on development issues and their main objective is to be elected at the end of any electoral process to implement their development strategies and policies. Political parties have an immense role to play in the democratic journey of a nation. Primarily, they sustain the democratic principle of transitioning power and an avoidance of a monopoly of power. Political parties also provide and guide voters in their choice of representatives. They have diverse interests and are as well charged with the responsibilities of monitoring the ruling party and holding them accountable. (The Electoral Knowledge Network, 2012)

Despite the diverse political ideologies, visions and opinions shared about the running of a country, political parties are expected to share a common goal – the development of the country.

In West Africa, political parties often have a deleterious orientation about elections. This is evidenced by politicians presenting candidates that serve the party's interest and not that of the country. Most of their political terms are characterised by high level of corruption and lawlessness. Rather than monitoring the implementation of the manifesto of the ruling party, the opposition parties often undermine any development foundation set by the ruling party.

The plurality of political parties is to diversify ideas, strategies toward the development of the country and to make the voice of each citizen count in crucial decision making in matters of policy and law making.

In a democratic arena, the provision and protection of political rights is paramount: the right to vote and be voted for, and the ability to be a representative for the citizens. These political rights constitute the foundation of democracy stated in the United Nation's International Covenant on Civil and Political Rights (ICCPR). (Nigerian Scholars, 2023)

The democratic roles of a political party are as follows:

- To assist the parliament: the representation of the majority party at the parliament carries more political weight and the opposition with the less representation ensure that the ruling party carry out their political obligations without engaging in abuse of power.
- The formation of public policy: This is achieved through the adaptation of its political principles and strategies to serve the interest of the people.
- The increase of political consciousness: a political party should increase political consciousness through education of the masses, they should create awareness in the citizens about the goals of the party and the importance of different development opinion.
- The provision of responsible candidates for leadership: a political party is charged with the responsibility to give selected members who have been trained and have proven to be fit, the opportunity to

represent the party and eventually carry the nation's responsibility diligently.

Citizens have their cultural, religious and even ethnical differences, it is therefore sacrosanct for a party to promote unity and marshal its efforts towards the common goal of developing the nation utilizing different development opinions and strategies. (Nigerian Scholars, 2023)

In terms of election, these are the four main roles of any political party.

- Ø Recruiting candidates for public offices
- Ø Organizing and running campaigns
- Ø Presenting policies to voters and
- Ø Accepting the responsibilities of operating the government.

Recruiting candidates for public offices

This is the primary and most important role of a party which is done through preliminary elections in line with the guidelines of the national electoral system. This choice is not only of a candidate, but the most suitable candidate. Candidates often determine the success of a political campaign and potentially that of the elections. They can also provide a forecast of the nature of governance if the candidate is entrusted with a political position. The selected candidate should reflect the party's strategic agenda, which needs to be in with the general national development policy and strategies that serves as a guide. (Edufixers, 2023)

Organizing and running campaigns

Political parties have a great role to play in the various stages of the electoral process to ensure its success – the pre-elections stage, the elections day and the post elections stage. They engage in campaigns to propose their development strategies to the masses to shape their opinion. These are crucial activities for a healthy political life of the nation.

The pre-election stage should be characterized by unity and national cohesion. Political parties' message to the masses should be mainly focused on proposition of development strategies following the principle of democracy and the respect of human rights. The success or failure of an election depends majorly on the conduct of political parties during the campaign period. Political parties should therefore avoid any actions associated with dispute to ensure unity and eventually, peaceful elections (Study on Role of Political Parties in Campaign, 2021).

The campaign period should be a time of thorough preparation of party representatives for election day

and the post-election period. It should also be a period of thorough civic education of voters by political parties.

The education received during the campaign period is usually implemented after the results have been made public. Political parties should therefore give the right education to masses by raising awareness on the importance of maintaining a positive point of view no matter the outcome of elections as it clearly expresses the will of the majority.

However, political parties have instilled the concept of winning at all cost into party members, and this often has a retrogressive impact on democracy and on development in general.

## 4.2. National Human Right Commission (NHRC)

"Assessing election conditions without reference to associated human rights violations undermines the credibility of the monitoring process, as much as those human rights violations undermine the credibility of the electoral process." (HURIDAC, 2019)

The National Human Rights Protection Systems, (NHRPS) particularly the National Human Rights Commission, are charged with strategic responsibilities for the transformation of a country. However, in the West African region, challenges such as poverty, inequality, impunity and discrimination constrain the efforts of the human rights commission. (Stabroek News, 2023)

According to the Executive Secretary of the Nigeria National Human Rights Commission, Chief Tony Ojukwu, the integration of human rights into the 2023 Electoral Process is of prime necessity for its success. During the electoral process, the commission should integrate human rights principles by ensuring all actors to use a human rights-based approach for the credibility of the elections. (News Now Online, 2022)

The commission should thoroughly oversee the electoral process to ensure that all the stakeholders and actors play their role effectively to preserve the will of the people. The commission should also guarantee accountability for any electoral malpractice or violence and counteract any setback that could affect the state of democracy.

According to the NHRC's Executive Secretary, a major threat to democracy was the pattern of low voter turnout observed since the 2011 elections. He urged stakeholders involved to ensure a massive participation during election as the voice of everyone will be heard. In his words, "Free and fair elections are key elements of democratic expressions for the enjoyment of human rights. The right to participate in the governance process, including the right to vote and to stand for elections, is a key pillar of democracy." (News Now Online, 2022)

For the effective protection of human rights during election, the commission is mandated to play a monitoring and observation role. Elections cannot be called free and fair if basic human rights such as the freedom of association, assembly, expression, opinion, and movement are not enjoyed by participants and stakeholders.

Election monitoring consists of fact finding of events during elections with special focus on the polling day. Generally, data on human rights issues are collated and some critical issues are addressed to maintain the credibility of the process. (Raul Welleberg Institute, 2022)

### 4.3. The Police

The police is the civil force of any state, responsible for the prevention and detection of crime and the maintenance of public order as well as safety, enforcing the law and the civil authority of government.

From the electoral standpoint, the police are mandated to create and maintain a conducive environment for peaceful elections taking into cognizance human right principles governing the intervention of security agencies during elections. In the course of voting or being voted for, security forces especially the police should guarantee equal treatment for all citizens without discrimination.

According to Article 21 of the Universal Declaration of Human Rights, "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret ballot or by equivalent free voting procedures." Article 20 guarantees the right to the

freedom of peaceful assembly and association and Article 3 expands on the security of the person. (ODCE/ODIHR, 2017)

The mandate of the police is to ensure the safety and protection of voters, candidates, polling officers, media, election observers, election materials, data and infrastructure in general, against death, damage or destruction, etc. during elections.

Human rights institutions should collaborate with security forces to offer trainings so that their interventions can be within the principle of human. (Newsmakers, 2022).

In the case of Nigerian elections, violence often occurs and the deployment of security forces is a necessity. Pre-election conflict takes place during registration process, during campaign and outreaches. Election day has a particular momentum, from the balloting to the proclamation of the results. An electoral disagreement could occur during which the effective intervention of security forces especially the police in election management is needed (Newsmakers, 2022).

During the pre-elections period, the section 91 (1-4) of the 2022 amended Electoral Act requires that the commissioner of the police in each state of the federation and the federal capital to provide adequate security for a peaceful conduct of the pre-electoral activities.

On the election day, the police are to provide security for the all stakeholders and the material to ensure peaceful conduct of elections. The following are some of the main function of the police on the day of elections (Newsmakers, 2022).

1. Provision of security for officials of the Election Management Body (EMB) – the Independent National Electoral Commission, including its ad-hoc staff, usually drawn from the National Youth Service Corps.
2. Provision of security for all materials that will be used for the conduct of the elections by the EMB. This duty entails the escort of these materials, alongside the EMB officials, under tight security during the distribution by the EMB.
3. The security of the accredited election observers and monitors is also the mandate of the Nigeria Police Force on Election Day.
4. Ensuring that there is adequate security for the voters at the polling unit to facilitate a conducive voting environment.

5. Arrest of electoral offenders.
6. Nigeria Police Force are responsible for escorting the Electoral Management Body officials and the materials that were used in the election to the designated collation centre.
7. Nigeria Police Force are involved in the enforcement of movement restrictions, mounting of road blocks to ensure that there is no ease of movement by thugs and other violent groups intending to disrupt the election process (Newsmakers, 2022).

The role of the police after the elections is to investigation of electoral offences and prosecution of electoral offenders; ensuring that there is no breakdown of law and order through prevention and management of all related electoral violence; and finally the provision of security at constituted election tribunals nationwide (Newsmakers, 2022).

All these activities should be done with the synergy of civil society, security agents and the electoral body working for common purpose of public good to ensure that elections are free, fair, credible and accord legitimacy to the government of the day.

#### 4.4. NGO or Members of the public

A non-Governmental organisation is a group of people mandated to serve the interest of the people in a given community or a country at large. NGOs complement the efforts of the government to attend to development programs in diverse ways. The independent nature of an NGO gives it the leverage to monitor government's progress, give guidance and hold the government accountable on mutual issues of interest.

NGOs develop local and international programs that contribute to the promotion of the principles of democracy – in this context – elections and related activities. The role of NGOs in election monitoring, training of observers and contributing in the voter registration process is a great step towards setting democratic foundation in the region (Principle of Democracy).

##### 4.4.1. Civil Society Engagement with Political Parties During Elections

Due to their political neutrality, credibility and consistency on values and principles, Civil Society

Organizations (CSOs) have great impact especially on political parties during the electoral process. (Oxfam Research Report, 2013)

CSOs often collaborate with other national and international institutions to advocate for development in their service area. The Human Right Development, Advancement and Advocacy Centre (HURIDAC) has been engaging with the political parties in Nigeria since the second half of 2022. These engagements were based on the content of their manifestos, their strategies to address national issues of corruption and human rights and their continuity plan for national development. These engagements help citizens in making more informed choices on candidates to represent them during the elections. HURIDAC, with the support of the Civil Society Legal Advocacy Centre (CISLAC), also engage with citizens to get their opinions on the state of development and how that reflects on elections.

As part of advocacy and awareness raising efforts, HURIDAC also published the *Lagos Anti-Corruption Footprint* and many other publications addressing human rights issues, governance and elections.

Trainings of observers, police and other relevant stakeholders are major roles civil society organisations carry out in collaboration with the national human rights commission and the National Electoral Commission.

CSOs in collaboration with international community also have the responsibility to assess the elections from both democratic and human right standpoints. Their various reports as a result of thorough assessment of elections, help to measure the country's democratic progress and also help to set up strategies to address inadequacies.

#### 4.5. Diplomatic Community

The diplomatic community in their quest to strengthen and maintain peaceful relationship between countries are charged with huge responsibilities during the electoral process in any nation. The major responsibility of the diplomatic community is the mitigation of election violence since it has been a recurring challenge. The diplomatic community also has the following responsibilities:

- To guide in the adoption of international policies regarding elections



- To propose democratization initiatives and design election support programmes targeted at vulnerable countries in order to curb electoral violence
- Capacity building of electoral actors such as INEC, security forces and the civil society organisations through training programmes (Institute of Development Studies, 2009)

Mitigating election violence has great impact on the success of an elections as during the process, accountability measures are set up to ensure a peaceful electoral environment beforehand. Also, identifying and addressing conflicting factors that lead to election violence clears all perception of electoral fraud and thus promotes a free and fair election. (Patrick Quirk, 2021).

## **4.5. Conclusion**

The success of an election does not rely on a single individual, group, institution or even on the nation alone, it requires the intervention of national and international stakeholders to ensure the application of democratic principles in relation to the conduct of free, fair and credible elections.

This responsibility encapsulates the political parties who choose reliable candidates, the security forces who ensure a peaceful environment for the electoral process, non-governmental institutions and national elections management bodies who ensure electoral principles are applied as well as the international community who actively engage in elections violence mitigation and rendering technical support to relevant actors.



Image source: Businessday NG

## CHAPTER FIVE: ISSUES AROUND THE 2023 GENERAL ELECTIONS IN NIGERIA

Since the country's return to democracy in 1999, there have been many challenges with Nigerian elections, but the nation has now experienced democracy for the longest period in its history—24 years—despite these challenges.

As Nigeria prepares for the general elections in 2023, democracy is primed and ready to rule the nation once again. The results of the election will depend on a number of factors, including insecurity, corruption, a lack of transparency and accountability, problems within the political parties, the adoption of Bimodal Voter Accreditation System (BVAS) by INEC to transmit results, issues of religion and ethnicity, and the three-horse race for the presidency etc.

### 5.1. Issues

#### 5.1.1. Insecurity

Nigeria has experienced a growth and spread of the insecurity that has affected some regions for the past few years. With banditry, terrorist activities, herder-farmer disputes, and secessionist agitations having a considerable detrimental influence on people's livelihoods and the local economy, incidents have been considerably more common in the north-west and south-east regions. The Islamic State in the West Africa Province (ISWAP) and Boko Haram have continued their insurgency in the north-east, and terrorism and disputes over land and grazing rights are still present in north-central Nigeria.

Kidnappings, robberies, and insurgencies are becoming commonplace in Nigeria. Killings and kidnappings continue, each one being more horrifying, audacious, and brutal than the last. According to The Cable Index, there were around 5,067 documented fatalities in 2021 and it was estimated that between January and December 2021, 14 Nigerians were slain per day. 1,743 Nigerians died in the first three months of 2022, with Niger and Zamfara topping the death toll. This figure was higher than the number of supposedly murdered civilians in the first month of the Russia-Ukraine conflict (The Nation, 2022)

During the primaries and early general election campaign, there was increasing focus on the security plans of major presidential candidates due to several notable attacks and increase in the activities of violent non-state actors. The APC presidential candidate, Bola Ahmed Tinubu has at some point supported the state police and has been vocal in his opinion that state policing is a workable solution for protecting Nigeria and Nigerians.

According to a statement he made in 2020, "The time has come to take the necessary legal actions to allow for the creation of state police and the recruitment and training of many more police officers. Such state-created forces should be based on the modern tenets of community policing and optimal relations and cooperation with local communities. Measures such as these are needed to cure present gaps in how

military and law enforcement treat the general public" (Vanguard, 2020). This was expected to be the pinnacle of his security plan but it was not included in his manifesto, which instead spotlighted plans for specialized anti-terrorist battalions (ABATTS), improving community relations, and secure forested areas often used as bandit hideouts. (NewsWireNGR, 2022).

However, analysts noted that the failure of the Buhari administration to address security concerns could hurt Tinubu on the issue. The LP presidential candidate, Peter Obi focused on security force cooperation and reforms in his manifesto. He also noted the root causes of insecurity in his speeches and highlighted his job creation plans. Abubakar similarly pitched his job creation plan while proposing more police officers along with logistical registration and alternative conflict resolution means in his policy document.

Due to Obi's dedication to addressing security force brutality through reform, supporters of the End SARS movement generously supported his campaign. Despite the lengthy security sections of the manifestos of Tinubu, Obi, Kwankwaso, and Abubakar, reporting on these candidates emphasized the comparable haziness of their proposals and how similar their ideas were in ambiguity.

The fact that Kwankwaso and Abubakar both suggested raising the number of police officers to one million was one of the notable distinctions, along with Obi's direct support for the creation of state police forces.

The increased rate of attacks launched on INEC facilities in different parts of the country also raised many security concerns and suggestions that the 2023 elections should be postponed. Reports have shown that in the last four years, INEC has recorded 50 attacks on its facilities across 15 States. According to reliable data, Imo State had the highest number of attacks on INEC facilities with 11 incidents followed by Osun, Akwa-Ibom, Enugu, Ebonyi, Cross River, Abia, Anambra, Taraba, Borno, Ogun, Lagos, Bayelsa, Ondo and Kaduna States. (Adetayo, 2023)

Experts such as Femi Falana, a Senior Advocate of Nigeria, suggested that INEC won't be able to hold elections in the impacted areas if the security risks spread to more regions. (Falana, 2023) In response, INEC expressed concern on January 9 2023, about the deteriorating security situation nationwide and how it

might affect the general elections of 2023. The Chairman noted that if the security situation remained unresolved, the elections were in grave danger of being called off. The INEC Chairman, Mahmood Yakubu explained that "if the insecurity is not monitored and dealt with decisively, it could ultimately culminate in the cancellation and/or postponement of elections in sufficient constituencies to hinder declaration of election results and precipitate constitutional crisis."

Nevertheless, the Chairman Mahmood Yakubu also reaffirmed the Commission's commitment to proceed with the elections as planned (Habib, 2023).

### **5.1.2. Corruption, Lack of Transparency, and Accountability**

The majority of presidential candidates have rightly identified corruption as both an existential threat and a growth barrier. However, all of the presidential candidates have merely provided general solutions. According to Transparency International (TI) Corruption Perception Index (CPI), Nigeria's ranking has been on the decline over the past two years; the country's score dropped from 26 in 2019 to 25 in 2020 and then even lower to 24 in the most recent 2021 assessment. One of the key issues in the 2023 election was how the presidential candidates would handle the issue of pervasive corruption (Okeke, 2022).

Although Abubakar and Tinubu both have long-standing major corruption allegations against them, analysts noted after the primaries that it was unlikely that corruption would become a significant electoral issue. Obi's candidacy, however, slightly changed this dynamic due to the allegations against him involving the Pandora Papers publication.

The failure of Buhari's anti-corruption drive, which was a key component of his 2015 campaign, is another factor contributing to the lack of attention given to corruption. Although more important issues like instability and poverty have gained attention, corruption is still a widespread issue.

### **5.1.3. Poverty**

According to the National Bureau of Statistics (NBS), 133 million Nigerians live in multifaceted poverty. This is equivalent to 63% of the total population of the

country. According to the NBS, instead of using clean energy, half of this population living in poverty cook with dung, wood, or charcoal. Deprivations are visible in housing, food insecurity, access to healthcare, and sanitation. The states with the poorest populations include Plateau, Jigawa, Gombe, Bayelsa, and Sokoto.

With 90.5 percent of its residents living in poverty, Sokoto takes the top spot. Following it are Plateau with 84 percent, Gombe with 86.2 percent, Jigawa with 84.3 percent, and Bayelsa with 88.5 percent of its population living in poverty (Okeke, 2022). Given the high percentage of poverty, it is likely that the majority of voters are also impoverished, making them vulnerable to manipulation and vote-buying schemes that prevent them from casting their ballots for the candidates of their choice.

### 5.1.4. Social Policy

Prior to the election, discussions of policy gave significant attention to the social status of women, people with disabilities, and other marginalized groups. The initial legislative rejection of constitutional changes requiring women seats in legislatures became a key source of contention in 2022. Although the rejection was eventually largely overturned by legislative leadership, a surge of pro-equality demonstrations rocked the country in March 2022 as a show of force from women's rights organizations (Obadare, 2022). Despite nearly three-quarters of Nigerians supporting gender equality, the National Assembly postponed a crucial gender equality bill for years in addition to the constitutional reforms. Groups have persisted in calling for legislation to address inequality after the protests (ASADU, 2021).

In the face of discrimination, people with disabilities have pushed for fair participation in democratic processes. Groups have been successful in securing provisions in the new Electoral Act that guarantees accessibility during voting, in line with INEC's objective of "the inclusion of PWDs in all aspects of the electoral process" (Falodun, 2022). In his manifesto, Obi promised equitable distribution of appointments to "men, women, youths, and people living with disabilities" as part of his pledge to "leverage" national diversity and give overlooked groups "an unfettered voice in governance" (Obi, 2022).

Similarly, Tinubu pledged in his manifesto to support legislation requiring 35% female representation in all federal positions; however, Buhari had already made a

comparable commitment during past elections. The Tinubu campaign added that the social welfare programs it was proposing would "give priority access to persons with disabilities, women, and young people" (NewsWireNGR, 2022). Despite these pledges, Abdullahi Aliyu Usman, the president of the Joint National Association of Persons with Disabilities, alleged that political campaigns consistently failed to take the group into account and refrained from mentioning specific goals for policy that would help people with disabilities in their manifestos (Odeniyi, 2023). All the political parties need to operationalise their inclusiveness promises to further assure the disadvantaged and marginalised groups of the population.

### 5.1.5. Bvas Usage For Election Process

The Bimodal Voter Accreditation System (BVAS), which was introduced by INEC, is an electronic system created to read Permanent Voter Cards (PVCs) and verify voters using their fingerprints in order to validate their eligibility to vote at a certain polling place. BVAS usage entails either scanning the barcode/QR code on the PVC/Voter's register or entering the last six digits of the Voter Identity Number or typing in the last name of the voter by the Assistant Presiding Officer (APO 1) to verify and authenticate the voter (Trust, Daily, 2022).

The commission launched the BVAS in 2021 with the intention of achieving two goals, first, the PVCs' validity must first be confirmed, and voters must submit to fingerprint or facial authentication in order to be accredited. Second, to swap out the Z-pad for real-time, on-the-spot posting of polling unit results to the INEC Result Viewing Portal (IREV) on election day. When registering voters, the BVAS also serves as the INEC Voter Enrolment Device (IVED). The use of incident forms during accreditation on election days has also been replaced by its use. (Trust, Daily, 2022).

However, because of its prior failure during some state elections, the deployment of BVAS generated a lot of criticism. Certain presiding officers claimed that the device had trouble recording the thumbs and faces of some voters, notably the elderly, during its maiden deployment in the Isoko South Constituency 1 bye-election in Delta State on September 10, 2021, (Osuyi, 2021).

However, INEC allayed their concerns by claiming that the system has been tested and found to be capable of operating at its peak during the governorship elections.

It stated that the difficulties encountered during the bye-election had been overcome and the device had been improved to prevent recurrence in the future (Omorogbe, 2021). Despite INEC's assurances, there were problems with the BVAS during the November 2021 governorship election in Anambra.

Due to difficulties at some polling places brought on by the BVAS failure, INEC announced an extension of the voting period from 2:30pm to 4pm (Report, 2021). There were also numerous difficulties brought on by BVAS during the Federal Capital Territory (FCT) Area Council Election on February 12, 2022, as indicated by comments from voters and observation groups (YIAGA, 2022).

However, the electoral umpire INEC has hailed the BVAS as an impermeable technology that prevents all forms of electoral fraud. Although, it might be argued that the BVAS does have some drawbacks, much like any other gadget but the legitimacy of a vote can also be impacted by defects in the voting process. A comprehensive investigation of BVAS is expected to reduce voter disenfranchisement and increase public confidence in the electoral technology employed by INEC in 2023 elections.

This comes on the heels of INEC's assurance to "expand the base of training for its ad-hoc staff to acquaint them more with the functioning of BVAS and other technological innovations of the commission." Similarly, the BVAS and IReV will form an important component in the drive towards a technology-driven electoral process that can obviate malicious human interference in the electoral process (Vanguard, 2022).

The electoral authority has put enough procedures in place in case a card is rejected during accreditation. For each BVAS, there are spares available for deployment in any polling unit, and INEC has planned for the usage of BVAS in all polling units as well as for redundancy. According to INEC:

- "In case of sustained malfunction, the Electoral Act demands we should undermine the voting in that area and repeat the voting within a period of 24 hours.
- "INEC has removed polling units from palaces and near homes of politicians and in places not conducive for electoral business. Registered political parties in Nigeria have the right under the law to nominate and deploy polling agents.

However, Nigerians must be vigilant and on guard at their polling units to protect their mandate.

- "In terms of politicians bypassing BVAS, it's impossible because at the end of polling the results would be entered into form EC8A, which is the polling unit level result and transmitted directly to INEC, also accreditation data must be transmitted electorally" (Ukpe, 2022).

Additionally, the electoral body addressed worries about the security of the BVAS, which were allayed by INEC's guarantee that the system's data wouldn't be compromised. INEC asserted that it has tied up all loose ends to ensure the BVAS's security:

- "BVAS is not compromised. The data on the BVAS will be secured. After the poll, when the data is transmitted to our backend server, the data in transit will be secured. By the time the data gets to our backend server, the data will also be secured there."
- "We have looked at the machine, and we looked at a lot of things. As I said earlier, you cannot build such a system and not fortify it. Whether we like it or not, people will try a lot to beat this system. But the more they try, the more they meet a brick wall" (Ukpe, 2022).

The decision of the Osun State Election Petitions Tribunal to annul the July 16 governorship election on the grounds of over-voting despite the use of the BVAS has, however, alarmed Nigerians less than one month before the general elections scheduled for February 25. The tribunal presided over by Justice Terste Kume issued its ruling, concluding that there was excessive voting in the governorship race. It also noted that Oyetola's numbers increased to 314, 921 while Adeleke's decreased to 290, 266 after the excessive votes were subtracted. As a result, the tribunal instructed INEC to send Oyetola the certificate of return in place of the one that had been given to Adeleke.

The decision of the tribunal was based on non-compliance with two provisions of the Electoral Act 2022, that is Sections 47 (2) and Section 51 (2). Section 47 (2) of the Electoral Act 2022 provides that "To vote, the presiding officer shall use a smart card reader or any other technological device that may be prescribed by the commission, for the accreditation of voters, to verify, confirm or authenticate the particulars of the intending voter in the manner prescribed by the commission."

Section 51 (2) of the Electoral Act 2022 provides that "where the number of votes cast at an election in any polling unit exceeds the number of accredited voters in

that polling unit, the presiding officer shall cancel the result of the election in that polling unit.” (Agbakoba, 2023).

The alleged failure of the BVAS to avoid overvoting in the Osun State gubernatorial election 2022, has understandably raised more concerns about the use of the technology for the 2023 elections. According to a public affairs analyst, Moses Onodua, there is still opportunity for electoral cheating and manipulation in Nigeria. The ruling clearly demonstrates that the BVAS, which the INEC has been promoting to bring a refreshing break to the country's electoral landscape, would not be relevant in the 2023 election (Onodua, 2023).

The Osun election cast doubt on INEC's capacity to conduct fair, free, and credible elections. This ruling of the tribunal reveals that INEC was unable to produce credible election results despite the use of technology intended for that purpose. This turn of events cast doubt on the electoral body's capacity.

### 5.1.6. Illegal Buying of PVCs

In Nigeria, where democracy has struggled to fully solidify due to the nation's complicated political terrain and its deeply ingrained corrupt political class, vote-buying has become a common practice. Vote-buying keeps people in self-defeating, clientelist relationships with political leaders; relationships that lead to severe socioeconomic suffering on the part of the masses. However, politicians are now using a variety of strategies to manipulate the weak in order to buy votes and win elections.

Before the elections in 2023, INEC expressed concern about some politicians buying Permanent Voter Cards (PVCs) and financially persuading naïve people to harvest their Voter Identification Numbers (VIN). The electoral commission, nonetheless, has stated that purchasing PVCs for use in elections by politicians is a "exercise in futility" because the Bimodal Voters Accreditation System (BVAS) forbids the possibility of such activities. Due to the changes in the way election results will be communicated, purchasing PVC can only be used as a tool for voter intimidation (Odunewu, 2023).

Meanwhile, the electoral body said 'the sponsors of the criminal operation have not been identified by security agencies, with the exception of the two individuals who were recently found guilty of possessing PVCs illegally in Sokoto and Kano State' (Vanguard, 2022).

Accordingly, INEC said;

- “There are 2 possibilities, the first is for you to purchase and get them not to vote and engage in voter suppression and if you purchase someone's PVC and the person does not vote, what that means is one vote is out, so you are suppressing the vote.
- “The second aspect, some politicians are optimistic, and still thinking that there is a possibility they can beat BVAS used for voter accreditation.
- I believe that exercise will be an exercise in futility, anyone purchasing a voter's card is just engaging in an exercise in futility, the only thing the person can do with a PVC is to make sure the owner does not vote in elections.
- “But coming with someone else's voters' card and attempting to vote on election day is next to an impossibility, the BVAS will not capture your fingerprint and facials” (Ukpe, 2022).

While condemning the purchase of PVCs illegally, Dr. Hakeem Baba-Ahmed, Director of Publicity and Advocacy for the Northern Elders Forum, revealed that thousands, or perhaps even millions, of Northern voters, particularly women, are being forced to surrender their PVCs for a pittance, in most cases not more than N2000. In certain circumstances, individuals are falsely told that their cards would be returned to them following processing for further payments as poverty assistance. Our study indicates that this is a brazen and aggressive effort to suppress the vote in an effort to reduce the electoral influence of the North (Aworinde, 2022).

### 5.1.7. 2023 Party Primary Elections

The primaries were scheduled to take place between 4 April and 3 June 2022, along with any potential challenges to the primary results (Daily Trust, 2022); however, the deadline was extended to 9 June (Oyekanmi, 2022). Given that Buhari, a Northerner, won two elections, there is an unwritten gentleman's agreement that the next president will come from the South (the South East, South-South, and South West geopolitical zones).

Another unofficial tradition requires candidates to choose vice presidential running partners who belong to a different ethnicity and religion. Despite the agreement, the majority of parties did not formally exclude non-Southern candidates from participating

in their primaries or state that candidates on the same ticket must have the same religion.

In the year leading up to the primaries, there were contentious internal discussions within the APC and PDP on zoning and same-religion tickets. The All Progressives Congress also declined to formally zone its nomination but later nominated a southerner, Bola Tinubu, as its flagbearer. Despite the informal convention (Adamu, May), the People's Democratic Party declined to formally zone its nomination in early May 2022 before going against the convention and nominating northerner Atiku Abubakar (Iroanusi, 2022). However, the APC broke another important rule by selecting a candidate of the same religion whereas the PDP did not.

### 5.1.8. APC Primary Elections

Muhammadu Buhari was ineligible for re-election having been elected to the presidency twice. The then-national APC Caretaker Chairman and Governor of Yobe State, Mai Mala Buni, supported the consensus method of nominating a presidential candidate over the more conventional direct or indirect primary methods in July 2021, but the party had not yet made a decision on the primary method at the time (Tribune, 2021). Buni actively pushed prominent PDP members to join the APC during his tenure as caretaker chairman from 2020 to 2022.

This effort weakened the opposition's caucus in the National Assembly and resulted in the election of three governors: Dave Umahi of Ebonyi State, Benedict Ayade of Cross River State, and Bello Muhammad Matawalle of Zamfara State in 2020 and 2021. However, the APC's electoral success and internal cohesion were more mixed as it finished a distant third in the 2021 Anambra State governor's race while continuing to experience internal strife (Adenekan, 2021).

The APC primary was situated within a larger backdrop of internal party strife dating back to the party's establishment in 2013 and pre-2019 election party issues, which led to the ousting of the party's leadership in 2020 and tense state party congresses in 2021. The APC national caretaker committee's capacity to end state party factions and effectively plan the 2022 national party convention was viewed as crucial to the party's future as well as to the APC's chances of winning the presidency (Irede, 2022).

Despite significant opposition to the consensus process employed for the majority of party offices, the convention was successfully convened on March 26, 2022, after being postponed numerous times (Sobechi, 2022).

The APC National Executive Committee announced the party schedule for the presidential primary on April 20, 2022, along with the usage of the indirect primary system. The announcement placed the cost of the party's expression of interest forms at N30 million and its nomination forms at N70 million, with a 50% discount for candidates under the age of 40 and free nomination forms for women and candidates with disabilities.

The deadline for purchasing forms was originally set for 6 May, but it was later extended to 10 May and then 12 May (Odunsi, 2022). Candidates were supposed to be interviewed by a party committee on May 24 and 25, following the receipt of nomination forms by May 13. However, this was repeatedly postponed while the screening appeal process was going on (Nseyen, 2022). The process to elect ad hoc delegates for the primary, ward congresses and LGA congresses were postponed for May 12–14. The primary was originally scheduled for 30 May and 1 June with candidates who passed the screening procedure moving on. However, the party moved the primary up to 6-8 June (Ajayi, 2022).

Due to the implications of the revised Electoral Act's legal provisions, (a bill that was debated for years but finally signed by President Buhari in 2022) there was dispute about the potential candidates for the primaries. The legislation fundamentally altered the primary and general election electoral processes. One of the changes was the exclusion of thousands of current and former officeholders who serve as ex officio "statutory delegates" from voting in party primaries.

National Assembly leadership claimed the exclusion was unintentional, and in May, passed an amendment to the Act allowing statutory delegates to participate in primaries (Vanguard, 2022). The APC was abruptly forced to ban statutory delegates from voting after Buhari failed to sign the legislation into law (Irede, Akin, 2022). The action not only prevented Buhari and other prominent officeholders from casting their votes, but it also significantly decreased the number of delegates from almost 7,800 to only the 2,322 elected "ad hoc delegates" (Majeed, 2022).

Questions about important candidates and Buhari's endorsement dominated the pre-primary period. Analysts saw five candidates of the officially stated candidates as the front-runners: Rotimi Amaechi; former minister of transportation and former governor of Rivers State, Kayode Fayemi; former governor of Ekiti State, Ahmed Lawan; president of the Senate, Yemi Osinbajo; vice president, and Bola Tinubu; former governor of Lagos State, were the front-runners. However, former president Goodluck Jonathan and central bank governor Godwin Emefiele were pegged as potential surprise candidates.

