



STATEMENT OF THE SECOND JOINT NDI/IRI PRE-ELECTION ASSESSMENT MISSION TO NIGERIA

December 9, 2022

I. INTRODUCTION

From December 4 to 9, 2022, the International Republican Institute (IRI) and the National Democratic Institute (NDI) conducted a second joint pre-election assessment mission to Nigeria as part of the Institutes' observation of Nigeria's 2023 general elections. This mission builds on the first assessment mission which visited Nigeria in July 2022 and issued a [statement](#) with recommendations to enhance the credibility of the elections. This second assessment mission reviewed changes in the electoral environment since July, assessed the status of recommendations offered by the previous delegation, and identified issues that can still be addressed between now and election day to promote an inclusive, transparent, credible, and peaceful process.

The purpose of conducting two pre-election assessment missions in Nigeria is to:

- assess the current political environment and electoral preparations;
- provide independent, impartial findings and practical recommendations to enhance the credibility of the process and citizen confidence in the elections; and
- demonstrate international support for Nigeria's democratic process and the aspirations of the Nigerian people.

The delegation included Ambassador Michelle Gavin, Senior Fellow for Africa Policy Studies at the Council on Foreign Relations; Judge Dhaya Pillay, Commissioner at the Electoral Commission of South Africa; Ellen Dingani, Programmes Director of the Zimbabwe Election Support Network; Gregory Kearns, IRI Director for Africa; and Dr. Sophia Moestrup, NDI Deputy Director for Central and West Africa.

The delegation met with an array of election stakeholders, including the Independent National Electoral Commission (INEC), the National Assembly, the National Orientation Agency, National Youth Service Corps, the National Peace Committee, National Union of Road Transport Workers, civil society, the media, security forces, diplomatic missions, presidential candidates and their campaign teams, as well as representatives of religious and socio-cultural groups. The delegation conducted its activities in accordance with the laws of Nigeria and the *Declaration of Principles for International Election Observation*, which was signed in 2005 at the United Nations. The delegation expresses its deep appreciation to everyone with whom it met for sharing their insights, from which the mission benefited greatly.

NDI and IRI are nonpartisan, nongovernmental, nonprofit organizations that support and strengthen democratic institutions and practices worldwide. Since Nigeria's 1999 transition from military to civilian democratic rule, IRI and NDI have deployed international election observation missions to all general elections in the country. The Institutes have collectively observed more than 200 elections in more than 50 countries over the last 30 years. NDI and IRI will deploy a joint international delegation to observe the 2023 presidential and National Assembly elections.

II. EXECUTIVE SUMMARY

The 2023 elections represent a pivotal moment for Nigeria's democracy. The presidential race will be an open contest as the incumbent is term-limited, and the expanded field of candidates raises the real possibility of a presidential runoff for the first time since the transition to democracy in 1999.¹ Given recent democratic backsliding in other African countries, credible and peaceful elections in the continent's largest democracy would serve as a positive model and showcase Nigerians' commitment to consolidate democratic gains since the transition.

Important electoral reforms enshrined in the Electoral Act 2022 have raised public confidence in INEC's commitment and ability to deliver democratic elections for over 90 million registered voters. The adoption of a new electoral framework in February 2022, one year before the general elections, has facilitated early planning, and the July IRI-NDI pre-election assessment noted significant improvements compared to the 2019 elections. These include earlier disbursement of funds to INEC, enabling timely procurement of election materials, as well as technological innovations to improve the transparency and credibility of the voting process, such as the Bimodal Voter Accreditation System (BVAS)² for voter accreditation and results transmission, and the INEC Result Viewing Portal (IReV).³ A surge in voter registration, especially among young people, with more than 9 million voters newly registered during the continuous voter registration period, points to a renewed interest in political participation among Nigerians.

