



# State of Local Government Elections in Nigeria:

## An Overview

Discussion Paper

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All enquiries can be directed to:

Yiaga Africa Initiative  
Plot 54, Cadastral Zone, Idu, Karmo 900108  
Abuja, Nigeria  
info@yiaga.org

Download free copies of the report at  
[www.yiaga.org](http://www.yiaga.org)

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**Itodo Samson**

Executive Director,  
Yiaga Africa

## State of Local Government Elections in Nigeria: An Overview

# Introduction and Background Context

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The local government system is a core institution in Nigeria's governing structure. How an electoral system operates goes a long way in determining the degree of public confidence and support for the democratic system. Over the years, especially since the return to electoral democracy in Nigeria, the country's electoral system, particularly aspects that affect the national elections, has received significant attention to making it function better in shaping and influencing the rules of political competition for state power such as what parties look like, who goes to the legislative assembly to represent the people, how accountable these representatives are to the electorate, and who governs. Marc Plattner draws attention to the link between elections and democracy in this extract; "countries that hold free and fair elections are overwhelmingly more liberal than those that do not, and countries that protect civil liberties are overwhelmingly more likely to hold free election those that do not." In this regard, an election is a tool for opening and expanding the political space, which is critical to democracy.

However, at Nigeria's sub-national local government (LG) level, the processes and outcomes of elections are poor despite impressive historical antecedents. During colonial rule, the local government system was an essential element of the colonial administration. The Native Authority system, which was at the root of the local governance system, survived even under the military until

1975. The Murtala Administration initiated the process of local government reform through Decree No. 32 of 1975 (10), which aimed to fast-track development, especially in rural areas. The local government reforms enacted in 1976 resulted in a national system of democratic local governance. Whereas the reform process came up with substantial autonomy for the local governments, the required political will for the autonomy has been lacking. Also, some jurisdictional overlaps and ambiguities made intergovernmental conflicts almost inevitable. The Constitution of the Federal Republic of Nigeria, 1979, subsequently guaranteed critical features of the 1976 reforms with the local governance powers vested in elected local officials, with traditional rulers given an advisory role. Under the 1979 Constitution, the states had jurisdiction over local governments, which, in effect, reduced their autonomy. There was resistance to the mounting state interference in some circles. For example, the Association of Local Government of Nigeria (ALGON) was formed out of the protests by the local governments against state interference.

### Local Government System Since 1999

The 1999 Constitution of the Federal Republic of Nigeria has further institutionalised the local government system in Nigeria to a degree and depth that is not the case in many countries. The Constitution establishes a system of "local government by democratically elected local

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government councils” and requires states to ensure that the structure and functions of local government follow established laws. According to Section 7(1), “the Government of every State shall...ensure their existence under a Law which provides for the establishment, structure, composition, finance and functions of such councils. The Constitution provides for the National Assembly to make provisions for statutory allocation of public revenue to LGCs in the Federation and the House of Assembly of a State to make provisions for statutory allocation of public revenue to LGCs within the State.

The Fourth Schedule in the 1999 Constitution relates to the functions of the LGCs. Section II of the schedule lists out the functions of an LGC, including establishing and maintaining cemeteries, burial grounds, and homes for the destitute, establishing, maintaining, and regulating slaughter houses, slaughter slabs, markets, motor parks, and public conveniences, construction and maintenance of roads, street lighting, drainage, other public highways, parks, gardens, open spaces such as public facilities as may be prescribed from time to time by the State House of Assembly of a State, the naming of roads and street numbering of houses, provision, and maintenance of public conveniences, sewage and refuse disposal, registration of all births, and deaths and marriages etc., assessment of privately owned houses or tenements to levy such rates as may be prescribed by the State House of Assembly; and control and regulation of outdoor advertising and hoarding, movement and keeping of pets of all description, shops and kiosks, restaurants, bakeries and other places for sale of food to the public; laundries and licensing, regulation and control of the sale of liquor.