Despite the legally mandated non-partisanship of Emefiele's office and Jonathan's membership in the PDP, rumours of a scheme to impose one of the two as nominee arose as a result of groups acquiring forms on behalf of Emefiele and Jonathan. Neither candidacy materialized as Jonathan denied the forms and Emefiele was compelled to withdraw as a result of public outcry (Ejekwonyilo, 2022). A further bone of contention was the frequently postponed candidate screening, where a committee under the direction of former APC National Chairman John Odigie Oyegun cleared all twenty-three candidates but recommended that only thirteen candidates continue their campaigns because of their estimated chances of winning (Nwachukwu, 2022).

In the days leading up to the primary, the large majority of northern APC governors sent a letter in which they encouraged northern candidates to withdraw in favour of a southern nominee; in response, one northern contender withdrew from the primary (Oyeleke, 2022). On June 6, the day before the primary election, national party chairman Abdullahi Adamu informed the northern APC governors that Lawan would be the consensus candidate for the party (and Buhari); however, the announcement was met with opposition by the governors and other members of the party's National Working Committee, prompting the party to retract its statement and claim that Adamu was simply expressing his personal opinion (Abidoye, 2022). The same day, Buhari declared that he would not be supporting any primary candidates (SODIQ OYELEKE, 2022). Then, early on primary day, the APC governors and the party's NWC jointly recommended to Buhari five candidates from the south: Amaechi, Fayemi, Yemi Osinbajo, Bola Tinubu, and Governor Dave Umahi of Ebonyi State.

They also asked all other contenders to withdraw from

the race (Mojeed, 2022). Seven additional candidates issued an unified statement rejecting the shortlist (Sodiq, 2022), and the six candidates from the Southeast wrote Buhari a letter requesting that the South-East be given preference for nomination (Oyeleke, Sodiq, 2022)

Delegates gathered in Eagle Square in Abuja on the day of election primaries to register to vote and receive their accreditation. Early on day of the exercise, there were numerous logistical problems, including lengthy delays in delegate and journalist accreditation as well as the use of tear gas by security to disperse crowds (Yakubu, 2022). Before candidates delivered their final remarks to the delegates before voting, members of the Economic and Financial Crimes Commission positioned themselves inside the Square to deter bribery (NAN, 2022). Six candidates; Godswill Akpabio, Ibikunle Amosun, Dimeji Bankole, Robert Ajayi Boroffice, Fayemi, and Uju Kennedy Ohanenye; withdrew in favor of Tinubu during these speeches, and one; Nicholas Felix; withdrew in favor of Osinbajo, while the remaining contenders made pledges and plans for their upcoming campaigns (Udegbonam, 2022). Voting started early on June 8 following the speeches by the candidates and a speech by Buhari, and after several hours of voting, the results were made public (Ajibola, 2022).

Bola Tinubu was announced as the nominee after the results showed him gaining 60% of the votes with a margin of 45% over Amaechi, who came in second (Sunday, 2022). In his acceptance speech, Tinubu expressed gratitude to his team while also making peace with his erstwhile opponents (Sodiq OYELEKE, 2022).

The failure of Buhari's succession plan, bribery, and last-minute withdrawals were some of the post-primary analysis's various possible explanations for Tinubu's victory, along with other contenders' attention on a Buhari endorsement that never materialized (Irede, Akin, 2022). The search for Tinubu's running mate dominated the week following the primary. Since Tinubu is a southern Muslim, it was assumed that his running mate would be a northern Christian. However, controversy erupted when some well-known APC officials expressed their support for a Muslim-Muslim ticket (Omeiza Ajayi, 2022). As the deadline drew close, the party put forth the name of Katsina State politician and party operative Kabir Ibrahim Masari as a temporary vice-presidential



nominee who would be replaced at a later time (Erezi, 2022). Following a meeting with Buhari in Daura on July 10, Ibrahim Masari withdrew (DailyTrust, 2022), and Tinubu nominated Kashim Shettima, a senator and former governor of Borno State, as his running partner (Akinboyo, 2022).

PARTY	CANDIDATE	VOTES	%
APC	<a href="#">Bola Tinubu</a>	1,271	60.47%
APC	<a href="#">Rotimi Amaechi</a>	316	15.03%
APC	<a href="#">Yemi Osinbajo</a>	235	11.18%
APC	<a href="#">Ahmad Lawan</a>	152	7.23%
APC	<a href="#">Yahaya Bello</a>	47	2.24%
APC	<a href="#">Dave Umahi</a>	38	1.81%
APC	<a href="#">Benedict Ayade</a>	37	1.76%
APC	<a href="#">Ahmad Sani Yerima</a>	4	0.19%
APC	<a href="#">Ogbonnaya Onu</a>	1	0.05%
APC	<a href="#">Chukwuemeka Nwajiuba</a>	1	0.05%
APC	<a href="#">Tunde Bakare</a>	0	0.00%
APC	<a href="#">Tein Jack-Rich</a>	0	0.00%
APC	<a href="#">Ikeobasi Mokelu</a>	0	0.00%
APC	<a href="#">Rochas Okorochoa</a>	0	0.00%
<b>TOTAL VOTES</b>		<b>2,102</b>	<b>100.00%</b>
<b>INVALID OR BLANK VOTES</b>		13	N/A
<b>TURNOUT</b>		2,322	91.09%

Source: (Wikipedia, 2022)

### 5.1.9. PDP Primary Election

Iyorchia Ayu, the newly elected PDP Chairman, supported the indirect primary way of choosing a presidential nominee in October 2021 as opposed to the direct or consensus approaches (Ojiego, 2022). Prior to Ayu's election at the October 2021 PDP National Convention, the party had been plagued by

months of prominent members defecting, most notably more than a dozen National Assembly members and three governors, Dave Umahi of Ebonyi State, Benedict Ayade of Cross River State, and Bello Muhammad Matawalle of Zamfara State; the party suspended Uche Secondus, the time national party head, after finishing a distant second in the 2021 governor's race in Anambra State (Agency Report, 2021). Nonetheless, the PDP was able to convene its convention without incident or violence in October, electing nearly all party officials through a process of agreement, and establishing the entire National Working Committee in December (Okocha, 2022)

The PDP published its primary schedule on March 16, 2022, putting the cost of the expression of interest form at \$5 million and the cost of the nomination form at \$35 million, with a 50% discount for candidates between the ages of 25 and 30. Forms were supposed to be sold from 18 March to 1 April, but the party later delayed the deadline four times before settling on a final deadline of 22 April (Angbulu, 2022). After nomination forms were turned in by the deadline of April 25, candidates were interviewed by a party committee on April 29, and the screening appeal procedure was delayed for May 2 (Angbulu, 2022). Ward congresses were set for 29 April and LGA congresses were rescheduled for 10 May to elect "ad hoc delegates" for the primary; ex officio "statutory delegates", thousands of current and former officeholders—will not be electors unlike previous primaries. Candidates approved by the screening process will advance to a primary set for 28 and 29 May (Iroanusi, QueenEsther, 2022).

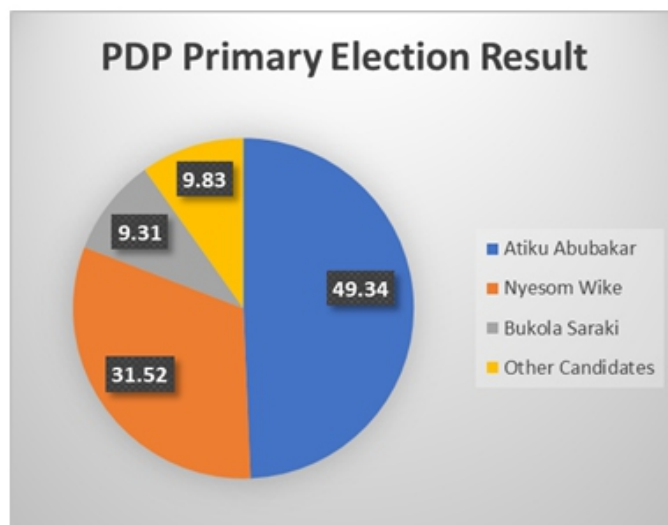
At the party screening, a committee led by former Senate President David Mark cleared most candidates but disqualified two; Nwachukwu Anakwenze and Cosmos Chukwudi Ndukwe; The disqualifications were then upheld by a screening appeal committee led by Ayu (QueenEsther Iroanusi, 2022). Following the screening, the PDP National Executive Council made its oft-delayed zoning decision, opting not to zone the nomination to any one region and leaving the field open to all candidates (Ajibola, Akinola, 2022). Five contenders were identified by analysts as having the best chances of winning (QueenEsther, 2022): Atiku Abubakar, the former vice president and 2019 presidential nominee; Peter Obi, the former governor of Anambra State and 2019 vice presidential nominee; Bukola Saraki, the former president of the Senate; Aminu Waziri Tambuwal, the governor of Sokoto State

and the former speaker of the House of Representatives; and Nyesom Wike, the governor of Rivers State. (Ugwu, 2022).

Delegates met on the primary day on the Velodrome of the Moshood Abiola National Stadium to register and cast ballots. The process went on as each candidate gave a final speech to the delegates before voting despite a few unexpected developments, such as the arrival of staff from the Economic and Financial Crimes Commission intended to stop bribery (Samuel, 2022) and the withdrawal of candidate Mohammed Hayatu-Deen in protest of the "obscenely monetized" race (Iroanusi, 2022).

After the remarks, Tambuwal unexpectedly returned to the podium to announce his withdrawal from the primary and instruct his delegates to support Abubakar (Udegbunam, 2022). Voting started after the withdrawal, and after more than an hour, the results were made public, Atiku Abubakar was announced as the nominee after the results showed him winning just under 50% of the vote with a margin of 18% over Wike who came second place (Achirga, 2022).

Later analyses of the reported vote breakdowns revealed that Abubakar won the majority of the delegates from the North West and North East, while the North Central and South West delegates split between Abubakar, Saraki, and Wike. The South East and South-South delegates also split, with the majority of the votes going to Abubakar and Wike, with Emmanuel taking some of the remaining votes (Bisi Abidoeye, 2022). The search for Abubakar's running mate consumed the weeks following the primary. Since Abubakar is a northern Muslim, it was expected that his running mate would be a southern Christian, and Wike, Emmanuel, and Delta State Governor Ifeanyi Okowa were all shortlisted as viable candidates (Abuh, 2022). Okowa was announced as Abubakar's running partner on June 16 (Elusoji, 2022). Despite being from the South South, analysts highlighted that Okowa's Ika ancestry may be a reference to southeastern demands for an Igbo running mate (Ogbuenyi, 2022).



Data source: (Wikipedia, 2022)

### 5.1.10. Labour Party Primary Elections

A coalition known as the "Third Force" was formed in 2021 by a number of politicians and activists under the leadership of Patrick Utomi, Attahiru Jega, and Femi Falana in an effort to unseat the APC and the PDP (Adetayo, 2021). After several delays, the group finally chose the Labour Party as its platform in May 2022 with the intention of creating an alliance with several other smaller parties (Olatunji, 2022). Peter Obi, a former governor of the Anambra State, joined the party in May 2022 to carry on his presidential campaign after quitting the PDP, giving the party a further boost (Premium Times, 2022). The party's leadership welcomed Obi into the party and also used the announcement to criticize the APC and PDP and pledge allegiance to the party platform (Independents, 2022). The party, however, had to deal with severe divides because a factional dispute from 2018 is still being litigated (Ufuoma, 2022).

The Labour Party moved its primary from its original date of 3 June to 30 May (Oyero, 2022). It fixed the cost of nomination and expression of interest forms at 30 million. 104 delegates showed up in Asaba on the primary day, but there was no need for a vote because three of the four candidates; Utomi, Olubusola Emmanuel-Tella, and Joseph Faduri; withdrew in favour of Obi. Then, with just one invalid vote against him, Obi won the primary with a resounding

unanimous vote. He promised to economically change the country and organize a successful general election campaign in his acceptance speech (Odunsi, Wale, 2022).

The second Labour faction organized a duplicate primary a few days after the first one, but INEC acknowledged Obi's victory (AKINTADE, 2022). Doyin Okupe, a physician and former PDP candidate who is now the Director-General of the Obi Campaign Organization, was listed by the party on June 17 as a temporary vice-presidential nominee who would be replaced by someone else at a later time (DailyTrust, 2022).

Before the announcement of Obi's actual running companion, Okupe officially withdrew on July 7 (Adenekan, Samson, 2022). The following day, the party's vice-presidential nominee, Yusuf Datti Baba-Ahmed, a businessman who had formerly represented Kaduna North in the Senate, was declared. Baba-Ahmed is a northerner (Abdullahi, 2022), and analysts observed the regional balance of the ticket (Babangida, 2022). However, they questioned his electoral experience because he hasn't won an election since 2011. Pundits also suggested that Baba Ahmed's well-known Zaria family and technocratic reputation would work in Obi's favour. (Akin Irede, 2022).

### 5.1.11. CBN Policy and New Naira Redesign

In order to prevent vote buying in the general elections of 2023, the Central Bank of Nigeria (CBN) on the 6th December 2022 imposed the weekly cash withdrawal limits for both individuals and corporations at N100,000 and N500,000, respectively. Additionally, the daily maximum cash withdrawal at POS terminals has been decreased to N20,000. From January 9, 2023, the rule was in force all over the country (Donald, 2023).

The apex bank developed a new policy setting a weekly cash withdrawal cap of N100,000 for individuals and N500,000 for business organizations in an effort to prevent individuals from harbouring naira notes in the future. However, on the 21st of December 2022, the CBN reviewed upward the limit on cash withdrawals made by individuals and organisations based on the feedback received from stakeholders. The upward review allowed individuals to withdraw

up to N500,000 weekly and organisations, N5 million weekly (Oyero, 2022).

The greatest threat to fair and credible elections in 2023 is the prevalence of vote buying, which this strategy was intended to help checkmate. Perhaps the primary goal of the Nigerian government in redesigning the 1000, 500, 200 naira note denominations was to seize the currency that is not under the CBN's control. The CBN governor, Godwin Emefiele, claimed during a news conference that N2.7 trillion of the country's total money in circulation is not in bank vaults (AYOMIDE, 2022). He made it clear that one of the key objectives of the redesign was to make sure that all the cash that was previously kept outside of bank vaults was returned and that the Central Bank of Nigeria (CBN) regains control over the circulation of money. There are indications that the politicians who have amassed trillions of naira in their mansions to sway the 2023 elections are the target of this policy. As a result of the premeditated action, those politicians who don't have a lot of support from their constituents may come under pressure.

The redesign of the naira notes was anticipated to combat vote-buying and the purchase of permanent voter cards in the elections of 2023. Before the crucial elections in 2023, there was growing worry over the illegal practice, as evidenced by the case which was brought by SERAP (Socio-Economic Rights and Accountability Project), (Akoni, 2022). Vote-buying has historically played a role in Nigerian elections, but many people have been outraged by the purportedly brazen ways that party leaders have allegedly attempted to influence voters in more recent elections. The CBN's decision to redesign the naira has angered politicians who have created personal bank vaults at their homes (Alike, 2022).

The abrupt CBN monetary strategy of redesigning various currencies in time for the 2023 elections caused some shock in the system and had an impact on politicians who had collected sizable financial war chests to run for office, as all old currencies were due back in the vault by January 31, 2023.

The Central Bank of Nigeria (CBN) recently revealed plans to cap weekly cash withdrawals at the counter at N100,000 for individuals and N500,000 for all organizations, regardless of size. The CBN also announced plans to cap withdrawals using POS terminals at N20,000 per day. Politicians have been collecting money ever since the policy was announced

in an effort to influence voters during the next elections. However, the CBN has purposefully refrained from outlawing the careless practice of buying votes.

During the last governorship elections in Ekiti (Elusoji, Solomon, 2022) and Osun State (Abe, 2022), it was widely reported that scores of vote buyers were arrested by operatives of the EFCC and ICPC. However, there are no known evidence that these suspects have been prosecuted or charged to the court for their crimes.

### 5.1.12. Religion and Election

Religion has grown to be a significant factor in Nigeria's electoral process, as a part of the identity politics that politicians use to gain an advantage over their rivals. Politicians are no longer the only concern in this, the typical Nigerian has a propensity to view everything through a religious perspective.

In Nigeria, talking about religion can be quite delicate. People who use it as a filter for how they perceive the world around them frequently have emotional reactions that make them sensitive, sentimental, biased, and occasionally angry. All these things have the potential to make them oblivious to fundamental concerns of justice, economic difficulties, the welfare of most Nigerians, as well as the qualifications and skills of those seeking government. (Adetiba, 2022)

The present agitation and outcry over the religious ties of presidential and gubernatorial candidates show that the Nigerian democracy exhibits something different. There has long been a push for religious representation. From Awolowo onward through MKO Abiola's political saga on June 12, it has played a significant role in the political development of Nigeria. In other words, the political class in Nigeria has long been involved in a manner of thinking that clearly emphasizes the significance of religious connections in determining whether political views succeed or fail.

Considering widespread anxiety, particularly regarding a supposed fulanization or jihadist agenda that may have been unfolding in Nigeria during the past years, the issue of political aspirants' religious affiliations is taking on a new and ominous dimension. The seeming laxity with which the Federal Government has handled the rampaging crimes of the Boko Haram rebels, the bloodshed

between ranchers and farmers, as well as the various banditry and abduction that have made Nigeria a very unsafe place to live, lends some support to this fear.

The religious backgrounds of the three leading presidential candidates and their vice-presidential nominees ignited a political firestorm in the 2023 election. For the APC, Senator Bola Ahmed Tinubu has chosen Senator Kashim Shettima, a fellow Muslim. In the PDP, Alhaji Abubakar Atiku, a Muslim, chose Ifeanyi Okowa, a Christian from Delta State. Peter Obi, on his own, picked a northern Muslim as his running mate.

In the current situation, the Bola Tinubu/Kashim Shettima same-faith joint presidential ticket rendered the two main religions in Nigeria so powerfully antagonistic to one another that it is now the test of religious influence. The issue of Muslim-Muslim tickets has infuriated some Christians and Christian leaders. Some came out to speak vehemently against it and have vowed to work against the party, especially the Christian Leaders, saying that a Muslim-Muslim ticket is a slap on the face of Nigeria's religious dynamics (Ogunnaike, 2022).

This dynamic is evident in all six of Nigeria's geopolitical zones, with all-Christian ticket configurations in all the states in the southeast, all-Muslim ticket configurations in all of the states in the north-west, and mixed configurations in all the other zones (Olaopa, 2022).

The Muslim-Muslim tickets put out by Tinubu was faced with opposition not just from Christian leaders but also from party members. Over 1,000 APC members from the six North Central States, mostly women and young people, reportedly travelled to Abuja on August 9, 2022, to express their disapproval of the decision to nominate a Muslim as the party's vice-presidential candidate, as reported in the Newspaper, (Jannamike, 2022). It had been previously reported on July 12, 2022, that the APC's Muslim-Muslim ticket provoked conflicting reactions in which some members of the party supported the decision and others opposed it (Ndujihe, 2022). For example, governors elected on the APC platform, the speaker of the house of representatives, Femi Gbajabiamila, the president of the Senate, Ahmad Lawan, and other high-ranking party officials praised Tinubu's selection of Shettima, claiming that Shettima has paved the party's path to electoral victory (Ikhilae, 2022).

However, elder statesman and South-South Leader, Chief Edwin Clark, the Bishop of Calabar, Anglican Communion, Rt. Rev Nneji Egbe and Middle-Belt

Youths, have criticized the Muslim-Muslim ticket of the APC and warned that it poses a threat to the country's stability and unity (Jannamike, 2022).

On July 13, The Guardian, another major news outlet in Nigeria, reported that more chieftains had resigned in protest of the Muslim-Muslim tickets, including a close ally of the Buhari-led administration; minister of transportation and a former party candidate for governor of Rivers State, Rotimi Amaechi, Prince Tonye Princewill, Daniel Bwala, Ishaku Abbo, the senatorial candidate for Adamawa North, and Nollywood actor Kenneth Okonkwo (Omolaoye, 2022).

However, the APC presidential candidate, Bola Ahmed Tinubu in his defence opined that: "A dominant theme of my political history and my personal life is my staunch belief in our diversity. This enduring tendency is completely consistent with the running mate I chose."

He added his awareness of the "energetic discourse concerning the possible religion of my running mate...today, I announce my selection with pride because I have made it not based on religion or to please one community or the other." But in a counterargument by Christians; a Muslim-Muslim ticket, however, will undoubtedly appease the Muslim community while angering Christians.

Tinubu further argued about "the need to place competence above religious sentiment". He described his vice; "as a man with the talent, maturity, strength of character, and patriotism" and expressed his implicit confidence in his choice of running mate. (Akinwale, 2022).

Another point made by Tinubu in favour of his choice of candidate was connected to the 1993 presidential elections. In the 1993 Presidential election, Chief MKO Abiola and Alhaji Baba Gana Kingibe ran as a Muslim-Muslim ticket on the Social Democratic Party (SDP) platform. Tinubu is referring to this ticket. In many ways, Tinubu has copied the Abiola-Kingibe paradigm. Kingibe is a Kanuri from the same state of Borno in the North Eastern geopolitical zone as Shettima, which serves to emphasize the appropriation.

However, the connotations surrounding both elections are different. The Muslim-Muslim ticket may not have been important in 1993 since Nigerians yearned so desperately for democracy as a respite from military rule. In addition, religious conflict hadn't taken on its current state at that time.

The issue of religion also affected the PDP candidate, Atiku Abubakar, who hastily erased posts on his Twitter account criticizing the horrific death of

Deborah Samuel (who was charged with blasphemy in Sokoto State) by religious extremists in the State (Agency Report, 2022). It was an obvious step Atiku took to placate the thugs to avoid losing the whole North in the 2023 Presidential race.

The fact that there is much ambiguity in the meaning of Christianity in Nigeria is another reality that the 2023 election also gave rise to. Consider the situation involving Peter Obi, the Labour Party's (LP) nominee for president. It is said that while serving as governor of Anambra State, he never granted non-Catholics unfettered access or Certificates of Occupancy for the construction of their churches in the state. Obi allegedly committed additional faults by nearly chasing away everyone who sought to build a mosque in the State. In actuality, these accusations have been properly documented, and any Nigerian with opposing views has been urged to speak up. (Komolafe, 2022)

### 5.1.13. Ethnicity and Elections

Every election year, Nigeria has to deal with issues of ethnicity, zoning, and other sentiments, and these issues always have a significant impact on which candidate and political party will emerge as the country's president. The 2023 election is the first presidential contest since 1983 to feature three prominent candidates from each of the three largest ethnic groups: Abubakar is Hausa-Fulani, Obi is Igbo, and Tinubu is Yoruba.

Igbo organizations like Ohanaeze Ndigbo demanded that an Igbo be elected president and objected when the main parties nominated Abubakar and Tinubu because the Igbo are the only one of the three largest ethnic groups to have never produced an elected executive president (Abe, Bankole, 2022). Additionally, the organization denounced Igbos who accepted the vice-presidential position, a clear blow to PDP's contender for vice president, Okowa (Olafusi, 2022).

In response APC's presidential candidate, Tinubu, declared in a ferocious Yoruba-language campaign address in Abeokuta prior to the primary that it was "the turn of the Yorubas" to rule the nation (Olatunji, 2022). Similar to Buhari, Abubakar is an ethnic Fulani, which increased the debate surrounding his northern origins ( Ebenezer Obadare, 2022).

In a speech he gave in October, Abubakar said that "northerners did not need Yoruba or Igbo candidates" (Adeleye, 2022), which drew harsh criticism from civil

society organizations and other campaigns (Folorunsho-Francis, 2022). The overt use of racial nationalism may have also breached Section 97 of the Electoral Act of 2022 and raised concerns about ethnically motivated electoral violence. Afenifere, a significant Yoruba socio-cultural organization, were bitterly divided over whether to endorse Tinubu or Obi later that month, bringing ethnicity back to the forefront of the campaign (News, 2022).

By December, Abubakar was attempting to moderate his ethnic language by referring to himself as "the steppingstone to an Igbo presidency" in an effort to regain Igbo support (Obianeri, 2022). However, news indicated that the comment was met with a generally unfavorable response (Chinagorom Ugwu, 2022).

There was also agitation by the Southern Governors Forum on the issue of returning power to the south after the expiration of incumbent president, Muhammadu Buhari's tenure in 2023 (Johnson, 2022). This argument, according to The Guardian gained majority support across the South and the Middle Belt regions. Although, the 1999 Constitution is silent on the zoning principle, the north and south believes the presidency must rotate to ensure justice, equity, and fairness after the end of every two terms of a president.

But in the last 23 years, the principle of rotational presidency has also been influenced by other factors like religion and unforeseen circumstances like the country witnessed in 2009 when former President Umaru Yar'Adua of northern extraction died and his vice, Goodluck Jonathan from the South South took over.

In 2007, the zoning and rotational agreement played out successfully in the then ruling PDP. The party's presidential ticket was handed over to late President Umaru Yar'Adua from Katsina State. Unfortunately, Yar'Adua died in office and his vice, former President Goodluck Jonathan, an Ijaw man from South-South stepped in to complete the tenure.

In 2011, Jonathan contested but his aspiration was seriously challenged by some northerners, who argued that the principle of rotational arrangement between the north and south would be breached if Jonathan contested. The argument was countered, especially among the minority groups that the Niger Delta zone, which is the cash cow of the country, could never have had a better opportunity to rule the country.

At the end, the minority argument prevailed and the north, especially Atiku, who emerged as the Northern Elders consensus candidate, lost the party's ticket to

Jonathan while Jonathan went ahead to defeat President Buhari, who is from the north, in the general election.

The situation changed in 2015, when the north insisted it had to produce the president and that Jonathan could not re-contest for a second term. The then ruling party was seriously fractured and major stakeholders from the north decamped to join the APC. Buhari, who emerged as APC presidential candidate won the election apparently based on an alleged gentleman agreement that power will return to the South and particularly Southwest after the north spends two terms.

It could be said that Buhari won in 2015 basically because of ethnic factor and the campaign of corruption raised against the Jonathan-led administration.

Meanwhile, among the presidential candidates contesting the 2023 election, were four leading candidates who appear to have what it takes to emerge winner – Abukakar, Kwankwaso, Obi, and Tinubu.

## 5.2. The Three Horse Race

### 5.2.1. Emi lo Kan Trend (APC Presidential Candidate; Bola Tinubu)

Another word that made its way into Nigeria's political lexicon is 'emi lo kan' meaning "it's my turn". The saying was popularised by All Progressives Congress presidential candidate, Bola Tinubu, in his outburst in Abeokuta during a meeting with some party faithfuls in June 2021. Sensing that his 'lifelong ambition' of becoming the next president of the country was under threat, Tinubu asserted in a threat-laden voice, that it was his turn to become the president having helped Buhari to become one. The thinly veiled threat achieved the desired result as he went on to clinch the party's presidential ticket.

While many especially his teeming supporters, hailed Tinubu for what they deemed pragmatism and political brinkmanship in getting what he wants, analysts, commentators and his opponents said the 'Emilokan' phrase reeks of entitlement and runs counter to the tenets of representative democracy.

The Emilokan sentiment is one shared by a motley crowd of chauvinists in the southwestern part of the country where Tinubu comes from. Tinubu has paid

his dues and he helped Buhari to gain power, hence his turn, his staunch supporters will bellow at anyone who cares to listen.

Tinubu, a former governor of Lagos state, has said he has what it takes to lead the country despite his visibly frail appearance and repeated gaffes in public. His decision to pick a Muslim running mate has not helped his cause as many say it sets a dangerous precedent in a heterogeneous country where Christians are as many as the Muslims.

Tinubu may be poised to win the election, but certain factors are mitigating against such reality. There's a widespread consensus that the Buhari's administration has been a colossal failure and his party can't be exonerated from his dismal performance in office, and for this many have vowed not to vote APC for the presidency again as that would mean rewarding failure. Another factor is the Muslim-Muslim ticket which many Christians felt slighted about and this may become counterproductive on election day. The last factor is president Buhari's vow to conduct a free and fair election and respect the choice of Nigeria at the polls. With this, the federal might that's usually deployed by ruling party to swing the pendulum of victory in their favour during polls will be absent.

Tinubu has largely been campaigning with his performance when he held sway as Lagos governor, a pointer to the parlous and troubling state of the nation.

### **5.2.2. The Atikulated Trend (PDP Presidential Candidate, Atiku Abubakar)**

The story of Nigeria's presidential election in the fourth republic will not be complete without the mention of Atiku Abubakar, the Peoples Democratic Party presidential candidate. He was the vice president of Nigeria between 1999 and 2007 in an administration that was dogged by reported acrimony between him and his principal, Olusegun Obasanjo. Atiku's emergence as the presidential candidate of the PDP is not without a controversy, one that also threatens his victory at the polls.

While he has enjoyed massive support from a significant percentage of the largely conservative Northern population where he comes from, he has been treated with distrust and his candidacy has been scoffed at by the majority of the liberal southern

populace. This is because they believe that he had broken the unwritten agreement of power rotation between the distinctively heterogeneous north and south; in which a southerner succeeds a northerner after two terms in office and vice versa. If Atiku goes on to win the presidential election and win his second term bid in 2027, power would have resided in the north for 16 years.

His emergence has also created an internal wrangling in his party, with five governors rebelling against his candidacy. Another black mark against him is the fact that the party's national chairman also hails from the northern part of the country. Having both the presidential candidate of the party and national chairman from the same region is against the PDP's constitution, the warring governors argue.

Atiku's ambition is not also helped by the growing popularity and acceptance of Obi in the South-South and the Southeast, two geopolitical zones that were hitherto PDP strongholds.

Be that as it may, Atiku still has very good chance of winning the presidential election as certain factors are in his favour; one is that he is contesting on the platform of a party with national spread and appeal. Despite its unending crisis, many observers and political commentators have asserted that PDP is the only party with the 'structure' to defeat the ruling All Progressives Congress. Second factor is that he is from the North, and he enjoys widespread support from voters in the region, especially in the Northwest, the geopolitical zone with highest voter population. The third factor is the growing frustration and feeling of discontent among majority of Nigerians over the management of the country's affairs by the APC. With all the aforementioned factors, the pendulum of victory may just swing in the direction of Atiku.

### **5.2.3. Obidient Trend (LP Presidential Candidate; Peter Obi)**

The declaration of Peter Obi to run for the presidency has significantly altered Nigeria's socio-political terrain so much so that a populace hitherto indifferent to politics and elections are now enthusiastic about the prospect of getting involved in the electoral processes. Since his emergence as the Labour Party presidential campaign in June last year, he's awakened the consciousness of Nigerians politically and also instil in

larger percentage of frustrated citizenry, especially youths, who've yearned for a formidable third force with a worthy candidate, a new wave of optimism and a splash of hope that, should he eventually win the presidential election, a Nigeria of their dream may just be underway.

With Obi's growing popularity and acceptance came the introduction of a new word into the Nigerian political lexicon — Obidients. The Obidients are the staunch supporters of Obi and have also changed the style of electioneering in the country. Before now, what most candidates do is to dole out cash to their foot soldiers and minions to help them mobilise for campaigns rally. Also, supporters of a presidential candidate, organising and funding rallies, campaigns, concert, and symposia from their pocket is a thing of rarity. But the Obidients on many occasions have organised rallies, concert, and campaigns to galvanise support for Obi. Many have even volunteered to move from one place to the other with the sole intention of preaching about Obi to those who may not have heard of him, telling them about why he's the best candidate for the job, why he's the one who can take the country out of doldrums.

The concept of flag boys was also introduced by the Obidients. The flag boys are like a mobile advertising board. They move from one place to another on foot hoisting a flag with pictures of Obi and his vice, Datti Baba-Ahmed, and an inscription appealing to residents to vote for them, emblazoned on it. flag boy idea was spurred by practicality and necessity as hostile state governments crack down on oppositions and bar them from using available conventional platforms to sell themselves.

The job of the Obidients to sell Obi to the people have also been made easy by the life he has lived. Obi who prides himself on his tested ability to manage man and resources effectively for maximum results.

Having said that, much have been said about the style deployed by the Obidients. Many, especially the supporters of the ruling All Progressives Congress, have pointed out that the Obidients have been feisty, pugnacious, disparaging, and combative in how they engage those who do not support Obi, especially on social media.

However, the Obidients have said they have not done anything untoward and Unbecoming, noting that what people tag intolerable tendencies on their part

are things to be expected from a teeming hopeless and frustrated youths.

The Obidients also reminded their critics of the characters and behaviour of certain actors in the build up to the 2015 general election, 'we've not done quarter of what these other people did', the Obidients bellow at people who care to listen .

It would be a major upset if a candidate from a small party won, given the strength of Nigeria's established political parties and their deep pockets. But Obi has excited parts of a disillusioned electorate, topping three recent polls, leading by eight points in a poll by NOI, a leading local pollster .

Whatever the outcome of the presidential election is, whether Obi wins or not, the Obidients have left an indelible mark in Nigeria politics.

### **5.3. Issues Around Presidential Result And Call For Election Cancellations**

The National Collation Agent for the People Democratic Party, Dino Melaye, and other party agents demanded that the result on the INEC server be displayed on the screen as the Residential Electoral Commissioner is reading out the result at the collation centers during the announcement of the Ekiti State presidential result, which was monitored by a member of the HURIDAC staff on Arise TV. They claimed that the electoral body had been compromised and the election had been rigged in favor of the ruling party (APC), adding that the failure of INEC to promptly upload online results from polling units makes the results questionable.

