



## Civil Society Organisations Kick Against Gags in Media Bills pg 3

## ECES Study on e-voting Provides Vistas for Nigeria pg 5

### INTERVIEW

## EU-SDGN Project a Milestone for PWDs in Nigeria pg 8





## EDITOR'S NOTE.

**T**he role of the media in the sustenance of democratic governance was underscored by the House Committee on Information, Ethics, National Orientation and Values recently when it organized a public hearing on bills for the amendment of four-media related legislation in June 16 and 17, 2021.

The bills were for the amendment of the National Broadcasting Commission, NBC and other related bills.

The 2-Day public hearing was a walk-over for the Institute for Media and Society, IMS, which had already worked ahead on the subject through the submission in May of a stakeholders' agreed memoranda on the amendment of the NBC Act to the Information Committee of the House of Representatives at the National Assembly, NASS. The presentation by the organization drew resounding applause that the

House Committee Chairman, Olusegun Odebunmi had to hit his gavel many times to remind the audience of an earlier directive not to clap at sittings in the NASS.

You will find a detailed report on pages 3 and 4 for your delight. Of course, the presentation of other organisations present at the august occasion are included for insights.

Still on IMS, the organization organized workshops for broadcasters across the country, on electoral and broader governance programming meant to enhance media capacity to enlighten the citizens and assure they participate actively in the electoral and broader governance processes. The story is on page 5.

The European Centre for Electoral Support, ECES, undertook a timely study on e-voting and e-transmission of election results, which is still being debated in the country, as both chambers of the National Assembly plan to meet and harmonise their positions on the bill to amend the Electoral Act. ECES complements the groundbreaking study with a comparison of cases from four countries with similar demography, political aspirations and technological advancement. We x-rayed the relevant part of the compelling study for your

information on pages 11 and 12.

The interview with Mr Jake Epelle, Executive Director and founder of Albino Foundation, one of the implementing partners of the EU-SDGN project in Nigeria, is a must read. He is frank and realistic on his analyses of challenges and prospects for People with Disabilities, PWDs and the pivotal role of the EU project as a game changer on the fortunes of PWDs in Nigeria. You will find it on pages 8 and 9.

The photo pages, as usual, captures a potpourri of images of events held by a cross section of the EU-SDGN implementing partners. Happy reading.

Please send your comments to [Media4DemocracyNG@imesoimeso.org](mailto:Media4DemocracyNG@imesoimeso.org)



### Editorial Team

Amos Esele  
**Editor**

Shade Wesley-Metibogun  
**Editorial Assistant**

Adedayo Odulaja  
Olusegun Samuel  
Olaniyi Olaniyan  
**Contributors**

# Civil Societies Kick Against Gags in Media Bills



Hon. Olusegun Odegburni, Middle, Chairman of House Committee on Information and National Orientation, Ethics and Values and other members at the 2-day public hearing on amendment of the NBC Act and four other bills in Abuja.

A group of civil society organisations recently kicked against gags in media bills at a scheduled public hearing organised by the House of Representatives Committee on Information, National Orientation, Ethics and Values in June 16 and 17, 2021.

The bills included:

A bill for an act to amend the NBC Act and a bill to amend the National Press Council

The civil society groups rejected the bill on the National Press Council Act and called for amendment of some sections of the NBC Act in line with international best practices.

In attendance at the two-day hearing were teams from the IMS, relevant media stakeholders, academia, media industry groups, government media agencies and the Minister of Information and Culture, Alhaji Lai Mohammed.

In his remark on the formal opening of the two-day public hearing, the chairman of the committee, Hon. Olusegun Odegburni outlined the importance of the legislative arm of government in the governance of the country and in law making.

According to him; “there are different stages of legislative process in law making. One of the most important of these is the public hearing, which involves collection of the views of members of the public for the purpose of including their views into the decision to be taken on a particular law in the making, while understanding the fact that democracy is about the people and laws are made for the people”.

Earlier, the Speaker, House of Representatives, Hon Femi Gbajabiamila, represented by the House

Deputy Leader, Hon. Peter Akpatason, said the public hearing was to afford Nigerians, especially, the stakeholders, the chance to review and contribute to the bills before the National Assembly.