Despite these improvements, a number of challenges remain to fully implement the new Electoral Act. A major concern affecting most parts of the country is insecurity driven by extremist and sectarian violence, banditry, the rise of separatist elements, and the proliferation of informal security forces. A worrying trend since the NDI-IRI July assessment mission is the significant increase in electoral violence, often targeting INEC facilities, election materials, opposing candidates, party supporters and women leaders. Many interlocutors with whom the delegation met expressed concerns about the continued and pervasive role of money in politics in Nigeria, and the lack of accountability for electoral offenses, including vote buying. If the 2023 elections fail to deliver on citizen expectations of credible and inclusive polls, the confidence of Nigerians in their government and elections, which is already the lowest in Africa,⁴ may further erode, and there are concerns about the potential for significant post-election violence.

¹A runoff election is required when a presidential candidate receiving the most votes does not also receive at least 25 percent of the vote in two-thirds of the states.

²The BVAS is a machine introduced by INEC to electronically accredit voters and transmit results.

³IReV is an online portal managed by INEC that allows the public to view photos of polling unit-level results.

⁴<https://news.gallup.com/poll/393953/nigerians-confidence-government-falls-lowest-africa.aspx>.

III. KEY PROGRESS AND REMAINING ISSUES

The delegation recognizes many positive developments initiated by electoral stakeholders - some of which followed the recommendations of the first IRI-NDI pre-election assessment mission in July 2022 - that have improved the conditions for democratic elections in 2023. However, the delegation also noted challenges that, if left unaddressed, could negatively impact the credibility of the polls and increase the risk of post-election violence. Some of the most significant risks to the electoral process are outside of INEC's control.

Election Administration. The Electoral Act 2022 positions Nigeria to hold its most procedurally sound elections to date, though some challenges remain.

Election Preparations - The Electoral Act stipulates that the election budget be released to INEC at least one year before elections. Interlocutors with whom the delegation met noted that INEC has received approximately 60 percent of its budget for the 2023 general elections. The early release of funds in comparison to the leadup to the 2019 elections has allowed for early commencement of procurement, domestic ballot printing, and deployment of non-sensitive materials. Procurement includes the printing of an extra set of ballots in preparation for a potential runoff election, which must occur no more than 21 days after the first round of polls. INEC is likely to sign a memorandum of understanding (MOU) with the National Union of Road Transport Workers (NURTW) next week. The MOU is expected to address the challenges experienced in 2019, such as timely payment for drivers hired to transport sensitive and non-sensitive election material, and the availability of adequate security personnel, fuel, and training. However, if fuel shortages continue to plague the country during elections, the arrival of materials could be delayed.

Election Technology - The introduction of the BVAS and IReV was hailed by interlocutors as the most important contribution to raising confidence in electoral integrity. The BVAS authenticates voters by verifying their identity through their fingerprints or facial recognition, and is used to transmit results that are uploaded to, and visible on, IReV. Though the BVAS functionality improved during the 2022 Ekiti and Osun gubernatorial elections, stakeholders continued to express concern about how the BVAS will work under the strain of a national election, with upwards of 176,000 polling units uploading election results. The delegation heard reports that some politicians were seeking to discredit the use of BVAS, as a means of sowing doubt about the credibility of the electronic voter accreditation and results transmission processes, in an effort to return to manual processes which are prone to manipulation. On the other hand, if there were to be widespread malfunction of the BVAS machines as occurred with the smart card readers in 2015, it could undermine the perceived legitimacy of the elections and spark violence. Interlocutors also expressed worry about cyber attacks intended to disrupt the voting or results transmission process.

