



## LOCAL GOVERNMENT ELECTION MANAGEMENT IN LAGOS STATE AND THE INFLUENCE OF A ZERO-SUM GAME

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**ABSTRACT:** *By intent and definition, the Local Government in a democracy is supposed to be the closest government to the people and its administrator should be decided by its residents through a free and fair election. But in Nigeria, the works of the election management bodies that conduct Local Government elections in the States are cumbersome because the Governors have substantial control over them. For instance, the Chairman of the Lagos States Independent Electoral Commission is nominated by the Governor, who also has a major stake in the outcome of Local Government elections. The Local Government election in Nigeria is a zero-sum game for the ruling party in the State, as election into all the Local Government administrative centers is seen as a 'must-win' for the party of the Governor. One of the reasons for this is that Local Governments in Nigeria receive a monthly statutory allocation from the National Revenue. Also, local government official positions that include: the Chairman, Vice Chairman, Supervisory Councilors and other Councilors are used by the Governors and other ruling elites in the States to 'settle' loyal party members in their localities. This paper uses Lagos State to highlight the reality of the management of local government elections in Nigeria. It submits that the mode of configuration and procedure of local government election administration must be changed to a more transparent and unbiased one before the election can be taken seriously by the residents of the State.*

**KEYWORDS:** Election; Zero-Sum Game.



## INTRODUCTION

On January 22, 2002, the election management body in Lagos State, the Lagos State Independent Electoral Commission (LASIEC) was inaugurated by the then Governor of Lagos State, Bola Ahmed Tinubu. This was after the Lagos State House of Assembly passed the law that established the body on November 27, 2001, according to section 197(1b) of the Constitution of the Federal Republic of Nigeria (1999) that provided for the establishment of the State Independent Electoral Commission (SIEC) for each State of the federation. Since its creation, LASIEC has organized five elections that produced the Chairmen, Vice-chairmen and Councilors in Lagos State. It organized elections in 2004, 2008, 2011, 2017 and 2021. In 2004, the body organized elections in 20 local governments in the State. However, from 2008, LASIEC began to organize elections in the constitution recognizing twenty Local Governments and thirty-seven Local Council Development Areas (LCDA) that were created in 2005 by the Lagos State House of Assembly.

The conduct of the elections by LASIEC has always elicited protest by opposition parties in the State. All the elections conducted so far were won in a landslide victory by the sitting Governors' parties. However, it should be noted that the situation where the ruling party wins all the local government Chairmanship positions is not peculiar to Lagos State. Indeed, it is a norm in most States in Nigeria. In most Nigerian States, the political party of the sitting Governor usually wins all the local governments. There are instances where the outgoing State Governors who just lost gubernatorial elections would hurriedly organize local government elections and their parties would win with a landslide. For instance, in 2022, Gboyega Oyetola of All Progressive Congress (APC), who was the incumbent Governor in Osun State failed in his quest to win a second term of four years when he lost the Governorship election to Ademola Adeleke of People's Democratic Party (PDP); however, in a twist, the defeated outgoing Governor decided to conduct Local Government election shortly before he handed over to the new Governor. On October 15, 2022, the Osun State Independent Electoral Commission (OSIEC) conducted local government elections across the State and declared that the ruling party that just lost the gubernatorial election in the State won all the local government chairmanship seats in the State with a landslide. The election was later nullified by the Court (Ogundapo, 2022).

This paper appraises the performance of the Lagos State Independent Electoral Commission (LASIEC) as the local government election management body in Lagos State since its formation in 2002 and analyzes some of the issues that are militating against the body in the performance of its duty. It also analyzes the reasons why the Local government election is a zero-sum game for the ruling party in the State. The paper employs the game theory to explain why local government elections are seen as a must-win by State Governors in Nigeria. The paper submits that it will be difficult for any State's electoral body to organize free and fair elections based on the way it is presently constituted.