The Speaker noted that public hearings were an important part of the law making process and that if the bills become laws they would affect media contents, advertising and other aspects of the media. He said the bills, if passed into law, should be of the best interest of Nigerians.

Two of the five proposed legislation that sought to amend the National Broadcasting Act and the Nigeria Press Council Act drew the attention of stakeholders.

In his submission, the Minister of Information and Culture, Lai Mohammed, pointed out the need to regulate the social media in the country.

Mohammed sought from the lawmakers, full regulatory powers to the executive arm of government over Internet broadcasting and all online media outfits. He declared that the country's laws must not be slavish to international legislation in view of the need to protect peculiar situations in Nigeria.

The Minister was also opposed to the section in the bill which sought to compel the NBC to pay all monies accruing to it into the federation's account in accordance with section 162 of the Constitution.

He said; “We have a problem with this because it is not in line with the thinking of the Executive. Very soon, the NBC will exit the number of parastatals whose salaries are paid by the federal government. In other words, the NBC would need to be paying its own salaries, pay for its overheads and operations.”

On the power to grant licence, he said: “The spectrums do not belong to licensees, but to the federal government and can use it either for broadcasting, telecom or any other thing. The impression is given that those enjoying it today can do so forever. The federal government can decide whom to give the spectrum to. We must be careful not to

give spectrum permanently to foreign companies who may decide to do whatever they please with it.

Ahead of the public hearing, IMS submitted copies of a 52-page memorandum to the House Committee. IMS's primary focus was on the amendment of the NBC Act.

In his presentation, the Executive Director, Institute for Media and Society, Dr Akin Akinghulu said the memorandum was the product of consultations with various broadcast media stakeholders in the country.

He told the public hearing that after consultations that started in 2018, the stakeholders came up with recommendations. These are:

1. Section 2(1)(b) should provide for the Commission the power to approve licences without reference to other government organs, while section 2(1)(c) should be removed.

2. In section 3, the Board members should be properly designated as Commissioners; representatives of the State Security Service and the Ministry of Information should be excluded from membership of the Board; members of the Board should be appointed by the President upon consultation with the groups that they represent and confirmation by the National Assembly; the appointment dates of the board members should be staggered; the membership should include women, youth and persons with disability; and ineligibility criteria for membership should be specified.

*Cont. on page 4*



### Cont. from page 3

3. In section 4, the law should provide a five-year term renewable for only one further term for the Board members; specify conditions for possible removal of members; outline a removal process which includes fair hearing and the participation of the board, the Presidency and the National Assembly.

4. The provision in the First Schedule of the Act which allows the participation of ineligible persons in the Board's proceedings, should be removed.

5. On the appointment of Director

that could warrant licence denial; ensure transparency and full independence of the regulator if taking decision on revocation of licence; review the template of application form for licence, and create space for appeal of regulatory decisions.

9. The inclusion of the following among categories of broadcasting services licences will be injurious to the civic space, freedom of expression and media freedom in Nigeria: "IPTV, IP Radio, EPG, Online News Related Services, Internet Broadcasting (webcast), Over-the Top Television (OTT), and any other class of licences as may be determined by the Commission". They should be removed.

10. Exercising regulatory power of sanctions over a licensee up to three (3) times during a 5-year period should not be enough ground to refuse licence renewal. Hence, the new Section 13A(2)(b) in the bill should be removed. The

penalty for failure to make licence renewal application six months to licence expiration is too harsh, hence Section 13A (4) of the Bill should be reviewed. Why require the return of expired licence? It is unnecessary. Hence, Section 13B of the Bill should be removed.

11. Section 14 should be amended to provide that government appropriation to the NBC should be through the first line charge.

12. Section 15 should be amended to provide that the collection of radio and TV licence fees could be outsourced by the Commission; and the proceeds should be distributed to NBC, broadcasters in the public, private/commercial and community sub-sectors and other players which have emerged in the digital transition period. Additionally, section 1(b) of the Fourth Schedule of the Constitution should be amended to removed the hands of local governments from the collection of the fees.

