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**AFRICAN UNION ELECTION OBSERVATION MISSION TO THE
25 FEBRUARY 2023 PRESIDENTIAL AND NATIONAL ASSEMBLY
ELECTIONS IN THE FEDERAL REPUBLIC OF NIGERIA**

PRELIMINARY STATEMENT

ABUJA, 27 FEBRUARY 2023

I. INTRODUCTION

1. The people of the Federal Republic of Nigeria went to the polls on 25 February 2023 to elect their President and Members of the National Assembly. This was the seventh successive general elections since the return to multiparty democracy in 1999.
2. The Chairperson of the African Union Commission deployed an Election Observation Mission led by His Excellency Uhuru Muigai Kenyatta, former President of the Republic of Kenya. The Short-Term Observation Mission comprised ninety (90) observers drawn from thirty-two (32) AU Member States¹ and was supported by a five-member Expert Team. This Mission was preceded by a Special Pre-election Political Mission that took place in December 2022.
3. The main objective of the Mission is to promote peaceful, democratic and credible elections in Nigeria through an independent and impartial assessment of the electoral process in line with the 2007 African Charter on Democracy, Elections and Governance; the 2012 OAU/AU Declaration of Principles Governing Democratic Elections in Africa and Agenda 2063.
4. The Mission engaged with key stakeholders including the Independent National Electoral Commission (INEC), the Chief Justice, security agencies, the National Peace Committee, presidential candidates, the African Group of Ambassadors accredited to Nigeria, international election observation missions, civil society organisations, the media, among others.
5. Through this preliminary statement, the Mission offers a summary of its key findings and recommendations on the electoral process up to the closing and counting of the polls. The statement is issued while the collation of election results is still ongoing. The Mission will continue to closely follow the electoral process and provide a detailed final report at a later stage.

II. PRELIMINARY FINDINGS

Context of the Elections

6. The 25 February 2023 elections offered Nigeria an opportunity to consolidate its democracy, peace and stability at the end of incumbent President Muhammadu Buhari's second and final term of office.
7. The electoral environment was generally peaceful despite isolated incidents of violence. The polls also took place against the backdrop of a cash crisis following the redesigning of the Naira currency. While a range of stakeholders acknowledged the positive spirit of the policy of Naira redesign, the Mission noted that the timing of its implementation impacted on the economy as well as the logistical operations of INEC, the campaign process, the conduct of election observation, among others.
8. Significant progressive reforms were a key feature of the 2023 general elections. Some of the reforms were as a result of recommendations made in previous AU observation missions. The Mission commends Nigeria's continuous commitment to consolidating its democratic governance.

¹ Benin, Botswana, Cameroon, Congo, Comoros, Cote d'Ivoire, CAR, Chad, Ethiopia, Eritrea, Gambia, Guinea Bissau, Kenya, Liberia, Libya, Mauritania, Morocco, Sahrawi Republic, South Africa, Senegal, Seychelles, Sierra Leone, Tanzania, Togo, Tunisia, Uganda, Niger, Somalia, Eritrea, Zambia and Zimbabwe.

III. LEGAL FRAMEWORK

9. Among the key reforms in the Electoral Act, 2022 include the conduct of early primaries by political parties, technological innovations such as the use of the Bimodal Voter Accreditation System (BVAS), the INEC Results Viewing Portal (IREV), timely disbursement of funds to INEC and the power by INEC to review results. Other reforms included enhanced inclusion of special categories of the electorate which encouraged fair political competition and accountability in the electoral process. The Mission commends these positive developments which are aligned with Nigeria's international, continental and regional obligations.

IV. ELECTORAL SYSTEM AND INCLUSIVE PARTICIPATION

10. The Mission commends INEC on the progressive measures taken to promote greater participation in the electoral process, including giving priority to the elderly, People with Disabilities, and other marginalised groups. The 2022 Electoral Act, for example, introduced a magnifying lens for the visually impaired, braille ballots for the blind, and specially designed posters describing the voting process for the deaf.
11. The Mission further notes that Sections 15 and 42 of the Nigerian Constitution guarantee equal rights for men and women in political, social and economic life. However, the First Past-the-Post electoral system does not seem to encourage affirmative action for women, youth and People with Disabilities. There was a notably very low number of candidates from these categories. For instance, there was only one female candidate at the presidential level. Only 8.4% and 9.2% of candidates were female for the Senatorial and House of Representatives levels, respectively.
12. In a different vein, the Mission notes that there are no legal provisions to allow for special voting for INEC staff and security personnel deployed to work away from their respective registered polling unit on election day. This leaves over one million people disenfranchised.