Over the years, the performance of local government administrations in Nigeria has been very disappointing. Since 1999, under the elected civilian administration, LGCs have received substantial revenue allocations without always providing commensurate services or infrastructural development. The provision or non-provision of public services by the LGCs directly and immediately affects the quality of people’s lives. Local government in Nigeria has developed under significant challenges and limitations because of shortcomings in institutional, organizational, funding, and technical capacity. These institutional and legal framework challenges arise primarily from the gaps between Constitutional provisions and actual practice by the political elites. These gaps have meant the concentration of power at the federal and state levels to the detriment of local government as an independent third tier.

While the local government system is expected to promote and sustain development at the grassroots level, there has been much abuse of the local government system across the country, mainly by critical political actors and players. Consequently, the functioning and performance of local governments face considerable challenges. This could be attributed to corruption, interference by state governors and the House of Assembly in the States in local government administration, and ineffective accountability mechanisms, including a lack of free and fair electoral processes that enable electorates to oust non-performing politicians from office (Afrobarometer, 2008).

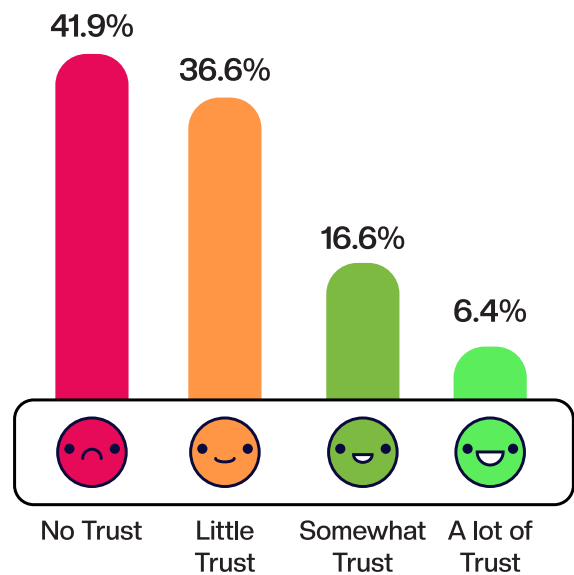
Most of the challenges inhibiting local governance stem from three major areas. First, although the Constitution is somewhat specific about local governments’ powers,

devolving their regulatory authority to states creates ambiguity and confusion. In this way, any turbulence experienced by a state has a cascading effect on the local government level. Secondly, the budget process is characterised by insufficient and ineffective public participation, transparency, and technical analysis. Even though the LGAs have authority over Internally Generated Revenues (IGRs) such as rates and licenses, IGR mobilisation is weak and inconsistent across LGAs. In addition, transparent and participatory processes for revenue mobilisation and allocation are lacking. Little or no oversight of services and a lack of standard checks and balances have considerably weakened the potentially strong role LGAs could perform. Thirdly, most LGA councillors do not understand the fundamental functions of local government, such as the policy and representative role the council plays. Role confusion, lack of resources, improper use of resources, and low capacity in LGAs have devastated the quality of public services provided to the local population. Many LGAs lack adequate staff, and few have professionally qualified staff to meet their statutory roles and mandates.

The challenges the local government councils face create a gap in confidence and trust between citizens and local governments. Popular trust is an indicator of the legitimacy of a government or public institution. It indicates people's confidence that the government can be relied upon to do what it is supposed to do in terms of the Constitution and statutory law. The Round 9 (2021/23) Afrobarometer survey respondents in Nigeria were asked how much they trust elected local government councils: some 41.9% said they do not trust them at all;

36.6% said they trust them just a little; 16.6% trust them somewhat; and 6.4% trust them a lot.<sup>1</sup> Given the above figures, it is plausible to submit that the public's perception of local government is that governance is nearly nonexistent, and local government administration in Nigeria is instead viewed as a costly parasite that provides little or no services.

