



NIGERIA SITUATION REPORT

SPECIAL FOCUS ON THE 2015 PRESIDENTIAL ELECTIONS

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Executive Summary

The Nigerian Presidential and National Assembly elections slated for 14 February 2015 were postponed to 28 March 2015, while the Governorship and State Assembly elections were rescheduled for 11 April 2015.

The Independent National Electoral Commission (INEC) attributed the postponements to advice it had received from the military and security services to delay the elections by six weeks to enable the military dislodge the Boko Haram insurgents from occupied territories in the North-East, so as to make not only the affected areas, but also the entire country, safe for the electoral officers and the voters.

The decision negated the assurances given a week earlier by the INEC Chairman to the National Council of State and the public, that the Commission was ready for the 14 February 2015 elections. Nigerians and international observers therefore wonder whether the envisaged military action was the sole reason for the postponement, or whether INEC was compelled to do so, beside the revelation that the electoral umpire was not ready for the elections, as it had not taken delivery of crucial election materials by 14 February 2015.

The change of date has left in its trail, serious consequences for all the parties which were already in vigorous campaign gear. Obviously, they would have to adjust their strategies to the new election dates. Crucially, the postponement would impact on the electoral fortunes of all the parties, especially the two main parties – PDP and APC. More importantly, Nigerians worry about the effect the delay would have on the outcome of the elections.

Nevertheless, the PDP and the APC have resumed their campaigns with renewed vigour and are fine-tuning their strategies. Meanwhile, the electorate who had already made up their minds which way their votes would go before the postponement are waiting and watching.

The election remains to be lost and won. However, from all indications, the APC appears to have maintained its lead and is unlikely to be stopped by the PDPs incumbency factor.

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NIGERIA SITUATION REPORT
SPECIAL FOCUS ON THE 2015 PRESIDENTIAL ELECTIONS: AN UPDATE

I **Introduction**

1. On 7 February 2015, the Chairman of the Independent National Electoral Commission (INEC), Professor Attahiru Jega, announced the postponement of the presidential and national assembly elections, which had been scheduled to take place on 14 February 2015 to 28 March 2015, a delay of six weeks. The gubernatorial and State Assembly elections were also postponed to 11 April 2015.

2. Most of the political parties, including the two leading parties – the Peoples Democratic Party (PDP) and the All Progressives Congress (APC) – had accepted the chosen election dates and were vigorously campaigning for the elections as scheduled. This was despite a lot of agitations by some groups, including several of the smaller registered political parties, demanding that the elections be postponed to allow the remaining estimated 25 million or more Nigerians to collect their Permanent Voter Cards (PVCs).

3. Not unexpectedly, therefore, an avalanche of reactions has trailed INEC’s decision which was taken in disregard of the sentiments of some political parties, and groups which had issued serious and credible threats of dire consequences should the elections be postponed. Thus, questions have been asked as to what led to the *volte face* by INEC. Nigerians and international observers wonder whether INEC was compelled to change the dates, and if so, by who. Was the change indeed due only to the prevailing security situation in the North-East of the country, as advised by the Security Chiefs? Were there other equally compelling reasons for the change of date, including the possibility of INEC’s insufficient level of preparedness to conduct credible elections?

4. These and other questions have informed the need for this update in view of the fact that many of the conclusions in our maiden report on the presidential election in Nigeria issued on 27 January 2015, were premised on the election taking place on 14 February 2015. The change in the date has serious consequences on the various aspects of the presidential election, including, especially how the parties will adjust to the new date; the effect the postponement will have on the fortunes of the various parties; what the outcome of the election would be; and how the various camps will react to its outcome.

5. The update will therefore address the following issues: Why were the elections postponed? Was Jega’s announcement and his *volte face* forced on him? Was the security situation in the North-East of the country sufficient reason to postpone the elections? Was INEC truly ready for the elections of 14 February 2015, or was the six-week delay a façade to save it from bungling the elections? What are the undercurrents behind the postponement? Where were the calls for an “Interim National Government (ING)” and the replacement of Jega as INEC Chairman coming from? How will the postponement affect the fortunes of the Presidential candidates of the PDP and APC?