## RELATED LITERATURE

The United Nations Office for Public Administration defines local government as a political subdivision of a nation or (in a federal system) state, which is constituted by law and has substantial control of local affairs, including the powers to impose taxes or to exact labor for prescribed purposes (Adetoritse, 2011). According to Shar (2006, 1), local governments are created **‘to deliver a range of specified services to a relatively small geographically delineated area’**. They can be described based on the country where they exist. In countries like Brazil, Denmark, France and India, they are entities created by national constitutions; in Australia and the United States of America, they are created by state constitutions; in New Zealand and the United Kingdom, they are created by provincial or State legislation; while in China, they are created by executive order. In Nigeria, 774 local governments are listed in the constitution of the Federal Republic of Nigeria. However, some states like Lagos and Osun States have split the local governments in their states into smaller units called LCDA.

Hartmann (2004) traced the existence of local councils to the colonial period when they had some form of representative government, but after independence, many countries saw them as vestiges of colonial rule and their powers were whittled down or completely abolished in some countries. He noted that in recent years, local government has been seen as a vehicle for promoting democracy by local and international actors. Stoker (1988) attributed the rise of local government to industrialization that became pronounced in the middle of the eighteenth century in Britain. According to Stoker, industrialization pushed the population in the cities and the process led to overpopulation that necessitated the creation of sub-administrations to cater for the needs of the people and eventually the creation of elected municipal councils with powers through the 1835 Act. Shah (2006) sees local government as a subordinate tier in a multi-tiered system with varying responsibilities and power in comparison to other tiers. According to him, local governments are extensions of state governments in Canada and the United States of America, in cooperative federalism like Brazil, they are equal partners with higher-level governments and in Switzerland, they have more constitutional significance than the Federal Government and they are the main source of sovereignty. For Akinboye (2007), local government is an important tier of government that performs essential functions, which can be best administered locally due to the advantage of knowing the needs, conditions and peculiarities of the areas where they are located.

According to Sisk (200), the local government is the foundation of democracy and they are the closest to the people. He believes that the electorates are now more interested in the principles and procedures of democratic governance at the local level, hence the interest in who governs at the local level. For him, a virile national politics rests on a virile local democracy. Oliver et al. (2012) differentiate between local and national elections. According to them, national elections are highly ideological, but local elections are based on the managerial competence of the aspirants. They noted that incumbents with managerial competence are usually unopposed and have a high rate of election success. Oliver et al (2012) noted that the majority of political scientists, researchers and journalists focus mainly on national elections and they pay little attention to local politics. They highlighted the composition of local elections. According to them, long-term residents and homeowners dominate local elections. They reckon that based on this composition, local elections are determined majorly by the managerial performance of the aspirants rather than the party affiliation that the national election is known for.



## THE ZERO-SUM INFLUENCE IN THE LOCAL GOVERNMENT ADMINISTRATION

The contest for local government elections and any other election in Nigeria is based on the zero-sum game of game theory. Game theory is an important theory in Political Science. It uses a mathematical model to predict the probable outcomes of a particular scenario. Though the best scenario is for the actors to cooperate and ensure mutually advantageous outcomes for all of them, the dominant strategy is usually that a player takes a decision that benefits him most (Krugman, 2022). A zero-sum game is one of the variants of Game theory. In a zero-sum game, one person gains as much as the other person loses.

To a Governor in Nigeria, winning the elections of all the local governments within the state is a matter of zero-sum game, there is no middle point. In Nigerian political parlance, the phenomenon is called “do or die”. The stake is very high. One of the reasons for the zero-sum game is the Nigerian revenue sharing formula that statutorily allocated a huge amount of the Federal Government revenue to the local governments in Nigeria. The current revenue-sharing formula allocated 20.60 percent of the monthly revenue of the federation to the 774 local governments in Nigeria, while the 36 States and the Federal Government are entitled to 52.68 percent and 26.72 percent respectively (Yakubu, 2023). In 2022, Lagos State’s 20 Local Governments received N146.39bn from the federation account (Jaiyeola, 2023). Usually, the revenue comes from sources such as taxes, oil sales, Nigerian Customs Services, and dividends from state-owned businesses.