Voter Register - INEC witnessed a surge in voter registration, particularly among young people, and extended the voter registration process from June 30, 2022, to July 31, 2022.⁵ However, INEC decided not to extend registration beyond July 31, 2022, despite calls by civil society and international observers to do so. INEC told the delegation that young people between the ages of 18 and 34 constitute 71 percent of new registrants. In line with the new Electoral Act, INEC

⁵ In November 2022, a federal high court in Abuja ruled that INEC must resume the CVR exercise until 90 days before the election; however, INEC has said it would be impossible to resume voter registration at this point.

displayed hard copies of the voter register for each ward and local government area from November 12 to 25, 2022, and published the full register on its website, to allow citizens to verify and correct their information and object to apparent errors in the registry. INEC took steps to clean the voter register, delisting 2.7 million people from the register due to problems such as double and underage registration, and stated that it will sanction INEC staff who knowingly assisted registrants with improper registrations. The processes for displaying claims, objections, and delisting voters remain opaque, however, leading to concerns about bias during voter roll cleaning.⁶ Interlocutors also highlighted that the procedures for contesting faulty registrations are too demanding and the burden of proof excessive.

Permanent Voters Card (PVC) Collection - Registered voters are required to present a PVC at their polling unit in order to vote on election day. INEC announced that PVC collection for voters newly registered in 2022 will take place from December 12, 2022, to January 22, 2023, at all INEC local government offices. INEC intends to further decentralize PVC collection to the ward level from January 6 to January 15, 2023. However, significant concerns remain about whether PVCs will be distributed in a timely fashion. There are also questions about INEC's ability to replace destroyed or stolen PVCs quickly given the recent attacks and flooding.

Distribution of Voters to Polling Units - INEC has increased the number of polling units from 119,973 in 2019 to 176,846 for the 2023 polls. During the Ekiti and Osun elections, Yiaga Africa and other citizen observers noted an imbalance in the distribution of voters across old and new polling units. Analysis conducted by Kimpact Development Initiative (KDI) determined that polling units in Osun with severe overcrowding experienced lower voter turnout. INEC is now in the process of redistributing voters more evenly across polling units, either in the same location or within a maximum distance of 250 meters from the original location. This redistribution raises questions about the ability of INEC to inform voters of their new polling unit locations ahead of the elections.

Frameworks for Inclusion - Nigeria has about 25 million citizens with at least one form of disability. To enhance the participation of persons with disabilities in the 2023 elections, INEC reiterated its plans to train ad hoc staff on the use of assistive materials, which civil society noted as an issue in previous elections. In response to advocacy by Access Nigeria, INEC adopted a policy requiring that five percent of ad hoc staff be persons with disabilities. Although Inclusive Friends Association (IFA) has shared data on the distribution of voters with disabilities in 12 states with INEC, stakeholders continued to express concerns about the availability of assistive materials, including magnifying glasses and Braille ballot guides, at all polling units where voters with disabilities are registered. Many polling units remain inaccessible for persons with disabilities, hindering their ability to vote independently on election day, and INEC is yet to release a more detailed plan for the inclusion of voters with disabilities.

In September INEC published a framework for the inclusion of internally displaced persons (IDPs) in the electoral process, but it was not followed by a detailed plan, and stakeholders noted to the delegation that it is unclear how IDPs will vote. INEC committed to conduct surveys of internally displaced persons, but only in formal camps. Nigeria has at least 3.2 million IDPs, and at least six states with more than 100,000 IDPs, not counting an additional 1.4 million people displaced by

⁶ INEC report *Completed, Valid, and Invalid Registration 28th June 2021 - July 31st 2022*.

recent flooding. Interlocutors noted during the pre-election assessment mission that the surveys INEC pledged to conduct have not yet been completed. While INEC indicated that registration areas have been created for each camp, it is unclear whether internally displaced persons will have the PVCs enabling them to vote for the presidency in those locations. There are also concerns about political parties attempting to improperly influence the outcome of the election in IDP camps through either vote buying or voter suppression. In closely contested polls like those expected in 2023, protecting the votes of IDPs will be important to the legitimacy of the elections.

