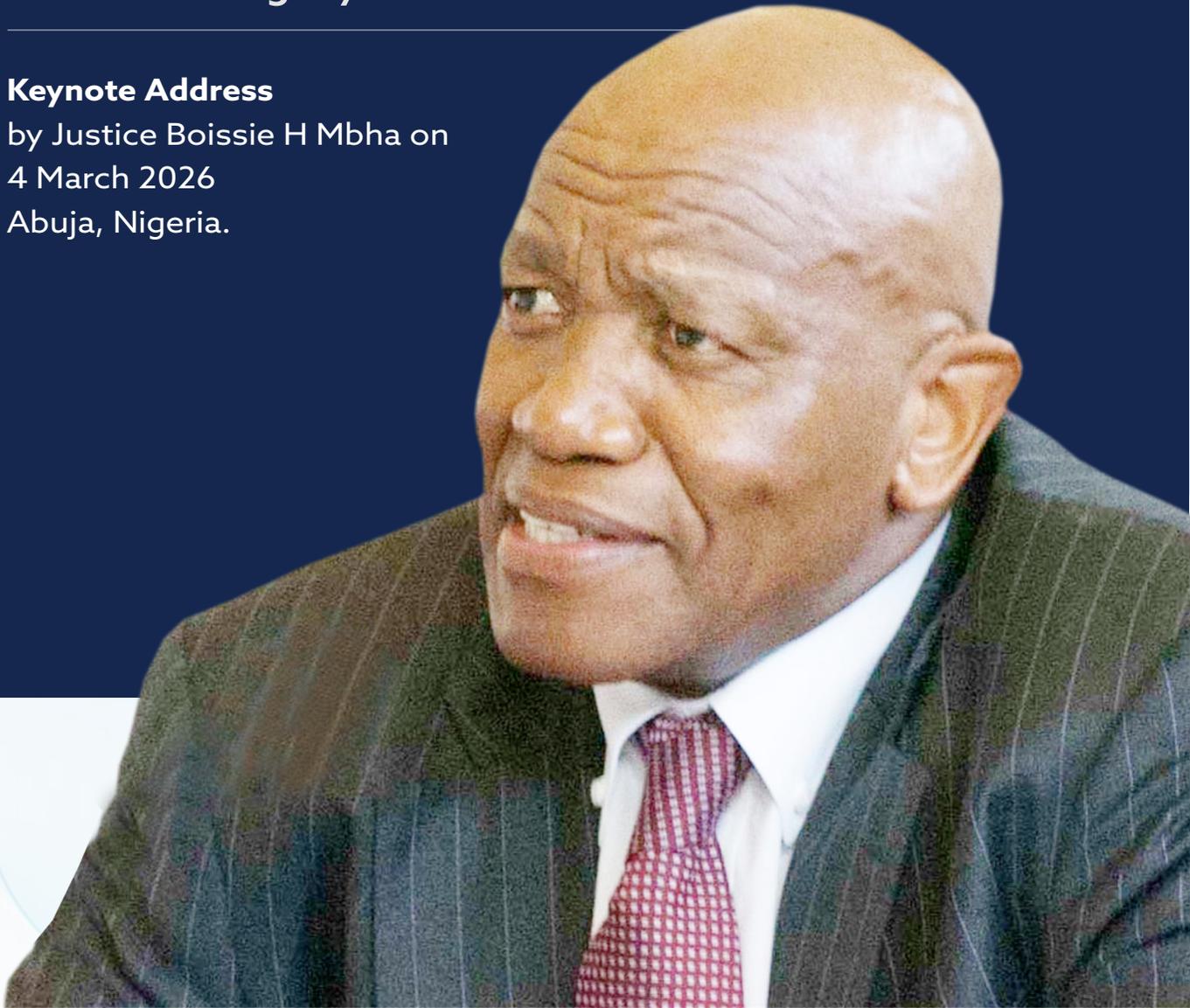




# **Building an Ecosystem for Democratic Development: The Path Toward Credible Elections in Nigeria and West Africa - KDI Election Integrity Summit.**

## **Keynote Address**

by Justice Boissie H Mbha on  
4 March 2026  
Abuja, Nigeria.