13. The provision on Digital Access Fund (DAF) in the Bill should be reviewed as follows: a) The membership of the Board of Trustees should include representatives of industry groups such as BON, NUJ, RATTAWU, etc. and marginalised groups such as women, youth and people with disability (PWDs) b) The

sharing formula for the proceeds of DAF should be removed and left for administration – level handling to be done by the NBC, working with the DAF Board and industry stakeholders. 14. The participation of the National Assembly should be prioritised in the borrowing arrangements articulated in Section 18 as well as in the budgeting process provided for in section 19.

15. Where the possibility of concurrent jurisdiction between NBC and other agencies is created, the law should provide for cooperation mechanisms. Hence Section 19A and 19C of the Bill should articulate such mechanisms between NBC and Federal Competition and Consumer Protection Commission.

16. Informing the public of plan to conduct public inquiry by NBC should be done through media that have extensive nationwide reach. Hence, Section 19E (4) of the bill should be reviewed to include the publishing of notice of public inquiries through such media as newspapers, radio and television with national circulation and coverage.

17. In addition to annual reports provided for in Section 20 of the Act, the Commission should prepare periodic reports, submit to the Presidency and National Assembly, and disseminate to the public. 18. The provision in Section 23 that gives room for the Minister to participate in the making of regulations by the Commission is a tool of political interference. It should be removed.

The Director of International Press Centre, IPC, Mr. Lanre Arogundade, in his presentation on behalf of the International Press Centre (IPC) and the Centre for Media Law and Advocacy, decried the prevailing situation whereby the NBC not only operates as an island, but has a boss who decides what constitutes an offence, decides on the nature of punishment and goes ahead to apply the sanctions, which includes shutdown of broadcast stations.

Arogundade argued that it was incumbent on the lawmakers to provide for the right of appeal to the Board of NBC where sanctions are applicable.

On its part, the Nigeria Press Organisation, (NPO), comprising the Nigerian Guild of Editors (NGE), the Newspaper Proprietors Association of Nigeria (NPAN) and Nigeria Union of Journalists (NUJ), opposed the amendment of the NPC Act on grounds that it amounts to sub-judice to deliberate on the issue pending before the Supreme Court since 1999.

Other Stakeholders also presented memorandum on the NBC Act amendment, and they include: RATTAWU, Sani Zorro, a former NUJ President, among others.



Executive Director of IMS, Dr Akin Akingbulu, making his presentation at a 2-day public hearing on amendment of the NBC Act and four other bills organised by the House Committee on Information and National Orientation, Ethics and Values in Abuja.

General, Section 5 should be amended to provide that: the DG shall be appointed by the President upon consultation with broadcasting industry stakeholder groups and confirmation by the National Assembly; his/her tenure shall be five years renewable for one further term; ineligibility criteria for the office should be specified; the process of removal from office should involve the president, the Board and the National Assembly and include fair hearing.

6. The power to give directives to the Commission, vested in the Minister of Information in Section 6 should be removed and replaced with powers which include policy formulation for the broadcasting sector; the negotiation of international agreements, notifying the commission of the policy direction of government and ensuring that the independence of the Commission is protected at all times.

7. Section 7 should be strengthened by providing for review of the remunerations and allowance payable to the staff of the Commission.

8. Some new provisions should be added to existing ones in Section 9 which deals with the commission's power on granting of licences. These are that: the Commission should periodically publish its licensing process; provide regular feedback to licence applicants; specify situations

# IMS Organises W/Shops on Electoral and Broader Governance Programming

The Institute for Media and Society (IMS) on June 21 and 22, and on August 2 and 3 organised a two-day training workshop, respectively in Akure, Ondo State and in Jos, Plateau State, under the Support to Media component of the EU-SDGN Project as a follow-up to earlier efforts at media engagements targeted towards providing fair, accurate and ethical coverage of the electoral and wider governance issues in Nigeria.

The activities brought together senior journalists and broadcasters (programmes/news and current affairs) of television and radio stations across the southern and northern states of Nigeria to share their experiences and also acquired additional skills in deepening and diversifying the delivery of civic and voter education, which was considered an important priority of the media within the framework of the electoral and broader governance processes.