Level of Trust in Elected Local Government Councils



The Round 9 (2021/23) Afrobarometer Survey

Under these conditions, the local government cannot claim legitimacy. The seeming failure of the legitimacy test by the local governments in Nigeria raises questions about the democratic credentials of the LGAs and even their claim of being democratically elected despite the Constitutional provisions that guarantee democratically elected local governments. Local government elections, among other things, are expected to confer legitimacy and create a conducive environment for

1 [ Computed from Afrobarometer Online Data Analysis Available <https://www.afrobarometer.org/> Accessed 20 February 2024. See [www.Afrobarometer.org](http://www.Afrobarometer.org) ]

accountable and effective local government in Nigeria. This briefing paper examines the state of local government elections in Nigeria, beginning with the legal and institutional framework. Also, attention is drawn to the trends in local government elections, the challenges identified, and critical recommendations for improving the quality of local government elections in Nigeria. In addition, increased involvement of civil society in the local government electoral process is advocated along with the development of an index tool for assessing the quality of local government elections in Nigeria.



# Trends in Local Government Elections

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Elections are an indispensable part of the democratic process. Citizens can elect their representatives, hold governments accountable, and shape policymaking through them. The people's will is the dominant political factor in the modern democratic process, and free, fair, transparent, and periodic elections are a significant vehicle through which the people can manifest their will and hold leaders, including local leaders, accountable (see Norris, 2014). Local government election in Nigeria, in principle, is a critical part of the democratic process, which ensures representation and decision-making at the community level. It provides citizens with a voice in local governance and contributes to the overall functioning of the nation's political system. In addition to election making LGAs accountable to the grassroots, it will help secure their tenure in office since they cannot be dismissed except through impeachment – or at the next election.

The Constitution of the Federal Republic of Nigeria, 1999, guarantees a 'system of local government by democratically elected local government councils. Section 7(1) says, "The system of local government by democratically elected local government councils is under this Constitution guaranteed". According to Section 7(4), "The Government of a State shall ensure that every person who is entitled to vote or be voted for at an election to a House of Assembly shall have the right to vote and be voted for at an election to a local government council. Each state House of Assembly makes laws for the procedure, form, and structure of their local governments." The

State Independent Electoral Commissions (SIECs), created by Section 197 as one of the three state executive bodies, conducts elections for the positions of chairman and councillors of all the Local Government Areas. Each of the 36 states in the country has its SIEC, and they are independent of one another. They conduct the election into the Local Governments of their respective states at different times.



The SIECs generally face a gamut of challenges. Although duly provided for in the Constitution, the SIECs operate at the mercy of the State Governors to whom they owe their appointments. They could not operate independently and conduct elections when they were due. In some states, the government claimed not to have funds to conduct LG elections, while others opted to appoint caretaker committees. Many state governments have blatantly refused to constitute the SIEC. Even when inaugurated, they are poorly funded to enable them to perform their constitutional duties.

In addition, many SIECs have operations and activities compounded by fraud and other electoral irregularities. Also, the indictment of local elections as 'selection, not election,' by the citizens is a pointer to how the people view the process and outcome of local government elections in the country. In the case of the 2021 local government elections in Lagos State, Yiaga Africa's election observer group reported that "Voter participation in these elections is abysmally low as citizens showed lack of interest in the process", which "poses a major challenge to the practice of democracy in the state and Nigeria". Yiaga Africa said further that;

*...the elections revealed a persisting capacity deficit with respect to human and financial resources and technical expertise required for successful election administration at the local level. It also revealed the absence of a robust legal framework for LGA elections that can sufficiently guarantee electoral integrity, enable political inclusion and regulate political party conduct in the elections. The election also raises major concerns on;*

*the quality of leadership at the local level, the independence and autonomy of local government structure and key institutions like the State Independent Electoral Commission.<sup>2</sup>*