## **Building an Ecosystem for Democratic Development: The Path Toward Credible Elections in Nigeria and West Africa - KDI Election Integrity Summit.**

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Distinguished guests, leaders of constitutional institutions, representatives of the electoral management body, security services, anti-corruption agencies, civil society, the leadership of KDI and its development partners, members of the diplomatic corps, the media,

I bring you greetings from the Africa Electoral Justice Network. The Africa Electoral Justice Network is a pan-African platform uniting judges who adjudicate electoral disputes, judicial education institutes, Electoral Management Bodies (EMBs), legal practitioners, and electoral experts to strengthen electoral justice systems across Africa. It is a purely African initiative.

It is a privilege to participate in this important institutional dialogue.

The theme of this gathering "Building an Ecosystem for Democratic Development: The Path Toward Credible Elections in Nigeria and West Africa "is profound. It recognises that an election is not a mere solitary event occurring after a specified period. It is an ecosystem-a delicate biological web where security, finance and transparency are all co existing, inclusive and necessary elements in ensuring that an election is credible, free and fair. Indeed, elections are not merely political events; they are constitutional processes governed by law. Their legitimacy depends not only on outcomes, but on adherence to

the constitutional and statutory framework that regulates them.

This is why many election experts such as Dr Khabele Matlosa, the former Head of Political Affairs at the African Union argue time and again that a key requirement for electoral integrity is certainty of processes and uncertainty of outcomes.

This means that parties and the electorate need to go into elections with clarity over process and not certain as to who will prevail. Otherwise, what is the point of engaging in elections where a winner is pre-determined and known?

This then leads us invariably, to ask and determine: What is a credible election? This is an election that is characterised by inclusiveness, transparency, accountability and competitiveness. I will briefly touch on a meaning that must be attributed to each of these elements.

By inclusivity is meant that an election must provide equal opportunity for all eligible citizens to participate as voters in selecting their representatives, and as candidates for election to government. Transparency refers to when each step in the electoral process is open to scrutiny and stakeholders can independently verify whether the process has been conducted honestly and accurately. Accountability refers to the right of citizens or the electorate with respect to the conduct of relevant stakeholders including the government, election management bodies, political parties, candidates and security forces. Here we are concerned with all the election related rights of the citizens. An immediate example that comes to mind is: Are there effective remedies in place for any violations that have taken place?

The aim of this meeting is to help key stakeholders necessary to the exe-

cution of credible elections to examine whether Nigeria's legal architecture, administrative systems, and oversight mechanisms are functioning as intended to deliver free, fair and credible elections.

The question before us is not whether elections are contested. No. Contestation is inherent in democracy. The question we are called to interrogate is whether the systems that regulate contestation are coherent, transparent, and enforceable.

As jurists, we are reminded that constitutional democracy rests upon structured accountability. Electoral integrity must therefore be treated not as a political aspiration, but as a legal obligation.

**Elections are not mere administrative events. They are constitutional tests.**

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They measure the resilience of our institutions, the maturity of our political culture, and the public's trust in the state. When elections succeed, democracy consolidates. When they falter, trust erodes - sometimes quietly, sometimes violently.

The theme of this meeting, "Building an Ecosystem for Democratic Development...", serves to remind us that credible elections are not built on isolated interventions. They are the product of various systems requiring coordination, coherence, and accountability.

## Electoral Integrity as an Ecosystem

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Too often, we discuss election security, campaign finance regulation, and transparent result management as separate policy domains. Yet they are interconnected and interdependent components of a single electoral integrity ecosystem. A weakness in one pillar will compromise the entire democratic process.

Thus, if election security is weak, voters are intimidated, and legitimacy suffers. If campaign finance is opaque, political competition becomes distorted. If result management lacks transparency, public confidence collapses.

### Weakness in one pillar inevitably burdens the others.

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*Litigation cannot substitute for strong institutional design.* Electoral integrity must be preventive architecture. Reactive adjudication is hardly enough to restore electoral integrity or credibility.

1. **Election Security planning and operations** must move from Reactive Crisis Management to Proactive Integrity and Preventive Governance.

Preventive security requires early risk mapping, clear inter-agency coordination, transparent operational protocols, public communication, and professional neutrality. Security must protect constitutional rights. Security planning and operations must know that in elections,

the individual vote of everyone is sacred and needs to be safeguarded by the state. It is the basis of sovereignty. In this respect I want to share with you how South Africa has approached this aspect.

South Africa has shifted from a reactive posture to an INTELLIGENCE - LED INTEGRATED MODEL called a NATJOINTS MODEL.

a) The cornerstone of our security during elections is the National Joint Operational and Intelligence Structure (NATJOINTS). Security is not left to the police alone. NATJOINTS integrates the South African Police Service (SAPS), the National Defence Force and intelligence agencies under a single operational command that works subordinate to the Electoral Commission of South Africa's timelines (IEC,2024).