In his welcome address at the opening of the workshop titled: Electoral and Broader Governance Programming in Akure, the Executive Director of IMS, Dr. Akin Akingbulu noted that, as democracy continued to grow, it was imperative that skills in the media should be updated, so that professionals will be on top of the delivery of their expected roles in the democratic governance process. He noted that the rich engagement of female broadcast media professionals in the training activity was a deliberate effort to create bigger space of participation for the marginalised and underserved groups, such as women, to enhance their improved participation in the electoral and broader governance processes.

He commended the Nigerian Association of Women Journalists, NAWOJ, for their participation and for their vision and commitment towards

public awareness on the participation of women and other marginalised groups in society and expressed his optimism that the participation of members of the association in the

to broadcast media practitioners in the state to further enhance their capacity for improved performance of their duties.



Participants at the workshop on Electoral and Broader Governance Programming organised by IMS in Akure, Ondo State.

training workshop would add more value to meeting the association's objectives.

He appreciated the Commissioner for Information, Ondo State, Mr. Donald Ojogo, for his support to NAWOJ, which was marking its annual week, and for the drive towards improved human capital development, particularly the development of journalism, which according to Akingbulu was strategic to promoting good governance in the state and the country at large.

Urging participants to make good use of the opportunity provided by the training workshop to develop the required capacity, he implored them to use the skills and knowledge acquired to improve on electoral and broader governance programming, which would translate into the strengthening of delivery and diversification of civic and voter education by the broadcast media.

The NAWOJ Chairperson in Ondo State Mrs Doris Olumoko and the General Manager of NTA Akure, Mr Segun Ojelade in their brief remarks appreciated IMS for its support to media capacity development, while also soliciting for more training support

broader governance programming to further enhance capacity of practitioners to engage issues professionally. He observed that the capacity building would not only have impact of media professionals, but also on the state.

At the Jos workshop, IMS Programme Manager, Mr Adedayo Odulaja who represented Dr Akingbulu, pointed out that the broadcast media play critical roles in advancing democracy in Nigeria by educating citizens to enhance their participation and as such, it was crucial for professionals to update their skills to ensure quality delivery of civic and voter education through programming.

In her goodwill message, also in Jos, the President of the Nigeria Association of Women Journalists, Ms. Ladi Bala commended IMS for its commitment to the development of the broadcast media in the country. She observed that capacity building for professionals would further help in improving professionalism, particularly in the coverage of the electoral process and broader governance issues, thereby improving public awareness.

*Cont. on page 10*



# Events, People and Places at the EU-SDGN activities



Executive Director of IMS, Dr Akin Akingbulu, making his presentation at a 2-day public hearing on amendment of the NBC Act and four other bills organised by the House Committee on Information National Orientation, Ethics and Values in Abuja.



Participants at the training workshop organised by the Institute for Media and Society, IMS, for Journalists on Electoral and Broader Governance Programming, Southern Nigeria



Participants at the training workshop organised by the Institute for Media and Society, IMS, for Journalists on Electoral and Broader Governance Programming, Southern Nigeria



Legislative Interns at a bi-weekly meeting on Electoral and Broader Governance Programming, Southern Nigeria



Participant at a workshop organised by YIAGA Africa in Abuja recently.



Other participants at the training workshop organised by the Institute for Media and Society, IMS, for Journalists on Electoral and Broader Governance Programming, Southern Nigeria



# Activities by IMS and other Implementing Partners



the Institute for Media and Society, IMS,  
ce Programming, Jos, Plateau State



Executive Director of IMS, Dr Akin Akingbulu, delivering his lecture at a recent EU retreat held in Abuja.



on Disability Act as a Catalyst for Promoting Social Inclusion and Tips for  
organised by PLAC in Abuja.



Participants at the training workshop organised by the IMS, for Journalists on  
Electoral and Broader Governance Programming, Jos, Plateau State



d by the IMS, for Journalists in



Minister of Information and Culture, Alhaji Lai Mohammed, third from left, front row, and officials of the ministry  
at the 2-day public hearing on amendment of the NBC Act and four other bills in Abuja.

