

Nigeria Elections and Violence: National Level Scenarios

It is acknowledged that below scenarios represent partial analysis and only some of the scenarios that may come to pass. Indeed, this is not an exhaustive document and other scenarios may occur that are not listed here. The scenarios below in no way reflect desired outcomes of the working group, nor do any inconsistencies or perceived biases reflect the opinions of the members. In addition, these scenarios vary greatly in terms of their probability.

Some of these scenarios **might** play out during elections.

Before the Elections

1. Possibility of sudden outburst of violence just before presidential election in different parts of the country with security apparatus over-stretched. This may result in:

- Declaration of National State of Emergency as a result of the violence
- Election suspended by INEC
- APC blames PDP for violence on perceived assumption of loss in election
- Counter accusations
- There may be killings and counter killings in different parts of the country
- The above may lead to extension of President Jonathan's administration
- Above may precipitate potential military intervention (low chance)

2. Possibility that, as a result of intensification of conflict in the North East, government declares a national state of emergency¹. This may result in:

- Increase in bomb attacks, including that by suicide bombers who are young girls
- JAS controls increasing amount of territory with government having little to no presence in majority of LGAs in Borno and decreasing presence in LGAs in Yobe and Adamawa
- INEC says elections will not be held in affected LGAs and states
- Protests erupt in affected states against federal government's inability to curb JAS
- Suspicion National Assembly will withhold approval of declaration of National State of Emergency leads to public disorder and violence in parts of the North with suspicion this is political
- Option of holding staggered elections emerges but does not get traction
- Declaration of National State of Emergency approved by the National Assembly
- All elections postponed for six months
- Prolonged demonstrations shrinks the space for dialogue and political option
- Escalating violence in the North and other opposition strongholds

¹The NHRC and ICC have classified the crisis in the North East as a situation of non-international armed conflict. (Source: This Day, accessed at <http://www.thisdaylive.com/articles/victims-of-war/196213/> 9 Dec 2014) Relevant constitutional provisions:

135 (3) If the Federation is at war in which the territory of Nigeria is physically involved and the President considers that it is not practicable to hold elections, the National Assembly may by resolution extend the period of four years mentioned in subsection (2) of this section from time to time; but no such extension shall exceed a period of six months at any one time.

64 (2) If the Federation is at war in which the territory of Nigeria is physically involved and the President considers that it is not practicable to hold elections, the National Assembly may by resolution extend the period of four years mentioned in subsection (1) of this section from time to time but not beyond a period of six months at any one time.

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3. Possibilities of disqualification, withdrawal, incapacitation, disappearance or death of either APC or PDP presidential candidate². This may result in:

- Panic/ forced relocation of “non-indigenes” returning home for safety
- Postponement of elections and/ or extension of President Jonathan’s government
- Rising tension (with talks about possible – but unlikely – military option)
- Violence in strongholds of affected candidate
- New electoral plan developed for federal level and state-level elections, resulting in delays

4. Possibility of court ruling declaring President Jonathan ineligible a few days to the elections on grounds of having previously taken oath and allegiance of office twice.³ This could result in:

- Uncertainty as to whether federal elections will be held as scheduled
- Court rules president still not eligible on appeal and PDP investigates alternate ways to appeal ruling
- Legal challenge to the candidacy of Ibrahim Geidam, Yobe Governor, following this court ruling⁴
- Crisis likely to erupt in the Niger Delta and in many PDP strongholds
- Possibility of holding state level elections as scheduled threatened

5. Possibility of widespread logistical failures with PVC and CVR, This could result in:

- Protests and increasing tension which turns violent in some areas of affected states
- Many people affected by violence become disenfranchised
- Multiple cases brought and increased pressure on election tribunals
- Crisis of legitimacy as many feel the elections were not fair or transparent

6. Possibility of widespread logistical failures with voter registration, resulting in series of short delays. This could result in:

- Postponement of all or some elections (limited to provisions of the electoral law)
- INEC experiences delays, setbacks in voter registration, setting up polling units, and other issues
- People who are agitated might disrupt voting in their areas
- Many people becoming disenfranchised or feeling as such
- Presidential elections postponed days before scheduled, resulting in delays in state-level elections
- Mutual accusations about politically motivated logistical failures and delays
- Massive discontent about process and legitimacy of elections

² Relevant constitutional provisions:

132 (3) Where in an election to the office of President one of the two or more candidates nominated for the election is the only candidate after the close of nomination, by reason of the disqualification, withdrawal, incapacitation, disappearance or death of the other candidates, the Independent National Electoral Commission shall extend the time for nomination.