The lesson here is INTERAGENCY COORDINATION. Security forces in this instance are not external actors arriving only on Election Day; they are part of the planning cycle that begins eighteen months before the conduct of elections. They identify hotspots not to suppress votes, but to guarantee the right of way of the voter.

b) The Judicial Shield: The Electoral Code of Conduct

Insecurity or lack thereof is often fuelled by impunity. In South Africa, the Electoral Court has been firm: the Electoral Code of Conduct is not a mere set of suggestions; it is law. During my tenure, we persistently emphasised that politically motivated violence and intimidation are grounds for disqualification. Thus, when a candidate knows that inciting a riot will result in their name being

struck from the ballot- and that the Court will decide this within 48 hours-the incentive for violence evaporates.

In *Kortman and Another Vs Electoral Commission Case No.009\21* (21February 2022) the Electoral Court set aside a result and ordered a rerun of a by-election in a particular constituency on the ground of proven acts of intimidation and violence.

c) Political Liaison and Transparency Guardrails

Insecurity may also arise from a myriad of factors. Purposeful and deliberate actions that reassure electoral stakeholders and contestants are indispensable. South Africa invests in Political Liaison Committees (PLC)

whose activities and functions are clearly set out in *Regulations on Political Liaison Committees, 1998*. The output of PLC's includes transparency in deriving criteria against which polling staff are recruited and opportunity for contestants to object to the suitability of polling staff, liaison on the determination of voting district boundaries and the identification and location of polling stations.

There are objection periods in key phases of electoral preparation. For example, objections to candidate lists and the qualification of nominated candidates to stand for public office, as well as an agreed method for the design and ordering of contestants on the ballot paper. The examples are numerous but necessary for safeguarding the right to vote in elections that are credible, free and fair.

## **2. Campaign Finance: Enforcement Over Symbolism.**

There is no denying that the integrity of elections extends beyond the administration of voting processes and the counting of ballots. It is increasingly being influenced by how political actors are funded, how campaigns are conducted and the extent to which financial power affects political competition. Properly regulated campaign financing is therefore key to determining the credibility, fairness and legitimacy of elections. Otherwise, deficient and weak campaign finance systems have the potential to distort fair competition, heighten risks of corruption, and reduce public trust in the fairness and credibility of elections.

Thus, spending limits without monitoring and appropriate conditions, invite circumvention. Disclosure without verification invites concealment.

A credible system requires transparent reporting, independent audits, monitoring of third-party expenditures, and certain sanctions.

In South Africa, the regulatory framework governing political finance is found in a specific legislation namely, The Political Funding Act of 2018 (PFA) which came into operation on 01 April 2021. The legislation is administered by the IEC for the purposes of managing elections for national, provincial municipal legislative bodies. This Act represents a significant milestone and progress in promoting transparency, accountability and equity in political funding in South Africa, and hence political competition. It regulates both public and private funding of political parties, introduces disclosure requirements for private dona-

tions above a specified threshold, imposes annual donation caps and establishes oversight mechanisms intended to curb undue influence and corruption.

Political parties are now legally required to disclose all donations above R200,000 and the R30 million upper threshold per annum from a single source to the IEC. These reports are published quarterly for public scrutiny. Political parties must submit audited financial records regarding their funding.

This development, despite its clearly valid and absolute necessity to level the playing fields and enhancing the integrity of the electoral process, continues to exhibit persistent weaknesses in the campaign finance systems and regulations. These include opacity in funding channels, limitations in enforcement capacity, uneven compliance, gaps in oversight particularly regarding expenditure and third-party activity, continue to pose of risks to the effectiveness of the regulatory mechanism currently in place. The central challenge therefore remains and it is this: Is the extant regulatory framework sufficiently enforceable to safeguard electoral integrity?

Research by the IEC conducted during 2025 shows that public perception and receptivity to the entire question of campaign finance is varied. There

are those who are suspicious and concerned that wealthy people and powerful interests may influence political decisions through financial contributions. Others are of the view that the public is not sufficiently provided with adequate information about who funds political parties and independent candidates. This is despite the IEC asserting

that it is consistently expanding efforts to collect and publish information on the source of funding for registered political parties. The research further reveals no or little knowledge on the part of others about the political funding Act, its mission and intended objective.

Clearly a lot must still be done to get all stakeholders in particular the voting public to come on board. Voter education in all its facets remains to play a crucial role in this regard.