However, there are assertions that Governors have unfettered access to the accounts of local government due to the provision of Section 162 of the Nigerian 1999 Constitution that says that “allocation of funds to the local government should be through joint accounts allocation committee and should be appropriated by Houses of Assembly”. In an interview conducted with the President of the National Union of Local Government Employees, Mr Ambali Olatunji by Punch Newspaper, he advocated for a monitoring mechanism to ensure that each local government council in the country gets its allocation directly to its account because local government do not get the actual money allocated to them because of state governments. He believes that the monies are being diverted and stolen by state political actors because they are relying on Section 162 of the Nigerian 1999 Constitution. Similarly, Bongo Adi, a faculty member at the Lagos Business School told Punch Newspaper that Local Governments are being used by Governors as piggy banks (Jaiyeola, 2023). However, it will be difficult for a Governor to have access to the account of a Local Government If an opposition party is occupying the local government’s chairmanship seat because he or she will insist that the actual amount allocated to the local government from the center is credited directly to the local government account.

Also, the local government presents a good opportunity for a Governor to ‘settle’ his party people and cronies. Apart from the Chairmanship positions, there are positions such as Vice Chairmanship and Councillorship. Most of these positions usually employ a retinue of aides such as Special Assistants, Technical Assistants and Personal Assistants. Apart from political positions, another avenue through which a Governor can ‘settle’ his cronies is through the award of contracts. They can influence the award of contracts directly from the local government purse and they can also give franchises for the operation of some functions of the local governments. Such functions include waste disposal and rate collection.



## **THE NATURE OF THE NIGERIAN ELECTORAL PROCESS**

The Nigerian electoral process, including the sub-national electoral process like the elections conducted by LASIEC, is characterized by some features. Notable ones are vote suppression, election manipulation, and vote buying. Nigerian political elites use threats and intimidation to suppress votes where they are unpopular. Sometimes, they use political thugs to maim, intimidate and prevent voters from voting where they are unpopular. There are instances of such scenarios in Lagos State in both the 2019 and 2023 General Elections when the thugs that are loyal to the ruling party in the state went about intimidating voters, snatching ballot boxes and maiming voters who stood in their way.

The political elites are also known for election manipulations. A main feature of election manipulation is rigging by political elites both in locations where they are popular and unpopular. They use legal and illegal entities such as the military, the Police, electoral officers and political thugs to rig elections in locations where they are less popular. In the locations where they are popular and they will naturally win, they inflate the votes count at the polling units. In a situation where intimidation and voter suppression cannot work and they cannot rig election in the polling units, they use or force the employees of the electoral body to change the results of the polling units at the collation center. In Nigeria, 'collation centers' are abattoirs where the political elites, usually the ruling party at the national or subnational level, mutilate or change the will of the people as expressed in the polling units, to their favor. They can add to their votes and subtract from the votes of their opponents.

Elections in Nigeria are also characterized by inducement, both with cash and kind. Political elites in Nigeria are fond of inducing voters with cash and kind before, during and after the elections. They do this when they know they cannot guarantee the support of the people to vote for them. For cash inducement, they either do prepaid or postpaid. For prepaid, they give the voters cash before they cast the ballots and the voters have to find a way to convince the buyers they voted for them. For instance, after thumb printing, they can handle the ballot paper in such a way that the agents of the buyers can see who they voted for. Similarly, for the post-paid, the voter devices mean to show the agent of the buyer that he actually voted for his candidate and afterward proceeds to collect his cash.