V. VOTER REGISTRATION

13. INEC registered 93,469,008 voters of which 47.5% were women. This marked an 11.3% increase from the 84,004,084 voters recorded in the 2019 general elections. The Mission applauds INEC's decentralisation strategy for Permanent Voter Card (PVC) collection to the 8,809 Registration Areas/Wards. This special measure increased the PVC collection rate compared to 2019.

VI. ELECTION CAMPAIGNS

14. The Mission noted that political parties contesting the general elections committed to a peaceful electoral process through signing peace accords. The campaign period was generally peaceful, albeit with incidents of violence reported.

VII. MEDIA ENVIRONMENT

15. The Mission noted that media played a key role in disseminating information aimed at promoting meaningful participation during elections. Both public and private media outlets enjoyed relative confidence and trust of stakeholders during the electoral period.
16. Social media platforms were extensively used for campaigning. The Mission, however, noted with concern the extent of disinformation, misinformation, fake news and hate speech mainly conveyed via social media platforms.

VIII. SECURITY ENVIRONMENT

17. The elections took place amidst general insecurity in the Northwest, Northeast, Southeast, and South-South geopolitical zones. The Mission noted that security issues presented a challenge to the conduct of the elections, as noted with the attack on INEC offices, personnel and material before the elections.
18. The Nigerian Police Force reported that it had mobilised about 310,973 personnel to provide security during the elections. The Mission took note of the complementary deployment of the Nigerian military and para-military across the Federation to avert threats of violence that could impact the peaceful conduct of elections.

IX. ROLE OF CIVIL SOCIETY AND ELECTION OBSERVERS

19. The Mission commends the active role played by Civil Society, including women and youth organisations, in championing advocacy for electoral reform, civic and voter education, peace initiatives and election observation.
20. INEC accredited 196 citizen observer groups and 33 international organisations that collectively played a significant role in safeguarding the integrity of the electoral process. The Mission commends INEC for accrediting the largest contingent of election observers in the 2023 elections since Nigeria's return to multiparty democracy.

X. ELECTION DAY OBSERVATION

21. The Mission deployed 32 teams of observers in 17 States² covering all six (6) geopolitical zones. The observers visited a total of 438 polling units to observe the opening, voting, closing and counting procedures in urban and rural areas. In 95% of polling units visited, the atmosphere was generally calm and peaceful, except for isolated incidents of violence in Kano, Lagos, Delta, Abuja, and Cross river. The Mission notes the positive measures undertaken by INEC to reschedule polls to 26 February 2023 in specific areas where voting could not take place due to insecurity or logistical reasons.

Opening of polling

22. 83% of the polling units visited opened late. The average delay was over an hour; in some cases they opened as late as 11:00am. This was largely due to the late arrival of polling officials and materials as well as slow set up of the polling units.

² Abuja-FCT, Adamawa, Anambra, Cross River, Delta, Enugu, Gombe, Kaduna, Kano, Kwara, Lagos, Nasarawa, Niger, Ogun, Ondo, Osun and Oyo

Accessibility

23. While most of the polling units were generally accessible to voters, in 16% of the units, there were difficulties in accessibility for people with disabilities, particularly those facing mobility challenges.

Transparency of the Process

24. Voting and counting took place in an open and transparent atmosphere in the presence of observers, party agents and media.