Under the conditions presented above, it was almost impossible to ascribe integrity to the local government elections conducted in many states, especially those whose SIECs were nothing but the 'agents' of the Governor appointed to carry out his/her bidding. Mr Ambali Olatunji, President of the Nigerian Union of Local Government Employees (NULGE), puts this in perspective in the following quotes from an interview he granted:

*It is not about the chairmen (of local government areas). Look at the procedure of their emergence. Most of them do not win elections; they don't even have the mandate of the people, and he who pays the piper calls the tune. Most states in Nigeria refuse to conduct elections. They (governors) prefer to appoint their surrogates and political hangers-on to be at the helm of affairs in the local government areas, making them unaccountable to the people. Even where elections are purportedly conducted, they don't meet democratic standards. What happens in the local government areas is a coronation, not elections. That is why when a political party is at the helm of affairs at the state level, all the councillors and chairmen are from that party. It is only in Abuja that one finds a mixture of different political parties where the Independent National Electoral Commission conducts an election.<sup>3</sup>*

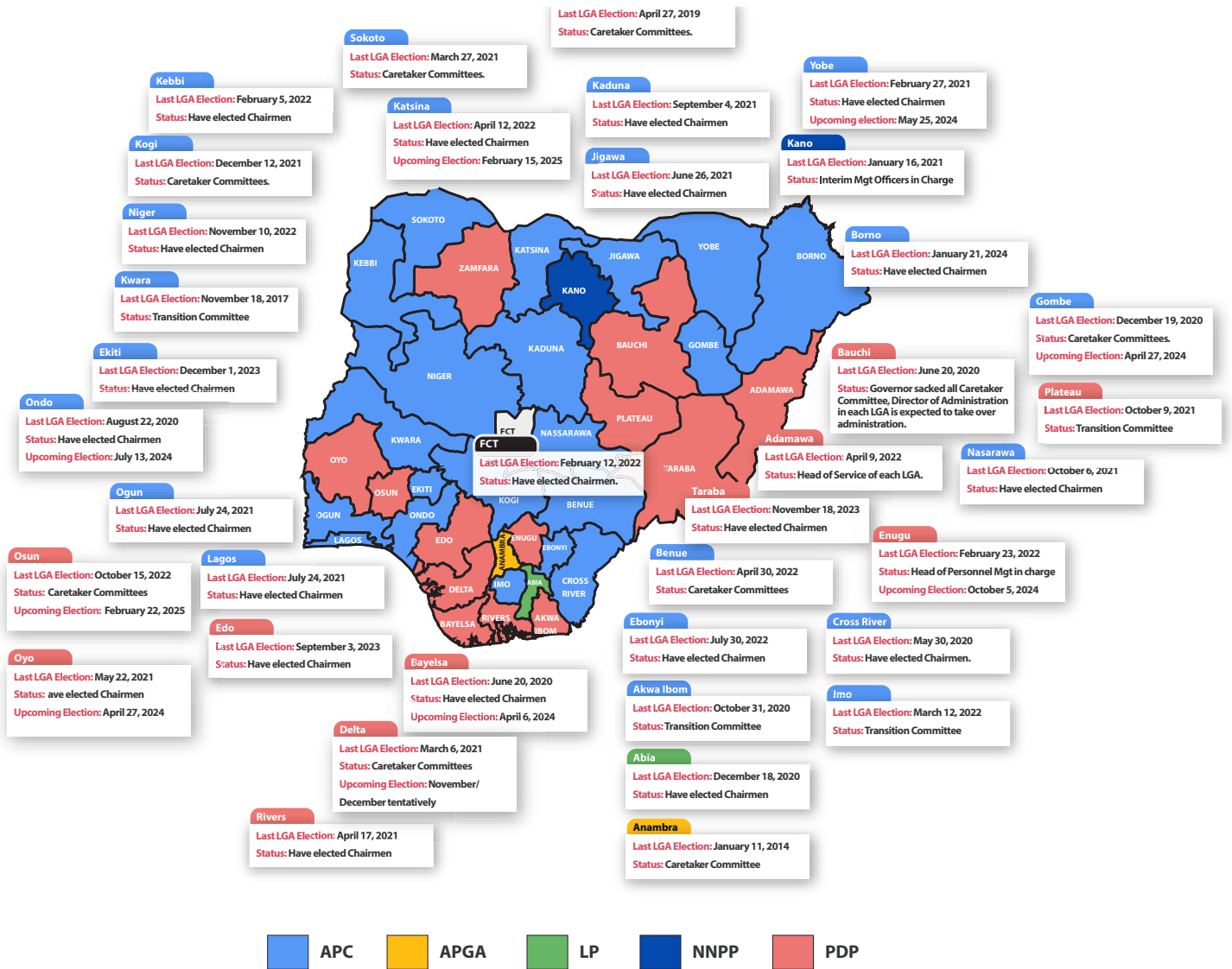
2 [YIAGA Africa, "Preliminary Statement on 2021 Lagos Local Government Council Elections" WatchingThe Vote. <https://watchingthevote.org/preliminary-statement-on-2021-lagos-local-government-council-elections/> Accessed 24 February 2024.]