II **Reasons for Postponing the Elections**

6. As indicated above, the INEC Chairman, in announcing the six-week postponement of the elections, attributed the decision to the advice of the NSA to the effect that the armed services would be unable to guarantee INEC’s operations as at the date the elections were scheduled to commence and that another six weeks would be required to conclude planned

major military operations against the insurgency in the North-East of the country. In his statement announcing the postponement of the elections, Jega pointed out that INEC had to take the advisory seriously in view of the fact that it works with other institutions on the “platform of the Inter-Agency Consultative Committee on Election Security (ICCES)” and that it, INEC, relies on the “security services to provide a safe environment for personnel, voters, election observers and election materials to conduct elections wherever it deploys”, and that it would be “unconscionable of the Commission to deploy personnel and call voters out in such a situation”. Jega affirmed that INEC took the decision to postpone the elections after wide-ranging consultations and that its action was fully provided for in the Electoral Act.

7. It is noted that INEC publicly, and in its presentation to the Council of State on 5 February 2015, indicated that, for “matters under its control, INEC is substantially ready for the general elections as scheduled, despite discernible challenges being encountered with some of its processes like the collection of the Permanent Voter Cards (PVCs) by registered members of the public.”

8. On the other hand, while the NSA had called for the postponement of the elections during the question and answer session after his lecture in Chatham House, London on 23 January 2015, he premised this on the fact that as at that date, 30 million Nigerians had not obtained their PVCs. Indeed, in the body of this lecture, the NSA had said that they were conscious that there was some anxiety about whether elections would hold in the North-East and the ability of the government to ensure that internally displaced persons (IDPs) would be able to vote. He assured that adequate security will be in place to enable elections in all the areas in the North-East that are safe, and that the IDPs would have the opportunity to vote.”

9. Obviously, this is not the advice the NSA, and the Service Chiefs gave the National Council of State and INEC a few weeks after Dasuki’s Chatham House affirmation that they would be able to provide security for elections to hold in the areas that are safe in the North-East of the country. It is therefore ironic that concerns for the dis-enfranchisement of about 30 million registered voters changed to expression of inability to provide security cover for elections in the country, hence the requested delay of six weeks. Perhaps, this partly informs the accusation that the security excuse was a mere ploy to delay the election. The pertinent question is, where lies the truth - INEC’s insufficient preparedness or security concerns in the North-East of the country and elsewhere?

10. With respect to INEC’s state of preparedness, there seems to be clear cut evidence that INEC was not as ready as it wanted people to believe. It is public knowledge that more than 20 million registered voters would have been unable to vote if the presidential and national assembly elections had taken place on 14 February 2015. By Jega’s own admission, as at 5 February 2015, the total number of PVCs collected was 45,829,808 representing 66.58% of the total number of registered voters. As a result of the postponement of the elections, the collection rate has increased to over 80% of the total number of registered voters. This will still go up before collection stops on 22 March as decided by INEC.

11. Beyond the PVC matter, there are indications that INEC’s training manual was not ready by February 14th 2015, making the training of INEC staff, including the *ad hoc* staff, impossible. In fact, most of the over 700,000 *ad hoc* staff required had not even been recruited. INEC tacitly admitted the shortcoming when it proposed to use discharged NYSC members trained for previous elections.

12. Furthermore, the Resident Electoral Commissioners (RECs), INEC's operational chiefs in the States, who had not yet fully received the necessary election materials had advised Jega to postpone the elections. The Commissioners had unsuccessfully pressed this point during a meeting earlier in the year. It is clear therefore that INEC was not ready as the Chairman tacitly admitted this when he told the Senate that the postponement had been a blessing in disguise.

13. Generally, the security situation in many parts of the North-East was un conducive for a smooth election process. In our main report, we referred to the security problems prompting the suggestion that the President and National Assembly might want to invoke Section 135, sub-section 3 of the Constitution which allows for a maximum of six months suspension of elections in the country, or a part thereof, in the event that elections could not take place as a result of compelling circumstances. This requires a resolution of the National Assembly to that effect. (Please see paragraph 22 of Report No. 1 / 26 January 2015.) This idea was apparently not considered either by the Executive or the Legislature forcing INEC to delay the elections by six weeks as requested by the armed forces and security services. It was incomprehensible how elections could have been held in most of the North-East region, particularly Borno State, where 20 out of 27 Local Government Areas were effectively under Boko Haram control. International observers, like the EU, had indicated that they would not monitor elections in the North-East because of security concerns there and it would have been difficult to find adequate *ad hoc* staff to deploy to the region.