However, the INEC chairman, Yakubu, pointed out that such a request was unnecessary because issues with result manipulation had to be handled and the results had already gone through three different stages before being presented to the National Collation Centre. The INEC Chairman requested that they contact their agents at various levels or present proof that the election outcome had been tampered with.

The ruling party, APC reacting to the allegation in a press conference said the party will defend its votes if declared winner of the 2023 presidential election. The Director of Special Media Projects of the APC presidential campaign council, Femi Fani-Kayode, who spoke on behalf of the party said PDP is trying to heat



the polity, provoke, and intimidate APC voters and supporters. In his word, "In the words of Dino today like Shakespeare is a tale told by an idiot full of shout and fury signifying absolutely nothing and we need to be careful at this stage, we are confident of victory."

Again, in a joint conference recently held in Abuja, the opposition claim that the Nigerian democracy has been once again trampled on despite the efforts concerted to restore it. According to Julius Abure, the Labour Party chairperson, there were a widespread manipulation of elections, and the INEC irretrievably compromised the integrity of the elections before hands and its administration must be changed lamented Abure.

Indicators like logistics challenge in the conduct of the poll, the transfer of results sheets from polling units to new electronic portal (IREV [the results viewing portal]) was as slow as unexpected impeded the transparency of the elections and therefore its integrity altered. According to Ayisha Osori, former executive director of the Open Society Initiative for West Africa on Aljazeera, "Collation in Nigeria is a black hole – nothing that comes out is to be trusted without a means of verification,". The APC seeing the victory at the end of the tunnel refuted all claims of the opposition and urge the INEC to announce the results

The situation triggered the concern of former President Olusegun Obasanjo on Monday who wrote an open letter addressed to outgoing President Muhammadu Buhari reiterating the fact that elections compromised, and results doctored and that the INEC officials had been accountable for such undemocratic display. He further urge Buhari in these words "let all elections that do not pass the credibility and transparency test be cancelled and Let me appeal to the Chairman of INEC, if his hands are clean, to save Nigeria from the looming danger and disaster which is just waiting to happen,"

The European Union observer mission were also concerned about the lack of efficiency in the planning and transparency during the critical stages of the electoral process.

Amidst the issues raised from different quarters, INEC chairman announced the candidate of APC, Bola Tinubu as the winner of the 2023 election three days after the poll. Provisional results made available by the Independent National Electoral Commission show that 19 of the 36 states elected Tinubu as the next president, defeating Abubakar of PDP, Peter Obi

of LP and Rabiu Kwankwaso of the NNPP who desperately call for cancelation of the elections.

The goal of regaining the democratic standard lost after the 2019 elections, however, has been dashed by the trajectory of the 2023 elections. Democratic immaturity was characterized by a continuous instance of inefficiency in the administration of the elections from the pre-election until the day of the polls. The peace movement and its anticipated results have become outmoded, giving selfishness a chance to rule, which will plunge the nation into turmoil if action is not taken.

## 5.4. Conclusion

This chapter has identified a number of issues that will affect how the election is managed and the outcomes of the elections. Some of these issues have been examined, including the possibility of a three-horse race representing differing viewpoints in the 2023 election. Many Nigerians have vowed not to vote for the APC again even though Tinubu appears to be winning the race due to the failure of Buhari's administration and the Muslim-Muslim ticket. The Obidients assert that given the strength of Nigeria's well-established political parties, a tiny party winning would come as a big surprise. Furthermore, Atiku's success is likely due to the rising unhappiness with the way the APC is handling Nigeria's affairs.

Elections in 2023 will also feature a religious component, including tickets with running mates from various religions serving as a fundamental component of power sharing. The years leading up to the 2023 election were also dominated by security-related concerns and were characterised by a national decline in security. While new developments in the northeast's struggle against terrorists allowed thousands of refugees to reintegrate into their villages, the situation across the country grew more critical: The deadly bandit struggle in the Northwest, further terrorist growth, herder-farmer and interethnic clashes in the North Central, pirates and illicit oil bunkering gangs in the Niger Delta, and a violent separatist movement in the South East.

Despite these problems, the outcome of the election in 2023 was a deciding factor in the eyes of the voters since they choose which of the three leading candidates will win and become Nigeria's next president.

Here are the key highlights of the 36 federated states of Nigeria and Abuja's contributions to the final results announced by INEC, the country's election umpire: With 8,805,420 votes and victories in 12 states, Tinubu of the APC received the most votes (Rivers, Borno, Jigawa, Zamfara, Benue, Kogi, Kwara, Niger, Ekiti, Ondo, Oyo, Ogun). With 6,984,290 votes, Atiku (PDP) won 12 states (Katsina, Kebbi, Sokoto, Kaduna, Gombe, Yobe, Bauchi, Adamawa, Taraba, Osun, Akwa Ibom, Bayelsa).



## CHAPTER SIX: ROLE OF THE INDEPENDENT NATIONAL ELECTORAL COMMISSION IN THE 2023 GENERAL ELECTIONS

The objective of this chapter is to assess the role of INEC in the 2023 general elections, including voter registration procedures, the distribution of permanent voter identification cards (PVCs) to eligible voter.

The Independent National Electoral Commission (INEC) is the organization in charge of the electoral process in Nigeria, including voter registration, registration of voting parties, voter card distribution, and election administration. The following are some of the roles of INEC that were underlined by subsection 15 of part one (1) of the third schedule of Nigeria's 1999 constitution, which placed this obligation on the electoral body:

- a) Organize, undertake, and supervise all elections to the offices of the President and Vice President, the Governor and Deputy Governor of a state and to the membership of the Senate, the House of Representatives, and the House of Assembly of each state of the federation.
- b) Register political parties in accordance with the provisions of the constitution and act of the National Assembly.
- c) Monitor the organization and operation of the political parties, including their finances.
- d) Arrange for the annual examination and auditing of the funds and account of political parties and publish a report on such examination and audit for public information.

- e) Arrange and conduct the registration of persons qualified to vote and prepare, maintain, and revise the register of voters for the purpose of any election under the constitution.
- f) Monitor political campaigns and provide rules and regulations which shall govern the political parties.
- g. Ensure that all electoral commissioners, electoral and returning officers take the oath of office prescribed by law.
- g) Delegate any of its powers to any resident electoral commissioners

In addition to the functions assigned by the 1999 Constitution, the INEC establishment acts of 1998 as highlighted in the Human Right assessment of 2019 election in Nigeria report by HURIDAC, (HURIDAC, 2019) the act identifies these three areas as part of INEC roles:

- a. Conduct voter and civic education
- b. Promote knowledge of sound democratic electoral processes; and
- c. Conduct any referendum required to be conducted pursuant to the provision of the 1999 constitution or any other law or act of the National Assembly.

Consequently, the INEC is expected to do its duties without interference from outside sources. In addition, INEC is expected to exhibit openness and transparency in all of its operations and in its interactions with all parties involved. In order to maintain trust and impartiality, the electoral umpire must always act

honestly and truthfully in all of its dealings.

The INEC is required to provide quality electoral services efficiently and effectively, guided by best international practice and standards, as equity and excellence are among its key values.

## 6.1. Major Roles of INEC

The electoral commission must act in accordance with the requirements of the constitution and other national laws in exercising its authority and carrying out its duties. The commission performs the following main roles:

1. Registering voters and candidates for elections: One of the main functions of the electoral body is to make sure that every eligible person has registered to vote in order to participate in any elections held in the nation. Through the registration process that qualifies them, both voters and candidates are given an equal right to take part in the electoral process. The PVC was adopted by the INEC in 2015 so that all eligible voters may vote using it. Since then, the INEC has conducted an initiative known as Continuous Voter Registration (CVR), in which voters have consistently participated in the registration process to get their PVCs.

Therefore, INEC started Continuous Voter Registration (CVR) in July 2021 as a part of the planning for the general elections in 2023 (Stears, 2023). The CVR is conducted by INEC to enable eligible Nigerians who turned 18 after the previous registration drive to register to vote. A sizable portion of the population would lose their voting rights in between elections if the CVR mechanism didn't exist.

The CVR also provides space for people who, for any reason, were not previously registered but are older than the required constitutional age. Furthermore, it is crucial for voters who can take the chance to change their polling units, update their personal information, and replace damaged or destroyed Permanent Voters' Cards (PVCs).

Finally, the exercise is constitutionally required since, "the 2010 Electoral Act (as

amended) mandates the Commission to carry out CVR nationwide and to make it available to every political party within 60 days".

INEC's endeavor to streamline voter registration involves online pre-registration. This can also be used to replace voter cards that have been lost, damaged or require an update of information or alteration of polling units. By using the portal, voters can begin their applications online, but still require obtaining a voter's card. In preparation for the 2023 elections, INEC created 176,846 polling units to serve 93.4 million eligible voters. However, 87.2 million registered voters picked up their PVCs before the February 5 deadline set by the commission. (Punch, 2023)

2. Prepare the timetable for the election: Election-related activity is frequently categorized by cycles. Nigeria elects a governor every year due to off-cycle elections, but the main events of the general elections are the presidential and national legislative elections, which take place every four years. The INEC timetable is also influenced by the Electoral Act, which is the legal document regulating how elections are conducted, and guidelines that the commission follows in accordance with the constitution.

Initially, the general elections for 2023 were scheduled for February 18, but INEC had to change those dates to comply with Section 28(1) of the Electoral Act 2022, which mandates that INEC shall publish the notice of election no later than 360 days before the election date (DailyTrust, 2022). This new principle guarantees that governments cannot unilaterally change the election timetable for selfish reasons. These elections are conducted according to a timetable set by the INEC. The timetable and schedule of events for the INEC elections are listed below:

S/N	Activity	Date
1	Publication of notice of election.	28th February 2022.
2	Collection of relevant forms for the election by political parties from INEC website.	1st March 2022.
3	Conduct of Party Primaries, including resolution of disputes arising from the Primaries.	Commencement date (4th April 2022). End (3rd June 2022).
4	Submission of relevant forms online (Nomination Portal).	Presidential & National Assembly: 9.00 am 10th June 2022 & 6.00 pm 17th June 2022. Governorship & State Houses of Assembly 9.00 am 1st July 2022 & 6.00 pm 15th July 2022.
5	Publication of Personal Particulars of candidates (EC9) by the Commission.	Presidential & National Assembly 24th June 2022. Governorship & State Houses of Assembly 22nd July 2022.
6	Last day for withdrawal by candidate(s)/replacement of withdrawn candidate(s) by Political Parties.	Presidential & National Assembly 15th July 2022. Governorship & State Houses of Assembly 12th August 2022.
7	Last day for submission of Nomination forms by political parties.	Assembly 8th August 2022. Governorship & State Houses of Assembly 18th August 2022.
8	Publication of final list of nominated candidates by the Commission.	Presidential & National Assembly 20th September 2022. Governorship & State Houses of Assembly 4th October 2022.
9	Commencement of campaign by Political Parties in public.	Presidential & National Assembly 28th September 2022. Governorship & State Houses of Assembly 12th October 2022.
10	Last day for submission of names of Polling Agents for the Election to the Electoral Officer of the Local Government Area by political parties through the Commission's dedicated portal.	Presidential & National Assembly 30th December 2022. Governorship & State Houses of Assembly 6th January 2023
11	Publication of official Register of Voters for the election by the Commission.	12th January 2023.
12	Publication of Notice of Poll by the Commission.	30th January 2023.

S/N	Activity	Date
13	Last day for campaigns by Political Parties.	Presidential & National Assembly 23rd February 2023. Governorship & State Houses of Assembly 9th March 2023.
14	Date of Election	Presidential & National Assembly 25th February 2023. Governorship & State Houses of Assembly 11th March 2023.

2. Allows eligible candidates to contest the election: In order to verify the candidates' eligibility to contest in the general election, the electoral body is responsible for screening the candidates using requirements stipulated in Section 84(12) of the New Electoral Act. This states that no political appointee at any level shall be a voting delegate or be voted for at the Convention or Congress of any political party for the purpose of nomination of candidates for any election. This means that political appointees must relinquish their positions before they can be eligible to participate in the electoral process as a candidate. (Eme, 2022) Section 84(13) also states that "where a political party fails to comply with the provisions of this Act in the conduct of its primaries, its candidate for election shall not be included in the election for the particular position in issue."

3. Resolution of disputes that may arise during the election: INEC is not directly responsible for resolving any issues of disputes that may arise during election as electoral disputes are to be resolved by Electoral Tribunals according to Part VIII of the 2022 Electoral Act.

This informed why the electoral body in partnership with Institute of Chartered Mediators and Conciliators (ICMC) advocate the use of Alternative Dispute Resolution (ADR) to reduce cases of election litigation (INEC, 2023). According to the INEC Chairman, Professor Yakubu Mahmood, The Commission and the ICMC could do a lot to guarantee that the elections would be free, fair, and conflict-free, noting that "If we can mediate and if we

can all be on the same page, we can execute our elections easily, less litigation, less money would need to be spent on pursuing those litigation processes, and our elections would always be conclusive."

4. The regulation of political parties' process: INEC regulates the affairs of political party in the country by registering eligible parties and delisting parties that did not meet the criteria to form a party. According to Section 225(a) of the 1999 constitution (as amended), INEC has the power to delist political parties for breach of any of the requirements for registration as a political party. In the event of an already registered party, the commission has the power to deregister a political party for breach of the aforementioned requirements as well as failure to win at least 25 percent of the votes cast in one state of the federation in a presidential election, or 25 percent of the votes cast in one local government area of a state in a governorship election.

5. Observing and monitoring the election process: Election observation, in accordance with INEC guidelines, is the process by which elections in a particular country or locality are observed against set standards by an independent and impartial body of observers. This is carried out with the goal of determining whether the elections conform to recognized guarantees of democratic participation, identifying flaws and challenges, and also making recommendations on how the process can be improved going forward (INEC, 2011). In a nutshell, election observation consists of four basic tasks, namely to:

- a. Observe processes and activities organised during elections
- b. Collate facts and observations;
- c. Interpret the facts gathered against the laws governing elections as well as basic democratic standards, to ascertain whether the elections meet the threshold of credibility as defined by law and accepted by the international community; and
- d. Outline the findings so collated and the interpretations based on those findings in a document or report.

Additionally, the guidelines made it clear that although the phrases "election monitoring" and "observation" have been used interchangeably, there is however, a key distinction between the two. An election monitor plays a crucial role in the administration of the election and is a crucial component of the election management framework. Only the INEC and its properly authorized staff are permitted to oversee elections in Nigeria. On the other hand, an observer is not involved in the management of the election and is not responsible for any supervision or control activities. To make these points even clearer:

- a. An election monitor exercises some level of lawful authority over the conduct of elections as well as over officials involved; an Observer has no such powers.
  - b. In Nigeria, a monitor must be duly authorised personnel of INEC; an Observer is independent and reports only to his or her organisation.
  - c. A monitor can issue instructions and take decisions on behalf of INEC and to that extent, would ordinarily possess a greater technical knowledge of the election process than an Observer.
  - d. To enable them to fulfil their functions effectively, INEC is responsible for training election monitors on election administration. The training of election Observers is the responsibility of the organisations that deploy them.
  - e. The roles, powers and functions of monitors are created and regulated, and the authority so exercised is clearly spelt out by law.
5. Regulate the money spent during the election period: During the election season, INEC keeps track of the funding sources and the

bank accounts of candidates and political parties, as well as the funds used by parties for campaigns and other electoral operations. The electoral commission is also obligated to investigate politicians and political parties in the run-up to the 2023 general election in an effort to trace the sources of funding for their campaigns. In order to accomplish this, the commission formed teams to examine election spending before the elections (Vanguard, 2022).

## 6.2. Assessment of PVC registration

INEC is charged with the responsibility of organizing and conducting elections in Nigeria. The electoral body is also responsible for the registration of voters, and the maintenance of the voters register. As a result, the commission oversees registering voters and issuing permanent voter identification cards. This is provided for under Section 15 Part 1 of the Third Schedule of the 1999 Constitution (as amended) and Section 2 of the 2010 Electoral Act (as amended). Obtaining a Temporary Voter Card and then a Permanent Voter Card are requirements of the registration procedure for prospective voters (PVC). The Permanent Voters Card (PVC) enables registered voters exercise their civic right to vote in the General Elections.

Biometric data, such as physical characteristics, fingerprints, etc., are stored in the PVC. It safeguards the data that is saved on the card. PVCs contain electronically programmed information that can only be read or evaluated via a card reader. However, the exercise of the commission revealed that many eligible voters were unable to make themselves available for the registration and those who registered were reluctant to collect their PVC.

Some of the challenges that were attributed to the poor registration and collection of the PVC are lack of sufficient registration officers, poor registration facilities and equipment, poor communication network and lack of a conducive registration centres. More investigation showed that many registered have changed their location thereby posing a problem for them to collect their PVC. (ResearchClue.com, 2023) Despite the challenges nearly 10 million new voters have been registered for the 2023 elections, of whom 84 percent are young people aged under 34 — a key block of ballots. (Vanguard, 2023)

## 6.2.1 Number of Completed Registrations

12.29 million people completed their registration, according to data made public by INEC. Of this total, 3.44 million were completed online and 8.85 million were completed offline. Using this amount, it is anticipated that 96.3 million people will be eligible to vote in the election of 2023. (Amata, 2022)

At the conclusion of the CVR exercise, 12.29 million registered voters had completed their registration (both online and in person). Following the beginning of the CVR on June 28, 2021, INEC has provided weekly reports on both the online pre-registration and the actual completion of voter registration by voters (INEC, 2022).

Initially, June 30 was assigned as the CVR's expiration date but Festus Okoye, the National Electoral Commissioner for Information and Voter Education, made an announcement on that day, extending the registration period to ensure that all eligible Nigerians participated (PremiumTimes, 2022). A total of 31 days were added to the CRV, starting with a 15-day extension and ending with a 2-week extension (July 1st-31st). The electoral commission announced there would be no additional extensions once this new deadline passed on Sunday, July 31st, because they had other tasks to complete, including cleaning up the voter registration list of duplicate and repeated registrations. (PremiumTimes, 2022)

Election Year	Number of Registered Voters (Millions)	Percentage Increase of New Registration
1999	57.94	–
2003	60.82	4.98
2007	61.57	1.22
2011	73.53	19.43
2015	67.42	-8.30
2019	84.00	24.59
2023	93.00	14.64

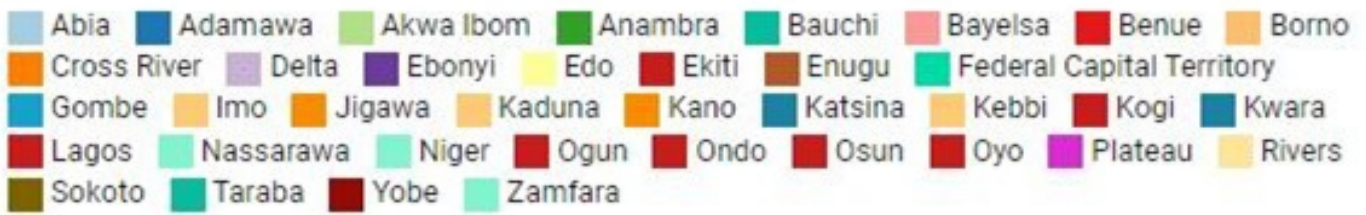
## 6.2.2 Completed PVC Registration by States

According to data released by INEC, Lagos had the largest number of people who finished their PVC registration as of the CVR exercises conclusion on July 31. The state has 585,629 people who have finished their registration, with Kano coming in second with 569,103. In third place with 523,517 was Delta State (Amata, 2022).

On the other side, the Federal Capital Territory (FCT), Yobe, and Ekiti had the fewest registrations. While the FCT had 211,341, Ekiti and Yobe each had 124,844 and 152,844 completed registrations.



# Number of PVC Registration by States



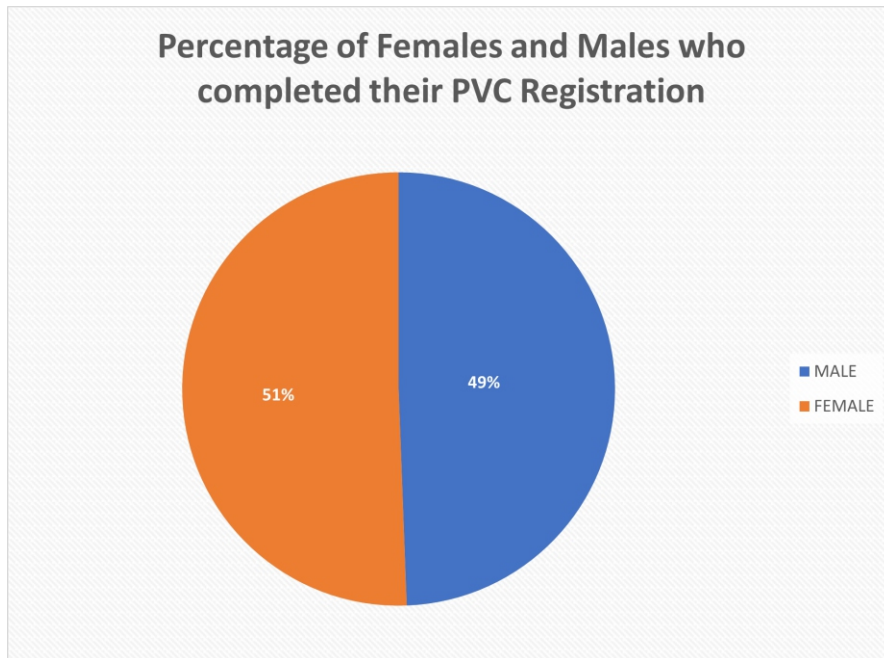
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### 6.2.3. Number of Males and Females who Completed their PVC Registration

As was previously mentioned, 12.29 million people finished the CVR exercise by completing their registration. Of this number, 6.22 million, or 50.6%, are women, and 6.07 million, or 49.4%, are men (Amata, 2022)

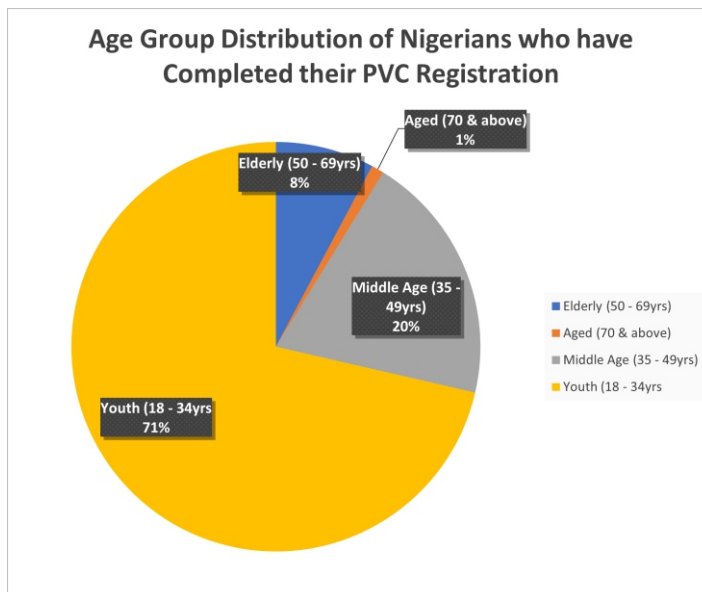
Percentage of Females and Males who completed their PVC Registration



### 6.2.4. Completed PVC Registration by Age Group

According to a breakdown of the data, young people make up 71.4% (8.78 million) of those who completed their registration. This indicates that, out of every 10 people who completed their registration, at least 7 are members of the youth, who are between the ages of 18 and 34 (Amata, 2022).

The next age category is middle age, which represents 19.8% of the total number of people who finished their registration. 7.8% and 1%, correspondingly, of all PVC registrations that have been processed are for the old and the aged (70 years and over).



## 6.2.5. Completed PVC Registration by Occupation

Of all individuals who completed their registration, students make up the largest percentage. 4.5 million of the 12.29 million people who finished registration identified as students.

2.24 million and 1.54 million people, respectively, were employed in business and farming/fishing.

124,027 and 381,254 completed registrations for public and civil servants, respectively, appear at the bottom.

**Based on the classification of occupations, students lead the list of Nigerians who completed their registration**

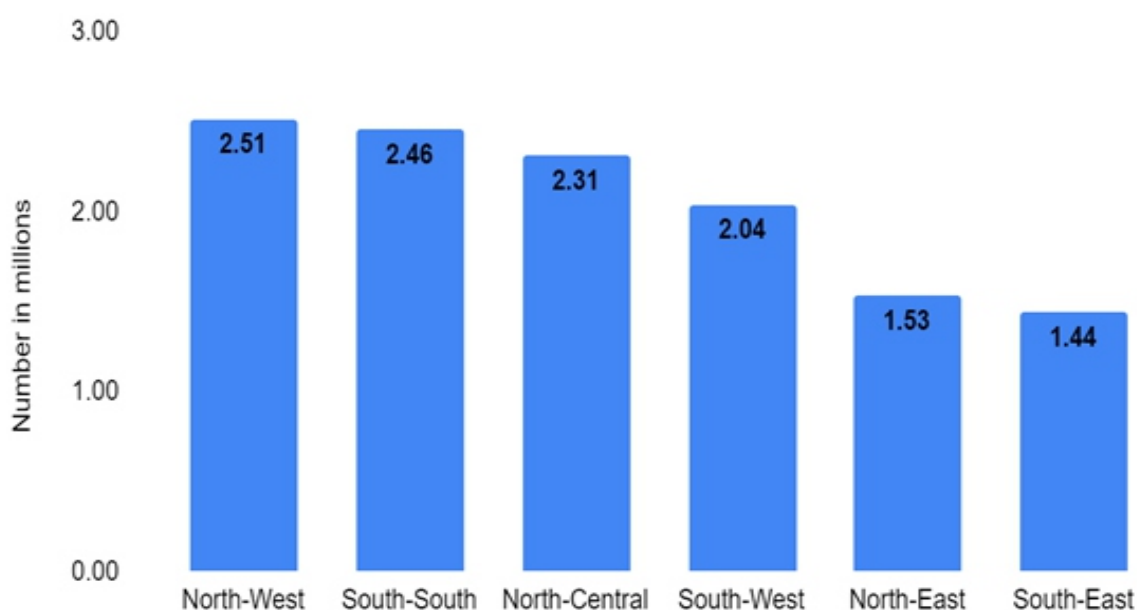
	<i>Occupation</i>	<i>Number</i>
1	Student	4.5m
2	Business	2.24m
3	Farming/Fishing	1.54m
4	Housewife	1.47m
5	Others/Not Specific	734.51k
6	Trading	667.35k
7	Artisan	640.64k
8	Civil Servant	381.25k
9	Public Servant	124.03k

Table: HURIDAC • Source: INEC • [Get the data](#) • [Download image](#) • Created with [Datawrapper](#)

## 6.2.6. Completed PVC Registration by Geo-Political Zones

Nigeria is divided into six geopolitical zones. The North-West had the largest number of PVC registrations, with 2.51 million people having finished the process. 4.46 million people in the South-South finished the registration process. With 2.31 million and 2.04 million respectively, the North-Central and South-West were next. Less than 2 million people completed their registration in the North-East and South-East, making them the two regions with the lowest numbers at the conclusion of the CVR exercise.

2.51 million persons completed their PVC registration in North-West, while in the South-East only 1.44 million did



Source: INEC | Chart: Datahyte

### 6.3. Assessment of PVC collection

Nigerians indicated a high level of interest in participating and voting in the 2023 general elections as 79 percent of registered voters in Nigeria successfully collected their Permanent Voter Cards (PVCs) as of December 2022. This was influenced by a number of factors, including the frustration of Young Nigerians who identify as Obidients as well as the advocacy work done by non-governmental organizations (NGO) like Yiaga Africa and other NGOs who saw it as important to inform the public about the necessity of obtaining PVCs in order to participate in the 2023 general elections.

While voter turnout for PVC collections is low in certain states, Lagos had significant voter turnout for those who had already obtained their PVCs.

#### 6.3.1 Number of Completed PVC Collected

Out of the 93.5 million people that registered to vote in the 2023 elections, the Independent National Electoral Commission (INEC) published a total of 87,209,007 eligible voters who had collected their PVC as of February 22, 2023. The electoral umpire

announced the figures together with other rules guiding the voting exercise of tomorrow's Presidential and National Assembly elections and the March 11 governorship and state Assembly polls. The 87.2 million record number of voters were issued their Permanent Voters Cards (PVCs) after vetting and removing invalid registrants, according to INEC. The total number of registered voters in Nigeria stood at 93,469,008, while the number of uncollected PVCs is 6,259,229, according to data released by the electoral body (Nwite, 2023).

Election Year	Number of PVC Collected (Million)	Percentage Increase of PVC Collected
2015	67.27	78.93
2019	72.77	86.3
2023	87.20	93.3

#### 6.3.2 Collected PVC by States

The data also shows that Lagos leads in the number of collected PVCs with 6,214,970, followed by Kano with 5,594,193, and Kaduna with 4,164, 473, Katsina, 3,459,945; and, Rivers, 3,285,785. Ekiti state with 958, 052, has the lowest figure of PVCs collected and the lowest number of registered voters. Meanwhile, the states with the highest number of uncollected PVCs

include Lagos – 845,225, Oyo – 515,254, and Ogun – 410,281 (Akahisecretary, 2023).



# COLLECTED PVCs

as at 5th February 2023






# UNCOLLECTED PVCs



as at 5th February 2023



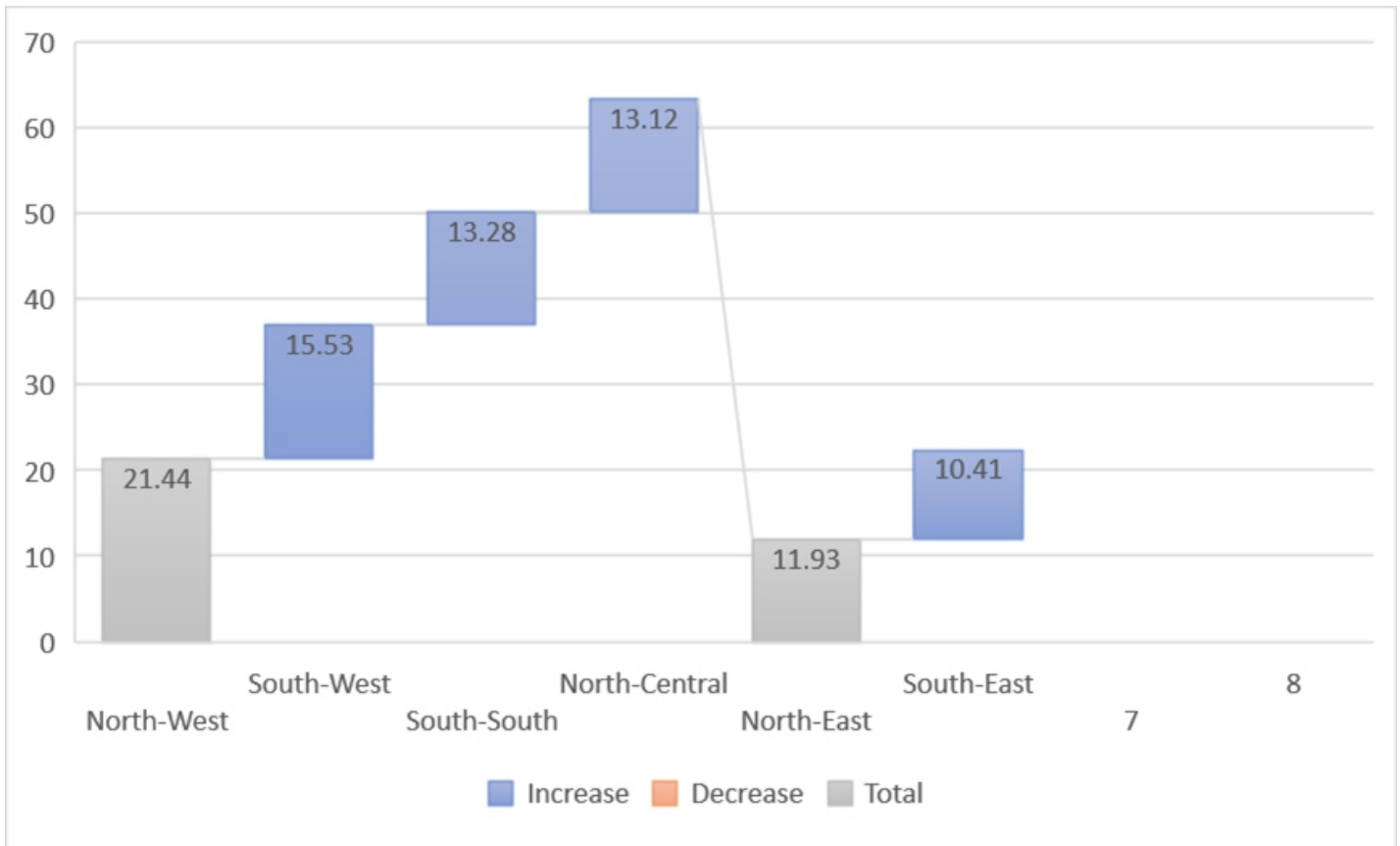
**Total**  
**6,259,229** 6.7%



### 6.3.3. Completed PVC Registration by Geo-Political Zones

Nigeria is divided into six geopolitical zones. The North-West had the largest number of PVC collected, 21,445,000 (24.59%) from Jigawa, Kaduna, Kano, Katsina, Kebbi, Sokoto, and Zamfara having collected their PVC. South-West: 15,536,213 (17.81%); Ondo, Osun, Oyo, Ekiti, Lagos and Ogun. South-South: 13,284,920 (15.23%); Akwa Ibom, Bayelsa, Cross River, Delta, Edo, and Rivers. North-Central: 13,127,170 (15.05%); Benue, Kogi, Kwara, Nasarawa, Niger, and Plateau. North-East: 11,937,769 (13.69%); Adamawa, Bauchi, Borno, Gombe, Taraba, and Yobe. And South-East, which has the low PVC collected total 10,419,484 (11.95%) from Abia, Anambra, Ebonyi, Enugu, and Imo including FCT: 1,476,451 (1.69%), (Akahisecretary, 2023).