3 [President, Nigerian Union of Local Government Employees (NULGE) Mr Ambali Olatunji interview with 'Punch' 4 September 2022.]

Local government elections were considered in the various political transition programmes designed and implemented by the military governments in Nigeria. Thus, elections for local government and area councils were held in March 1996 and March 1997. The elections in 1996 were conducted on a 'zero party' basis, with a plan to have the winners hold office for one year, after which they were to be succeeded by the winners of the party-based local election later. The 1996 elections were held using the open balloting system, with voters lining up behind their preferred candidates to be counted. On 15 March 1997, local government elections were held on a party basis using the 'secret ballot system'. The process and outcomes of the election were reportedly fraught with irregularities.

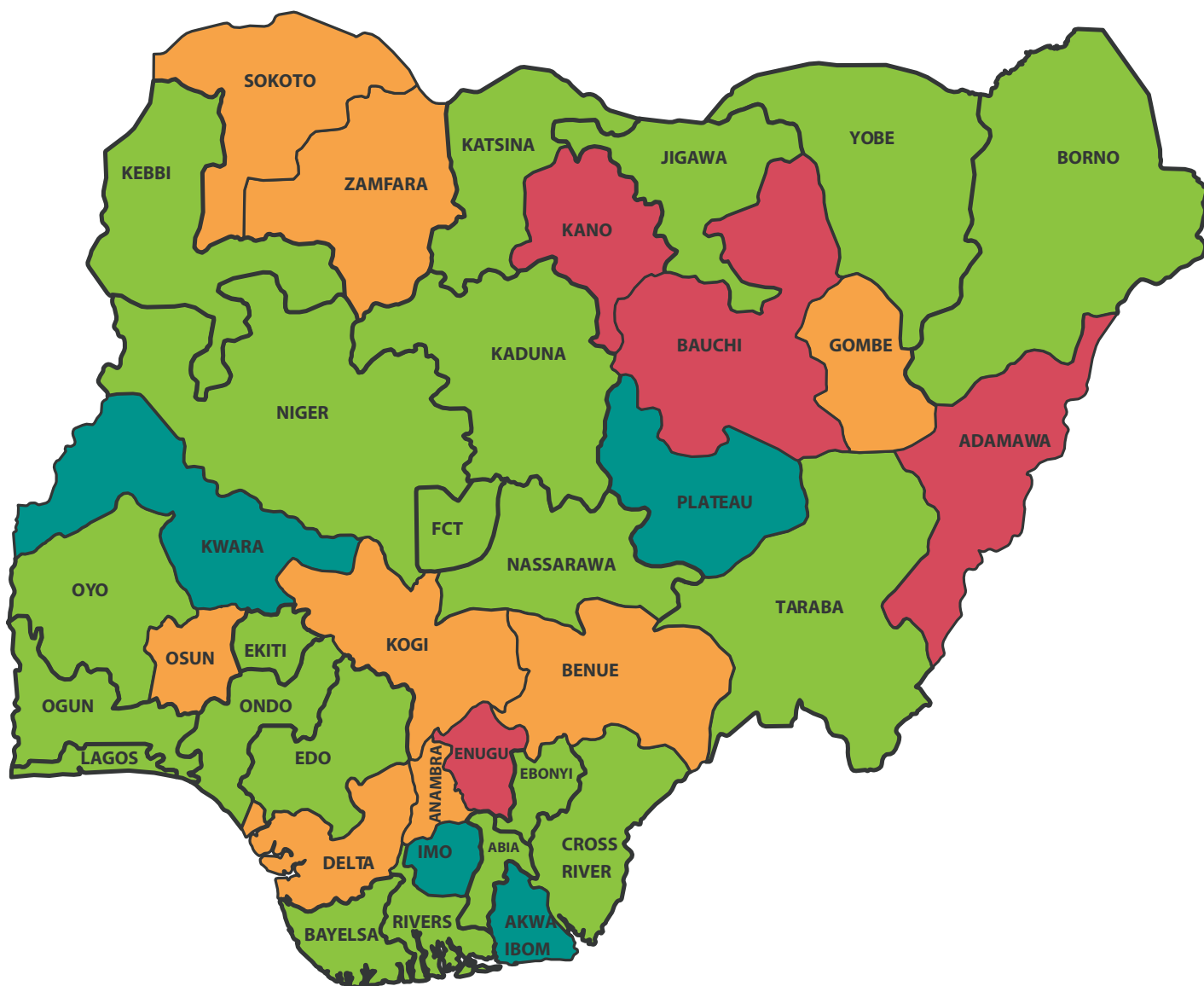
The assumption in many circles is that lessons learned from the previous elections were factored into revising the electoral procedures for the 1998-1999 transitional elections. Subsequently, INEC came up with the open 'secret ballot system'. The 1998 local government held in December 1998 with the participation of only three political parties – Peoples Democratic Party (PDP), All Peoples Party (APP), and Alliance for Democracy (AD). The political parties had manifestoes, but none mentioned or referenced local governments. No state or local government-level parties existed, and the existing national parties were primarily indifferent to local government affairs. As the outcome of