³ Relevant constitutional provisions:

135 (2) Subject to the provisions of subsection (1) of this section, the President shall vacate his office at the expiration of a period of four years commencing from the date, when -

(a) in the case of a person first elected as President under this Constitution, he took the Oath of Allegiance and the oath of office; and (b) in any other case, the person last elected to that office under this Constitution took the Oath of Allegiance and oath of office or would, but for his death, have taken such Oaths

142 (1) In any election to which the foregoing provisions of this Part of this Chapter relate, a candidate for an election to the office of President shall not be deemed to be validly nominated unless he nominates another candidate as his associate from the same political party for his running for the office of President, who is to occupy the office of Vice-President and that candidate shall be deemed to have been duly elected to the office of Vice-President if the candidate for an election to the office of President who nominated him as such associate is duly elected as President in accordance with the provisions aforesaid.

(2) The provisions of this Part of this Chapter relating to qualification for election, tenure of office, disqualification, declaration of assets and liabilities and oaths of President shall apply in relation to the office of Vice-President as if references to President were references to Vice-President.

137 (1) A person shall not be qualified for election to the office of President if – (b) he has been elected to such office at any two previous elections.

⁴ Mamman Ali was sworn in as Governor in 2007 but died in 2009 and was succeeded by his Deputy Governor, Ibrahim Geidam, who won 2011 Governorship elections. Uncertainty as to whether Geidam can stand mirrors that of the President.

During the Elections

7. Possibility of elections holding across the federation except some of the North East states. This could result in:

- Constitutional crisis with INEC unable to declare “winner” based on existing provisions⁵
- Protests, demonstrations over disenfranchisement which could turn violent in the states under emergency
- Possible delay/disruption of state level elections due to protests and demonstrations in states of emergency. Where postponement becomes prolonged a further constitutional crisis may arise in terms of tenure of the governors and state houses of assembly.
- Multiple court cases challenging ‘illegal extension’ of governments at federal and state levels. Possibility of protests by Civilian JTF turn violent, resulting in clashes between military and CJTF in the North East
- Due to elections not being held in affected states, this leads to inconclusive elections

8. Possibility of elections holding across the federation, but in reality voting does not take place in some of the North East states. This could result in:

- Roaming IDPs are disenfranchised, causing concern particularly among northern populations
- Election officers and volunteers do not deploy to widespread areas of North East due to insecurity
- Demonstrations plausible in Northern non-emergency states over disenfranchisement
- Some members of Civilian JTF vulnerable to becoming politically involved due to incentives provided by politicians
- Protests, demonstrations, which could turn violent in opposition strongholds (especially if they lose)
- Multiple court cases and pressure on court tribunals

9. Possibility of logistical failures recorded widely or partially. This could result in:

- For example:
 - Logistical issues might arise in difficult, unsecured and water access terrains
 - INEC card readers breaks down
 - INEC register not credible e.g. disappearance of names in the election register
 - Hijacking of electoral materials and personnel
 - Personnel refuse to go to states where there is insecurity
 - Insufficient security force accompaniment to movement of election materials
 - Delay in arrival of materials in some areas
 - Polling stations not open for elections due to absence of security personnel
 - Security officials turn up late or not at all
 - Inadequate conveyers to convey materials and INEC ad hoc staff to places of primary assignment
- In other areas, elections not held due to lack of elections materials
- Voter turnout low as people who come to polling stations early are unable to vote
- Areas of shortage of logistics perceived to be in order to give advantage to a particular political party
- Outbursts of protest in the affected areas, public property set on fire and incidents of arson/ killings
- Partial or full rerun of elections

10. Possible use of security forces to arrest, harass and intimidate opposition. This could result in:

- State politicians deploy funded vigilante groups to counter government security forces
- Politicians deploy their groups of thugs to start fighting
- Clashes between rival groups of thugs
- Clashes between different security agencies leads to increased presence of vigilante groups
- Violence erupts in opposition strongholds because of perceived bias to the ruling party