### PVC Collected: Breakdown By Region



### 6.4. Conclusion

Over the years, INEC's role has remained the same with a few modifications to reflect the nation's current political situation. All elections for the offices of President and Vice President, Governor and Deputy Governor of a State, and members of the Senate, House of Representatives, and House of Assembly of each State of the Federation are organized, carried out, and supervised by INEC. Register political parties in accordance with the provisions of the Constitution and a National Assembly Act, keep an eye on the way that political parties are run, including their financial situation, arrange for an annual audit of their funds and accounts, and publish a report on that audit for the public's information; provide rules and regulations that shall govern the political parties; monitor political campaigns; make sure that all Electoral Commissioners, Electoral and Returning Officers take and subscribe to the oath of office prescribed by law; delegate any of its powers to any Resident Electoral Commissioner; arrange and conduct the registration of persons qualified to vote and prepare, maintain, and revise the register for the purpose of any election under the constitution.



## CHAPTER SEVEN: THE NEW ELECTORAL ACT 2022

The enactment of this law came at the right time, just before the 2023 elections. This chapter examines a few provisions of the new Electoral Act as well as some of the significant difficulties it introduces. It also examines any potential effects these changes may have on future elections. Additionally, the chapter will look at the impact of the Electoral Act, 2022 on party primaries and politicians.

Sometime in 2018, prior to the 2019 general elections, discussions on the new Electoral Act 2022 began. Due to repeated claims of election fraud, violence, and manipulation, elections in Nigeria have historically not been known as being free and fair. When it comes to the voting process, electoral bodies are frequently held responsible for the rise in apathy because political parties and voters alike tend to view their actions and inaction with distrust.

An example of this that is well-known is the claim that the 1965 Western Region election was rigged and subject to irregularities. In the aftermath of the election, political parties and the media primarily portrayed the former Federal Electoral Commission's role as one of incompetence that resulted in unfavorable results (Leadership Crisis and Political Instability in Nigeria, 1964-1966: The Personalities, the Parties and the Policies, 2012).

The election was significant in the fight for federal power between the two main rival coalitions, the

United Progressive Grand Alliance (UPGA), through the Action Group (AG), and the reigning Nigerian National Alliance, through the Nigerian National Democratic Party (NNDP). In the months leading up to the election, both AG and NNDP officials had criticized and demanded the resignation of Eyo Esua, the chairman of the Federal Electoral Commission (Ukonme, 2022). However, Esua reportedly complained about not being able to "deliver the miracles" expected of him because of the constrained and contradictory nature of the FEC's authority in Larry Diamond's 1998 course, *Ethnicity and Democracy in Nigeria* (Adewumi, 2022).

The majority of elections were held in accordance with military decrees prior to 1999, such as the Electoral Decree of 1977, the Participation in Politics and Elections (Prohibition) Decree of 1987, and the Electoral Decree of 1998, which caused a change in the legal authority given to electoral bodies. Due to the military's dominance over election proceedings, it was possible for the rules of the game to change in the middle of a play, and while the electoral body typically coordinated election-related activities, the military administration typically maintained final say (Odinkalu, 2021)

The electoral body has gone through a variety of modifications, but none have solved the primary issues of the predecessor institution, namely its lack of independence. From the Federal Electoral



Commission (FEC), which existed from 1960 to 1966, to the more recent Federal Electoral Commission (FEDECO), which was established in 1978 under General Olusegun Obasanjo's administration. Before being succeeded by the National Electoral Commission of Nigeria (1987–1993), which organized the acclaimed June 12 presidential election of 1993, which was deemed by many to be free and fair (SOWANDE, 2022), FEDECO organized the elections of 1979 and 1983 under the Second Republic (1970–83). NEC was replaced by the National Electoral Commission of Nigeria (NECON) under the General Sani Abacha government in December 1995. The administration of General Abdulsalam Abubakar dissolved NECON in 1998 and founded INEC, which was in charge of the 1999 general elections (INEC, 2023).

With some political stability brought about by the return of a civilian government in 1999, electoral laws could develop and be improved with each election cycle. The Electoral Act of 2002 replaced the Electoral Decree of 1998, and it was under that law that Abel Guobadia's INEC successfully held the 2003 general election, that recorded a varying degree of success (Lewis, 2003). The need for an Act reform was clear, and Mojeeb Alabi, a political science professor and former member of the House of Representatives, described the promulgation of the 2006 Electoral Act as a "comprehensive reaction to the myriad of electoral problems that have afflicted the Nigerian state for decades" (Alabi, 2009).

This raised hopes that improvements to voter registration and voter list generation would enhance the voting process. Additionally, it addressed a loophole that permitted parties to switch candidates even after the polls closed.

Regrettably, 2007 elections fell short of many expectations as many people regarded the polls as the worst in Nigerian history, with international observers including the European Union Observer Mission led by Max Van Den Berg declaring that the polls "fell far short of basic international and regional requirements for democratic elections." Notwithstanding, the commission presided over by Maurice Iwu bore a disproportionate share of the blame, according to observers, for its lax attitude to election planning and disregard for several international partners' recommendations (Ashby, 2007).

Even though the 2007 general elections faced the similar issues as previous ones, there were noticeable differences in the aftermath. President Umaru Musa Yar'Adua who emerged as the winner of the election on the platform of the Peoples Democratic Party, admitted that the election that elected him into office was fraudulent and set out to make Nigerian elections more transparent (VON, 2010).

Subsequently, Yar'Adua declared his support for election reforms to which he established an electoral reform commission in the same year under the leadership of retired Chief Justice of the Supreme Court, Mohammed Uwais, with the mission of investigating the elections and recommending reforms to enhance the nation's electoral system. After collecting comments from several persons and organizations, holding public hearings across the country, and commissioning research that informed its final recommendations, the committee submitted its findings on December 11th, 2008 (Report, 2008).

The committee found out that, among other things, weak institutional and legal frameworks, as well as a lack of independence and capability of electoral management bodies, were the main causes of electoral malpractice. The committee's report, now popularly named after its chair, included several recommendations, including the removal of the president's power to appoint its chairperson in favour of the National Judicial Council, a reorganization of INEC with direct funding from the Consolidated Revenue Fund, as well as the establishment of an electoral offences commission. (Adewumi, 2022)

The recommendations were received and considered, although Justice Uwais claimed in a 2012 Vanguard article that: 'the Bill that was produced by the National Assembly, though reflected on some of the Electoral Reform Committee's recommendations, did not adopt all of the committee's recommendations. As far as the Electoral Reform Committee was concerned, the recommendations were intended to be in tandem with one another. The proposals were meant to work in concert with one another, according to the Electoral Reform Committee.' This electoral reform strategy was further criticized by Uwais, who said that 'If you want to make a good job of it, you cannot just pick and select a few' (Vanguard, 2012)

The political manoeuvrings that followed Yar'Adua's illness and ultimate demise in 2010 also slowed the

progress toward enacting bills (Election, 2011). The 2010 Electoral Act was the result of Yar'Adua's successor as president, Goodluck Jonathan, pledge to carry out the electoral reforms (Randy Fabi, 2010), wherein Attahiru Jega was also chosen to serve as the new chair of INEC.

The outcome of the 2011 election administration and this decision both clearly imply that INEC's leadership plays a significant role in its activities. Predictably, particularly in view of the 2007 election, the 2011 elections received good reviews. (NDI, 2011) By charging INEC's budget to the Consolidated Revenue Fund, a crucial amendment modification made to the 2010 Electoral Act established INEC's financial independence.

Several modifications implemented by the legislature allowed INEC to create a new voter registry, rework the voting and tabulation procedures, and also extend the election's timeframe. Jega's capacity to make use of his connections with intelligence agencies and civil society groups contributed to his ability to act fast and decisively in crisis situations.

Even though the 2011 election had a largely favourable outcome, it became clear that the Electoral Act still needed to be worked on for improvement. In order to authenticate and verify voters using Permanent Voters Cards (PVCs), INEC planned the introduction of smart card readers (Alebiosu, 2015). Additionally, this meant that INEC could add up all the registered voters at each polling place and send the results to a centralized database server. The use of card readers caused a contentious debate; some saw it as an extension of INEC's continuous efforts to guarantee the conduct of a free and fair election, while others contended that INEC lacked the legal competence and authority to deploy card readers (Ahmad, 2015) Envisaging the issues that might occur in the usage of card readers, Jega who was represented at a discussion on the review of the Electoral Law and Process in December 2012 by Professor Okechukwu Ibeanu, the then chief technical adviser to the INEC chair, noted that even though INEC was equipped to use card readers, they were asking for an amendment to Section 52 of the 2010 Electoral Act, which forbade electronic voting, "so that nobody goes to court to declare that electronic accreditation is part of electronic voting."

Andy Uba, the former chair of the Senate's INEC

committee, said based on the 2011 election results, the amended 2010 Electoral Act had not fully addressed the gaps and challenges of election administration in Nigeria. As part of the preparations for the 2015 general elections, he added that the act needed to be reviewed again. (Vanguard, 2012)

To alleviate these worries, the National Assembly discussed and approved amendments of the Electoral Act 2010 that would have repealed the ban on electronic voting (Times, 2014) Additionally, this implied permitting INEC to decide how voters would cast their votes in a poll that would use card readers. Since an incumbent president was defeated in the 2015 election for the first time since democracy was restored in 1999, the election was widely considered as free and fair (Sweeney, 2015). However, after the Supreme Court's ruling on the use of card readers in the voting process, gaps began to emerge in the legitimacy of the election administration procedure. The court affirmed that the Guidelines and Regulations for the Conduct of the 2015 General Elections allowed for the use of card readers for voter accreditation. This provision was also subject to the amended powers of INEC to determine the voting procedure. The Supreme Court made the further observation that card readers were not intended to "supplant, displace, or supersede" the analogy process for voter accreditation (Nnochiri, 2016)

In 2015, Jega was succeeded by Professor Mahmood Yakubu as INEC chair. It was evident in the run-up to the 2019 general elections that Yakubu had inherited a legal framework that was starting to fall apart and that the 2010 Electoral Act, as amended, had served its purpose. Ibeanu, who was appointed a National Electoral Commissioner in 2016, asserted that the impact of failing to complete thorough changes before the 2019 election was only on the needless legalistic restrictions regarding the function of the smart card reader and electronic results transmission. The initiatives by INEC to enhance the electoral process were viewed as essentially administrative as a result of these legal challenges.

Likewise, as various legal interpretations of the Electoral Act's provisions were implemented, politicians also learned about legal gaps in the Electoral Act they could exploit. The most remarkable example of this was the Act's provision allowing INEC to postpone elections if there was a threat of violence, which led to politicians sabotaging the voting process

in what they saw to be their strongholds in the hopes that such elections would be delayed (Premium Times, 2018). Threats to the lives and safety of returning officers were another issue, as was shown in the incident of Okorochoa as a result of how the act was interpreted. In accordance with these provisions, only an INEC returning officer was authorized to declare the election's winner, and in such cases, only an electoral tribunal was authorized to declare the outcome illegitimate.

With the establishment of a Constitution and Electoral Reform Committee headed by former senate president Ken Nnamani, reform initiatives got under way in October 2016. In May 2017, the committee submitted in its report (Nnochiri, Ikechukwu, 2017). President Muhammadu Buhari repeatedly rejected proposed changes to the 2010 Electoral Act, despite the National Assembly's efforts to examine it (Olasupo, 2018). Buhari's refusal to sign the amendment was motivated by a number of factors. For example, he stated in one letter to the National Assembly that 'passing a new electoral bill this far into the electoral process could create some uncertainty about the applicable legislation to govern the process' (TheCable, 2018). Given that the executive arm of the government has a chilly relationship with the legislative led by the senate president, Bukola Saraki, Buhari's rejections were viewed with mistrust. (Tukur, 2019).

Following this, citizens believed that a new electoral act would be passed for the 2019 general election. Unfortunately, the Federal Government wrecked their expectations, and the Electoral Act of 2010 was put to use instead. Nevertheless, stakeholders and supporters of democracy pressed the National Assembly to pass a new electoral act in order to satisfy the aspirations of Nigerian citizens. In light of this, the Electoral Act No. 6 of 2010 was repealed by the new Electoral Act of 2022, which President of Nigeria Muhammadu Buhari, GCFR, signed on February 25, 2022, after months of withholding assent.

The new Electoral Act, 2022 is intended to regulate the conduct of Federal, State, and Area Council elections, to make provisions for the restriction of the qualification for elective office to relevant provisions of the Constitution of Nigeria, 1999 (as amended), to allow for the use of card readers and other technological devices in elections and political party primaries, to set deadlines for the submission of

candidate lists, to establish criteria for candidate substitution, and to set a cap on campaign spending and address the omission of political party logos or candidate names.

The Electoral Act, 2022 has about 153 sections and each section deals with specific subject-matter. The Act is divided into various parts, which has substantive subject-matter therein. For instance, part 1 deals with Establishment and functions of INEC, found in Sections 1-7; part 2 deals with staff of the commission i.e. INEC found in Section 8, while part 3 is titled 'National Register of Voters and Voters Registration' which encapsulates Sections 9 – 23. Part IV focuses on the 'Procedure at Elections', which covers Sections 24 – 74 while Part V deals with 'Political Parties' found in Sections 75-97.

Part VI of the 2022 Electoral Act outlines 'Procedure for Election to Area Council' found in Section 98-113. Part VII with the heading titled, 'Electoral Offences' is in respect of sections 120-129; while part VIII of the Electoral Act, 2022 with the heading 'Determination of Election Petition' contains Sections 130-140. Finally, part IX, which is titled 'Miscellaneous Provisions' covers Sections 141-153.

## **7.1. Impact of the New Electoral Act, 2022 on INEC**

Reviewing the electoral commission's power dynamics has been one of the reforms brought about by the 2022 Electoral Act. The role of INEC has been enhanced, and unlike in 2019, the commission is ready to play a more active part in making sure that the 2023 elections are managed in a way that gives all candidates a level playing field rather than the commission just announcing results.

The establishment of an INEC Fund, through which payments from the federal government, investments made with the money in the fund, and other types of assistance and grants are given to INEC to carry out its duties, is one of the critical milestones toward complete independence. Additionally, a deadline of no later than a year is specified for the release of election money that the commission will require for any general elections.

Furthermore, the new law gives INEC permission to employ electronic tools including smart card readers,

electronic voting machines, and other gadgets, as well as to broadcast election results digitally. The act also grants INEC the power to reconsider a returning officer's final judgment in cases where a declaration was not made willingly or in violation of the law or election rules within seven days of an announcement. This provision would prevent a recurrence of the Okorochoa incident from 2014.

Analysts envisaged that Yakubu will have a fantastic opportunity to establish a legacy when he completes his second term as INEC Chairman. The 2023 election offers a great deal of opportunity to determine who is responsible for previous failures to hold credible elections, whether the problem has been a lack of INEC administrative competence, or a sense of helplessness caused by flaws that were visible in earlier electoral acts. Yakubu will be in charge of the most powerful electoral body in Nigerian history, with the much needed statutory backing and the luxury of time to properly prepare for the polls.

## 7.2. Analysing the provisions in the Electoral Act of 2022

### 7.2.1. Conduct of Primaries/Elections

The question of how political parties organize their primaries and difficulties that arise from how the general election is conducted typically rear their ugly heads during elections. These fundamental problems apply to every election for every elective seat that will be contested. In a democracy, the fairness of a primary election is essential. The conduct of a primary election might result in a party losing support if it is not done correctly. This can occur when party insiders—often referred to as "godfathers"—impose candidates on the public. This portends poorly for the sustainability of our democratic principles and ethos. This is why the Electoral Act, 2022 makes the provisions for the conduct of party primaries under Sections 82-85 of the Electoral Act, 2022.

Section 82 of the Electoral Act, 2022 provides as follows; (1) Every political party shall give the commission at least 21 days' notice of any convention, congress, conference or meeting convened for the purpose of merger and electing members of its executive committees, other governing bodies or nominating candidates for any of the elective offices specified under this Act.

(2) The commission may, with or without prior notice

to the political party attend and observe any convention, congress, conference or meeting which is convened by a political party for the purpose of a) electing members of the executive committee or other governing bodies; b) nominating candidates for an election or any level; c) approving a merger with any other registered political party;

(3) The election of members of the executive committee or other governing body of a political party, including the election to fill a vacant position in any of the aforesaid four bodies, shall be conducted in a democratic manner and allowing for all members of the party or duly elected delegates to vote in support of a candidate of their choice;

(4) Notice of any congress, conference or meeting for the purpose of nominating candidates for Area council election shall be given to the commission at least 21 days before such congress, conference or meeting.

(5) Failure of a political party to notify the Commission as stated in subsection (1) shall render the convention, congress, conference or meeting invalid.

Section 84 of the Electoral Act, 2022 deals essentially with nomination of candidates for party primaries. Section 84 provides as follows:

(1) A political party seeking to nominate candidates for elections under this Act shall hold primaries for aspirants to all elective positions which shall be monitored by the Commission.

(2) The procedure for the nomination of candidates by political parties for the various elective positions shall be by direct, indirect primaries or consensus. Qualifications of Aspirants and Candidates.

(3) A political party shall not impose nomination qualification or disqualification criteria, measures, or conditions on any aspirant or candidate for any election in its constitution, guidelines, or rules for nomination of candidates for elections, except as prescribed under sections 65, 66, 106, 107, 131, 137, 177 and 187 of the Constitution.

### 7.2.2. Direct Primaries

(4) A political party that adopts the direct primaries procedure shall ensure that all aspirants are given equal opportunity of being voted for by members of the party and shall adopt the procedure outlined – (a) in the case of presidential primaries, all registered members of the party shall vote for 5 aspirants of their choice at a designated centre at each ward of the

Federation; (b) the procedure under paragraph (a) shall be adopted for direct primaries in respect of Gubernatorial, Senatorial, Federal and State Constituencies; (c) Special conventions or congresses shall be held to ratify the candidate with the highest number of votes at designated centres at the National, State, Senatorial, Federal and State Constituencies, as the case may be. Indirect Primaries.

(5) A political party that adopts the system of indirect primaries for the choice of its candidate shall adopt the procedure outlined – (a) in the case of nominations to the position of Presidential candidate, the – i) political party shall hold a special presidential convention at a designated centre in the Federal Capital Territory or any other place within the Federation that is agreed to by the National Executive Committee of the party where delegates shall vote for aspirants of their choice, (ii) aspirant with the highest number of votes cast at the end of voting shall be declared the winner of the presidential primaries of the political party and that aspirant's name shall be forwarded to the Commission as the candidate of the party; (b) in the case of nominations to the position of a Governorship candidate, the political party shall, where it intends to sponsor candidates – (i) hold a special congress in the State Capital or any other place within the State with delegates voting for aspirants of their choice at the congress to be held on a specified date appointed by the National Executive Committee (NEC) of the party, and (ii) the aspirant with the highest number of votes cast at the end of voting shall be declared the winner of the primaries of the party and the aspirant's name shall be forwarded to the Commission as the candidate of the party, for the particular State; c) in the case of nominations to the position of a Senatorial candidate, a Member of the House of Representatives and a Member of a State House of Assembly, the political party shall, where it intends to sponsor candidates – (i) hold special congresses in the Senatorial District, Federal Constituency and the State Assembly Constituency respectively, with delegates voting for aspirants of their choice in designated centres on specified dates, and (ii) the aspirant with the highest number of votes cast at the end of voting shall be declared the winner of the primaries of the party and the aspirant's name shall be forwarded to the Commission as the candidate of the party; (d) in the case of the position of a Chairmanship candidate of an Area Council, the political party shall, where it intends to sponsor a candidate – (i) hold special congresses in the Area

Councils, with delegates voting for aspirants of their choice at designated centres on a specified date, and (ii) the aspirant with the highest number of votes cast at the end of voting shall be declared the winner of the primaries of the party and the aspirant's name shall be forwarded to the Commission as the candidate of the party.

(6) In the case of a Councillorship candidate, the procedure for the nomination of the candidate shall be by direct primaries in the ward, and the name of the candidate with the highest number of votes cast shall be submitted to the Commission as the candidate of the party.

(7) Where there is only one aspirant or a consensus candidate in a political party for any of the elective positions mentioned in subsection (5) (a), (b), (c) and (d), the party shall convene a special convention or congress at a designated centre on a specified date for the confirmation of such aspirant and the name of the aspirant shall be forwarded to the Commission as the candidate of the party.

(8) A political party that adopts the system of indirect primaries for the choice of its candidate shall clearly outline in its constitution and rule the procedure for the democratic election of delegates to vote at the convention, congress, or meeting.

### **7.2.3. Early Release of Election Funds to INEC**

Funds for general elections must be released at least a year before the election, according to Section 3(3) of the Electoral Act 2022. The disbursement of funds for the elections must be done in accordance with rules set by the Commission.

### **7.2.4. Candidates to Seek Judicial Review of False Information**

Only aspirants who participated in a political party's primary election are eligible to request a review from the federal high court when there are reasonable grounds to suspect that any information provided by his political party's candidate is false, according to Section 29(5) of the Electoral Act 2022. Previously under the repealed Electoral Act, any member of the public could challenge a candidate for allegedly presenting a falsified certificate. Under the new Act, A candidate who provides INEC with misleading information is immune from challenge from the general public. Only candidates who took part in the

primary when the candidate with the fake certificate won are now eligible to request a review.

#### 7.2.5. Voters with physical disabilities, special needs, and vulnerable persons

In accordance with Section 54 of the Electoral Act of 2022, voters with visual impairments and other disabilities or incapacities should be assisted at the polling place by a person of their choice, and the commission shall take reasonable measures to ensure that these voters are assisted and provided with suitable means of communication, such as braille, large embossed print, electronic devices, sign language interpretation, or off-site voting in appropriate circumstances.

#### 7.2.6. Legitimation of e-Voting/Transmission of Result

Smart card readers, electronic voter accreditation, and any other voter accreditation technology that INEC uses are all legally permitted under Sections 47 and 50(2) of the Electoral Act of 2022. Not only that, but it also lends legal support to electronic results transmission since INEC now has the authority to choose the method(s) of transmission. It should be recalled that in August 2020, the commission unveiled the platform for viewing the results. The commission is authorized under Section 62(2) to keep a centralized electronic register of elections for e-collation.

#### 7.2.7. Review Of Election Results Declared Under Duress

In accordance with Section 65 of the Electoral Act of 2022, INEC may now examine election results within seven days if a returning officer submitted a declaration under duress or in violation of the law, regulations, or manual for the election. This does not affect the ability of an election tribunal or court of competent jurisdiction to challenge the returning officer's judgment.

#### 7.2.8. Political appointee not eligible as voting delegate or aspirant

Anyone currently in a political office must resign from it in accordance with Section 84(12) of the Electoral

Act of 2022 in order to be eligible to run for office or serve as a delegate in a primary election, convention, or congress of political parties. This clause solely applies to political appointees; it does not apply to anyone who hold elected political office or who work for the government. Additionally, it doesn't appear to matter how long they should hold the position before leaving. What matters is that they have to resign from their political position before to their party's convention or congress.

#### 7.2.9. Early Commencement of Campaign

According to Section 94 of the Electoral Act of 2022, campaigns must start 150 days before election day and conclude 24 hours before it. Under the repealed 2010 Electoral Act, political parties had just 90 days before election day to organize and run campaigns.

#### 7.2.10. Redefined Overvoting

The entire number of accredited voters shall be taken into consideration when deciding whether there was an overvote in election tribunals, according to Section 51 (1) and (2) of the Electoral Act of 2022. Section 51 provides as follows:

(1) No voter shall vote for more than candidate or record more than one vote in favour of any candidate at any one election.

(2) Where the number of votes cast at an election in any polling unit exceeds the number of accredited voters in that polling unit, the Presiding officer shall cancel the result of the election in that polling unit.

This provision is an improvement over the 2010 electoral law that was repealed, which stated that only the commission could declare the election at the polling unit invalid and that the number of registered voters, not the number of accredited voters, would be considered by election tribunals when determining whether there had been excessive voting.

#### 7.2.11. Significant innovations enacted in the Electoral Act, 2022

The Electoral Act, 2022 has been updated in some ways. One of them is Section 29(5), which states that "Any aspirant who participated in the primaries of the

political party who has reasonable grounds to believe that any information given by his political party's candidate in the affidavit or any document submitted by that candidate in relation to his constitutional requirements to contest the election is false, may file a suit at the Federal High Court against that candidate seeking a declaration that the information contained in the affidavit is false".

This is a radical departure from the provisions of Section 31(5) of the Electoral Act, 2010 which gives locus standi to any member of the public to challenge any information given by any aspirant in his affidavit or any document to any person and such can be challenged at the Federal High Court, State High Court and High Court of the Federal Capital Territory. Under the new Law, such can only be challenged by an aspirant at the Federal High Court as provided under Section 29 (5) of the Electoral act, 2022. Section 153 of the Electoral Act, 2022 defines an aspirant as "a person who aspires or seeks or strives to contest an election to a political office."

### **7.2.12. Death of Candidate Before or After Polls**

The new Act has put to rest the controversy that is typically brought on by a candidate's death before or during an election, as the death of a candidate during an election has frequently led to disputes between political parties and other political players.

Section 34 of the Electoral Act of 2022 gives INEC the authority to defer the election and set a new date for it within 14 days of the nominee's passing in cases where the nominee passes away before the election day. Like the above, INEC has the authority to suspend an election for no longer than 21 days if a nominated candidate passes away after polls have begun but prior to the announcement of the results and a winner. With the caveat that, in cases where a legislative House election is being held, the political party of the deceased candidate must have a new primary within 14 days of the individual's passing.

The running mate must nominate a new running partner if the election is for president, governor, or the federal capital territory area council.

## **7.3. Issues of the Electoral Act 2022**

The Electoral Act 2022 wasn't without its issues, and in an article titled "Issues in the New Electoral Act" that was published on This Day's new site sometime in May (Adeiza, 2022), lawyers Michael Odugbemi and Musa Adeiza from Kenna Partners in Lagos highlighted the following issues with the Act:

The jurisdictional limitation of pre-election proceedings to the Federal High Court solely under Section 84 is one of the important changes made by the Electoral (Amendment) Act (14). Prior to the Act's revision, Section 87(9) of the Electoral Act of 2010 (the "Defunct Act") gave the Federal High Court, State High Court, and High Court of the Federal Capital Territory concurrent authority over federal and state pre-election issues.

Pre-election litigation mostly refers to intra-party conflicts including questions of eligibility, disqualification, nomination, substitution, negligent omission, false oath, primaries' administration, and sponsorship of candidates for the general election. Pre-election considerations are recognized as an essential component of the electoral process by the Constitution and a slew of Supreme Court rulings.

Election disputes are divided into three categories under the Federal Republic of Nigeria Constitution of 1999 (as amended): pre-election, election, and post-election conflicts. Pre-election matters are officially categorized as follows under Section 285 (14) of the Constitution:

One: a complaint made by a candidate (against his political party), alleging that the primary election for the party was conducted in a manner that violated the Electoral Act, the party charter, or other party rules regarding the selection and nomination of candidates for the primary.

Two: a candidate's complaint that the Independent National Electoral Commission (INEC) did not follow the Electoral Act in its actions, decisions, or activities; or a candidate's complaint that INEC did not adhere to the provisions of the Electoral Act or any National Assembly Act pertaining to the choice or nomination of candidates and participation in an election. Examples include voter registration, constituency demarcation, political party formation, voter registration database updates, and rules governing political party behaviour.

Three: legal actions brought by political parties against

INEC for its executive decisions or deeds relating to the nomination or disqualification of a party's candidate. A political party may file lawsuits in relation to an election schedule, voter registration, and other INEC election preparation activities.

In contrast to election and post-election disputes, which fall under the sole jurisdiction of the election tribunal, preliminary issues or matters that arise before elections are typically matters that can only be decided by courts of law.

Judicial Problems Caused by Section 84(14) of the Electoral (Amendment) Act of 2022: Because of many problems with the court's jurisdiction, Nigeria's election dispute settlement procedure has historically been relatively slow. The adjudication of pre-election proceedings by the Federal, State, and FCT High Court was therefore necessary in order to expedite the hearing and resolution of pre-election disputes. It should be highlighted that timing is crucial for the Federal Republic of Nigeria's voting system to operate as effectively as possible. The Federal High Court now has exclusive jurisdiction under Section 84(14) of the 2022 Electoral Act, but there will likely be logistical difficulties in the future given the current makeup of the court, including the number of judges and divisions, and the volume of cases that are currently pending.

It is anticipated that the Federal High Court will be besieged by an avalanche of pre-election matters in all the 36 states of the Federation and FCT thereby compounding the already existing challenges of the court. The number of Federal High Courts Judges currently stands at 75 with over 128, 234 pending cases. The implication of this is that with the addition of pre-election matters, the Judges will likely be overstretched placing the effectiveness of the Federal High Court in delivery of justice at risk.

Furthermore, pre-election matters are time bound under the Constitution. Section 285(9) and (10) provides that pre-election matter must be filed within 180 days from the date of the occurrence of the event leading to the election disputes and be completed within 180 days from the date of the filing of the suit. This invariably implies that, pending civil and criminal suits at the Federal High Court may be put on hold to meet the mandatory time stipulated in the Constitution for the resolution of electoral disputes. The Federal High Court is generally conceived to be an overburdened court owing to its numerous matters

before the court. As evidenced above, the court suffers from limited manpower and administrative challenges that continues to threaten its overall effectiveness and legitimacy. Hence, conferring exclusive pre-election matter jurisdiction on the court will certainly exacerbate the situation. An alternative may be to set up specialized courts to dispose of pre-election matters. Such courts should consist of judicial personnel with specialized expertise in election disputes that will timeously and effectively dispose of pre-election matters with a guarantee of judicial fairness.

Other lawyers, such as Wole Olanipekun (SAN) and Olisa Agbakoba (SAN) highlighted other issues arising from the 2022 Electoral Act. One such issue is concerning the powers granted to the returning officer contained in Section 65 of the 2022 Electoral Act. The section provides:

(1) The decision of the Returning Officer shall be final on any question arising from or related to – (a) unmarked ballot paper; (b) rejected ballot paper; and (c) declaration of scores of candidates and the return of a candidate provided that the Commission shall have the power within seven days to review the declaration and return where the Commission determines that the said declaration and return was not made voluntarily or was made contrary to the provisions of the law, regulations and guidelines, and manual for the election.

Olanipekun contended that this provision could potentially undermine free, fair elections, and slow down the electoral process if returning officers begin to review already announced results. This is because a Returning Officer is not a court of law, not a tribunal and as such, should not be vested with jurisdiction to exercise quasi-judicial powers or to assume jurisdiction over any matter that is judicial in nature." (This Day Live, 2023)

Another critical question with impact on the 2023 elections and subsequent elections in Nigeria in general, is Section 134 of the 1999 Constitution that states the requirements for winning presidential election, particularly as it relates to the Federal Capital Territory (FCT), Abuja. Section 134 (2) of the 1999 Constitution provides that:

(2) A candidate for an election to the office of President shall be deemed to have been duly elected where, there being more than two candidates for the election- (a) he has the highest number of votes cast at the election.



(b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the Federation and the Federal Capital Territory, Abuja.

A careful review of Section 134 leaves interpretations that raise some significant questions.

The requirement in Section 134 (2) (b) states that a presidential candidate must score not less than one-quarter of the votes cast at the election in each of at least two-thirds of the 36 states of the federation.

1. Is the FCT Abuja is incorporated in the 24 states?
2. Does it mean that the presidential candidate must also score not less than one-quarter of the votes cast at the election at the Federal Capital Territory, Abuja?
3. Can a candidate that scored not less than one-quarter of the votes cast at the election in 36 states of the federation, but failed to score one-quarter of the votes cast at the election at the FCT, be duly elected as President of Nigeria?