an assessment shows, "Consequently, local issues tend to be eclipsed by larger national issues" (USAID/ARD, 2001,10). The results of the elections were as follows: PDP was in the lead, with 459 local government chairpersons and 4,650 councillors having won in 21 states. APP won in 9 states and six states for AD.

# LOCAL GOVERNMENT ELECTION TRACKER



Source: Yiaga Africa Research

# HOW THE LOCAL GOVERNMENTS IN NIGERIA ARE CURRENTLY RUN



Source: Yiaga Africa Research

# Limitations and Challenges

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The Constitution of the Federal Republic of Nigeria (1999), like the previous constitutions since the 1954 Lyttelton Constitution, presents the country as a federal political system. However, in practice, Nigeria is structured and chartered along a unitary system of government, resulting in imbalances in vertical and horizontal inter-governmental relations within the Nigerian Federation. With this, the claim that fiscal federalism creates incentives for multiple orders (levels) of government to facilitate efficient and effective delivery of services to their citizens is almost an illusion

as the political elite superficially operate the local government system merely as an appendix of the state government, deny its independence and financial autonomy among other things.

One of the arguments of the political elite is that local government is not a federating unit. They claim that in the classical definition of federalism, only the federal and the states are federating units. Thus, there are gaps between constitutional provisions and actual practice by the political elites.