⁵ i.e. 50%+1, 25% of valid ballot casts in at least two-thirds of states

11. Possible widespread rigging of elections

- Party leaders on either side collude to organise widespread ballot-stuffing, snatching, or disenfranchisement that skews election results
- INEC is pressured on either side to withhold or modify results
- Media reports include accusations of increase temperature of public, and massive protests ensue
- Violence erupts at many polling units as voters are unable to vote or rigging is observed by community vigilante or other leaders

After the Elections

12. Possibility that presidential elections are inconclusive.⁶ This could result in:

- Crisis erupts upon declaration of inconclusive elections
- Party leading in the election results feels robbed of victory
- Demonstrations in areas that are the stronghold of this leading party
- Pressure on INEC
- State elections postponed to allow presidential elections in the affected areas
- Killings and counter killings with security apparatus overstretched

13. Possibility that presidential election results require a re-run election.⁷ This could result in:

- Tense political atmosphere leading to violence
- State elections postponed to allow re-run of presidential elections
- Accusations and counter-accusations
- Pockets of violence across the country

14. Possibility that the nation becomes broke immediately after the elections due to falling oil prices and overspending. This could result in:

- Deficit national budget
- The government is unable to pay salaries and so borrows money and reduces public related expenses
- Shortage of commodities, food, fuel etc.
- Mutual accusations over previous rates of expenditure and lack of investment in public services
- People become agitated and violence erupts

15. Possibility that based on a previous Supreme Court ruling, the court rules the president, who won the election, was not eligible to contest.⁸ This could result in:

- The president refuses to vacate office and appeals judgment

⁶ Elections are inconclusive where the difference between the two leading candidates is less than the number of registered voters where elections are cancelled. This is provided in INEC regulations.

⁷ All stakeholders in the elections must make adequate preparation for this with voter education needed and security forces ensuring this does not lead to violence. Relevant constitutional provisions:

133 (b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the Federation and the Federal Capital Territory, Abuja

⁸ Relevant constitutional provisions:

135 (2) Subject to the provisions of subsection (1) of this section, the President shall vacate his office at the expiration of a period of four years commencing from the date, when -

(a) in the case of a person first elected as President under this Constitution, he took the Oath of Allegiance and the oath of office; and

(b) in any other case, the person last elected to that office under this Constitution took the Oath of Allegiance and oath of office or would, but for his death, have taken such Oaths

142. (1) In any election to which the foregoing provisions of this Part of this Chapter relate, a candidate for an election to the office of President shall not be deemed to be validly nominated unless he nominates another candidate as his associate from the same political party for his running for the office of President, who is to occupy the office of Vice-President and that candidate shall be deemed to have been duly elected to the office of Vice-President if the candidate for an election to the office of President who nominated him as such associate is duly elected as President in accordance with the provisions aforesaid.

(2) The provisions of this Part of this Chapter relating to qualification for election, tenure of office, disqualification, declaration of assets and liabilities and oaths of President shall apply in relation to the office of Vice-President as if references to President were references to Vice-President.

- National Assembly moves to impeach the President, based on ruling, and calls for handover to Senate President to lead a transitional government
- Uncertainty as to what will happen due to lack of legislation governing situations of transition
- Supreme court confirms the ruling that the president was not eligible
- Crisis erupt in the Niger Delta and other parts of the country

16. Possibility that one party rejects outcome and tries to form a parallel government

- Winner declared by INEC but immediately rejected by other party who say the election was rigged
- House of Assembly and Senate members of losing party break away and form parallel legislature
- Public reaction results in widespread clashes in various parts of country and in Abuja
- Lengthy court battle accompanies parallel formation, resulting in widespread confusion among public

17. Possibility that Buhari is declared winner of the Presidential Election

- Perceptions that elections were rigged
- The South South erupts with violence and militant activity increases
- Vandalisation of public property and burning of party offices
- Harassment of opposition and arrest of politicians
- Harassment of Northerners in the South-South
- Internal migration as people move to places they feel safer
- Litigation is protracted and complicated

18. Possibility that Jonathan is declared winner of the Presidential Election

- Perceptions that elections were rigged
- Backlash from APC supporters who feel robbed of victory leads to violence in the North and areas where elections were competitive, particularly in Kaduna, Kano and key North East states
- Vandalisation of public property and burning of party offices
- Internal migration as people move to places they feel safer
- Litigation is protracted and complicated
- Scattered violence continues well after the elections