## **7.4. Impact of the Electoral Act 2022 On Party Primaries and Politicians**

Buhari signed the 2022 Electoral Act in February 2022, however there were doubts about his sincerity regarding electoral reforms because he had rejected a previous version of the law in 2021 (due to a provision that mandated parties to conduct direct primaries). As a condition of his approval, Buhari also requested that section 84(12), which prohibited political appointees from voting in primaries, be changed. The refusal of the National Assembly to make the amendments requested by the president, played out on several political appointees, including federal ministers running for various offices which forced them to resign from their previous post before contesting another position.

The act also necessitates political parties to publish a list of its supported candidates who have won in their legitimately held primaries no later than 180 days before to the scheduled general election date, which has led to a lengthier pre-election window. The unexpected outcome of statutory delegates being unable to participate in party primaries was that it shifted the odds in favor of those who were able to obtain a party's ticket at different levels.

## **7.5. Conclusion**

The chapter examined the provisions of the new Electoral Act, 2022 while also looking at some of the challenges that the Act introduced. One of a state's processes for development is the creation of laws. When new laws are passed, they bring with them or introduce new regulations of conduct, and this is true of the new Act, which has the potential to transform our electoral system if properly used or implemented. With the creation of an electronic database and the electronic transmission of results, the new Act marked a significant breakthrough into the digital or computer age. Among many other improvements, this will lessen election rigging or manipulation and ensure that qualified voters are not denied the right to vote because of a disability. Without a doubt, its adoption has the potential to clean up our tainted political climate, lower the number of lawsuits involving elections, and improve the electoral processes by introducing openness and accountability.

With the general elections in 2023 rapidly approaching, the Electoral Act 2022 is a commendable effort to bring Nigeria's electoral system in line with those of other democratic nations across the world. It will significantly contribute to restoring sanity and transparency to Nigeria's electoral process if properly



## CHAPTER EIGHT: HUMAN RIGHTS EXPLORATION OF NIGERIA'S GENERAL ELECTIONS

Since the First Republic Nigerians have held a generally dim view of elections due to a variety of factors that have remained largely unchanged. Our political landscape has been plagued by political parties whose devotion leans more towards regional lines and selfish interest than party ideology and the development of the nation. The continual struggle for power and political dominance has made many political actors resort to violence resulting in the loss of many lives, countless injuries, and destruction of property. Citizens' human rights have been infringed upon by this violent brand of politics and when violence is used as a form of communication, human rights abuses and violations take place.

Human rights breaches are intertwined with the challenging electoral process and permeate every step of the way in Nigeria's political space. Thus, the establishment of the rule of law and the protection and development of the fundamental human rights of the country's population are prerequisites for any democratic process to be taken seriously.

According to the 2019 Election Report by HURIDAC, "assessing election conditions without reference to associated human rights violations undermine the credibility of the monitoring process as much as those human rights violations undermine the credibility of the electoral process," (HURIDAC, 2019)

This is supported by a resolution issued by the UN Human Rights Council in March 2012, which reiterated that democracy, development, and respect for all human rights and fundamental freedoms were interrelated and mutually reinforcing. The Council urged States (countries) to use a variety of tactics to continuously work to advance democracy and the rule of law. It also tasked the OHCHR to draft a study on the difficulties, lessons learned, and best practices in securing democracy and the rule of law from a human rights perspective. The study was to be done in consultation with States, national human rights organizations, civil society, pertinent intergovernmental bodies, and international organizations.

The human rights cases surrounding the 2023 election will be discussed in this chapter, which builds on earlier conceptual chapters' discussions of the subject. Following that, it will review the various election phases and any infractions that were noted. The systemic patterns of the violations will be investigated, quantitative inferences will be made, and recommendations will be made in the end.

This chapter will also attempt to do a general and state by state assessment of human rights abuses and violations during the 2023 electoral process.

This report will concentrate its research on the following human rights violations:

- I. Unlawful Killings: It generally means that killing

occurred without lawful excuse and against criminal law. This will be sub divided as follows:

**a. Extra Judicial Execution (EJE):** This relates to killings carried out by security forces or those using their influence in any of the period of the electoral circle. This category includes the public officials and members of the security forces. EJE are regarded as:

*“Extrajudicial executions are a violation of [right to life], designating the deliberate killing of an individual by a state agent (or with his consent) without a previous judgment affording all judicial guarantees, such as a fair and unbiased procedure”.*

**b. Politically Motivated Killings:** these are killings carried out by non-state actors, those who are not representing the state. These actors may be political parties, members, supporters, or sympathizers, but whose motive for the killings is political in nature and the perpetrator gain a political advantage.

**c. Politically Related Death:** These are deaths that occur during political activities, but the intent is not to kill neither does it give any political advantage.

**II. Injuries:** Any intention to inflict injury and laceration, and other forms of injuries. This can be carried out by both state and non-state actors.

“Any harm done to a person by the acts or omissions of another. Injuries may include physical hurt as well as damage to reputation or dignity, loss of a legal right, or breach of contract. If the party causing the injury was either wilful (intentionally causing harm) or negligent then he/she is responsible (liable) for payment of damages for the harm caused. Theoretically, potential, or continuing injury may be prevented by an order of the court upon a petition for an injunction”.

**III. Destruction of Properties:** This represents any form of arson, or any destruction of people properties either belonging to the state or private individuals. Destruction of property is considered a criminal act in which a person intentionally destroys property, whether private or public, for the purpose of vandalism. To destroy property in the eyes of the law means that it is an intentional act and one that does not occur by natural means.

#### **Database:**

This report based its analysis on the database compilation of events before, during and after the voting process of the 2023 elections. The compilation

of the database is a result of gathering and verification of data by HURIDAC. There was also the process of engagement to source data from various stakeholders including the political parties, the police, Civil Society, and INEC.

**Human Rights Violations vs Human Rights Abuse:** The 2023 general election witnessed the commission of both human rights violation and abuses. A human right violation occurs when a breach of human rights treaties is committed by state actors or government officials and human rights abuses are breaches of human rights by non-state actors.

There will be two forms of analysis, the first will be the assessment of human violations and abuse in the pre, during and post-election highlighting the patterns of violations. The second will be a state-by-state assessment analysing which states recorded the highest incidents of violence and what classification.

## **8.1. 2023 General Elections: Violence and Violations**

Elections by its definition seeks to ensure peaceful transfer of power. It becomes contradictory, therefore, for elections to be associated with violence. Unfortunately, violence has always permeated all aspect of elections in Nigeria as the contest for political power has become a dangerous exercise.

In a recent survey, it was discovered that two-thirds of Nigerians lack confidence in the system and deem it to be corrupt as the level of accountability for violence that occurred in previous elections remains low. The general lack of confidence is worsened by the deficiency of the judiciary in dealing with the occurrences of injustice recorded during previous elections. (Council Foreign Relations, 2022)

The current pattern of violence is characterised by random acts of criminality which is nurtured by self-determination of individual, groups and social entities who are equally struggling to cope with internal wrangling and external pressure from the state. (Council Foreign Relations, 2022)

Religious and ethnicity are other aspects that should be taken into consideration since they contribute to huge part of the losses from violence in the country. (Council Foreign Relations, 2022)

According to the director of Amnesty International

Nigeria, Osai Ojigbo, there are a lot of signs of violence and incitement in the run up to the 2023 elections that could be threats to human rights; and politicians, security forces and the government should play their respective roles to ensure the respect of the human rights during the electoral period. (Sahara Reporters, 2023)

Attacks on campaign convoys and INEC offices have become commonplace as political parties hold campaigns ahead of the elections. The failure of the authorities to bring to justice those responsible for deadly violence during previous elections has created an atmosphere of impunity and emboldened others. (Sahara Reporters, 2023)

Human rights violations and abuses, particularly unlawful killings, extra judicial executions, and destruction of properties have featured prominently in the 2023 national elections.

The analysis of violence during the 2023 election is divided into three:

- Pre-election
- Election day
- Post-election

### **8.1.1. 2023 National Elections PRE-ELECTION Human Rights Violations and Abuse (HRVA):**

This usually represents the period of a year before up until a few days to the Election Day. Though it is difficult to set a bracket of when pre-election HRVA starts, it ends on the eve of election day.

For the 2023 presidential election, we started the documentation of some of the major electoral violence occurring from late November 2022 to 24th of February 2023, which was all represented in our database.

Electoral violence is defined as: "any random or organized act to intimidate, physically harm, blackmail, or abuse a political stakeholder in seeking to determine, delay, or to otherwise influence an electoral process," and includes "threats, verbal intimidation, hate speech, disinformation, physical assault, forced 'protection', blackmail, destruction of property, or assassination." (HURIDAC, 2019)

Election violence can rise to mass atrocities, including crimes against humanity, which are international

crimes. Election violence is also a crime under Nigerian law. It violates the rights to life, safety, and security of the person. Above all, it subverts the voluntary exercise of the democratic will of the people.

According to the data we gathered, one hundred and fifty (150) lives were lost, and an estimated four (4) properties were destroyed to various forms of violence.

## **Number of Unlawful Killings**

The 2023 pre-election period recorded one hundred and fifty (150) unlawful killings across fifteen (15) states in Nigeria.

On 28 November 2022, the leader of Labour party in Kaduna state (Kaura) was hit to death by gun men (Sahara Reporters, 2023). Olumo Abolaji from the All Progressive Congress (APC) was kidnapped and later killed in the same year in Kwara state.

On the same day, gunmen killed Victoria Chimtex, the women leader of the Labour Party in the Kaura local government area of Kaduna state. (Sahara Reporters, 2023)

On January 4 David Uche the chairman of the Young Progressives Party (YPP) in Ibeme Ward, in the Isiala Mbanjo area of Imo State, was killed by gunmen.

On 14 January, four people were killed when gunmen attacked the home of Ikenga Ugochinyere, a spokesperson for the Coalition of United Political Parties in Imo state and set his home ablaze. Chris Ohizu, the sole administrator of Ideato North Local Government Area of Imo state, was abducted and beheaded. (Sahara Reporters, 2023)

On January 20th, yet-to-be-identified gunmen killed two persons and injured two others believed to be members of the All Progressives Congress, APC, in Izzi Local Government in Ebonyi State. The victims were at an APC meeting when they were attacked. (Ugwu, 2023)

On January 28, gunmen killed three police officers in Abakaliki, Ebonyi. On the same day in Enugu State, two soldiers lost their lives. Gunmen also claimed the lives of two in Aboh-Mbaise, Imo, on that very day and the death toll climbed as herders killed twelve people in Kwande, Benue. (Ijioma, 2023)

On January 29th, communal violence led to two deaths

in Logo, Benue. On the 30th, five people lost their lives to herders' attack in Guma, Benue. That very day, Bandits killed three people and abducted six in Jibia, Katsina. (Ijioma, 2023)

On the 30th of January, the campaign convoy of the gubernatorial candidate of the ruling All Progressives Congress (APC) in Bauchi State, Amb Saddique Baba Abubakar turned bloody when they were attacked. As Abubakar's escorts opened fire in retaliation, two men were shot. They were both rushed to the Federal Medical Center, Azare for treatment where one of them died while being treated. The incident happened in Akuyam, Misau LGA of the state. (Tribune Online, 2023)

On the 31st of January three police officers were killed by herders in Gwer West, Benue. (Ijioma, 2023)

On the first day of February, gunmen killed one during an attack on a police station and Independent National Electoral Commission (INEC) office in Idemili South, Anambra. (Within Nigeria, 2023)

On February 2nd, a total of forty-four (44) people were killed by bandits and gunmen. These victims include forty-one vigilantes in Bakori, Katsina, a judge in a court in Oguta, Imo, and one vigilante in Idemili North, Anambra. (Within Nigeria, 2023)

On the 3rd day of February, 58 more people lost their lives to gunmen. Gunmen killed two and abducted three in Biase, Cross River. Two people were also killed by gunmen in Lere, Kaduna.

Three security operatives were killed in Njikoka, Anambra on the same day, while bandits killed forty-three (43) vigilantes and abducted fifteen women in Kankara, Katsina.

In Bali, Taraba, kidnappers killed seven abductees. (Ijioma, 2023)

On the 4th of February gunmen attacked the convoy of the Peoples Redemption Party (PRP) Cross River governorship candidate, Dr. Usani Uguru Usani, killing two and abducting four others along Calabar-Ikom federal highway. (Okoro, 2023)

Oyibo Chukwu, a senatorial candidate for the Labour Party, died on the 22nd of February when his convoy was attacked in southeast Enugu State (Al Jazeera, 2023).

## **Destruction of Properties:**

There were some unsubstantiated claims of destroyed property as opposing political parties traded blame. One such incident was the attack in Misau, Bauchi. On the 30th of January, the campaign train of the gubernatorial candidate of the ruling All Progressives Congress (APC) in Bauchi State was attacked. In the exchange of fire, two men were shot.

However, in a swift reaction to the incident, the Campaign Council of the APC Gubernatorial Candidate, condemned the incident claiming that about 20 of their vehicles were damaged and smashed during the attack. (Tribune Online, 2023)

## **Injuries**

There were three injuries during the pre-election period; two of which occurred in Ebonyi, and one occurred in Bauchi.

On January 20th, yet-to-be-identified gunmen injured two members of the All Progressives Congress, APC, in Izzi Local Government in Ebonyi State. The victims were at an APC meeting when they were attacked. (Ugwu, 2023)

On January 30th, a man was injured in Misau, Bauchi when unknown gunmen attacked their campaign vehicle. (Tribune Online, 2023)

## **Election Day HRVA:**

The Nigeria 2023 presidential and national assembly elections were marred by violence that occurred in various parts of the country. During the election, about twelve (12) lives were lost and twelve (12) people were injured to various forms of violence. There were also report of several properties' destructions including one INEC office in Kano that was set on fire and two vehicles that was bombed.

## **Number of Unlawful Killings:**

During the elections, political thugs harassed Samuel Arunsi Eze in the Ndi Agwu neighbourhood of Abam, Arochukwu Local Government Area, Abia State. He regrettably passed away after Daniel Mgba beheaded

him amid the election-related violence. In that polling unit, two others also lost their life. (Ayodele, 2023)

In the process of snatching a vote box, Kogi state resident and Prince Abubakar Audu University alumnus Ojochenemi Akayaba was shot, which ultimately caused his death. (Odunsi, 2023)

In Rivers State's Ubimini Village Ward 12 in the Emohua Local Government Area, two people were confirmed dead yesterday. According to reports, the two people that were killed: a pregnant woman named Ruth Osah and a member of the neighbourhood vigilante group EMOVIS, Emohua Vigilant Service, Mark Orduize (Vanguard, 2023).

An anonymous civilian was killed after a violent altercation involving armed political thugs who were trying to steal voting boxes in the polling unit of Gombe Governor Muhammadu Inuwa Yahaya (Shittu, 2023).

During the election, two persons were shot dead in Etim Ekpo Local Government Area of Akwa Ibom State. (Umo, 2023)

One of the PDP ward collation agents died due to anxiety despite the efforts of doctors from the close by hospital in Katsina-Ala, in Benue state. (Duru, 2023)

Gunmen shot and killed a 41-year-old woman named Elizabeth Owie in the Ogheghe community of Ikpoba Okha LGA, Benin City, Edo State. She had casted her vote and was waiting behind for the collation of the polling unit's results when the polling unit was attacked by gunmen. (Andrew, 2023).

In the same polling unit in Ikpoba Okha local government in Edo State, Idahosa Festus died after being shot in the chest by suspected political thugs who invaded their polling unit.

## **Injuries:**

Five people were injured when rebels bombed two vehicles in the Gwoza council of Borno state, and they were promptly rushed to the nearby medical facility for emergency care. (Njadvara Musa, 2023)

One person was injured in a violent clash that erupted between political thugs who were fully armed and intended to snatch ballot boxes in Gombe state. (Sola

Shittu, 2023)

Bina Jenifer Efidi showed bravery during the election when, despite being stabbed by thugs as she waited to vote, she went back to the polls after receiving first aid to cast her vote. The entire nation was inspired by her fortitude, and as a result, she received tremendous support from social media volunteers who paid for her journey abroad for medical attention. (Agboola Ibrahim, 2023)

During the election, two persons were injured in Etim Ekpo Local Government Area of Akwa Ibom State. (Umo, 2023)

On election day, hoodlums attacked INEC ad-hoc staff in Tudunwada, Gombe, cutting three of them with machetes and inflicting severe injuries. According to a member of the ad hoc staff, many workers were harmed while attempting to run for safety. (Umar, 2023)

## **Destruction of Properties:**

Two vehicles were bombed in a polling unit in Gwoza council of Borno state by insurgents. (Njadvara Musa, 2023)

The police spokesperson in Kano, Abdullahi Kiyawa reported that the INEC office in the state was set on fire. (Maishanu, 2023)

Additionally, several accredited journalists covering the elections in Bayelsa State were attacked, their devices destroyed, and were driven out of the Ebelebiri Village in the local government area of Sagbama. The victims include Joseph Kunde, a reporter for Television Continental, and Miebi Bina, a cameraman; Akam James, a correspondent for the Daily Post; Princewill Sede, the publisher of Upfront News Magazine; and Jeany Metta, the magazine's managing editor (Reporters, 2023).

Furthermore, there was a report of two houses being set on fire in River State (Reporters, 2023). A video captured and shared by Nollywood actress Chioma Akpotha showed how a struggle between voters led to the destruction of a polling unit. She was complaining in the video that the security couldn't offer the assistance needed to diffuse the situation. Voting in that area was hindered by many contentious events and a restricted voting entry. Chioma disclosed that the

situation was terrifying and undemocratic but didn't not reveal whether the citizens of that voting unit, were finally able to cast their vote (Akpotha, 2023).

SP Benjamin Hundeyin, the police's spokesperson in Lagos while speaking on Arise TV program monitored by a HURIDAC staff a day after the election, confirmed the arrest of 23 people believed to be involved in the election-related violence, adding that similar incidents were frequent in most of the regions he patrolled.

Despite the high turnout, there was violence because of issues with the voting materials and certain polling places' tardiness. (Ezeamalu, 2023)

## **POST-ELECTION:**

### **Number of Unlawful Killings:**

There were twenty-five (25) unlawful killings that took place after the elections on February 25 in Akwa Ibom, Ogun, Ondo, Kano, delta and Ebonyi states.

### **Post-Election HRVA**

Mr. Akinlabi Akinnaso also known as "Oluomo", died because of post-election violence after he was allegedly shot by a security agent present at the INEC Collation Center at Owena-Ayetero, in Idanre, specifically because of a confrontation over a certificate of return that was to be given to the winner of the house of representative elections. (David, 2023). Two men were killed, and two others were injured in Etim Ekpo local government in Akwa Ibom after the All Progressives Congress (APC) was declared the winner in the local government.

AN INEC staff was shot dead by security personnel who reportedly shot into a bus conveying other INEC staff after electoral duties in Ukwuani local government in Delta State. (Onabu, 2023)

In Ebonyi State, Eze Ewa, who was also the chairman of the Ezza North Traditional Rulers Council was murdered in his home on Monday the 27th of February by unknown assailants suspected to be political thugs. (Punch Newspaper, 2023)

### **Number of Unlawful Killings**

Three (3) security officers were killed in an ambush laid by unidentified gunmen. The security officers are

patronising with governor Ifeanyi Okowa, the vice president candidate of the PDP. One (1) person was killed during a violent confrontation of the supporters of PDP and APC in a campaign rally in Jigawa State. (VOAAfrica, 2023)

The consistency of these attacks caused INEC to nullify 240 polling units due to security concerns that those areas were not safe. Imo state recorded the highest number of polling units nullified, with a figure of about 38. (VOAAfrica, 2023)

In addition to the high level of insecurity that threatened the expected outcome of the elections, other factors like the shortage of fuel, the currency redesign and the shortage of cash increased the general level of frustration of Nigerian citizens. (VOAAfrica, 2023)

### **Destruction of Properties:**

A woman leader of the Labour Party in Kebbi State was targeted as her restaurant was destroyed in December 2022, and on January 24, 2023, the convoy of the party was violently attacked in Katsina. (Sahara Reporters, 2023). Ikenga Ugochinyere, a spokesperson for the Coalition of United Political Parties in Imo state was attacked and his home was set on fire. (Sahara Reporters, 2023).

### **Injuries:**

Several people were injured when the campaign convoy of Natasha Akpoti, a senate candidate of PDP was attacked in Kogi state (Sahara Reporters, 2023). According to a security report released by PRNigeria, there were 52 cases of political violence across 22 states in November 2022. Between 2019 and 2022, hoodlums attacked more than 50 offices of the Independent National Electoral Commission (INEC) in 15 States. There have been cases of destruction of billboards, campaign vehicles, offices, and other property. Several campaign rallies have been violently disrupted and convoys attacked (Madobi, 2023).

## **8.2. 2023 GUBERNATORIAL AND STATE HOUSE OF ASSEMBLY ELECTION - HUMAN RIGHTS VIOLATIONS AND ABUSE (HRVA):**

The governorship elections were held in 28 out of the 36 states of the Federation. This is so because the

governorship elections of eight states (Anambra, Bayelsa, Edo, Ekiti, Imo, Kogi, Osun and Ondo) are held off-season due to litigations and court judgements.

In any case, there were elections for state legislators in the 36 member states of the Federation. According to statistics by the Independent National Electoral Commission (INEC), thousands of candidates are competing for 993 State Houses of Assembly seats. (Oyero K., 28 States Where Gov Elections Will Hold On March 18, 2023, 2023)

The 28 states where governorship elections were held on March 18, 2023, are: Abia, Adamawa, Akwa Ibom, Bauchi, Benue, Borno, Cross River, Delta, Ebonyi, Enugu, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Kwara, Lagos, Nasarawa, Niger, Ogun, Oyo, Plateau, Rivers, Sokoto, Taraba, Yobe, Zamfara.

According to the data we gathered, ninety-one (91) lives were lost, eighty-one (81) people suffered various degrees of injuries and an estimated twenty-five (25) properties were destroyed to various forms of violence during the governorship and State House of Assembly elections.

### **PRE-ELECTION HRVA:**

The pre-election represents few days to the Election Day. Though it is difficult to set a bracket of when pre-election HRVA starts, it ends on the eve of election day. The data gathered indicated that three (3) individuals died during the pre-election violence of the gubernatorial race, along with nineteen (19) persons who sustained injuries and a total of seven properties that were completely damaged.

#### **Number of Unlawful Killings:**

The 2023 gubernatorial pre-elections period recorded three (3) unlawful killings in Oyo state.

On March 16, three persons, including a serving councillor, on the platform of Peoples Democratic Party (PDP) were shot dead by gunmen at Ile Titun area of Idi-Arere, in Ibadan, the Oyo State capital. (Ojo O., 2023)

#### **Injuries:**

During the pre-election period, there were nineteen (19) injuries; thirteen (13) of them happened in Oyo, four (4%) in Kaduna, and two (2) in Lagos and Zamfara

state.

On March 11, four persons were injured in Gidan Ways, Jema'a Local Government Area of Kaduna State (Southern) as thugs attacked the campaign convoy of Labour Party (LP) governorship candidate, Jonathan Asake. (Akhaine, 2023)

Members of the APC and PDP's Oyo State chapters on March 16 engaged in a free-for-all in the Ile-Tuntun neighbourhood of the Ibadan South East Local Government Area, inflicting injuries on 13 people. (Adegbite, 2023)

A man named Samuel suffered injuries when hoodlums attacked some Labour Party (LP) supporters in the Surulere area of Lagos. (Donatus Anichukwueze, 2023)

### **Destruction of Properties:**

On Friday, March 17, seven (7) PDP vehicles including four buses and three SUVs were burnt while conveying some people to their respective communities ahead of the gubernatorial election in Cross Rivers. (Okoro, Nigeria decides: 1 shot dead, 7 vehicles burnt in Cross River, 2023)

### **ELECTION DAY HRVA:**

The 2023 gubernatorial elections in Nigeria were tainted by acts of violence that took place in a number of the states where the elections were held. A total of thirty-six (36) persons were injured by various acts of violence during the election, claiming about twenty-three (23) lives. In addition, fifteen properties were said to have been destroyed.

#### **Number of Unlawful Killings:**

In the states where the elections were held, there were twenty-three (23) unlawful killings committed on the day of the 2023 gubernatorial elections.

Peter Nweke, the chairman of the PDP in the Ezza North Local Government Area, was reported to have died after being beaten to death by thugs who were considered to be APC supporters in Ebonyi State. (Nnachi, 2023) Also in the state's Onicha Local Government Area, thugs shot and killed the PDP leader and agent, Oyibo Nwani's polling during the governor and House of Assembly elections. (Edward Nnachi, 2023)



Additionally, Chisom Lennard, an APC campaign coordinator in Rivers State's Ahoada-West Local Government Area, was killed while attempting to stop gunmen from stealing electoral materials. (Naku, 2023)

Five persons reportedly lost their lives during the Governorship and House of Assembly elections at Mosogar, and Oghara, both in Ethiope West Local Government Area of Delta State. (Vanguard, 2023) A middle-aged man was also died from gun shoot in Minna's Sauka-kahuta area in Niger state. (Dipo, 2023) Three persons death was also reported in Rivers state, which occurred as a result of a sporadic shooting by gunmen in Ogbakiri Community, Emohua LGA of the state. (Arisenews, 2023). Two other persons were killed during a heavy shooting at Bori, the headquarters of Khana LGA in the state, when voters trooped out en masse to protest alleged irregularities. (Iheamnachor, 2023) Additionally, an ad hoc staff member of the Independent National Electoral Commission (INEC), Arumodum Julius Akoi, was shot and killed by political thugs in Ward 7 Abua Central, Abua-Odual local government area of State. (Sahara Reporters, 2023)

An APC supporter from Cross River State named Joe was also shot and killed by a soldier at Ogoja for causing uproar at polling units. (Okoro, Nigeria decides: 1 shot dead, 7 vehicles burnt in Cross River, 2023) Two individuals, whose identities were unknown, were reportedly shot dead by security personnel in Akwa Ibom State when they approached the INEC office at the Ibiono Ibom LGA headquarters in Oko Ita for an unspecified task. (Arisenews, 2023) At a polling unit in Benue State's Gboko Local Government Area, a suspected ballot box thief was shot and killed. (Emmauanuel, 2023)

An anonymous man believed to be a thug was reportedly shot dead by a police officer in Lagos state after he allegedly stole voting papers at Star Time Estate, Jamtok Ago Palace Way. (Nwaokolo, 2023) A suspected thug was shot and murdered in Okota for reportedly attempting to steal a ballot box after frightening voters. (Nwaokolo, 2023) On Abeokuta Street in the Agege Local Government, another hoodlum who goes by the name Adedeji is accused of fatally shooting a woman named Halimat Abowaba. Adedeji's indiscriminate shooting while celebrating a political party's election victory resulted in the death of the woman. (Lambo, 2023)

During the collation of the House of Assembly results in Osun state at Isedo 1, Oloponda ward 2, unit 5, Gani Gele, a prominent member of the Peoples Democratic Party (PDP), was allegedly shot and killed on election day by a member of the All Progressive Congress (APC) in the state. (Akinola, 2023)

### **Injuries:**

On election day, numerous acts of violence took place around the country in various states, resulting in thirty-six (36) injuries.

During the House of Assembly Election in Odoakpu Ward 7 of Onitsha South Local Government Area, Anambra State, approximately 16 INEC adhoc staff members were attacked and injured. (Nwaiwu, 2023) In a fight that broke out in one of the polling units in the area in Delta state's Amukpe, close to Sapele, a young man allegedly lost his hand. (Vanguard, 2023)

Ten individuals suffered injuries in Lagos by armed men who rode into Ijagemo and Alimosho on roughly eight motorcycles and started attacking voters. Another alleged thug in Ojo who attempted to steal a vote box was also beaten and injured. (Nwaokolo, 2023). In the Elegushi Palace area of Lagos State, an attack occurred on the Arise television crew covering the governorship and state house of assembly elections. A reporter sustained bruises, and the crew members suffered facial injuries. (Adelagun, 2023)

Thugs reportedly broke into the Gbadagbadzu polling unit in Busu, Lavun Local Government, Niger State, and injured three voters while damaging the ballot boxes and scattering the votes that had already been cast. (Dipo, 2023)

Another guy was shot when he attempted to steal a vote box from a polling unit in Gboko South, Benue state. (Emmauanuel, 2023). On election day in the same state, Mr. Kpam Sokpo, a member for the Buruku Federal Constituency, was reportedly beaten to a pulp by unidentified military troops at a hotel in Gboko. (Peter Duru, 2023)

During the Nasarawa state governorship and state assembly elections, a journalist named Edwin Philip who worked for Breeze FM 99.9 Lafia was viciously attacked. (The Sun, 2023)

Another person sustained injuries in Zamfara when the convoy of the People's Democratic Party (PDP) candidate in Zamfara State, Dauda Lawal, was

allegedly attacked by armed members of the Anti-thuggery Committee, which was supported by the State government. (Leadership, 2023)

### **Destruction of Properties:**

In voting unit on Nnewi Street, Margaret Street, and Metu Memorial Secondary School Onitsha South in the state of Anambra, voting materials and ballot boxes were damaged. (Nwaiwu, 2023)

The home of Dr. Wilson Omene, an All Progressives Congress (APC) politician in Delta state and a former head of the Ethiope West local government, was set on fire by suspected political thugs. Thugs went on the rampage, attacked INEC workers, and damaged roughly three BVAS machines and election materials at Ewreni in the same state's Ughelli North local government area. (Vanguard, 2023)

In the Lagos state communities of Fadeyi, Ijegan Ajegunle, Ojo, Oke Afa, and Ajah, hoodlums also smashed ballots and boxes. (Nwaokolo, 2023)

According to reports, thugs broke into the Gbadagbadzu polling place in Busu, Lavun Local Government, Niger State, and injured three voters while damaging the ballot boxes and scattering the votes that had already been cast. (Dipo, 2023)

During the election, heavily armed hoodlums invaded the Akete ward of Taraba state's Donga local government, opening fire irregularly and destroying election supplies. Due to the attack, the ward's governorship elections were unable to continue with voter registration and accreditation. (The Sun, 2023)

At a voting unit in Dalandanchi Town, Kano state, Ashiru Umar, editor and senior journalist for the privately owned station Premier Radio, had his phone taken and damaged by unidentified persons. (CPJ, 2023)

### **POST-ELECTION HRVA**

Several human rights violations, including unlawful killings, injuries, and property destruction, were reported post-election governorship period. Sixty-five (65) individuals died as a result of the post-election violence, along with twenty-five (25) others who sustained injuries and three (3) properties that were destroyed.

### **Number of Unlawful Killings:**

Thugs attacked the All Progressives Congress (APC) campaign offices in Gusau, Zamfara state, and killed two people. (Igwe, 2023) Violent demonstrations against the governorship election results in Nasarawa state resulted in one fatality. (Odama, 2023)

The army base acting as a collation center for the governorship elections was targeted by terrorists suspected to be members of the Islamic State of West Africa (ISWAP) faction. Sixty terrorists were killed in a counterattack by military personnel that completely destroyed the terrorists. (Vanguard, 2023)

Soldiers shot and murdered two Taraba State Command-affiliated police officers few days after the election in Jalingo, the state's capital. Abdullahi Usman, the police public relations officer for the state command, stated that the crisis started when a female police officer was stopped by a military man at a checkpoint close to the INEC State headquarters in Jalingo and asked for proper identification. The officer was reporting for duty at the headquarters. (Report A., Soldiers shoot two policemen dead in Taraba, 2023)

### **Injuries:**

Suspected political thugs allegedly stormed Abule-Ado in Lagos state, inflicting injuries on at least twenty individuals. (Oji, 2023). Two persons were killed by hoodlums in Zamfara. (TVCNEWS, 2023)

Armed thugs abducted 99 INEC employees in Obajana while they were traveling from the Kupa North and South Wards to the Lokoja Constituency Collation Center in Kogi state. The police were alerted right away, and in the chaos that ensued, they were able to evacuate 96 rescued victims—INEC officials, ad hoc staff, bus drivers, and others—to the INEC headquarters in Lokoja while also evacuating three (3) injured victims to the Federal Medical Center Lokoja for medical attention. (Obahopo, 2023)

### **Destruction of Properties:**

Three All Progressive Congress Presidential Campaign offices were vandalized, and properties worth millions of Naira were looted by hoodlums in Zamfara. (TVCNEWS, 2023)

## 8.3 An Assessment of Violence on a State-by-State Basis

This section is an analysis of the human rights violations and abuse that happened before, during and after the elections across the states.

### Unlawful Killings

Katsina recorded the highest number of violent incidents in the 2023 national elections as eighty-seven (87) people were unlawfully killed in communal clashes. These incidences took place during the pre-election period and the perpetrators of these acts of violence were bandits, while many of the victims were community vigilantes.

Kano had the second highest number of violent incidents with twenty-one (21) people unlawfully killed in a spate of violence that occurred after the presidential elections.

Benue recorded 13 incidents of unlawful killings, in Taraba, 7 people were unlawfully killed while Ebonyi and Imo had 6 incidents each.

Abia, Enugu, and Kaduna each recorded 3 incidents of unlawful killing and some states recorded only one case of election violence; these states include Jigawa, Bauchi, Kwara, Kogi, Gombe and Ondo. However, some states were relatively peaceful and recorded no incidents of election violence. These states are Adamawa, Bayelsa, Ekiti, Nasarawa, Niger, Osun, Oyo, Plateau, Sokoto, Yobe and Zamfara.