14. Thus, there were solid grounds for attributing the postponement to political motivation by the PDP and instigation by the security establishment. INEC was boxed into accepting to delay the elections by six weeks. However, that does not tell the whole story. In our view, the grounds for safe and credible elections holding in most of the North-East by 14 February did not exist and had elections taken place, their outcomes would have been suspect and subject to series of litigations. Secondly, it is evident that INEC was not quite ready to hold elections as earlier scheduled and that the postponement has saved the nation from serious embarrassment because the logistics for free, credible and fair elections were not fully in place.

III. Likely Effect of the Postponement of the Elections on the Major Political Parties

15. Before the elections were postponed, all the political parties were engaged in a frenzy of campaign activities across the country. As expected, the two leading parties – PDP and APC – also took the lead in campaign activities. From our assessment, the APC was in the lead with the PDP trying to play catch up before the postponement. Although we indicated in our maiden report that the presidential election would be keenly contested between the ruling party and APC, it was clear that the odds were in favour of the latter which had the advantage of being new, so to say, better organised, more cohesive and better focused than PDP. The ruling party was bedevilled by several problems, particularly the manner its candidates were selected which caused a lot of dissent within the party leading to several big names leaving to join APC or other parties. The Government's unsatisfactory handling of the security situation in the North-East, the downturn in the country's economy and alleged poor implementation of projects/programmes, all weighed against the ruling party and its candidate. Thus, before the postponement, the APC apparently had the momentum and could have won a freely and fairly run election if it had taken place on 14 February 2015. The view was also widely held that the handling of the PVC distribution was aimed at putting President Jonathan and his party at a disadvantage.



16. What has changed with the postponement of the election? The first noticeable effect is that the tempo in campaign activities has slowed down. However, the ruling party has been able to maintain a considerably higher tempo of campaign than the APC. This, no doubt, is a reflection of the bigger “war chest” of the PDP, a factor of incumbency. This has therefore slowed down the momentum the APC was gathering before the postponement. Whether the party can re-gain that momentum remains to be seen.

However, the capacity to re-gain the momentum will not be determined only by APC’s renewed energetic campaigning closer to the new election date. It will, as well, be affected by how well, or not, the PDP is able to utilise the time gained to effect reconciliation within the party. It will also be determined by the success in dealing more effectively with the insurgency in the North-East, and reaching out to sections of the country, particularly the South-West and North-West, where previously, its chances were not considered very bright.