Mr Jake Epelle is the Executive Director and founder of Albinism Foundation, a foremost champion of the rights to inclusion of people with disabilities in the political and social-economic system in Nigeria. In this interview with *Media4DemocracyNG*, he gives insight into the prospects, challenges and benefits of implementation of inclusivity across relevant institutions and agencies of government. *Excerpts:*

## EU-SDGN Project a Milestone for PWDs in Nigeria -Mr Epelle



***It is two years since President Muhammadu Buhari signed the Discrimination Against Persons with Disabilities (Prohibition) Act into law. How would you rate the implementation of the law since then?***

I think the government has been more or less above average in implementation of the law because one of the major expectations was the establishment of the National Disability Commission. And that has been established, including the appointment of the Executive Secretary and the take-off of the Commission. That institution by statutory rights is the first to pioneer the implementation of the Act and it has been established and they are at work. For me, that is a major milestone. There has been a lot of gaps in implementation, no doubt, which all of us are trying to address. Hopefully, we will achieve that. Issues of discrimination, acceptability, economic and education empowerment and a lot of other challenges are still there. But I think the most visible component of

the implementation is discrimination. Very little has been done in that regard. In terms of political implementation, they have achieved well over 60 per cent, but in the social implementation of the 60 per cent, there are still gaps.

***PWDs recently protested at the National Assembly to draw attention to the slow pace in the implementation of the law. Where does the problem lie and what specific things do you think should be done to address this development?***

Well, everybody has a right to protest, to agitate but sometimes in government, if you agitate from now to tomorrow, especially if you do not have the power to do anything, you will get tired and rest. I am a proponent of strategic engagement even though there are times you need both protest and strategic engagement. Strategic engagement, like what we are doing at The Albinism Foundation is important. Now, we are engaging the House of Representatives newly formed

Committee on People with Disabilities, PWDs, to see what we can do to advocate on the issues I mentioned earlier on. For example, I have been to sit down with inclusivity cluster groups and others on the EU-SDGN project to have PWDs participation in politics. The meeting with the House Committee would take place on October 4 and 5, 2021. That is the kind of strategic engagement I am talking about.

***Your organization, The Albinism Foundation, is in the forefront of the struggle to address some of these challenges. How have you been able to address them?***

There are a lot of challenges. There are challenges of access to policy makers, lack of funding to engage them, lack of capacity even within this organization. The system lacks enabling laws that allows you to do certain things, like overcoming bottlenecks in the bureaucracy. We are trying to walk around them so that they do not create barriers in our work.

***Cont. on page 9***



*Cont. from page 8*

***Some facilities were put in place by INEC during the Ondo State governorship election in 2020, but, according to you, they were not utilised for the benefit of PWDs. Now that Anambra governorship election is upon us, what can be done to ensure full participation of PWDs?***

We are still engaging INEC to ensure we overcome those challenges. We made it very clear to INEC that most of the things they are telling us that are available in their own end were not used: Things like braille, magnifying glasses and election resource materials.



***The Albinism Foundation is one of the implementing partners of the EU-SDGN project in Nigeria. What has been the impact so far on inclusion of PWDs in the electoral process?***

I think we have made a major impact especially in the electoral processes. INEC has come to believe in us. We have made impact in the area of data gathering, foundation training in the area of election observation. At the National Assembly, we have a Committee on PWDs. The EU-SDGN project has given us the opportunity

to emerge as leaders of our community, most of whom would not do anything without engaging The Albinism Foundation. The international community is also feeling our impact. Our radio programme on related issues, syndicated in many stations across the country, is second to none. Constantly, we are in the media. Also, we have been able to get the attention of government to know and understand the need for political inclusion as well as election security personnel and electoral body both at the national and local levels to give PWDs opportunity to contest.

***This cycle of EU-SDGN project ends in 2022. What challenges did Albinism Foundation faced during implementation?***

There was the challenge of inexperience in the EU processes of implementation at the beginning, but we quickly learnt in the process. Acceptance of the AF by our community was another challenge. PWDs were looking down on us and were surprised that we applied for the EU-SDGN project and won. Acceptance by government itself was also a problem even though they actually signed the agreement. Issues of internal and external capacity was there because we had never implemented such project before. Funding was not a problem because I am a hard negotiator.