### **3. Election Result Management: Auditability and Transparency**

A most common feature across most electoral disputes is that they originate out of concerns over lack of transparency during collation, inconsistencies in reported results, and absence of effective audit mechanisms. Someone somewhere once said that the most dangerous moment in any election is the period between the closing of the polls and the announcement of results. Strengthening the entire results management chain from documentation to verification and declarations is therefore fundamental to building confidence in electoral outcomes.

Transparency must rest on verifiability. A robust results-management chain requires clear documentation, digital safeguards, transparent collation, public access to lawful data, and independent audit mechanisms. If the process is not transparent, the result is not legitimate. In South Africa the IEC makes consistent use of independent auditing firms to perform real time audits on all result slips as compiled at every voting station, not just a statistically significant sample of results. In *KHAM and Others Vs Electoral Commission and Anoth-*

er (CCT151\15) [2015] ZACC 37, the Constitutional Court reinforced that the integrity of the voters 'roll and the subsequent collation process are justiciable issues.

The following additional measures are worth investing in:

Openness and transparency on the acquisition of technology, its intended use and the business case supporting such use, the application of an open process for its procurement, and the opportunity for electoral stakeholders to test and familiarise themselves with such technology-including its testing and assurance that it does indeed do what it was intended to do. All these measures are necessary before applying the technology in an election.

The audit of every key electoral process in the electoral cycle, such as the establishment of polling stations, the registration of voters and the audit of the voters 'roll, the verification methods adopted for the removal of deceased voters etc.

A process anchored in legislation for the finalisation of every key step in the electoral process, which includes auditing of such processes, as legislated.

## **The Role of the Judiciary: Guardian, Not Substitute**

Electoral disputes sit at the intersection of law, politics, and public perception. Courts uphold constitutional principles, ensure due process, and provide reasoned judgments. However, courts cannot administer elections or replace institutional safeguards. Judicial education, harmonised jurisprudence, procedural clarity, and institutional indepen-

dence remain critical.

### **Coordinated Accountability Across Institutions**

Credible elections require institutional choreography. INEC, security agencies, anti-corruption bodies, civil society, and development partners must operate within structured collaboration frameworks. Accountability must be institutionalised, not personality driven.

### **Nigeria and West Africa: A Regional Perspective**

West Africa has had a fair share of situations of unconstitutional changes of Government as defined by the African Union Instruments.

Under AU prescripts, an unconstitutional change of government is any seizure, retention, or transfer of state power that violates constitutional procedures and democratic principles, including coups, armed takeovers, refusal to cede power after elections, or constitutional manipulation to entrench incumbents.

This trend needs to be stopped if Africa is to entrench democratic and accountable governance that can be a pre-condition for development.

How Nigeria conducts elections is of increasing importance to democratisation of West Africa and Africa at large.

Nigeria's democratic trajectory influences West Africa. Electoral integrity strengthens economic confidence and regional stability. Regional peer learning and jurisprudential consistency support democratic consolidation.

We must always bear in mind that democracy does not collapse in a single dramatic moment. It erodes when systems weaken, when transparency fades, and when accountability becomes selective.

**In conclusion**, the consolidation of democratic governance requires institutions that function within their defined constitutional mandates, yet in coordinated harmony.

The judiciary must continue to discharge its duty impartially and in fidelity to the Constitution. However, the courts are not architects of electoral systems; they are guardians of legality within them. The primary concern in electoral justice should be that at the end of the day, it is the voter and not the courts who have deployed election candidates into public office.

Sustainable reform must therefore be preventive, institutionalised, and measurable.

If security planning is structured, campaign finance regulation is enforceable, and results management is transparent and auditable, electoral disputes will be reduced and public confidence strengthened.

Democratic legitimacy is secured not through declaration, but through lawful process.

Democracy strengthens when institutions act with integrity, when security protects rather than intimidates, when money is regulated rather than concealed, when results are verified rather than doubted, and when courts speak with clarity, independence and impartiality.

I look forward to learning a lot from you colleagues during this conference and to take with me those lessons to South Africa. I will also share the lessons with different jurisdictions as I execute my mandate as Chair of the Africa Electoral Justice Network.

I thank you.

## End Notes

1. Justice Boissie Henry Mbha is the Chairperson of the Africa Electoral Justice Network, Retired Judge of the Supreme Court of Appeal, South Africa and former Chairperson of the Electoral Court of South Africa.



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