IV. Echoes of an Interim National Government and Alleged Plans of Jega’s Sacking

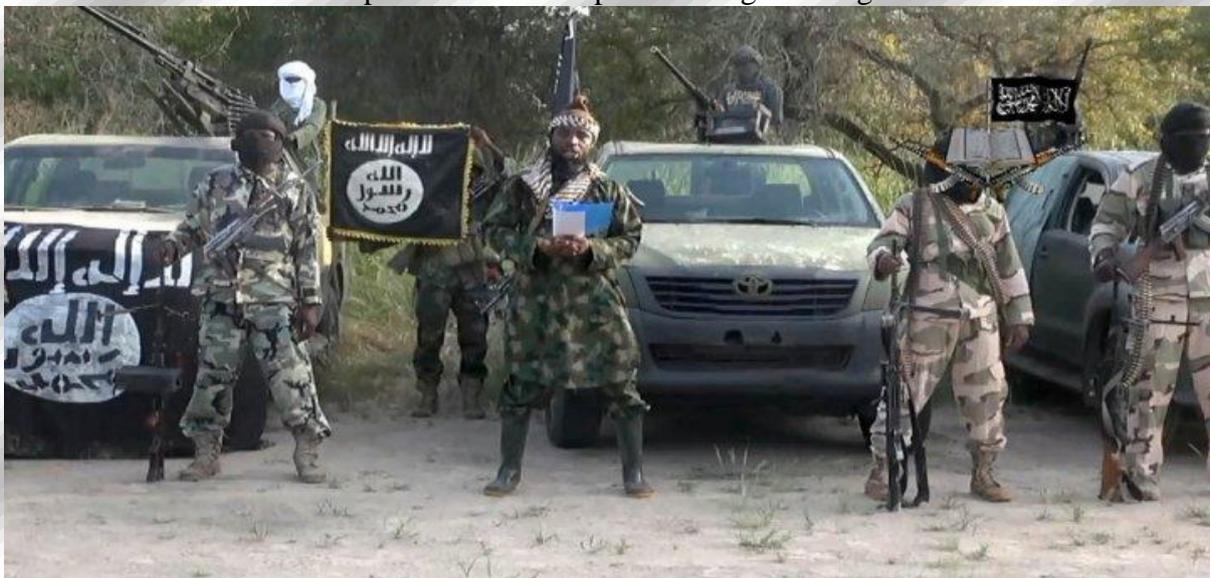
17. When INEC Chairman, Attahiru Jega, announced the postponement of the elections, there were reports that President Jonathan had said that the INEC Chairman did not brief him before his decision to postpone the elections. The opposition APC quickly latched onto this and accused the President of citing his displeasure with Jega as a prelude to his removal and eventual replacement. The APC went on to allege that President Jonathan and the PDP were certain to lose the elections and were using all sorts of subterfuges to scuttle the election and, in the ensuing constitutional quagmire, appoint the Chief of Defence Staff as head of an Interim National Government (ING) which would organise fresh elections in two and a half years.

18. President Jonathan has denied these allegations, noting that an ING has no place in a democratic setting and can only be contemplated by the military. This, he observed, would amount to a military coup, which he did not think would occur since it would not be acceptable to ECOWAS, AU or the UN. The very idea of an ING, he said, is treasonable as it has no place in the Constitution of Nigeria. In fact, the idea of an Interim National Government defies constitutional logic since Section 146(2) of the Nigerian Constitution provides for the President of the Senate to assume office as interim President should the President and the Vice President be unable to exercise that office. Despite the denial of both issues, the rumours of a plan to sack Jega and the installation of an ING persist. It would be surprising if the President and the PDP were to ask Jega to leave at this stage, knowing what damage that will do. Nevertheless, the matter of ING was of serious concern to many to warrant a re-assurance by former Head of State, General Abdusalam Abubakar, that there will be no ING.

V. Insecurity and the Boko Haram Insurgency

19. The military have asked for six weeks to halt the Boko Haram insurgency and restore peace in the North-East. Nigerians and others observers wonder whether the military can

truly achieve in such a period, a feat that had eluded it for three years. However, in the last few weeks, the military seems to have got their wind back and are on the ascendancy. Since taking delivery of some new equipment and hardware, the military have launched successful offensives against Boko Haram, dislodging the insurgents from many areas they formerly occupied and destroying their operational command and control bases in the North-East. Internally displaced persons from these areas are gradually returning “home”. If the military sustains this onslaught against Boko Haram, the insurgency might be crushed in the projected six weeks, to enhance conduct of elections in the whole of Yobe and Adamawa States, and in most parts of Borno State. While the major part of the fight has been undertaken by the Nigerian military, contributions from Cameroon, Chad and Niger Republics have been substantial, in terms of Nigerian territory retaken by them from Boko Haram, and in ensuring that fleeing Boko Haram insurgents have no place to hide in those countries. Thus, successes against Boko Haram are enhanced by several factors, including possession of more fire power by the Nigerian military leading to renewed confidence, the need to redeem their image and better collaboration and cooperation with troops from neighbouring countries.



20. Some sceptics have cast aspersions on how real the successes by the Nigerian military are, judging by many previous unsustainable claims of victory over Boko Haram. This time, it looks real as indicated by testimonies from members of the National and State Assemblies from the region who have confirmed the effective takeover of hitherto Boko Haram occupied territories and the return of some IDPs and refugees to their homes. The President’s visit to Baga and Mubi within the period clearly shows that the military is recording major successes.

