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DaMina Advisors Note: Nigeria's February 2015 general elections and October 2014 party primaries at serious risk of delay as embattled president looks set to remove northeastern civilian governors and impose martial law. Islamist terror group Boko Haram's recent successes challenge fragile democracy and ill equipped military.

The recent tactical successes of the Nigerian Islamist terror group Boko Haram, which violently opposes western education (especially for girls), and favors Islamic Sharia law, is threatening to torpedo Nigeria's upcoming elections. Embattled President Goodluck Jonathan is set to remove several civilian governors of the affected northern states and replace them with military officers while imposing martial law. The country's scheduled February 2015 general election is at serious risk of postponement.

While for most of its modern history, Nigeria has been ruled by military rulers, a popular choice since 1999 for democracy has remained despite the country's many pressing socio-economic and security challenges. However, the recent tactical success of the Islamist terrorist group Boko Haram, against an ill equipped army has led to an increasing sense of despair by the public, creeping authoritarianism by president, and strategic miasma by the military brass. With increasing international pressure on Jonathan to act decisively to retrieve the 238 kidnapped school girls (who have in all likelihood been moved to bases into northern Cameroon, Niger and Chad), the president is poised to impose martial law on the entire northeastern sections of the country, remove the civilian governors of the affected states, (many of whom belong to the opposition) and appoint military governors to prosecute the war against Boko Haram. While divisions still remain within the government over a new aggressive (authoritarian strategy), it is backed by Jonathan's new chief of staff, Brigadier General (Rtd) Jones Arogbofa and the new defense minister Lieutenant General (Rtd) Aliyu Mohammed Gusau. Beyond removing the governors, Jonathan will seek to impose new media restrictions – especially on social media sites and blogs, accelerate communications intercepts and speech codes to stop Islamist incitement and organization. Already this year Jonathan appropriated extra constitutional powers to sack the central bank governor, without consulting the National Assembly and still refuses to recognize the democratically elected governor of Rivers state, a major oil producing state.

Any national election held without the Islamic northeast participating fully will be considered illegitimate by Jonathan's northern political opponents, and could even trigger a military coup or widespread socio-political unrest. Article 64 (2) of the Nigerian constitution provides that *"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 from time to time but not beyond a period of six months at any one time."* The imposition of martial law in the affected northern states, the removal of the democratic governors, appointment of military officers as replacements and the postponement of the February 2015 national elections and October 2014 party primaries will also provide a temporary political respite to Jonathan. His embattled re-election bid has elicited strong opposition from influential former President Olusegun Obasanjo and various powerful factions within the ruling party who believe a northern Muslim should rather run. Against this backdrop, Jonathan is therefore likely to invoke the martial law and delay the 2015 polls.

The Boko Haram insurgency makes a national election almost impossible, and state elections in the affected areas, definitely impossible. The Nigerian constitution requires that a successful candidate win a majority of the votes cast nationally, but also *"not less than one-quarter of the votes cast in at least two-thirds of all the States in the Federation and the Federal Capital Territory, Abuja"* (Article 133.1). Article 179. (1) stipulates that a gubernatorial candidate has to win a majority of votes cast in addition to *"(b) not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the local government areas in the State."* With so many local areas in the northeast under military siege and experiencing an insurgency, Nigeria's scheduled October party primaries and February 2015 poll are simply untenable.

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ABOUT THE COMPANY

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