### Injuries

Borno State had the highest number of people injured (5) on election day when suspected Boko Haram terrorized attacked a polling unit in Gwoza council. The attack also led to the burning of two vehicles.

In Gombe, four people were injured at their polling units on election day by political thugs in a show of intimidation. Three of the victims were INEC ad-hoc staff who suffered multiple injuries while many others had to run for their safety.

### 8.3.1. An Assessment Of Violence On A State-by-state Basis For Gubernatorial Election

This section is an analysis of the human rights violations and abuse that happened before, during and after the gubernatorial elections across the states where the poll was held.

### Unlawful/lawful Killings

Borno recorded the highest number of violent incidents in the 2023 gubernatorial elections as sixty (60) terrorists were lawfully killed by Military personnels in counterattack in a day. These incidences took place during the post-election period when terrorists suspected to be members of the Islamic State of West Africa (ISWAP) faction, attempted to infiltrate the army base serving as a collation centre for governorship elections.

Rivers had the second highest number of violent incidents with seven (7) unlawful killings which occurred on election day. Followed by Delta which recorded five (5) people unlawfully killed in a spate of violence that occurred on the day of the elections.

Oyo recorded 3 unlawful killings during the pre-election period, while Zamfara, Taraba, Lagos, Ebonyi, Awka Ibom had 2 incidents each.

Osun, Nasarawa, Niger, Cross Rivers, Benue recorded only one case of election violence killings. However, eighteen (18) states were relatively peaceful and recorded no election violence either in states where the governorship elections were held or states where the State House of Assembly elections were held. These states are Ekiti, Ogun, Ondo, Plateau, Sokoto, Yobe, Edo, Enugu, Gombe, Imo, Jigawa, Katsina, Kebbi, Adamnwa, Bauchi, Bayelsa, Abia and FCT.

### Injuries

Lagos State had the highest number of people injured with thirty-four (34) incidents that were recorded in the period leading to the election with one case, on election day with 14 cases and after the election with 20 cases.

Anambra had the second highest number of injuries with sixteen (16) incidents that were recorded on the election day when Over 16 INEC, adhoc staff were attacked, and electoral materials including ballot boxes were destroyed at Odoakpu Ward 7 Onitsha South Local Government Area in the State during the House of Assembly Election.

In Oyo, thirteen (13) people were injured during a clash

between APC and PDP members at an APC meeting at Iyana Court Ile-Tuntun, Ibadan. Kaduna recorded four (4) people sustained injuries when thugs attacked the campaign convoy of Labour Party governorship candidate, Jonathan Asake, in Jema'a local government during the pre-election period.

Kogi and Niger recorded 3 people each sustained injuries, while Benue and Taraba had 2 incidents each, and Delta, Kano, Nasarawa, and Zamfara recorded only one incident each.

### 8.3.2. Analysis

The 2023 national elections recorded 187 unlawful killings and communal killings made up over 44% with vigilantes as the highest number of victims. However, election motivated deaths contributed over 28% of unlawful killings. The success of the electoral process is dependent on a human rights-friendly environment and no country can boast of such if the lives of its citizens are not protected. Protecting human rights during the electoral process encourages a more conducive atmosphere for political representation and participation.

On election day, Borno recorded the highest number of injuries as five people were injured at their polling unit as they went to cast their votes, while in Gombe four people were injured by political thugs at their polling unit.

The 2023 presidential elections recorded a low voter turnout of 28% - this represented eligible voters who cast their votes; this figure was a considerable dip from 2019 elections which recorded 43.7%. This increase in political apathy could partially be attributed to a fear of violence as thugs attacked polling units in some states like Borno and Gombe on election day.

The pre-election period of the presidential election recorded more incidents of human rights violations and abuse (HRVA) numbering one hundred and fifty-five (155) incidents. This indicates that the months preceding an election are volatile and security measures need to be reinforced during that period. While the post-election of the gubernatorial election recorded more incidents of human rights violations and abuse (HRVA) sixty-five (65) incidents. This indicates that security measures need to be kept on high alert in all the elections period to protect human rights.

It is however notable that 12 states during the 2023 presidential elections and 19 states during the gubernatorial election had no records of human rights violation and abuse during the.

The crux of human rights is that human life and dignity must not be compromised and that certain acts, whether carried out by state or non-state actors, are never justified no matter what the ends. Essentially, human rights entitle individuals to those rights that are vital to their well-being; moreover, persons require that those rights be protected from violations.

African states, including Nigeria, have historically lacked the legal culture, institutional infrastructure and political will to ensure the protection and promotion of human rights. Nigeria's political history has been marked not only by a general neglect of the protection and promotion of human rights but also by active efforts by state organs to commit acts of repression and violence in contravention of people's entitlements to human rights.

Given the severity and pervasiveness of the threats to the enjoyment of human rights, the protection of the democratic process and human rights in Nigeria is not merely a question of legality. It entails survival and the affirmation of people's dignity; it is generally a matter of political, economic, and social imperative. The promotion and protection of human rights, as well as the advancement of dignity, freedom, and choice, is an unquestionably critical mechanism for the promotion and achievement of free and fair elections in the country.

### 8.3. CONCLUSION

The respect and promotion of human rights are the indicators of democratic success during the elections, and these alarming events put the respect of human rights during the electoral process in jeopardy. To stop frequent complaints of impunity and to advance freedom and fairness during these elections, the administration, notably the security force, should concentrate on the accountability aspect of each incident.

Even though the 2019 elections were supposed to build on the successes of the 2015 election, the former fell short in terms of sustaining democratic standards and respecting human rights. By confronting any threats that could undermine the legitimacy of the polls, the

federal government of Nigeria can set a new precedent during this round of gubernatorial and state house of assembly elections in 2023.

The credibility of the impending general elections in Nigeria in 2023 is threatened by ongoing accountability concerns, which would erode voting rights and deteriorate the nation's democratic standards, according to human rights monitoring. (Human Rights Watch, 2023).

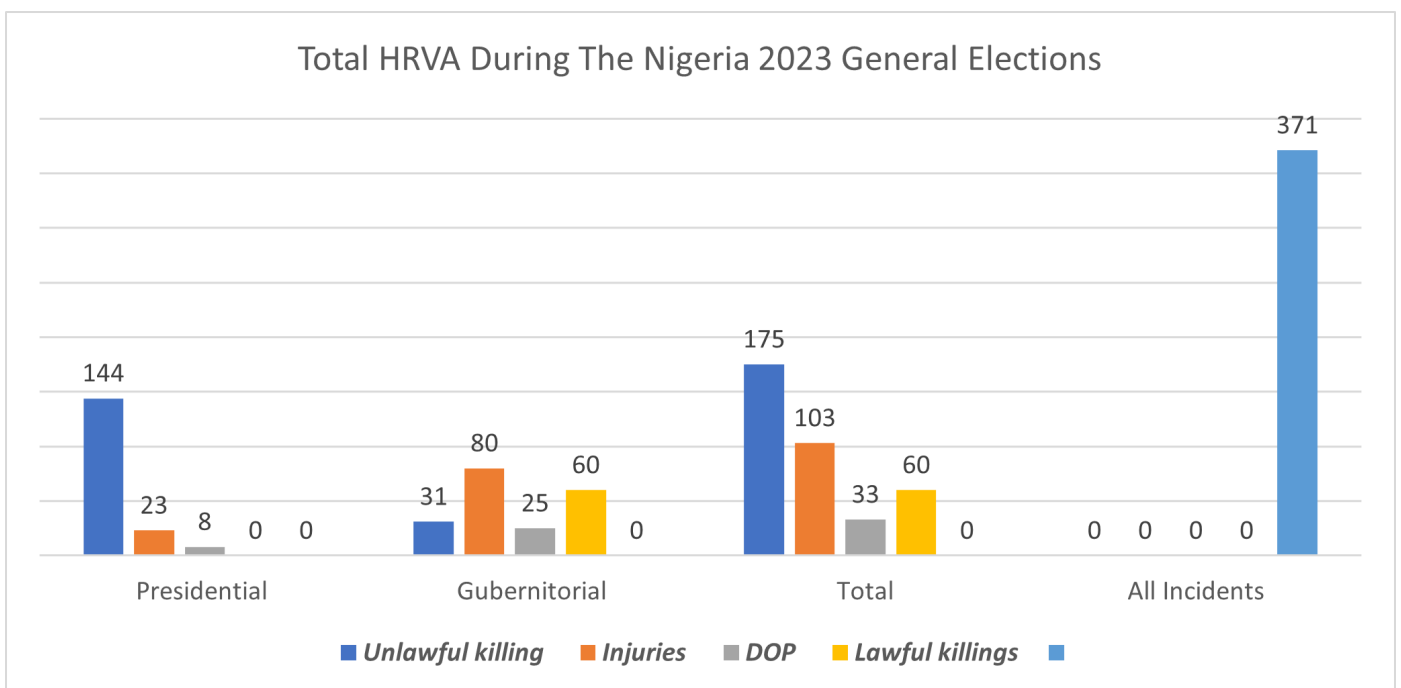
As stated in chapter four of this report, all the stakeholders involved in the electoral process should be reminded of their responsibility in ensuring a peaceful environment for credible elections in 2023. (Human Rights Watch, 2023).

The first transfer of power to an opposition party during the 2015 elections elevated the bar for the nation's elections in terms of legitimacy, freedom, and fairness. This can be replicated if all necessary measures are put in place to recapitulate that exploit despite the record of the country of conceding a max record of violence during electoral process.

The rights of freedom of expression and access to information must be protected, all insecurity-related factors must be under control to prevent violence and intimidation from taking hold, and a system must already be in place to bring those responsible for acts of violence, or other incidents, that could jeopardize the upcoming elections to justice.

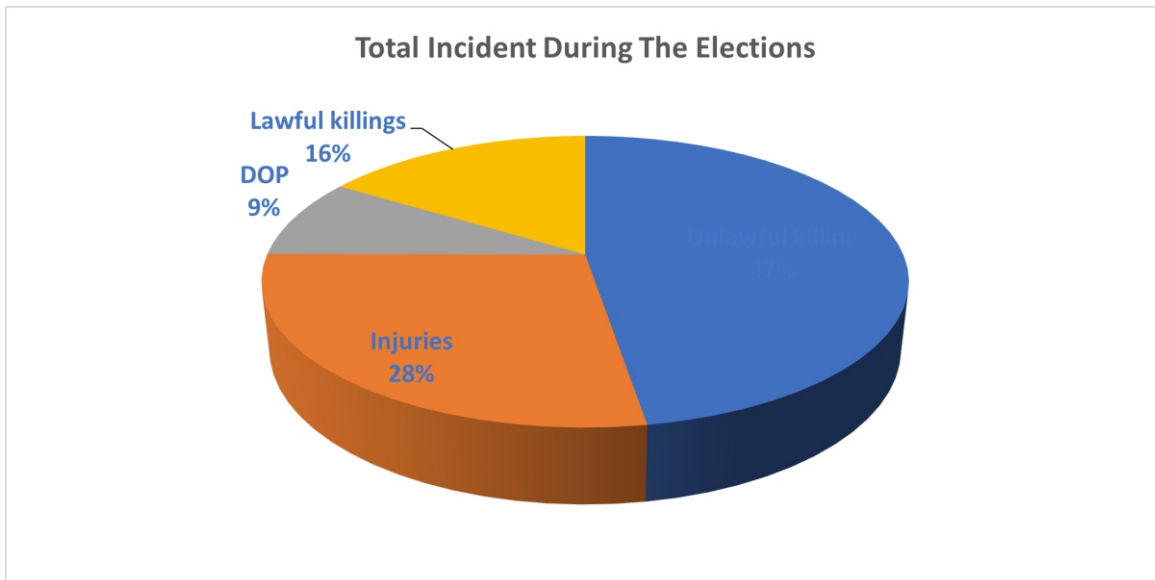
## CHAPTER NINE: DATA ANALYSIS

### 2023 General Elections: Total incidents:



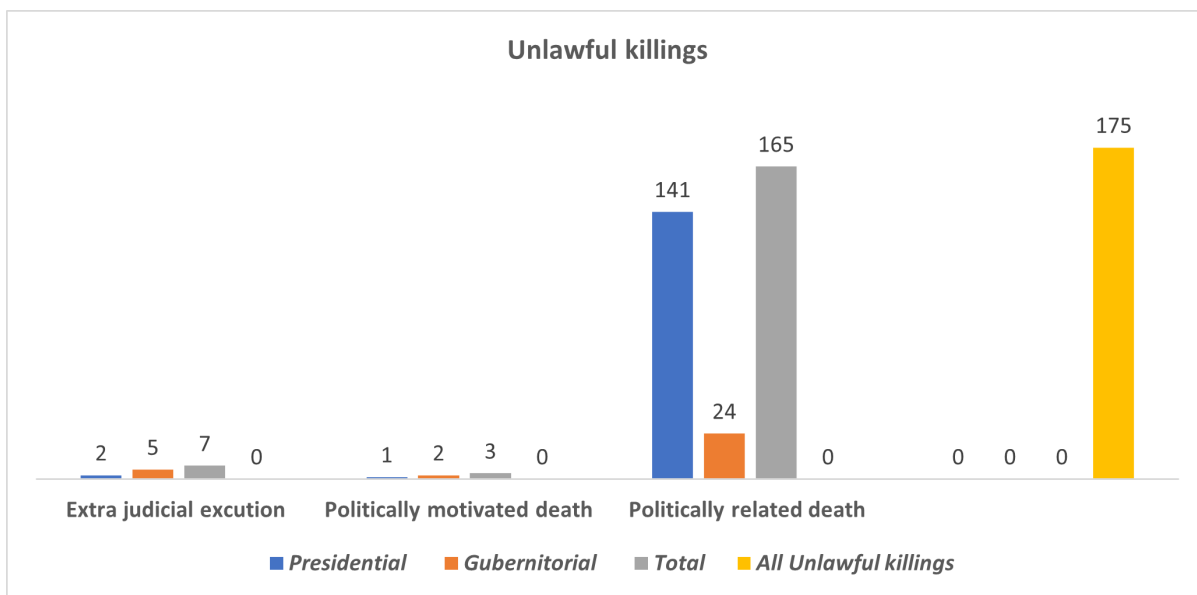
Throughout Nigeria's general elections, a total of 371 human rights violations and abuses (HRVAs) were reported, including 33 incidents of property destruction. Of the 235 people who were unlawfully killed, 144 lost their lives during the presidential elections. Among those victims, 85 were vigilantes from Katsina state, eight were politicians, two were soldiers or civilians, over 15 were officials from the Independent National Electoral Commission (INEC) and 60 casualties of armed conflict (CAC). In addition, 103 injuries were recorded as a result of insurgents, terrorists, and political thugs. Furthermore, 33 properties, including seven vehicles, election materials, and other valuable items, were damaged or destroyed, amounting to millions of Naira in losses.

## Total incidents by percentages:



According to our research, a total of 216 incidents of violence were recorded during the elections. The pre-election period recorded 155 incidents rated as 75 of violence perpetrated. 30 cases of violence were recorded across Nigeria on election day, and the post-election period had 31 incidents of violence.

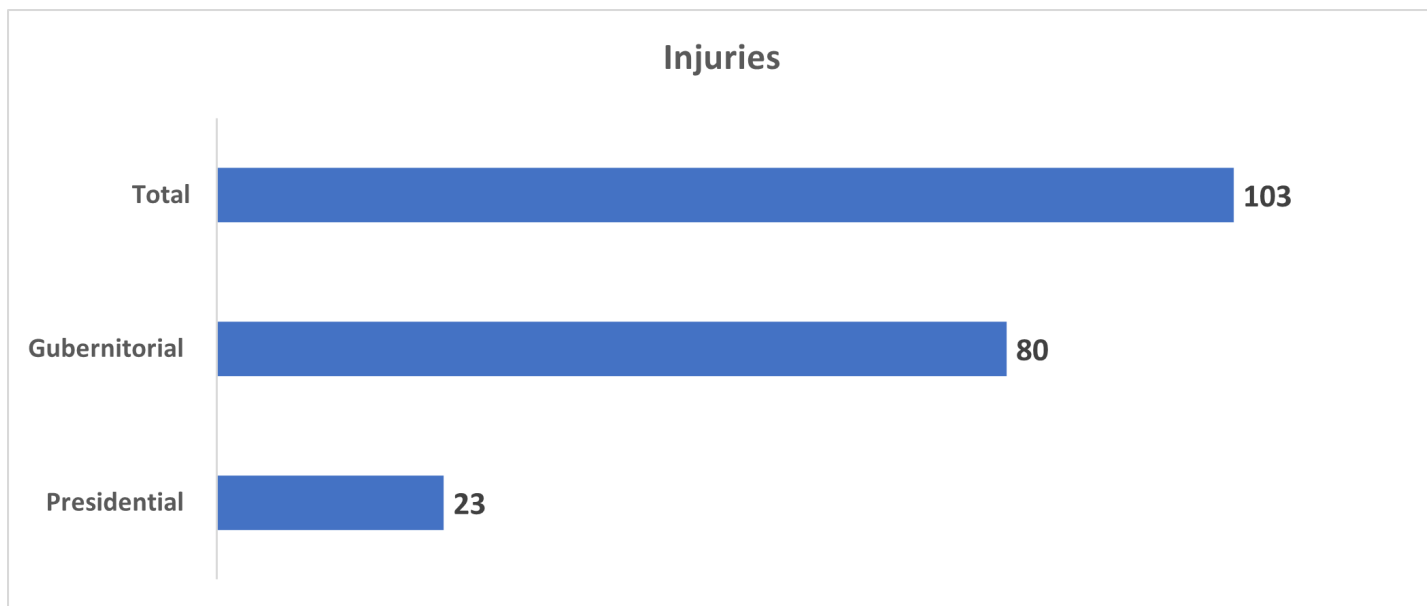
## Unlawful killings during the General Elections:



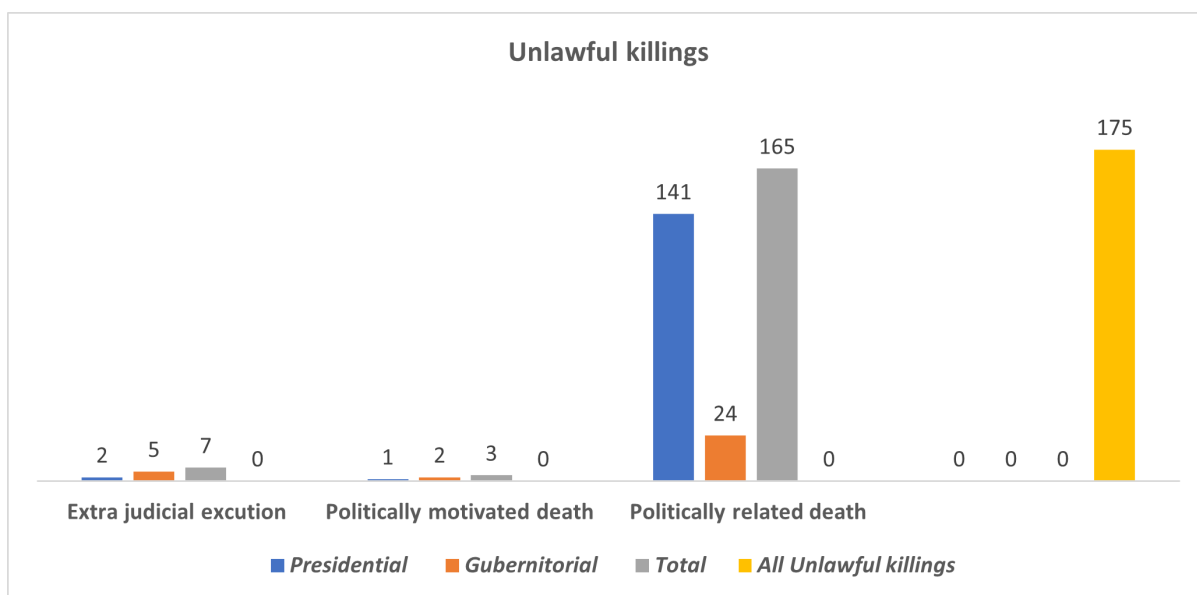
Unlawful killings prevailed during the Nigeria elections, rated at 47% of which the security force were lost in high number. The negative effects could be seen in the destruction and snatching of election material.

Out of the 175 reported cases of unlawful killings during the elections, 144 occurred during the presidential election. These included 85 vigilantes from Katsina state, eight politicians, two soldiers, and civilians, and over 15 officials from the Independent National Electoral Commission (INEC). Additionally, a PDP Councillor named Sulimon Ariyibi from Ile-Tuntun Ibadan lost his life during the gubernatorial election. Many of these killings were the result of confrontations during campaign rallies.

## Injuries during the General Elections :



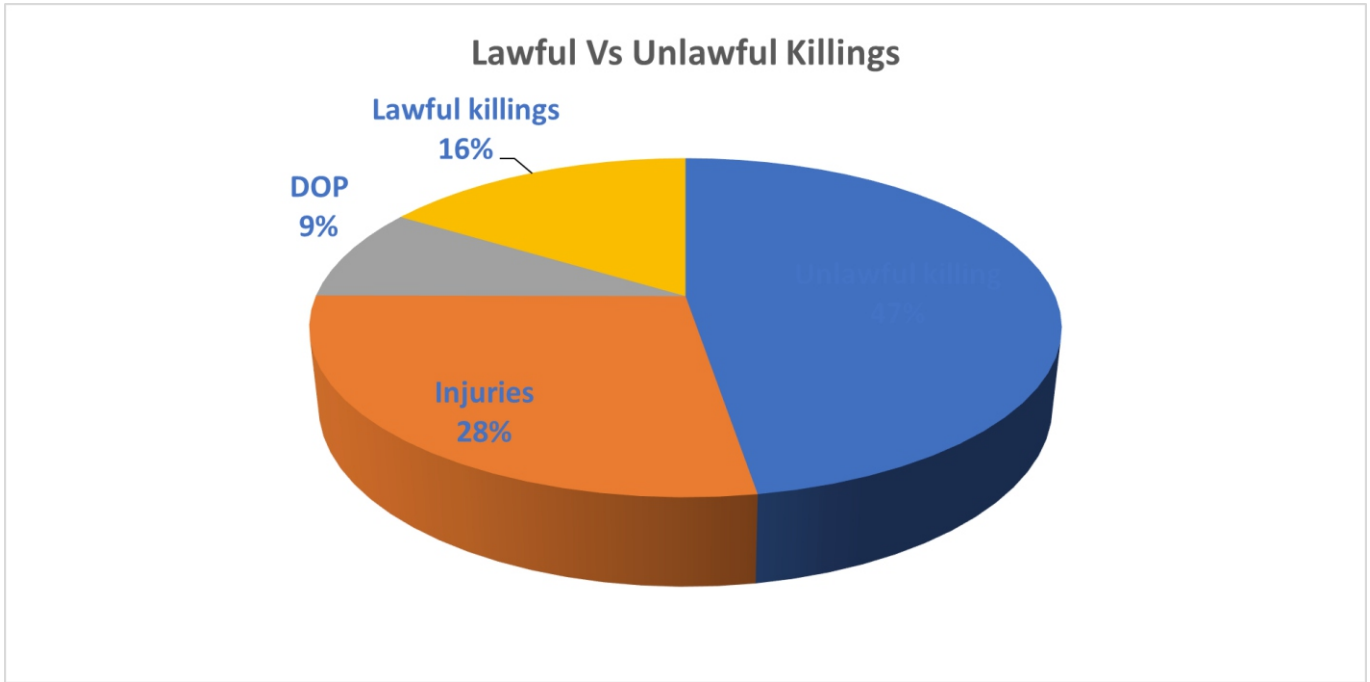
Following various interruptions by insurgents and terrorists who used guns, confrontations among political thugs, hoodlums, and numerous other disruptive incidents that created panic and led to widespread violations, there were 80 incidents of injuries recorded in gubernatorial elections compared to 23 in the presidential elections. Borno state had the highest number of injury cases during the presidential election, followed by Akwa Ibom and Gombe states with 5, 4, and 4 cases respectively. On the other hand, Lagos state recorded the highest number of injuries during the gubernatorial election with 24 cases, followed by Anambra state with 16 cases, Delta state with 11 cases, and Oyo state with 13 cases.



During the pre-election period of the presidential election in Katsina, 41 vigilantes lost their lives. Additionally, in Kwande, Benue State, herders killed 12 people, while in Njikoka, three security personnel also lost their lives. On the day of the gubernatorial elections, five individuals lost their lives in Mosogar, Delta state. Unfortunately, other similar incidents led to loss of lives as well.



## Lawful, unlawful killings, DOP and Injuries

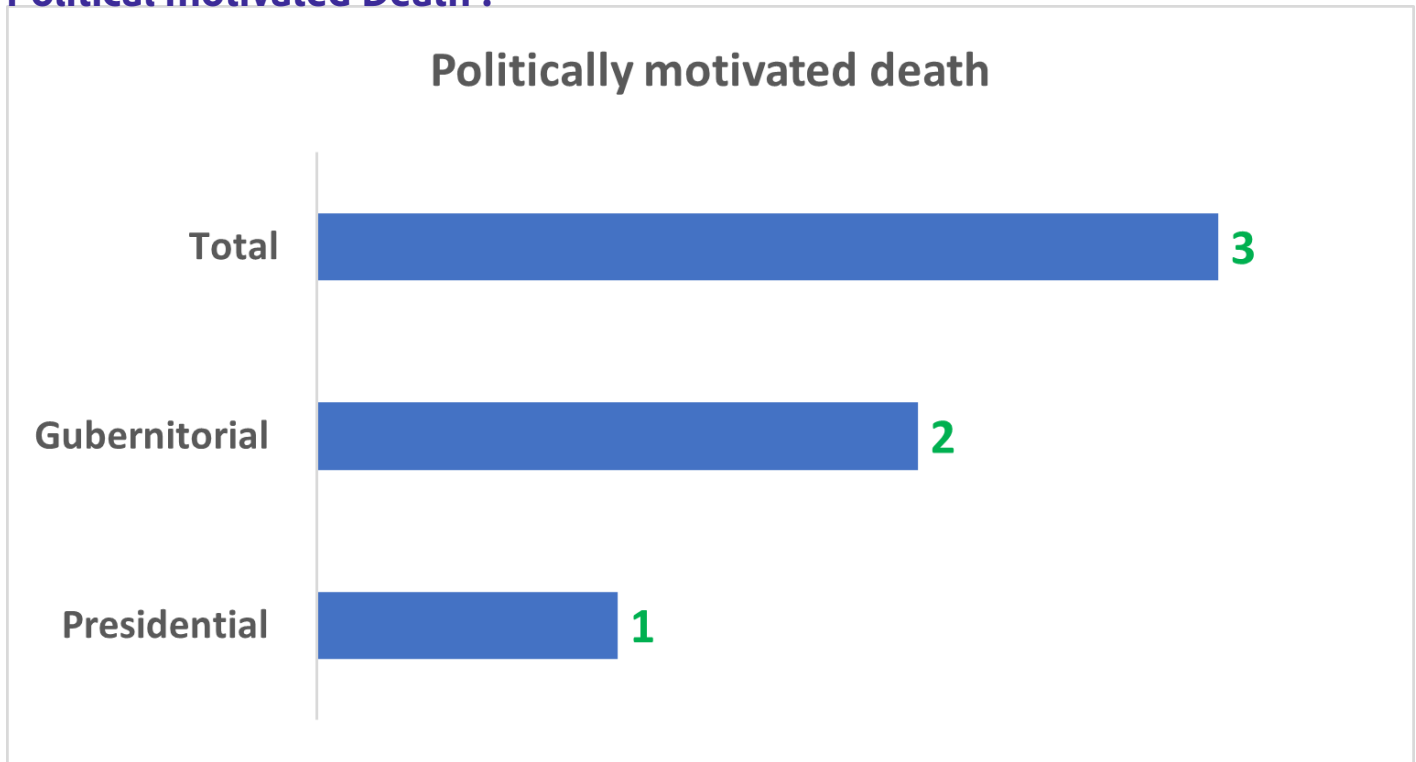


Terrorists suspected to be members of the Islamic State of West Africa (ISWAP) faction, attempted to infiltrate the army base serving as a collation centre for last weekend's governorship elections. Military troops annihilated the terrorists in a counterattack, that left sixty terrorists dead.

### Extra Judicial Execution:

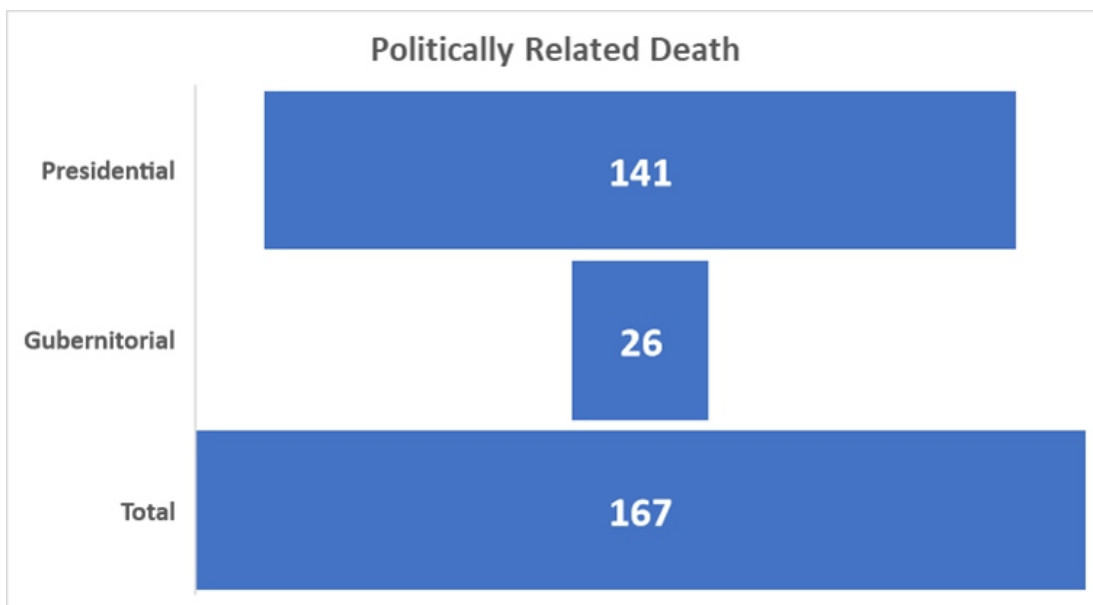


## Political motivated Death :



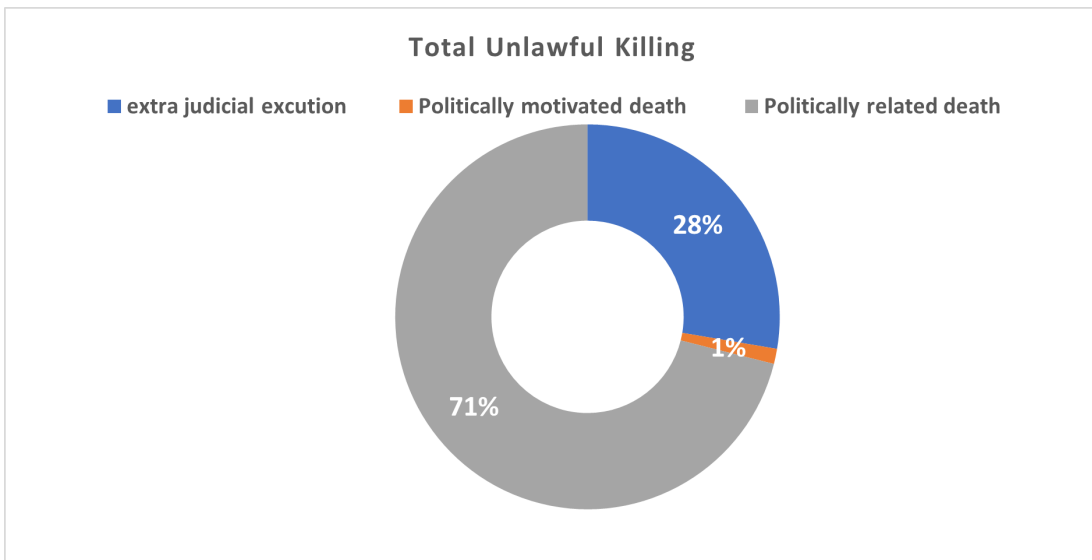
On the day of the gubernatorial election, unknown gunmen attacked and killed Sulimon Ariyibi, a PDP Councillor, in his home in Ile-Tuntun Ibadan. Similarly, during the collation of results for the recently concluded House of Assembly elections in the ward, Gani Gele, a prominent member of the People's Democratic Party (PDP), was allegedly shot and killed by a member of the All Progressive Congress (APC) in Osun state.