***What lessons, if any, did you draw from partnering with implementing partners in the course of the EUSDGN project?***

Team work, encouragement, openness and affirmation. I know a lot of times I was encouraged by the Executive Director of Institute for Media and Society, IMS, Dr Akin Akingbulu. One of such impact with IMS was a programme I was invited

by him at one of the hotels in Abuja. It was at that programme that I met the owner of Premium Times, Mr Dapo Olorunyomi. Akingbulu introduced me to him. Today we are partners. So, I have gained experience in networking, strategic partnership and collaboration.

***Going forward, what fresh initiatives do you think EU should embark upon?***

I think one of the things we had consistently told the EU was to make disability a standalone item, that is make disability part of every project and also make it a stand-alone project. That is how the project has given us a huge visibility that sometimes it is difficult for me to manage. There is virtually every place I go to today that I am not welcomed or recognized. The EU-SDGN project has made AF a household name. Passing through airports is sometimes hard for me because people recognize me easily. The project has enabled me to bring my community together; they in turn feel that albinism is what it is today because of the project.

***The PWDs are mostly affected when violence rocks the electoral process, how do we overcome this challenge, especially on election days?***

That is part of the items we are going to discuss with the House Committee on Disability during our roundtable with them on October 4 and 5. we would discuss how men and women with disabilities can effectively participate in politics, vote and be voted for. We would also find out what the Committee can do to enhance the participation of PWDs through legislation, what are the governmental processes they need to organize do that we can mitigate the challenges facing the PWDs. We want to make it a visible roundtable because that would round up our project.

*Cont. from page 5*

### **Presentations:**

Facilitators ensured active participation of target beneficiaries. Presentations and resource materials of the training workshop were shared with participants to further equip them for the task of being able to train their colleagues on their return to base as well as guiding them in their content development and in the review of existing programmes.

### **Group Presentations:**

Participants were divided into different groups to undertake different assignments based on the thematic areas of capacity building by facilitators. This evaluation was a check on the level of assimilation of participants. This was also a pointer to the fact that beneficiaries now have the required capacity to deliver handover trainings in their individual medium.

### **Spotlight Sessions:**

As part of the training workshop, two spotlight sessions were held to engage issues on electoral reforms and the election management's body (INEC) preparations for the 2023 general election.

In his intervention via a zoom meeting platform at both Akure and Jos workshops, Mr. Samson Itodo, Executive Director of Yiaga Africa commended civil society organisations for their collaborative efforts so far in engaging different issues identified in the Electoral Act amendment before the National Assembly. He also commended the media for giving priority attention to these issues by making it focal point of their reports.

Itodo noted that stakeholders should not relent in their effort towards ensuring that the electoral reform in Nigeria is realised, as this would help strengthen the electoral process in the country. He noted that playing politics with grave issues such as electoral and constitutional reforms can only stifle expected growth of the country and called for a stronger collaboration among advocates to ensure that the electoral reform was achieved.

He explained that the agitation for electronic transmission of results

should complement manual transmission. He observed that the notion that electronic transmission of results would give credibility to elections may be unrealisable if the system was improperly utilized; if the document fed into the system is compromised, there is certainty that the process will end up being discredited.

He observed that the idea of electronic provision is to serve as a back-up for the manual transmission of results which according to him would help address challenges of transmission of election results to a large extent.

Reacting to the information on poor internet coverage credited to the Nigerian Communications Commission (NCC), Itodo faulted the NCC for misleading Nigerians by giving a false impression that there was a considerable coverage and later making a u-turn just to frustrate the agitations of the Nigerian people for electronic transmission of election results. This turnabout, to him, meant the NCC was advancing the agenda of the political class at the expense of the collective interest of the people.

Itodo maintained that INEC had done the needful by putting in place alternative provisions for registration of voters in its 774 local government offices, and stressed the need for INEC to increase public enlightenment on the continuous registration of voters by using the media to intimate the public on the location of registration centres across the country.

To keep checks on the election conducted by INEC, Itodo emphasised the need for election monitoring which would help in ensuring that elections results were tracked from the polling units across the country with a view of preventing manipulations of election results.