Insecurity, Electoral Violence and Voter Suppression. The delegation notes consensus among stakeholders that insecurity is the primary risk factor for the 2023 elections. Nigeria is facing record levels of insecurity in 2022 and conflict has become more geographically widespread and more complex. Increasing banditry and attacks by Boko Haram and Islamic State West Africa Province (ISWAP) in the North East and North West threaten to undermine logistics and strain capacity to secure elections. Continuing conflict between herder militias and farming communities drives displacement and exacerbates sectarian tensions in states that are likely to be key electoral battlegrounds. Secessionist agitation by Indigenous People of Biafra (IPOB)/Eastern Security Network (ESN) in the South East threatens to depress voter turnout. If the election is perceived to be illegitimate, the group could gain significant traction, and potentially become directly involved in post-election violence. The proliferation of informal security elements - such as Amotekun in the South West and Ebube Agu in the South East - further complicates security and increases opportunities for election violence and malfeasance.

In addition to attacks by various violent armed groups, election related violence in Nigeria has increased significantly over the past year. In 2022, the country experienced more than twice the level of election violence experienced during the same period prior to the 2019 elections. Despite most presidential candidates signing the first peace accord facilitated by the National Peace Committee on September 29, 2022, since then there have been at least 50 reported incidents of electoral violence, occurring across 40 local government areas in 24 states.

Attacks on INEC offices occurred in at least four states since the signing of the peace pledge — including an attack on an INEC office in Imo during the delegation’s presence in the country. While INEC indicated that materials destroyed in these recent attacks could be replaced, they noted that it would be much more difficult to replace materials if such attacks continue nearer to election day. Many incidents of election violence witnessed since the signing of the peace accord were egregious, public displays of partisan violence carried out by supporters and operatives of major political parties. The delegation heard widespread concern about the potential for strategic violence to be employed on election day to suppress the vote in strongholds of opposing parties.

Violence against politically active women is similarly a major concern, affecting women’s participation in the electoral process. The Labour Party’s Women Leader in Kaduna was killed on November 28, 2022. Stakeholders noted to the delegation that the few women candidates running, regardless of affiliation, have faced threats, direct assault, and destruction of campaign posters and property.

In November 2022, Inspector-General of Police Usman Baba said the police received reports of state governors using “thugs” and informal security outfits to disrupt campaign activities of opposing parties, and called on governors to remain neutral throughout the electoral process. The

delegation also heard reports of permits for rallies and access to billboards and advertising being denied by state governments of opposing parties. On a positive note, security officials have committed to removing police commissioners in states where their actions are influenced by political bias or corruption, and the delegation was informed that two police commissioners were recently removed for these reasons.

The increase in politically motivated violence has sparked fears that a violent campaign period could be a precursor to significant post-election violence, should the electoral process not be viewed as credible or if losing parties do not accept the outcome. A peace accord planned for the week leading up to the presidential election similar to those signed in 2015 and 2019 would commit the signatories to peacefully accepting the outcome of credible polls. However, the peace pledges risk becoming empty promises unless backed by credible sanctions against instigators of violence.

In this highly polarized context, the conduct of a parallel vote tabulation (PVT) by Yiaga Africa to independently verify the official results, and the deployment of other citizen election observation efforts will contribute to building confidence in the outcome of the elections.

Vote Buying and Other Electoral Offenses. Interlocutors with whom the delegation met continued to raise concerns about vote buying. Stiff penalties for electoral offenses in the Electoral Act 2022 are rarely enforced, with very few reported arrests and charges. Stakeholders noted that the division of responsibilities for identifying, investigating and prosecuting crimes like vote buying between INEC and the police is impractical and often poorly understood. The delegation heard that political parties have already started to buy PVCs in an effort to suppress votes or change outcomes of the election in certain areas. In October 2022, police arrested a perpetrator who had 367 PVCs in his possession in Kano and another who had 101 PVCs in Sokoto.