4 [“LG Autonomy: 313 Out Of 774 Councils Run By Sole Administrators” Chika Izuora, “LG Autonomy: 313 Out Of 774 Councils Run By Sole Administrators” <https://leadership.ng/lg-autonomy-313-out-of-774-councils-run-by-sole-administrators/> Accessed 01 April 2024.]

Furthermore, the fusion of powers between the executive and legislative arms of government has resulted in the weakening of accountability by the executive, in particular the roles of the Local Government Chairman, and the marginalisation of local councillors. Inadequate funding and lack of technical capacity further inhibit LGCs from functioning effectively.

Despite the existence of legal and institutional structures for the conduct of local government elections in the country, there have been more instances of the breach of the constitutional provisions than compliance, expressed mainly through dissolving democratically elected councils and inaugurating either sole administrators or caretaker committees in charge of the local councils. For example, at the end of 2023, elected officials ran less than 60 per cent of the 774 LGAs in the country, while sole administrators or caretaker committees appointed by the state governors were running the remaining LGAs.<sup>4</sup> It was glaring that most state governors were reluctant to support local government elections or any move towards local government autonomy despite provisions in the Constitution that mandate regular local government elections and grant local government areas (LGAs) autonomy. Expectedly, this has implications for democracy and governance. First, it is an undemocratic practice that reflects a lack of accountability. Secondly, it disturbs service delivery and a lack of development at the grassroots level.

Electoral fraud compounds the crisis of legitimacy for local government councils. In Nigeria, national and sub-national elections, including local government elections, are characterised by similar shortcomings. These include late opening of polls and deployment of election materials, disregard for the electoral guidelines, confusion over the non-inclusion of a contesting party on the ballot, non-deployment of political party agents, and voter apathy. Without faith that their votes will count and almost no access to the local government's officials, citizens acknowledge their powerlessness to put demands on the local government authority. Lack of popular participation is evident, especially in the case of marginalised segments of the population, notably young women, young men and people living with disability. The people's response to the lack of legitimate governance and powerlessness to demand accountability for the most basic services at the local level is political apathy. The citizens have no confidence in making their voices heard and exerting power to make local governance.

The operations of the local government generally and indeed the local government elections occur in a complex Nigerian context. Consequently, the discourse on local government elections in Nigeria and the conduct of local government elections where they are held have taken place under significant challenges and limitations linked with shortcomings in institutional, organisational, funding, and technical capacity.

# Conclusion and Key Recommendations

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Countries pursue decentralisation with various goals in mind, which may include democratisation,” “stabilisation”, and “economic development.” (USAID, 2009, viii). A functioning local government system can be an indicator of decentralisation. Recently, there has been an increase in the preference for decentralisation in Africa, albeit with country-specific expectations. In Egypt, the argument for decentralisation was rooted in deepening democracy and enhancing community partnerships in pursuing decentralization (Nazeef, 2004). In Ethiopia, the justification was for improved political representation and public services for different ethnic groups (International Fund for Agricultural Development, 2004). While in South Africa, decentralisation was an essential component of the transition from apartheid to democracy (USAID, 2009).

In Ghana, while there are constitutional provisions for decentralisation, the Constitution vests enormous political power in the president by assigning him the responsibility of appointing all mayors (metropolitan and municipal chief executives) and district chief executives – collectively known as MMDCEs – as well as one-third of local councillors who serve alongside the two-thirds elected to metropolitan, municipal, and district assemblies (MMDAs). However, this arrangement has recently come under criticism. Some argued that “it has allowed the ruling political party to foist political appointees on a supposed non-partisan structure, which, according to the report on the Government of Ghana Decentralisation Policy Review (2007),

has helped make many MMDCEs subservient and accountable to the appointing authority while weakening accountability to the citizens they are supposed to serve” (Afrobarometer, 2018,1). The appointment of MMDCEs in Ghana is close to the practice of appointing sole administrators and caretaker committees to manage local government in Nigeria.