Also speaking to participants of the training workshop during the second spotlight session, Mr. Rotimi Oyekanmi, the Chief Press Secretary to the INEC Chairman, expressed confidence in INEC's preparedness for the 2023 elections.

Oyekanmi commended CSOs and the media for their efforts towards ensuring that issues in the electoral reforms placed before the National Assembly were well taken care off.

### **Participants Shared Experiences on the Coverage of the Electoral Process:**

Participants share their experience of covering the electoral process and programming issues around electoral reforms.

A larger number participants shared unpalatable experiences bordering on violation of their rights and unethical practices.

### **Summary of Experiences shared include:**

1. Bad editorial decision arising from compelling directives from media managers/owners
2. Intimidation from the regulator,



Participants at the workshop on Electoral and Broader Governance Programming organised by IMS in Jos.

which affects the media adversely in the area of objectivity

3. Violation of rights of journalists covering the electoral process by security operatives and non-state actors
4. Interference by state actors to prevent accurate coverage of the electoral process.



# ECES Study on e-voting Provides Vistas for Nigeria, ....With lessons from Brazil, India, Indonesia and Namibia.



Fabio Bargiacchi, ECES Co-founder and Executive Director

**D**eepening the use of ICT in elections through the implementation of e-voting, e-balloting and electronic transmission of results ahead of the general election and beyond form the crux of a baseline study conducted by the European Centre for Electoral Support (ECES), recently.

As the EU's partner, implementing Component One (Support to INEC) of the European Union Support to Democratic Governance in Nigeria (EU-SDGN) programme, ECES envisages that the issues raised in the baseline study will provide a backing to current debates on deepening the use of ICTs in Nigeria's electoral process.

The study is also expected to contribute to the ongoing discourse on the potential implementation of e-voting, possibly in upcoming governorship elections: Anambra (November 2021) where modifications to the legal framework permits; Ekiti and Osun (July and September 2022), the 2023 general elections and future elections, highlighting the conditions for success as well as identifying potential challenges that can impact the process if not well managed.

Being a qualitative study, seeking to present and analyse policy, the experiences of four countries with similar demographic attributes and electoral context, namely, Namibia, Brazil, India and Indonesia, were reviewed and lessons drawn for the Nigerian experience.

India and Indonesia were carefully selected due to certain similarities with

the Nigerian electoral environment. While Namibia provides insights into the pattern of e-voting experience in a conflict-challenged and developing economy like Nigeria, the choice of India and Indonesia was inspired by their huge voting population comparable to Nigeria's status as Africa's largest

democracy.

On the other hand, Brazil is a developed economy with fully developed infrastructure, implementing e-voting in such a setting will be very instructive on how to inspire lessons as Nigeria contemplates implementing this new aspect to its electoral process.

The proposed Electronic Voting System will focus on the use of Electronic Voting Machines (EVM or e-ballots) with a broader utility or application, encompass various electoral activities and processes which includes electronic voter registration, accreditation and voter's authentication, e-day -balloting - with the use of Voter Verified Paper Audit Trails (VVPAT), E-Collation and Transmission of Results.

INEC has been in touch with several solution providers and is currently analysing available technologies (Incorporating EVMs with an Electronic Transmission Results Systems) that could be deployed. The VVPAT envisaged aims to include a printed ballot, with three categories of voter's records such as the electronic ballot, recorded at the EVM, a printed ballot that will be automatically stored into the ballot box attached to the EVMs with no human interference and a printed ballot for the voter.

Interestingly, the study says E-voting can only be permitted by the electoral legal framework. Consequently, there's the need for an amendment of the Electoral Act in order to allow unrestricted conduct of elections via electronic means.

This will pave the way for INEC to introduce EVMs, as well as implement e-collation and transmission of electoral results. If these legal issues are resolved in 2021, INEC may be able to deploy EVMs in the 2023 Nigerian general election.

Based on the study, some of the lessons learnt from the four countries with similar demographic attributes include;

1. The use of the EVM with VVPAT in the various trials buttresses the need for an additional results verification tool that will further enhance transparency of the e-voting process.