The Inter-Agency Consultative Committee on Electoral Security (ICCES) has continued to coordinate all agencies involved in providing security during elections. Recently, INEC expanded membership in ICCES to include the Independent Corrupt Practices and Other Related Offences Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC); however, the delegation heard from stakeholders that the roles of the ICPC and EFCC on the committee are not clearly defined. In addition, a National Electoral Offences Commission Bill passed a second reading in the House of Representatives. This bill would establish an Electoral Offences Commission and Electoral Offences Tribunal to investigate and prosecute electoral offenses. Stakeholders are hopeful that the law will be passed before the Christmas recess; however, with less than three months remaining before election day, it appears unlikely that the law can be implemented and enforced during the 2023 elections.

Electoral Disputes. The Electoral Act 2022 improves the timelines for pre-election litigations resulting from the primaries. However, stakeholders noted to the delegation that there are currently about 650 cases pending in which INEC is a party. There continues to be a concern about inconsistent rulings and the exposure of judges to pressure by politicians who “shop for verdicts”, which stirs doubt in the electoral process and heightens intra- and inter-party tensions. In many constituencies, citizens will not know the candidates running until a few weeks before election day due to pending cases concerning candidate nominations. On November 7, 2022 the Chief Justice of Nigeria inaugurated more than 300 judges serving on election petition tribunals, and the judges and their staff have already been trained on the electoral procedures and the Judicial Electoral

Manual, which was updated recently to comply with the new Electoral Act. However, there are still concerns about inadequate funding for the election tribunals, which could make judges more susceptible to bribery.

Campaign Finance. Election campaigns in Nigeria are often characterized by leading parties spending substantial amounts of money and resources for their campaigns. In an effort to curb undue monetization of the electoral process and level the playing field, the Electoral Act 2022 mandates that political parties submit their financial reports to INEC at specified intervals. However, compliance with these provisions continues to be ignored by parties and not enforced by INEC.

Voter Education. Voter education started earlier than in the leadup to the 2019 elections due to the early release of funding to INEC and the timely availability of updated electoral guidelines. Voter education is crucial for the 2023 elections, in part because the BVAS and IReV will be new to most Nigerians. Civil society is playing a critical role in educating voters, supplementing the efforts by the National Orientation Agency (NOA), the organization tasked with voter education as its mandate. NOA is focusing in particular on countering vote buying and raising awareness of mis- and disinformation. Candidate debates organized by media and civil society are unique opportunities for voters to hear about and compare party and candidate platforms. However, not all political parties are participating in debates, hampering their ability to share their platforms with voters in a setting that prioritizes constructive dialogue on issues that Nigerians care about.

Candidacies of Women, Youth and People with Disabilities. Although Nigeria has witnessed a surge in registration of young people, there are still significant barriers for young people and other traditionally marginalized groups to participate in the electoral process as candidates. The overall percentage of women running for elections has declined from 13 percent in 2019 to 8.9 percent in 2023. A disappointing development for Africa's largest democracy, these percentages fall far below the requirement of 35 percent representation for women across all government positions included in Nigeria's National Gender Policy. Youth candidacy has also decreased, from 34 percent in 2019 to 28 percent in 2023. The delegation heard that there are only 31 candidates with disabilities contesting in the elections. There are still significant financial barriers that prevent or limit the participation of candidates who identify as marginalized groups.

Information Environment. Media stakeholders raised concerns about access to the leading candidates and their lack of participation in national debates and other forums for communicating directly with the people. An example of this emerged during the assessment when a leading candidate was absent from the first presidential townhall meeting hosted by Arise TV in partnership with civil society on December 4, 2022. Media practitioners noted instances of intimidation by politicians during their coverage of the campaigns. Politicians have used the media to spread disinformation, sow doubt in the electoral process and exacerbate underlying cultural and ethnic tensions. The delegation also heard that fines have been unevenly levied by the National Broadcasting Commission, often targeting cases where the ruling party was unfavorably portrayed in the media.