Voting Process

25. Election procedures designate 8:30am to 2:30pm as the voting time. Six hours do not provide sufficient voting timeframe considering the huge voter population in Nigeria, the largest democracy in Africa. In many cases witnessed by the AU observers, voting time was extended several hours beyond the 2:30pm official closing time due to a significantly large number of voters in the queue.
26. The Mission noted that voting proceeded uninterrupted throughout the day in most polling units observed, except in a few cases in Abuja, Kano and Lagos. There were well-controlled queues at 81% of the polling units visited.
27. The Mission noted an unbalanced allocation of voters per polling unit. While INEC had capped 750 as a ceiling of voters per polling unit, the allocation of voters ranged from one³ (1), sixteen (16)⁴ to three-thousand (3,000)⁵ in some polling units. This had several implications on the process, including straining some polling staff who had to manage large numbers of voters. Furthermore, this disparity of voter allocation affects optimal utilisation of INEC resources particularly in polling units with minimal voters.
28. The Mission commends the innovation of using BVAS technology to accredit voters. This enhanced the credibility of the process. In 94% of the polling units visited, the BVAS functioned successfully. In some cases, the Mission observed that the process was delayed due to the limited number of BVAS compared to the large number of voters allocated to a polling unit which created frustrations among the voters who had to wait longer in the queues.

Closing and Counting

29. Most polling units observed did not close on time (2:30pm). The mission noted that voters in the queue at the closing time were allowed to cast their vote. Counting took place in an open and transparent environment.
30. The AU observers noted that some voters had cast their ballot in the wrong ballot box. This could be attributed to the mismatch between the colour marking of ballot boxes and the colour of the ballot papers.

Polling personnel

³ 3.Murtala Nyako Estate, Aso Hill Berger Camp, FCT,

⁴ Ogwa Ogbawe II, Asaba, Delta.

⁵ Phase IV Junction, FCT

31. Polling staff were generally competent in carrying out their duties and demonstrated a sense of commitment, except in few cases where some polling officers did not know how to effectively use the BVAS machine. In other cases, they were slow in operationalising the opening of polls. The Mission commends INEC for deploying women and youth as polling officials.

XI. CONCLUSION AND PRELIMINARY RECOMMENDATIONS

32. The 25 February 2023 election was crucial in consolidating democracy, peace and stability in Nigeria. The commitment by the incumbent President to respect the term-limits and support a peaceful and democratic political transition is laudable as it contributes to the entrenchment of constitutionalism and democratic governance.
33. The Mission noted that despite the challenging economic, operational and security environment, the elections were generally well-administered in a transparent and peaceful atmosphere. Amidst significant challenges posed by the cash crisis and the volatile security context in some areas, while the Mission noted a generally low voter turnout in polling units visited, the people of Nigeria demonstrated resilience in exercising their democratic right to elect leaders of their choice.
34. As the country awaits the announcement of results by INEC, the Mission urges all stakeholders to remain committed to the rule of law and democratic principles until the conclusion of the process. The Mission further encourages any aggrieved party to use legally established channels to seek recourse.
35. **The Mission further proffers the following preliminary recommendations for consideration in improving future electoral processes:**

To the Government of the Federal Republic of Nigeria:

- Uphold peace and the rule of law throughout the electoral process;
- Explore the implications of the timing of policy implementation of the Naira redesign on the electoral process in order to adopt corrective measures in future; and
- Through a multi-stakeholder approach, consider measures for affirmative action in the electoral system for women, people with disabilities and youth. Such measures could include consideration for special seats through a quota system, among others.

To the Independent National Electoral Commission (INEC):

- Review the electoral logistics operations strategy to ensure timely deployment of electoral material and personnel and sufficient capacity building;
- Review voting time with a view to increasing it beyond the currently designated six hours (8:30 am to 2:30 pm). It is anticipated that such an amendment will encourage greater participation;
- Consider necessary measures to allow for voting for election officials and essential workers that may be on duty during the polling days;
- Review the allocation of voters per polling unit as a way to ensure that it is equitable;
- Consider a more user-friendly way to help voters to identify their respective polling units;
- Regulate the number of BVAS machines deployed at each polling unit to match the allocation of voters per unit;
- Strengthen measures to enhance accessibility to polling units, especially for people that require special assistance;

- Sustain efforts to regularly communicate with stakeholders throughout the electoral process; and
- Review the colour marking of ballot papers to ensure that they are consistent with the colour marking of the ballot boxes to minimise confusion of voters.

Issued in Abuja on 27 February 2023

For the Mission

**His Excellency Uhuru Muigai Kenyatta
Head of Mission**