21. Meanwhile, it is difficult to ascertain the remaining territory being held by the insurgents. It is also still not known where the fleeing insurgents have taken refuge and what potential danger they pose in new areas outside the North-East zone. The Boko Haram threat may therefore be still potent as die hard insurgents could carry out desperate and un-coordinated attacks in unexpected areas. Indeed, the rate of attacks by suicide bombers has increased lately and deliberate attempts to disrupt the elections, as threatened by Shekau, should still be expected.

22. Clearly, that the military is winning is still not a guarantee that elections can be properly and peacefully conducted in the whole of the North-East. Apart from security considerations, whether INEC can effectively mobilise men and election materials to the region remains uncertain. And, whether the majority of IDPs and refugees would be

confident enough to return home by 28 March is also doubtful. What seems certain is that there will be surer grounds to hold elections in the North-East than would have been the case had elections been held on 14 February 2015. If this happens, some would conclude that the postponement of the elections was justified as it would add to the credibility of the whole election process.

VI. Election-Related Violence

23. Pockets of election-related violence continue to manifest in some States, particularly in Kano, Plateau, Gombe, Rivers and Bayelsa States. Indeed, it is reported that election related deaths have been recorded in 22 of the 36 States of the country and suicide bombings outside the north-east, especially in Kano, has increased. This has forced many people to flee to their villages in the wake of the postponed 14 February 2014 elections. Faced with the crippling of economic activities in their States, the Governors of some of the Northern States have appealed to non-indigenes not to flee their States, assuring them of their safety. On the other hand, the Niger Delta militants have toned down their threats of fire and brimstone should President Jonathan lose the election, and have now resorted to appealing to Nigerians to vote for the President. The Inspector General of Police has also indicated that the Police will assume their constitutional responsibilities to ensure the safety of life and property during and after the elections and consequently promised to deploy some 300,000 policemen during the elections.



24. The main opposition party, APC, is uncomfortable with INEC's planned deployment of soldiers during the presidential and governorship elections. However, the INEC Chairman insists that the presence of soldiers will deter trouble makers and assure voters of their safety during the elections. And in this, it will appear that INEC is on firm ground because it will be acting within the provisions advocated by both ECOWAS and the African Union, elaborated to deal with election violence in African countries. The participation of the military in election processes is also entrenched in the national arrangement borne out of previous experiences. This is with reference to the Inter-Agency Consultative Committee on Election Security (ICCES), which is the platform for the coordination of security matters to deal with security challenges. This has enabled security services to promptly intervene and prevent potential crisis situations that could disrupt elections. Nevertheless, the deployment of the

military continues to generate serious controversy particularly after the discovery of the so-called “rigging tape” of the Ekiti governorship election.

25. In spite of this, it is hoped that should the above assurances be actualised, even if violence erupts during and after the elections, it will be appropriately controlled and possibly subdued. The work that the Peace Committee does, under the Chairmanship of General Abdusalam Abubakar, gives additional hope that election violence can and will be managed.

VII. Will the Presidential Election hold on 28 March 2015?

26. In view of all the uncertainties and the various allegations and counter-allegations of planned malpractices by the PDP and APC, some have asked whether elections will indeed hold on the re-scheduled date of 28 March 2015. This notwithstanding, all the political parties have continued their electioneering campaigns, an indication that the elections will hold. Undoubtedly, the two main parties – PDP and APC – have overcome their erstwhile dissimulated nervousness and are now seriously fine-tuning their strategies to ensure victory on 28 March 2015. A further postponement will certainly cause violence this time and since no one desires an ING, there is no alternative to having elections as re-scheduled.



VIII. Conclusion

27. In the concluding paragraph (51) of the maiden report, we were of the view that the odds favoured the APC candidate, Muhammadu Buhari, if the party could sustain the momentum it was gathering. We indicated that in the country, “24 hours is very long in Nigerian politics”. If one day is long, imagine what six weeks would be. We have already identified some of the changes that have occurred since the postponement was announced. While the APC appeared to have lost some steam, it certainly can stage a comeback as the new date approaches. On the other hand, the PDP’s chances seem to have been enhanced even though the PDP strategists are undermining these through their unguarded pronouncements. In the final analysis however, we think the March 28 elections are yet to be lost and won. Indeed, “24 hours is very long in Nigerian politics”. The odds are however still against the ruling PDP and its presidential candidate despite the incumbency factors.