IV. NEW AND CONTINUED RECOMMENDATIONS

Two and a half months remain before the elections, interventions to enhance the integrity of the electoral process should be strategic and timely. The delegation is confident that many of the above-mentioned challenges can be addressed in this time frame through coordinated efforts by key stakeholders. Some of the recommendations identified by the NDI and IRI delegation that visited Nigeria in July 2022 have been addressed by the relevant stakeholders. However, several others remain relevant during this final period before election day and are reiterated below, alongside new recommendations offered by the delegation to address new and emerging issues.

Recommendations for the Federal Governments of Nigeria:

1. The Government should complete the disbursement of funds to INEC and the election petition tribunals so they can fulfill their legal responsibilities.
2. The Government should continue messaging to governors and security forces that they must remain impartial throughout the electoral process and provide for a level playing field.

Recommendations for the Independent National Electoral Commission:

3. INEC should clarify how underage voters, double registrations and any other criteria that would result in a voter being removed from the voter roll will be handled. This will increase electoral confidence should large numbers of voters end up being purged from the register.
4. INEC should ensure all voters know the location of their polling unit, particularly those reassigned to polling units different from where they have voted in the past.
5. INEC should publish information on how many citizens claimed their PVCs for each polling unit, to provide an accurate count of the number of voters who could cast votes on election day, as that number will be used to estimate turnout.
6. INEC should conduct national stress tests of the BVAS machines and the IReV system to ensure they are prepared to function effectively on election day across more than 176,000 polling units.
7. INEC should fulfill its responsibility to prosecute violators of the Electoral Act 2022 and increase public communication about its intolerance of electoral offenses.
8. INEC should complete surveys of internally displaced persons camps in all states, and provide clear guidelines on the process by which IDPs, including those not living in IDP camps, will vote in the election.

Recommendations for Political Parties:

9. Candidates and political parties should adhere to the principles in the peace pledges facilitated by the National Peace Committee ahead of the elections, and refrain from engaging in, or encouraging violence against electoral opponents. Political parties should also sign a second peace pledge to renew their commitment to peaceful elections and to sanctioning supporters who commit electoral offenses.
10. All presidential candidates should commit publicly to accept results of credible elections.
11. Grievances arising before, during and after the elections should be channeled through the appropriate legal processes.
12. Parties should desist from vote-buying, voter suppression, hate speech, and ethnic polarization.
13. Political parties should support their women and youth candidates in particular by providing equitable material and financial resources to their campaigns.

Recommendations for Security Forces:

14. Security forces should proactively identify wards at high risk of strategic election violence and focus their resources on these areas.
15. Security forces should arrest perpetrators of electoral offenses, such as vote buying, and seriously investigate attacks on INEC offices.
16. Security forces should ensure effective protection of members of the National Youth Service Corps who act as ad hoc INEC staff on election day, and National Union of Road Transport Workers assigned to transport election materials.

Recommendations for Civil Society:

17. Civil society should educate voters about the Electoral Act 2022 and associated guidelines, new technologies, electoral offenses, and how vote buying compromises the integrity of elections.
18. Civil society should hold responsible persons accountable for ensuring peaceful, transparent and credible elections.

Recommendations for the Media:

19. The media should report impartially, verify information before it is reported, and proactively counter misleading or false narratives around the electoral process or political campaigns.
20. The media should grant fair access to all political parties to air their campaign messages.
21. The media should prioritize inclusive media coverage, featuring the voices of women, young people, persons with disabilities and internally displaced persons as candidates and voters.

Recommendations for the International Community:

22. The various international election observation missions should coordinate with one another to ensure wide coverage on election day, including those regions of the country where concerns about voter suppression and electoral legitimacy are most acute.
23. The international community should consider employing targeted sanctions against government and party officials who orchestrate, tolerate, or encourage electoral violence.

The delegation extends its gratitude once more to the many Nigerians who generously gave their time to inform its efforts. The delegation hopes that the findings and recommendations shared in this statement are strongly considered in the remaining weeks ahead of the February 2023 elections. IRI and NDI will continue to monitor the electoral process and will organize an international election observation mission in February. The Institutes look forward to engaging with stakeholders again at that time.

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