## Politically Related Death:



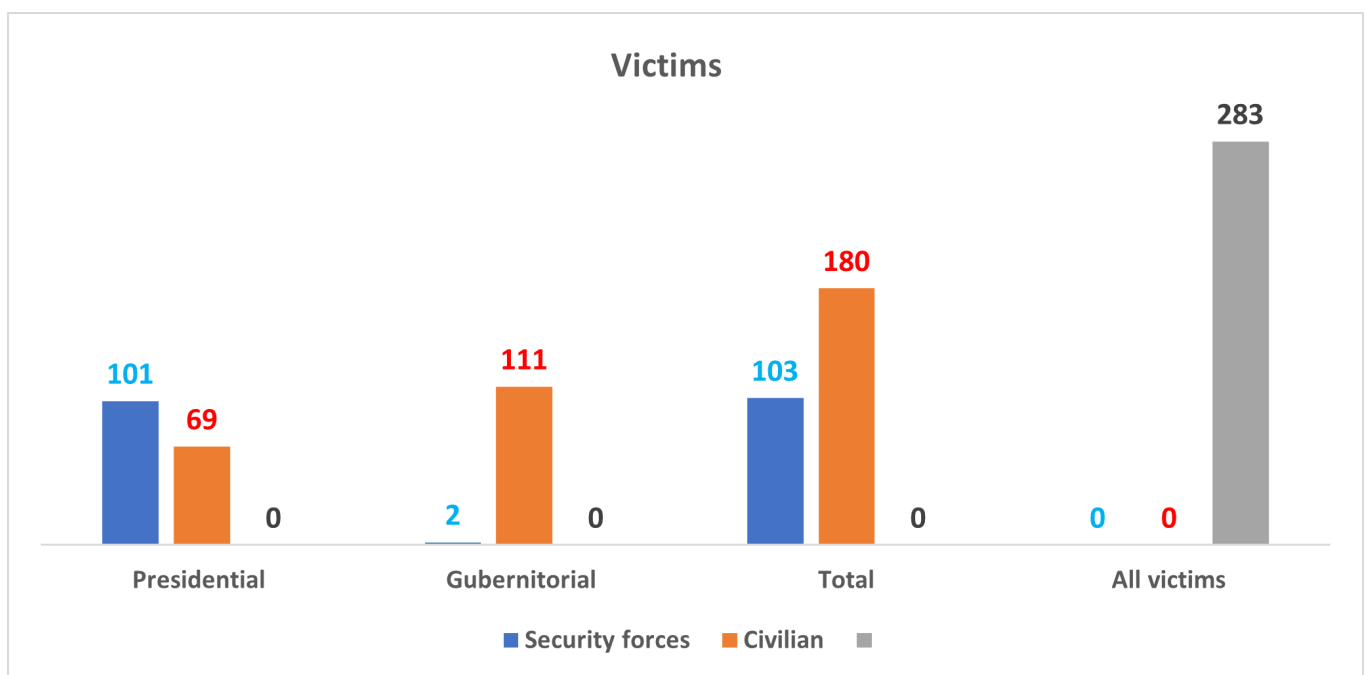
The loss of 167 lives during the election period was attributed to politically related violence, confrontations between parties at campaign rallies, insurgent attacks, as well as the activities of political thugs and hoodlums. In the pre-election period of the presidential election, a person was killed during a violent confrontation between the supporters of the PDP and APC at a campaign rally in Jigawa State. Similarly, on the day of the presidential election, two individuals were shot dead in Etim Ekpo Local Government Area of Akwa Ibom State. During the gubernatorial election, two individuals lost their lives when thugs invaded the campaign offices of the All Progressives Congress (APC) in Gusau, Zamfara state.

## Total Unlawful Killings:



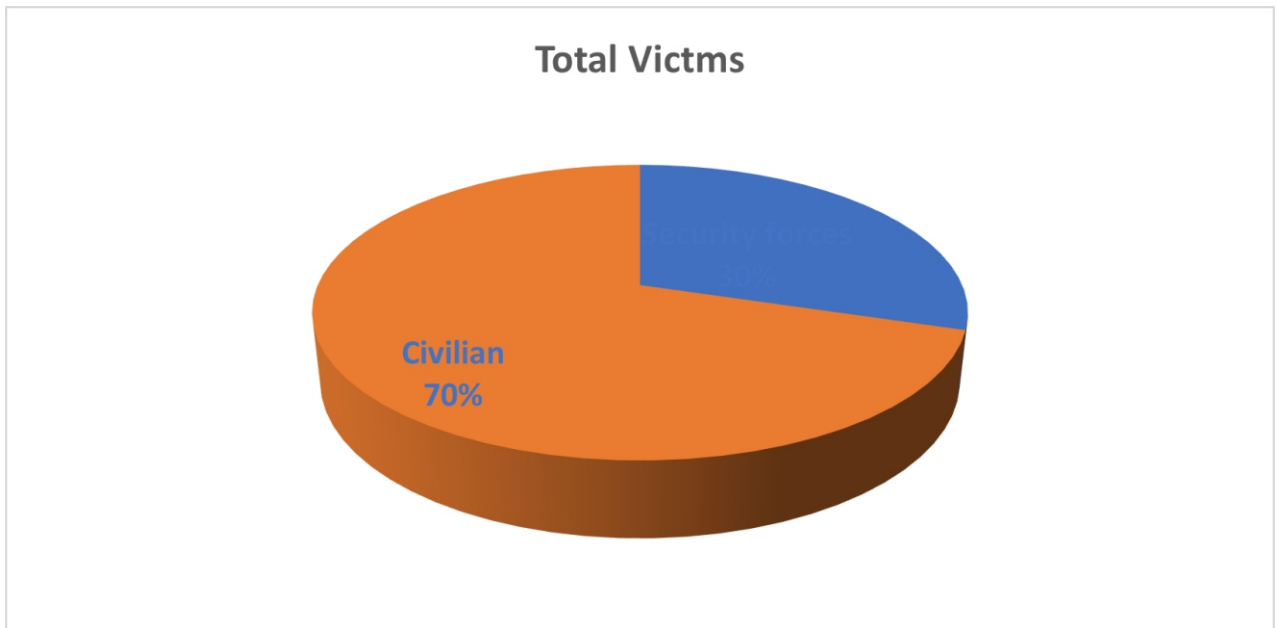
During the 2023 general election in Nigeria, political thugs, terrorists, and hoodlums were responsible for 71% of the unlawful killings of innocent individuals, both during campaign events and on the day of the polls.

## Numbers of Victims:

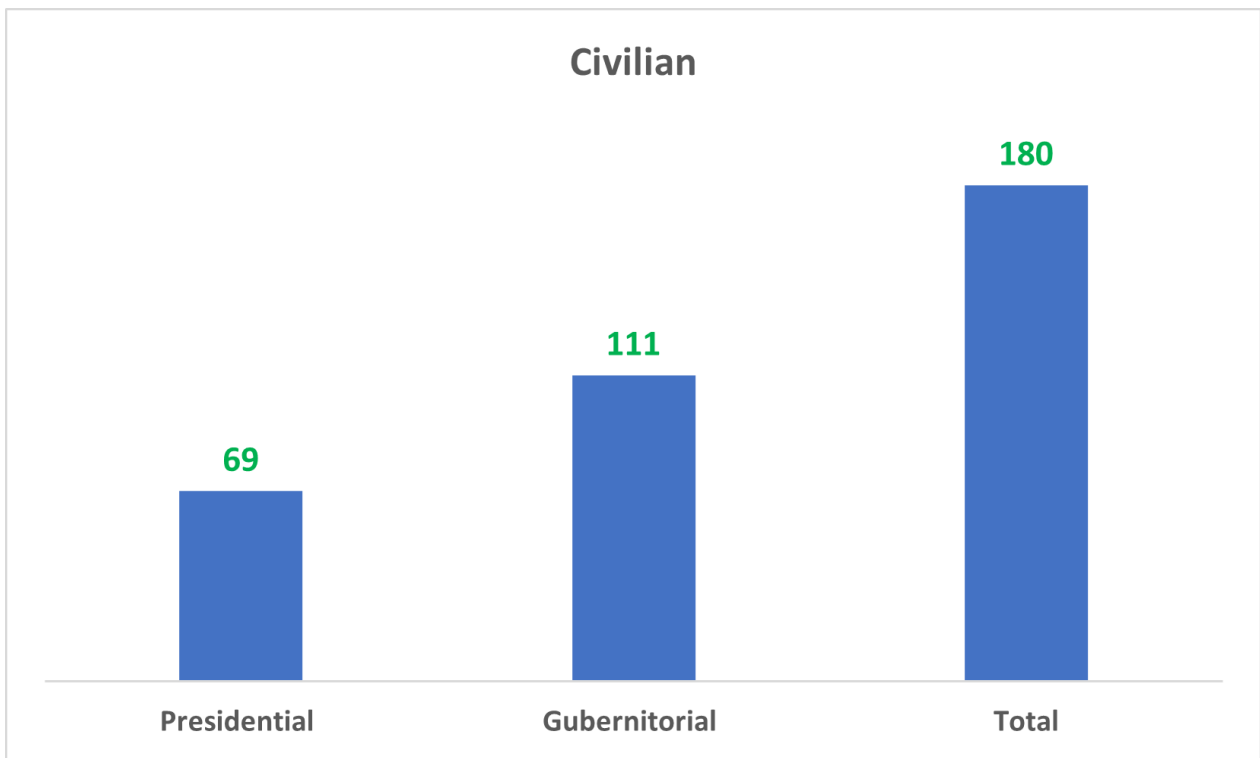


The 2023 election in Nigeria resulted in the violation of 343 lives, either through death, injuries, or physical abuse. Out of the total number of individuals affected, 102 were security forces while 240 were civilians. For instance, in Kano State, 17 law enforcement agents, security personnel, and supporters of the NNPP were victims of unlawful killing, to name just a few cases.

## Victims: Civilian and Security forces :

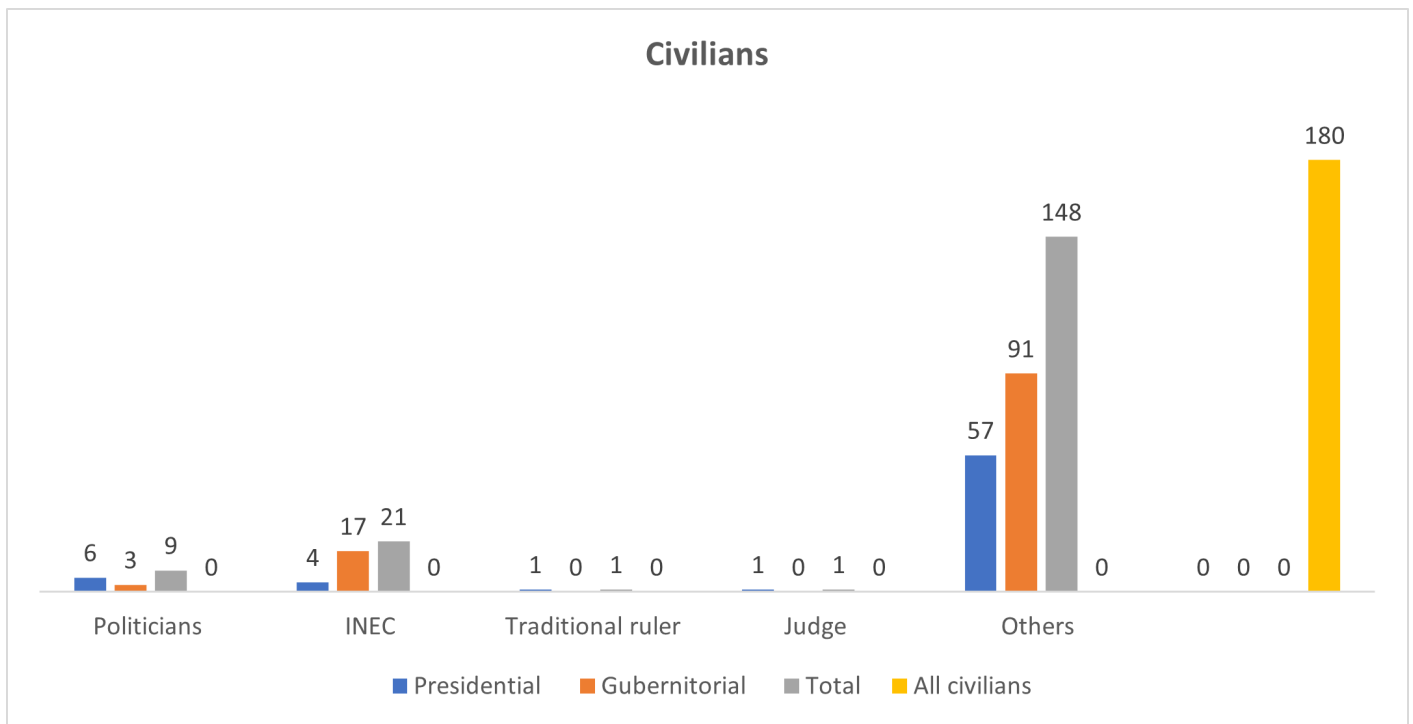


## Victims: Civilian breakdown by Elections



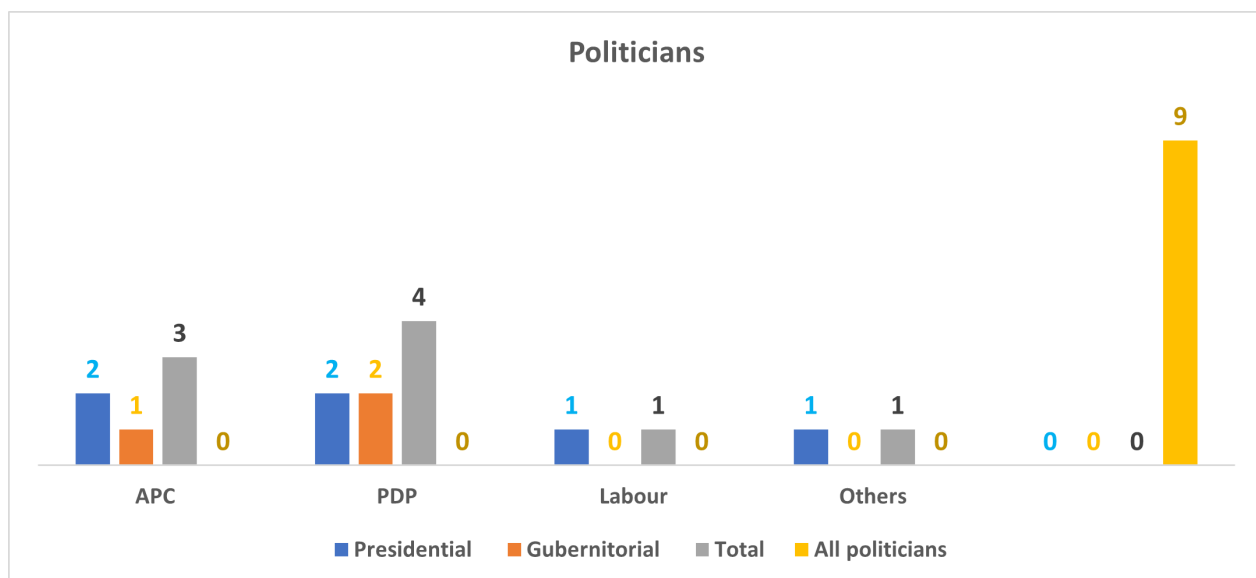
Innocent civilians were the primary targets during the elections. For example, on the day of the presidential election in Borno State, terrorists fired multiple gunshots at voters from the top of Mandara Mountains, resulting in five people sustaining injuries. Similarly, during the gubernatorial election, suspected political thugs allegedly attacked Abule-Ado in Lagos State, leaving 20 individuals injured. The security personnel lost a higher number of vigilantes in Katsina State during the presidential election.

## Victims: Civilian breakdown by Elections



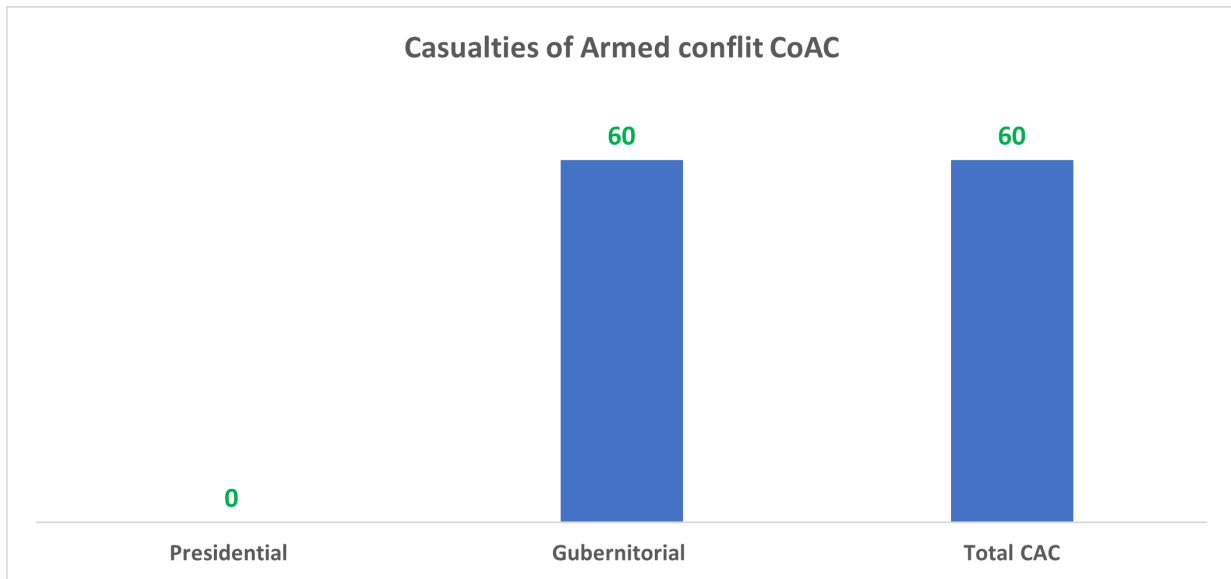
During the gubernatorial election, civilians were more likely to become victims, including politicians, INEC officials, traditional rulers, and judges. For instance, David Uche, the chairman of the Young Progressives Party (YPP) in Ibeme Ward in the Isiala Mbandu area of Imo State, was killed by gunmen, and four other men were also killed when gunmen attacked the residence of Ikenga Ugochinyere during the presidential election.

## Victims: Civilian breakdown by Politicians



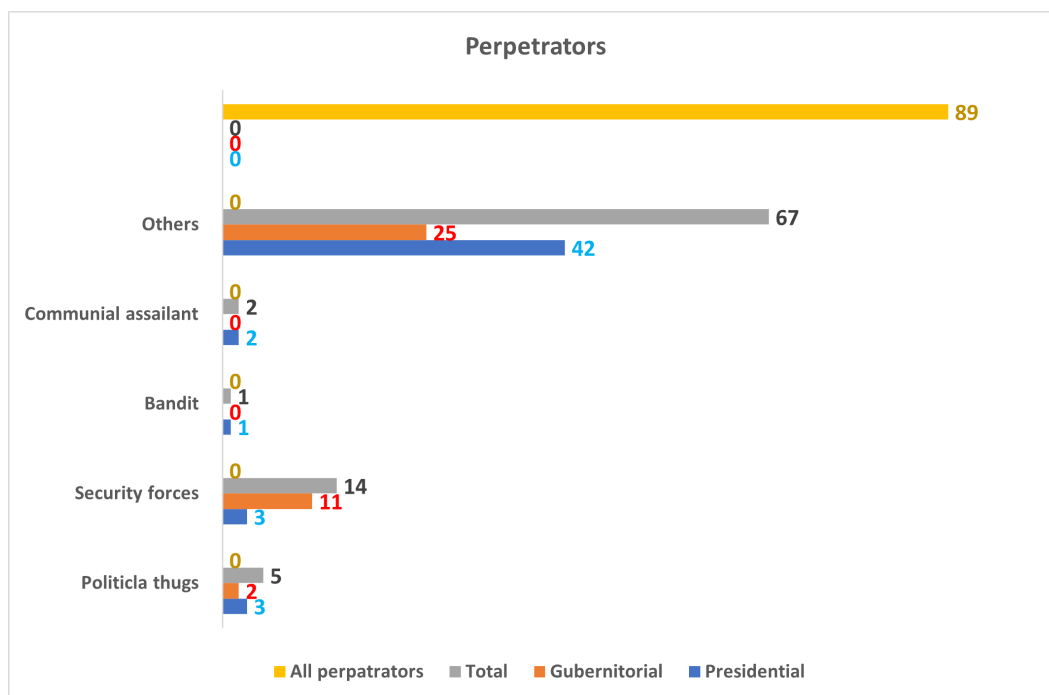
A member of the All Progressive Congress (APC) allegedly shot Gani Gele, a strong member of the People's Democratic party (PDP), during the collation of results of the just-concluded House of Assembly in the ward in Osun state. In Ile-Tuntun Ibadan, on the gubernatorial election day, unknown gunmen attacked and killed PDP Councillor Sulimon Ariyibi in his home. Similarly, gunmen killed David Uche, the chairman of the Young Progressives Party (YPP) in Ibeme Ward, in the Isiala Mbandu area of Imo State.

## Victims: Casualties of Armed Conflict



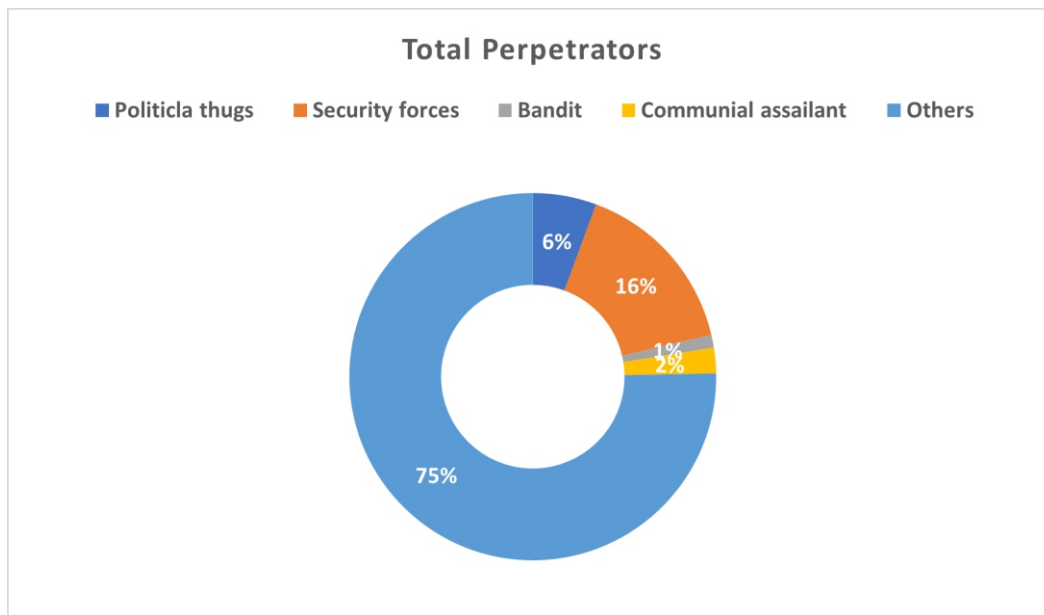
Terrorists suspected to be members of the Islamic State of West Africa (ISWAP) faction, attempted to infiltrate the army base serving as a collation centre for governorship elections during which Military troops annihilated the terrorists in a counter-attack and left sixty them dead. According to our data, the presidential elections accounted for no casualties for armed conflict CoAC.

## Perpetrators breakdown:



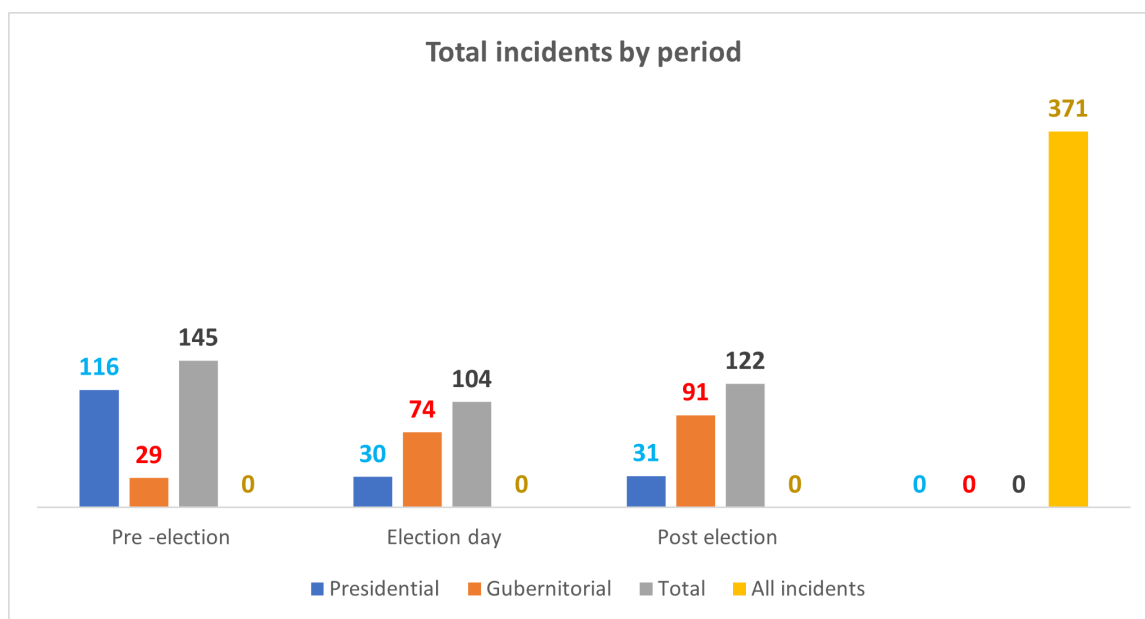
Perpetrators of violence during both the presidential and gubernatorial elections appear to be similar, although many cases are attributed to unknown individuals. From gunmen attacking politicians to herders terrorizing remote communities before and during the elections, as well as security forces in the course of protecting the polls, these groups accounted for numerous cases of human rights violations. Some of the incidents include the killing of David Uche, the chairman of the Young Progressives Party (YPP) in Imo State, by gunmen and an attack by gunmen on the residence of Ikenga Ugochinyere resulting in the deaths of four individuals. In Jalingo, the capital of Taraba State, two police officers attached to the State Command were killed by soldiers, and in Lagos State, suspected political thugs allegedly injured at least twenty people in an attack on Abule-Ado.

## Perpetrators breakdown:



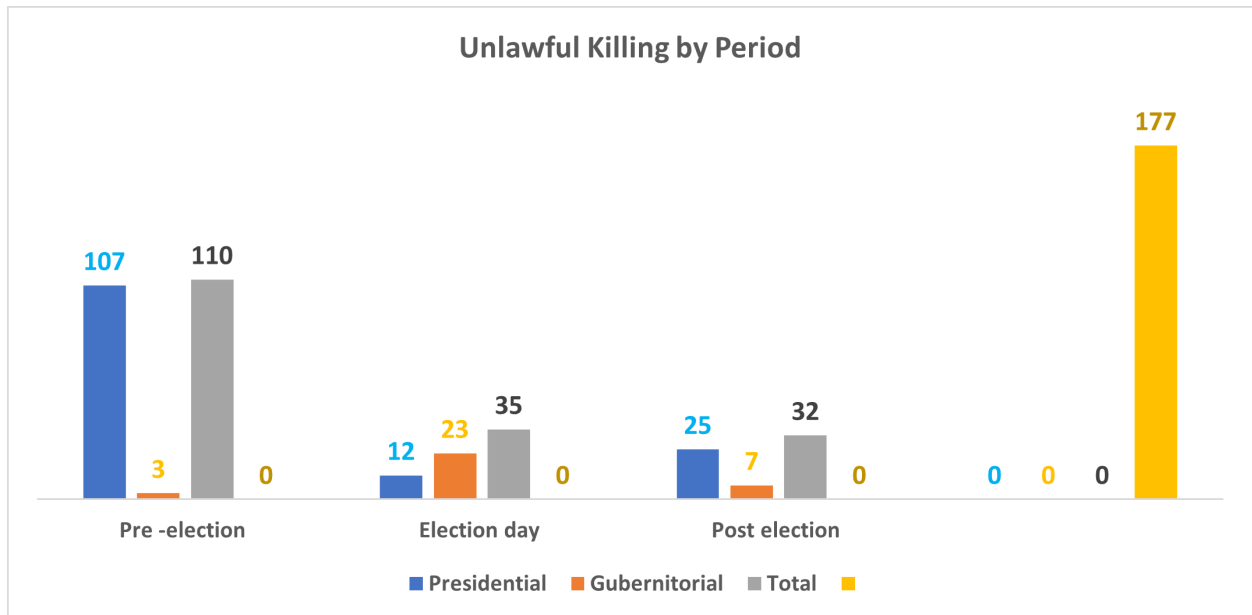
According to our data, unlawful killings by non-state actors made up to 81% of violent incidents during the election while injuries accounted for 20% of violent incidents. There was a low occurrence of extra-judicial executions and politically motivated deaths. However, preventive measures need to put in place to mitigate a reoccurrence in the upcoming gubernatorial and state house of assembly elections.

## Total Incidents by period

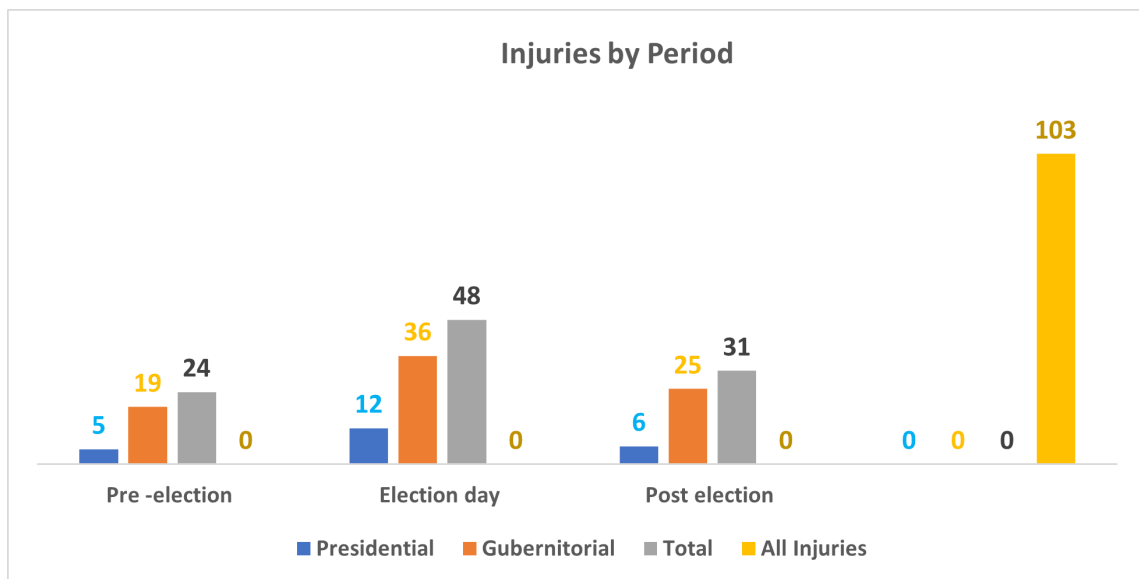


Peter Nweke, the PDP Chairman in Ezza North Local Government Area of Ebonyi State, died after being beaten by thugs believed to be loyal to the ruling APC. In a separate incident, terrorists suspected to be members of the Islamic State of West Africa (ISWAP) attempted to infiltrate an army base that was serving as a collation center for the recent governorship elections. The military was able to repel the attack, resulting in the death of 60 terrorists.

Bina Jenifer Efidi demonstrated bravery on election day in Lagos, where she was stabbed by thugs while waiting to cast her vote. Despite receiving first aid for her injuries, she returned to the polling station to cast her vote. In Benue state, one of the PDP ward collation agents died from anxiety, despite the efforts of doctors from a nearby hospital in Katsina-Ala. A video featuring Nollywood actress Chioma showed the destruction of a polling unit due to a fight between voters. The actress expressed her disappointment that the security personnel were unable to control the situation. Several similar incidents captured the attention of Nigerians.