The desire for decentralisation must be backed by a commitment to delegate resources, power, and tasks to local-level governance structures that are democratic and largely independent of central government (Manor, 1999). In this context, decentralisation is essential for ensuring sustainable development policies and programs are implemented locally and socio-economic relief to the grassroots. In Nigeria, explicit and enforceable constitutional and statutory provisions will make local governments responsive and accountable to local people.

The SIECs have the primary responsibility for local elections. Strengthening the financial and human capacity of the SIECS will be crucial to ensuring effectiveness and efficiency in the conduct of LG elections in Nigeria. In addition, free and fair local government elections with credibility require effective collaboration and synergies with other agencies with unique capacities and resources in specialised areas and functions. Furthermore, the collaborating agencies must have adequate resources to function effectively.

Ensuring that chairpersons’ and councillors’ positions are elective in accordance with the statutory provisions may attract a new crop of



politicians devoted to local-level development rather than national-level politics. Such grassroots politicians must campaign on well-defined and coordinated programs aligned with the national development agenda. Some of these recommendations require legislative support in the form of amendments to sections of the Constitution and relevant laws to encourage representation for the marginalized groups in each local government area. The local government councils should lead the fashioning of the modalities and mechanisms for making such legislation functional.

Local government administration in Nigeria must be transparent and open to scrutiny. There is, therefore, the need for civil society to constantly demand transparency and accountability from local council officials. Moreover, civil society organisations such as human and socio-economic rights groups should help develop robust accountability processes/mechanisms and play active watchdog roles. In collaboration with local government bodies, civil society organisations should educate and sensitize citizens on the responsibilities of elected local government officials and citizens' role in local governance. This will enable citizens to demand accountability in everyday governance and at election time effectively. Such education/sensitization programs should also reorient electorates toward making demands for collective or community goods rather than personalised demands on elected local leaders to avoid what we continue to witness concerning demands on parliamentarians.

Besides, the establishment, structure, composition, finance, and functions of local government councils should be prescribed by an act of the National Assembly. Matters such

as the creation of the local government may be left to states subject to minimum criteria as may be prescribed by an Act of the National Assembly. These measures will minimise the manipulation of local governments by the executive and legislative organs of the state government. Lack of accountability and undue interference by state governors and legislators inhibit the responsiveness of local councils to their communities and people.

There has been a rapidly increasing technology deployment in the Nigerian electoral process to enhance accountability and integrity. However, the experience of and adjustment to the use of modern technology in electoral systems are still mainly limited to the national level. Future electoral reform should address the use of technology to run LG elections, as was the case in Kaduna State. This could make the processes and outcomes of elections less cumbersome for the SIECs

The CSOs in Nigeria are increasingly acknowledged as watchdogs, maintaining vigilance over the electoral process. Their monitoring ensures that election activities are transparent and actively engaged in advocacy for electoral reform. However, very few are interested in reforming the structures and processes of LG elections. Even where there is interest, they lack the necessary capacity. This warrants the design of systematic capacity-building programmes. However, to be knowledge-driven, effective, and impactful, civil society actors must be sensitised, mobilised, trained and adequately equipped with the necessary tools to engage actively. One essential requirement is the election assessment index - an election data analytics platform that evaluates election processes and promotes transparency and accountability.

Finally, while there are global best practices to guide the development of election assessment index tools, efforts must be taken to ensure that such tools are adequately contextualised to address realities particular to the Nigerian setting. In this regard, some of the critical issues in this paper will help develop an election assessment index for local government elections in Nigeria. Also, local government election assessment tools must reflect an in-depth understanding of the totality of the electoral environment in which the election games occur.

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Plot 54 Casdastral Zone, Idu, karmo,  
Abuja 900108, Federal Capital Territory



[www.yiaga.org](http://www.yiaga.org)



[info@yiaga.org](mailto:info@yiaga.org)



+234 808 941 9922



@yiaga