2. The India EVM model of 5 and 150 persons balloting per minute and per 30 minutes respectively, offer the benefits of considerably reducing the number of voters per polling unit. Comparatively, in Nigeria, which has an average of 500 persons per PU, voting can be concluded within 2 hours.

Additionally, this can offer the possibility of reducing the number of polling units with a quick turn-around time for voters per PU, especially in situations when such reduction will not compromise voters' access.

3. At close of polling, the EVM is moved to the Counting Hall or Counting Centers and, in the presence of candidates. Thereafter, the seals, with unique IDs containing the signature of polling agents on CU, are presented to representatives of candidates before the start of counting. The date and time of counting is fixed by the ECI.

4. Securing legal endorsement is a precondition for the implementation of e-voting as this was done through the 2014 Namibia Electoral Act which allowed its use.

5. According to the study, there are several layers of security that prevent invasion by third parties and the access to information contained in the device. If an attack is attempted, it causes a reaction by the system that hangs the programme and prevents it from being executed by an outsider. This is a good safety feature.

*Cont. on page 12*

**Cont. from page 11**

6. On voting day, the balloting system is not connected to the internet or the SEC system. Consequently, there is no way to access or try to invade it remotely. The equipment works only at the time and date of the elections, normally from 8am to 5pm.

At the end of the study, recommendations suitable to the Nigerian electoral process were made. They include;

1. Given the level of infrastructural development in Nigeria and low level of trust in the electoral system, the most sustainable and appropriate e-voting choice is the EVM with an integrated VVPAT.

2. There is need to clarify the practical operating method regarding the ballot counting phase, and sensitizing the public on whether the collation process will include manual counting of the paper-trails before the transmission of the electronic result or not, also depending on the provisions of the new Law, once adopted. Party agents and the public actively should be adequately informed and educated on the process, to mitigate the risks of communication gaps.

3. INEC may wish to consider the institution of multi-layer level of security which will serve as checks at several points with an alarm system in case of attempted infiltration.

4. To serve as deterrent for hackers,

the National Assembly should stipulate severe penalties for cybercrimes related to elections. This should be specifically included in the Electoral Act and the scope should naturally go beyond provisions of the 2015 Cyber Crimes (Prohibition and Prevention etc.) Act.

5. In order to reduce the huge capital investment on the procurement of EVMs and other accessories, the option of local manufacture should be vigorously pursued through relevant national institutions and private sector players;

6. The option of leveraging on facilities and structures of other national institutions such as servers and networks should be explored in order to improve the potential for success as well as reduce cost

7. The National Assembly should expedite action in the passage of the laws that will allow e-voting;

8. Effort should be made to ensure that e-voting laws are devoid of ambiguity and comprehensive enough to avoid lingering litigations after passage and election including the mandatory pre-audit of the technology used for the e-operations and post-audit of the results (risk limiting audits

(RLA)

9. Given the variations in the mode of voting, there is need for the security agencies to put in place an e-voting security architecture that will among others handle the physical security of EVMs as well as related facilities and installations.

10. Broader and continuous stakeholder engagements involving the National Assembly, political parties, CSOs, media, marginalized groups, security agencies, and other electoral stakeholders to strengthen commitment and acceptance of e-voting, neutralizing misconceptions and resistance. This engagement should be initiated at the earliest stages, and include efforts of transparency on the technological aspects as well as on the non-technical ones.



Hamza Fassi-Fihri is the project coordinator for ECES on the EU-SDGN project in Nigeria.

**DISCLAIMER**

This publication has been produced with the assistance of the European Union. The contents are the sole responsibility of the **Institute for Media and Society**, and can in no way be taken to reflect the views of the European Union.

Funded by The



European Union

Copyright © 2018. All rights reserved

All comments, opinions, enquiries and other requests should be directed to

The Editor,

Media4DemocracyNG, Institute for Media and Society, IMS, 3, Emina Crescent, Off Toyin Street, Ikeja, Lagos, Nigeria.

Tel: + 234 9134273590

E-mail: media4democracyng@imesoimeso.org, info@imesoimeso.org Website: www.imesoimeso.org

For more information log on to [www.democracy-support.eu/nigeria](http://www.democracy-support.eu/nigeria)

**EU-SDGN IMPLEMENTERS:**