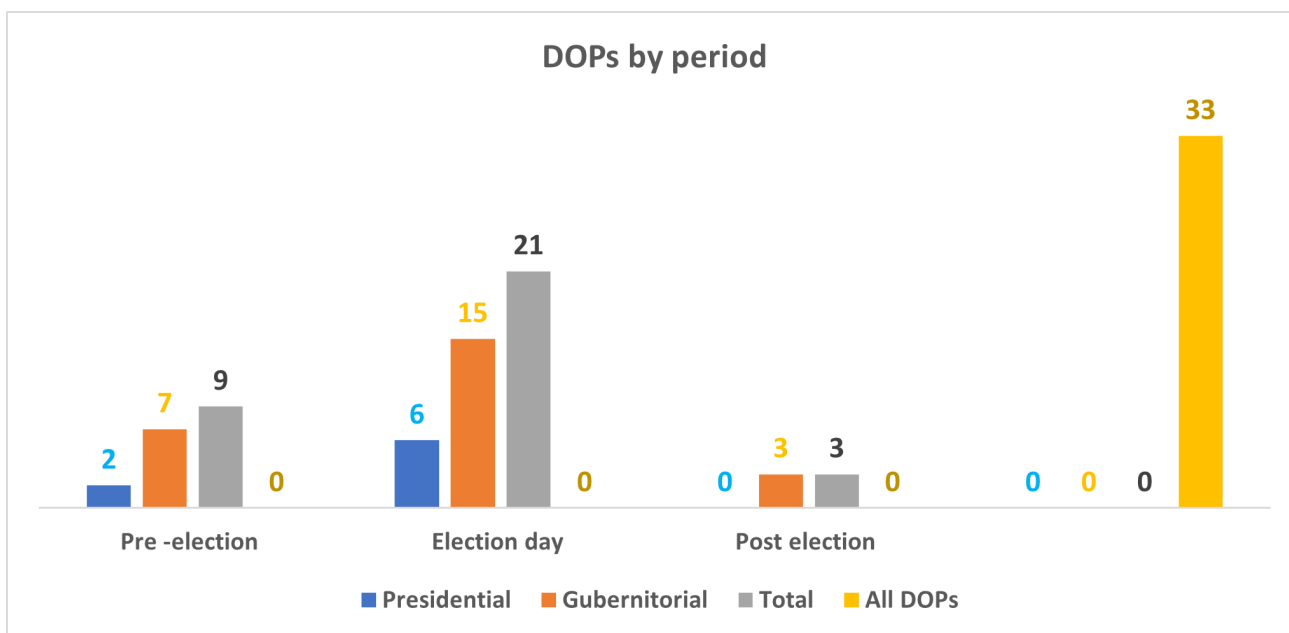
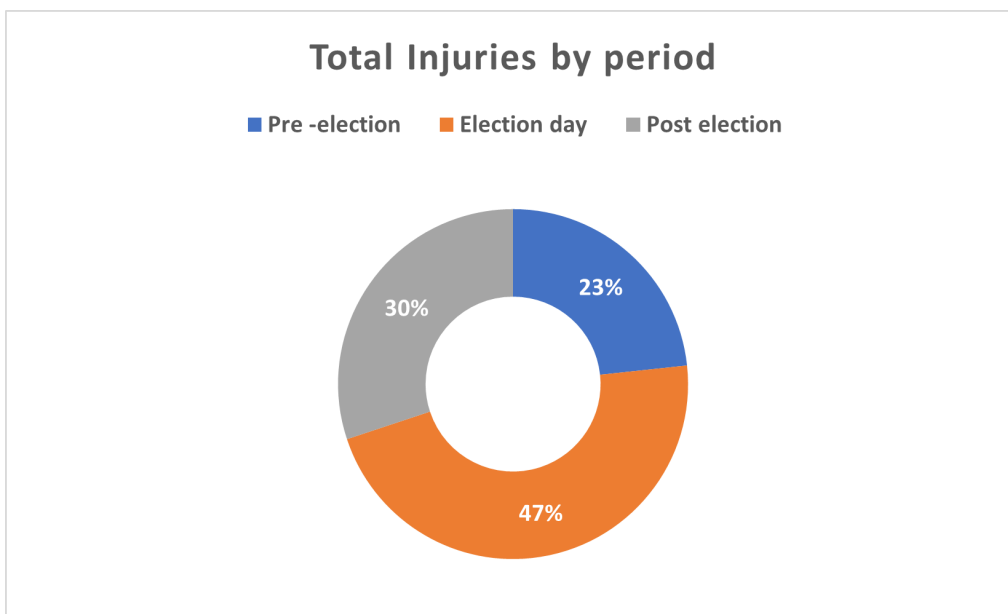


During the electoral period, 237 cases of politically related and politically motivated deaths were recorded. Ojochenemi Akayaba, an alumnus of Prince Abubakar Audu University in Kogi State, was among the victims. Akayaba lost his life after being shot while attempting to snatch a ballot box, an action that ultimately proved fatal.



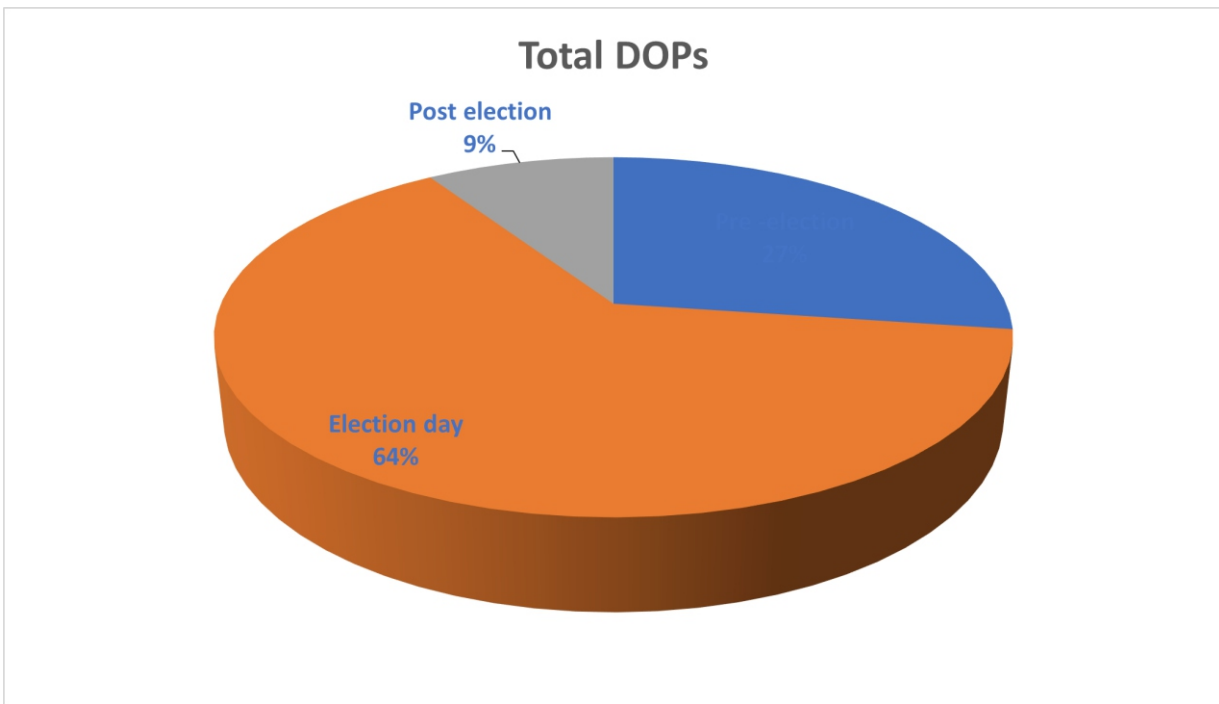
During the gubernatorial election, suspected political thugs attacked Abule-Ado in Lagos state, resulting in at least twenty people being injured. In another incident, gunmen stormed an APC party meeting in Izzu Local Government Area of Ebonyi state and injured two members.



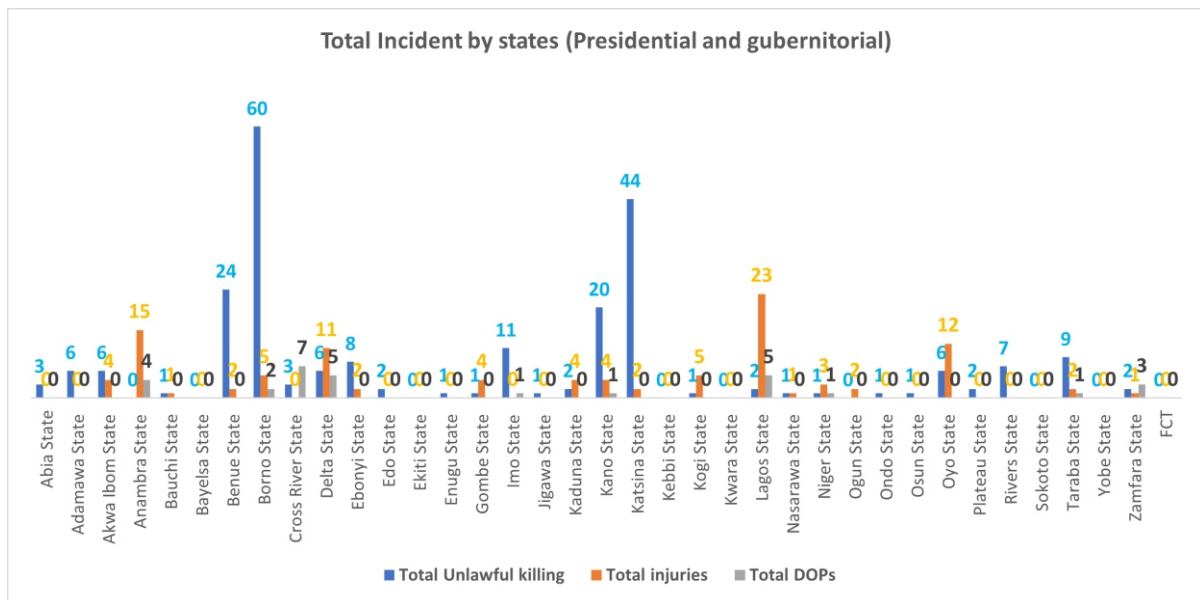


The analysis shows that the election day resulted in more injuries. In Gwoza council of Borno state, Boko Haram insurgents disrupted the poll, firing several gunshots at voters from the top of Mandara Mountains, leading to injuries of five persons including two women. Even INEC staff were not spared as over 16 staff were injured at Odoakpu Ward 7, Onitsha South Local Government Area, Anambra State during the House of Assembly Election.

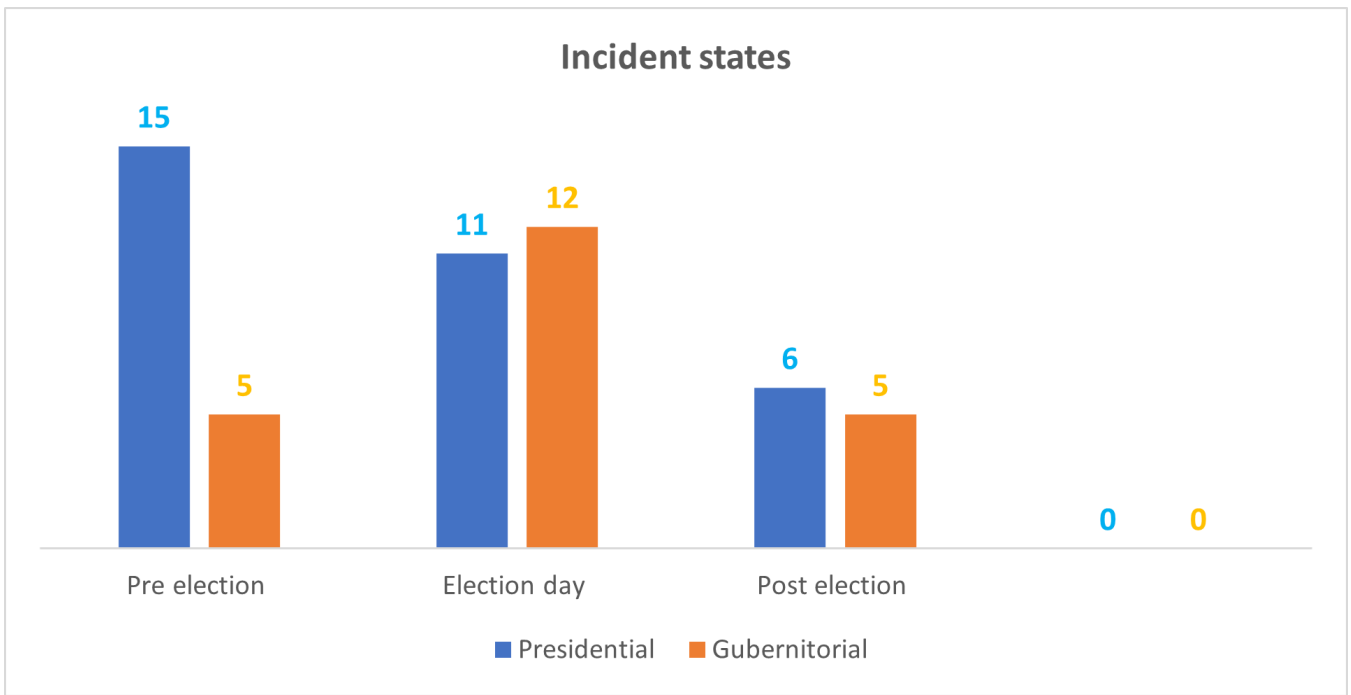
The electoral process was mostly marred by disruptions such as ballot box and paper snatching, as well as attacks on INEC offices. Dekina Local Government Area was also greatly affected on election day, with ballot papers and boxes destroyed and snatched under the watch of security personnel who were overpowered by unidentified gunmen. Additionally, the INEC voffice in Kano was set on fire, as confirmed by Abdullahi Kiyawa.



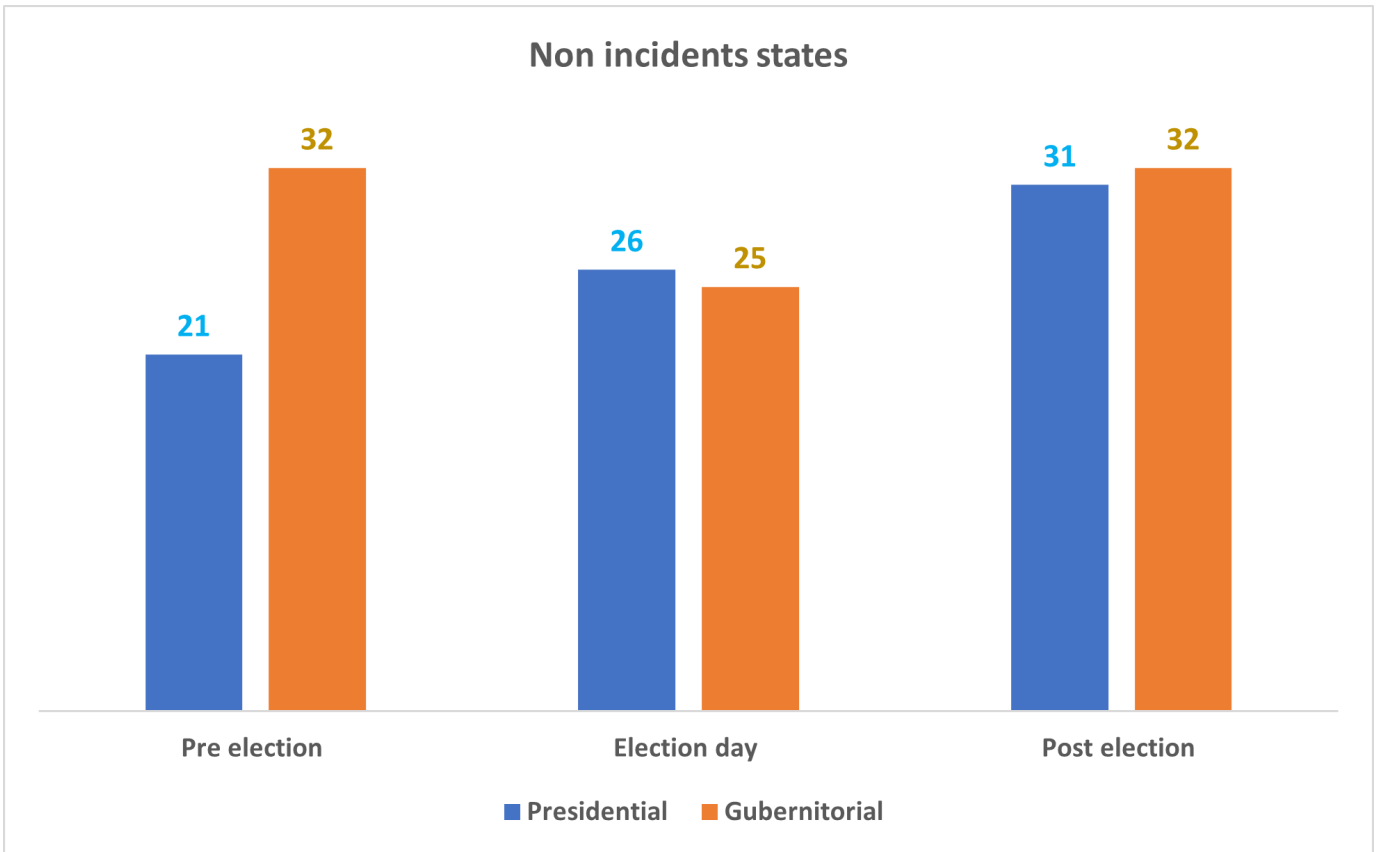
On election day, insurgents interrupted the electoral process in Gwoza council of Borno state, and two vehicles were destroyed in the process. In Odukpani local government area of the state, thugs burnt seven vehicles, including two buses belonging to the People's Democratic Party (PDP) at Okut-Ikang/Akpa axis. Furthermore, Ashiru Umar, an editor and senior correspondent with the privately-owned broadcaster Premier Radio, had his phone seized and destroyed by unidentified men at a polling unit in Dalandanchi Town.



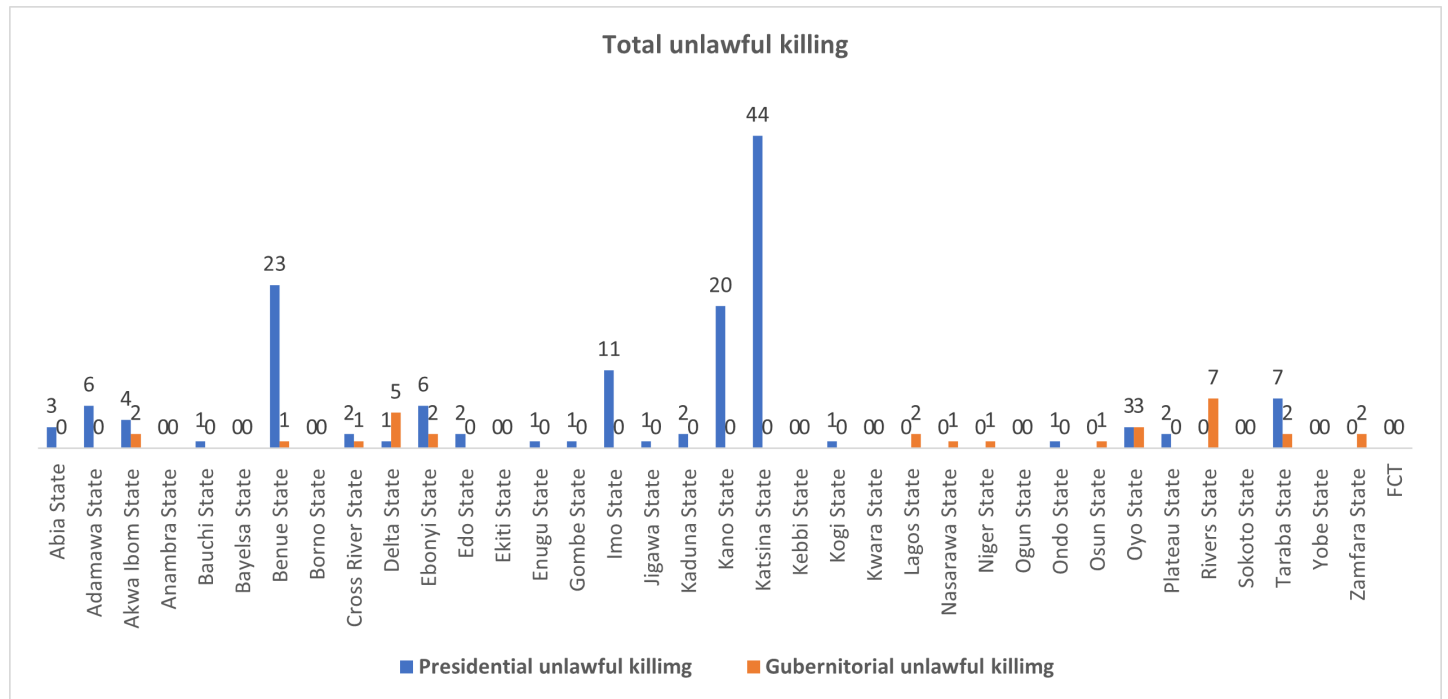
The incidents escalated significantly in Borno State and Katsina. Forty-one vigilantes were killed in Bakori and two were injured in a terrorist attack in Katsina, while 60 members of the Islamic State of West Africa (ISWAP) were killed by soldiers during the protection of the collation center for the governorship elections in Borno State.



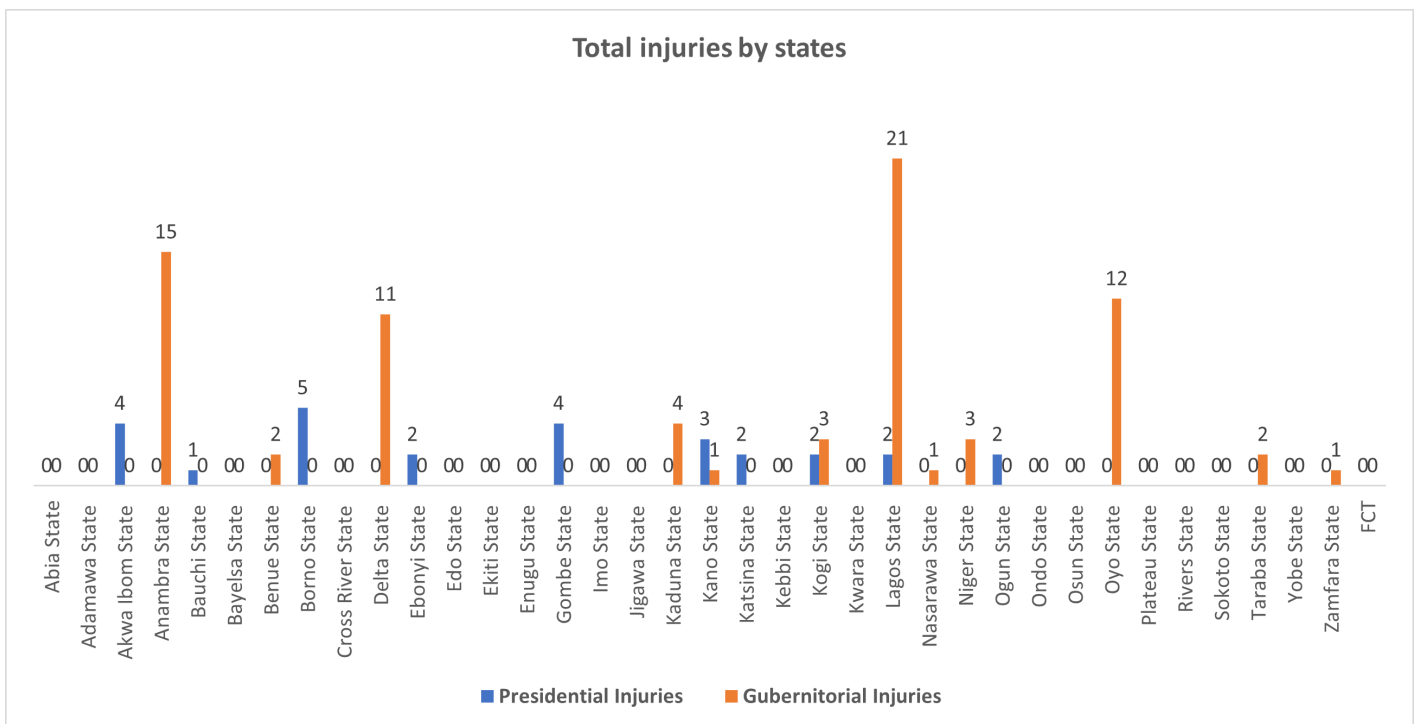
During the elections, Benue, Kano, Katsina, and Borno states were identified as having the highest incidents of election-related violence.



Our research did not capture any incidents during the election in Sokoto, the Federal Capital Territory (FCT), and Kwara states, making them among the most peaceful states during the election period.



The period of the Presidential election witnessed a significant number of Political related death, including the killing of 44



vigilantes who were killed in katsina. 7 people were laid to rest by security forces including an alumnus of Prince Abubakar Audu University from Kagi state, who was shot by security forces while attempting to snatch a ballot boxes and 9 politicians died. The governorship election, particularly in Lagos state, saw a high number of injuries due to the activities of political thugs.

Total DOPs by states



The 2023 general elections in Nigeria resulted in the loss of INEC offices, vehicles, ballot boxes and papers, as well as properties valued at millions of Naira.

## CHAPTER TEN

This chapter contains the recommendations, the conclusion and the information about the Human Rights Advancement, Development and Advocacy Centre (HURIDAC).

### 10.1. Recommendations

The following recommendations are guidelines for a successful election in the federal republic of Nigeria. All stakeholders involved have key roles to play to achieve this common democratic goal. Nigeria's elections have always recorded discrepancies because of mismanagement during the electoral process and this taints the credibility of elections and any development process that follow. HURIDAC therefore encourages all stakeholders concerned to put into practice the following recommendations.

The government in collaboration with the international and diplomatic community, NGOs, the civil society and other relevant stakeholders should intensify strategic engagements with security agencies and political parties in dialogue before during and after the electoral process to forestall electoral violence and create an appropriate mitigation plan.

#### 10.1.1. Strengthening the electoral process

1. The Electoral Act 2022 implementation should be strengthened. The public should be educated on the content of the electoral act and citizens also need to advocate for the robust implementation of the act to improve the electoral process. INEC needs to address the challenges raised in relations to the implementation of the electoral act 2022.
2. INEC should ensure that the use of BVAS on election day is not compromised and the BVAS machine should be fit for purpose including in the transmission of results. INEC and ad hoc staff should be well trained in the use of the BVAS and its purpose.
3. All those caught in the act of bribery and corruption or who have committed other electoral crimes should be prosecuted to deter others in future from doing the same;
4. Laws should be enforced to ensure that any

party or contestant caught breaking electoral regulations will be prosecuted and punished.

5. The government must guarantee the security of lives and properties across the country to make elections safer and more credible.
6. Electoral and other institutional reforms should be reviewed and strengthened.
7. Anti-corruption agencies need to collaborate with banks and other financial institutions to monitor the movement of cash during elections.
8. Also essential is a culture of democratic citizenship that begins with a citizenry that is ready to insist on credible and transparent elections.
9. Democratically elected leaders should ensure good governance and improve the conditions of the ordinary people.
10. There should be easier access to rural and hard-to-reach communities on civic and voter education by the INEC, political parties and other election stakeholders.
11. Issuance and access to PVCs for first time voters should be strengthened and implemented.
12. The government should provide timely disbursement of resources to ensure that the necessary training of INEC staff is provided, and voters' education and sensitization adequately organized in partnership with CSOs.
13. The international donors and civil society must closely observe all levels of the election process.
14. For safer and credible elections, the government must guarantee the safety of lives and properties across the country.

#### 10.1.2. Strengthening institutions

Whether national or international, institutions are one of the backbones that constitute a large part of elections success, especially in terms of monitoring, managing and reporting elections violence.

1. Anti-corruption agencies must as a matter of urgency collaborate and cooperate with banks to monitor cash flow during the election period.
2. All alleged malpractices itemized by any party should be investigated and recommendations provided to prevent future occurrences.

3. The security agencies and the international community should be more proactive in dealing with issues of hate speech capable of inciting violence and causing mayhem in the society.
4. That politicians should be encouraged to engage in a peaceful, free and fair electoral process.
5. That security agencies should pay more attention to the protection of INEC officials, Observers, Human Rights Defenders and election sensitive materials during the process of elections.
6. That political party will have a critical look on how their political rallies are conducted during elections to avoid the number of deaths in their gatherings.
7. The security apparatus in the country should be improved to avoid displacement of citizens from the homes and local governments which will, in turn, have an impact on the elections.
8. Pronouncement of government officials should conform to the electoral act and the rule of law ensuring electoral accountability and justice is essential.
9. Electoral Justice is not limited to fairness and freeness of elections, It goes beyond that and includes accountability, compensation and remedy for all victims and survivors of crimes committed during electoral process. It also includes bringing to justice those who commit crimes during elections or who engage in electoral infractions. Unless these persons are arrested, prosecuted, and punished, impunity will thrive in elections. It is therefore imperative for the machinery to be strengthened to bring perpetrators of crime or electoral infraction to justice.
10. Improve on the present security architecture in protecting elections considering the demilitarisation of elections.
11. Grassroots involvement and local intelligent gathering in security around election should be strengthened.
12. Government, INEC, Civil Society and donors should start investing in human rights and anti-violence training and capacity building for political parties.
13. Vote trading should be made less attractive by providing tangible deliverables in governance that will make electorates less vulnerable to inducement.
14. Thus, there is less need for voter education than for a system of incentives and capabilities that will allow ordinary people to resist these misguided efforts to appropriate their votes.
15. Government and other stakeholders should develop or review how to use incentives, fines and other methods to ensure high turnout of voters during elections.
16. The Government should establish a National Commission on Electoral Offences with the responsibility of investigating and charging electoral offenders to court. The bill should be passed by the new incoming national assembly
17. Enforcement of the existing electoral regulations on party finances including campaign programmes should be implemented.

### 10.1.3. Oversight roles

1. The government should ensure that Nigerians in the diaspora that have been registered by the INEC be allowed to participate in all public elections.
2. The government through the judiciary should resolve (if any) election-related disputes before, during and after the presidential elections.
3. The civil society, especially women, youths and people living with disabilities should intensify efforts at promoting free and fair elections and monitoring of the process.
4. Issues around the legal framework and reform, voting procedures and voter registration should be adequately addressed.
5. Efforts should be intensified to reduce the negative effects of the use of social media before, during and after elections.
6. Human rights and the right to vote should not be neglected. It should be prioritised as it is key to representative democracy.
7. Election observers and human right defenders should discharge their duties according to standard best practice.
8. The Independent Electoral Commission should ensure a public address mechanism is in place to investigate all cases of human rights violations and abuses during the elections.

9. Any allegations levelled against the Independent National Electoral Commission (INEC) should also be investigated and any public officer found guilty should be held accountable.
10. There should be no interference by the executive arm of the government over the judiciary and to respect the independency of the judicial arm of government as stated in the constitution.
11. The courts and judicial officers should be strengthened to function more effectively to deliver its mandate and within the shortest period so as not to prolong justice in electoral cases.
12. There is need for additional research to discover creative and technical ways to reduce the negative impact of the social media, while increasing the positive contribution of social media to the electoral process.
13. Human Rights should be given priority attention during the conduct of all elections in Nigeria.
14. The "rights to vote" should be strengthened in the electoral architecture.
15. The election observers and monitors should be equipped with human rights instruments to carry out their responsibilities within Human Rights Standards.
16. The National Human Rights Commission should follow up with all human rights violations and abuses cases that emanates during the elections.

## 10.2. Conclusion

Although politics and elections in Nigeria have gained a checkered reputation, a flourishing democracy where the rule of law and human rights are respected is achievable. The challenges facing democracy are not insurmountable and they can be tackled by the concerted efforts of all stakeholders involved. There is need for more advocacy and awareness raising for all stakeholders on the importance of prioritizing human rights during the electoral process.

Democracy or political freedom and human rights are intertwined, thus an enabling environment for the promotion of human rights is an enabling environment for democracy.

The implementation of these recommendations will be a solid step in laying the lasting foundations of democracy and the enjoyment of human rights in the nation.

## 10.3. About the Organisation

### HURIDAC

The Human Rights Advancement, Development and Advocacy Centre (HURIDAC) is an African-based regional Non-Governmental Organization (NGO), registered in Nigeria, its mandates are to:

- To promote, protect and ensure respect for human rights, democracy and development.
- To build the capacity and knowledge base of civil society, government institutions, oversight bodies and other agencies and communities on human rights, development, democracy and conflict prevention.
- To use the process of the rule of law to hold governments and their agents accountable.

The regional office of HURIDAC is in Lagos (Nigeria) while its Nigeria and International offices are located in Abuja (Nigeria) and London (United Kingdom) respectively.

The leadership of HURIDAC is characterised by seasoned practitioners who have excelled in their various fields of endeavours. These individuals are drawn from such countries such as United Kingdom, Canada, Sierra Leone, Kenya, Nigeria, Liberia and the Gambia.

The diversities in the nationalities and experiences of the management of HURIDAC and well enthusiastic staff are the strengths of its effective service deliveries. Its governance structure is made up of a board of trustee, a Leadership Council, Board of Directors, Management Team and operation staff. For the profile of these personalities, kindly check our website ([www.huridac.org](http://www.huridac.org)).

### CISLAC

Civil Society Legislative Advocacy Centre

CISLAC is a non-governmental, non-profit, advocacy, information sharing, research, and capacity building



organisation. Its mission is to strengthen the link between civil society and the legislature through advocacy and capacity building for civil society groups and policy makers on legislative processes and governance issues. CISLAC was integrated as a corporate body (CAC/IT/NO22738) with the Nigeria's Corporate Affairs Commission (CAC) on the 28th December 2006. Prior to this incorporation, however, CISLAC had actively been engaged in legislative advocacy work since 2005. The organisation is also compliant with the Anti-Money Laundering Act 2007. The organisation reports to SCUML, any transaction that is above One thousand dollars, detailing the payee, purpose and the other KYC (KnowYour Customer) requirements. This is done on a weekly or monthly basis depending on the volume of transactions and to ensure appropriate compliance with anti-money laundering laws.