## **CHRONOLOGY OF LOCAL GOVERNMENT ELECTIONS IN LAGOS FROM 1999 TO 2019**

As explained earlier in this paper, the stake is very high for a Governor to win all the local governments in his State in a local government election and this can be seen in all the local government elections that have been conducted in Lagos State since the beginning of the Fourth Republic in 1999. In all the elections, the party of the sitting Governor in the State won all the Chairmanship seats, either from the poll or through the election tribunals. Since 1999, the Lagos State Independent Electoral Commission has organized five elections. The body organized the first election in 2004. Alliance for Democracy (AD), the party of the Governor, won all the chairmanship positions in the twenty Local Governments in the State. On October 11, 2008, the electoral body organized another election into the twenty local governments and fifty-seven LCDAs. Five political parties participated in that election. Again, Alliance for Democracy, the party of the Governor, won all the chairmanship positions and won almost all the councillorship posts. However, on October 22, 2011, LASIEC organized an election in all the twenty local governments and thirty-seven Local





Council Development Areas in the State. PDP and the Action Congress of Nigeria featured prominently in that election. The Governor's party, ACN won all the Chairmanship seats after the conclusion of the electoral tribunal cases. In that election, Mr. Babajide Obanikoro of the People's Democratic Party (PDP) was declared the winner of the Ikoyi/Obalende Chairmanship election by the Local Government Election Petition Tribunal (Abdulah, 2012). This was after he was denied his victory by LASIEC in the election conducted a year earlier. However, ACN later successfully appealed the tribunal judgment (Channels TV, 2012) and ensured that the opposition did not take over any local government.

On July 22, 2017, The Lagos State Independent Electoral Commission held another election for the local government Chairmanship and councilors in all the twenty Local Government Areas and thirty-seven Local Council Development Areas in the State. Fourteen political parties participated in that election. The party of the sitting Governor, All Progressives Congress, won all the chairmanship seats. APC also won a staggering 369 councilors' seats, leaving four and three seats to the People's Democratic Party and Accord Party respectively (Abayomi, 2017). The same trend continued in the election conducted by LASIEC on July 24, 2021. The sitting Governor's party, All Progressive Congress (APC), won all the chairmanship positions and only lost two councilors' seats to the opposition parties (News Agency of Nigeria, 2021).

## ISSUES IN THE ORGANIZATION OF ELECTIONS BY LASIEC

Since its inception in 2001, LASIEC has been able to conduct five local government elections. This has helped to deepen democracy at the grassroots and bring representative government closer to the people. However, elections conducted by LASIEC so far have some issues. A few of them are discussed below.

**(1) Inconsistent Scheduling of Election:** Before 2016, when the local government administration amendment law was signed into law by then Lagos State Governor Akinwunmi Ambode, the body was supposed to be conducting local government election every three years, but with the local government administration amendment law of 2016, the tenure of the local government elected officials was adjusted to four years instead of three years (Bassey, 2016). However, it seems LASIEC was just conducting elections at any time without following any specific pattern or law as it should. After it conducted the first election in 2004, the next election was supposed to be conducted in 2007, but it was not so, rather the next election was conducted in 2008. However, it switched back to the lawful three-year gap when it conducted the next election in 2011. From then it took six years before it conducted the next election in 2017, a year after the amendment for tenure of four years was signed. However, the last election was conducted in 2011 in line with a four-year tenure.

**(2) Issues with Voting Process:** The voting process adopted by LASIEC from the first election to the last one is susceptible to manipulations and it does not give confidence to the opposition parties and residents of the State. After the first election conducted in 2004, the results of the elections have been predictable. After the first couple of election cycles, the public seems to be aware of the predictable nature of the results of the election conducted by the body. In all the elections conducted, the political parties of the successive sitting Governors won all the Chairmanship seats in all the local governments and councils. This has eroded the confidence of the public in the elections. While these scenarios might not be the fault of LASIEC, the body should have developed a voting process that can instill confidence



in the residents of the State to participate in the local government elections. For a start, being a grassroots election, the body should have adopted a technologically-driven voting process that could eliminate substantial rigging and manipulation of the election. The voting system whereby the collation of results is done manually in secluded locations several hours after the election has been concluded is not good for the integrity of the election.

**(3) Voters' Apathy:** The body is also not active in arresting voting apathy that has characterized the elections he has conducted. It was reported that less than 18 percent of registered voters in Lagos State voted in the 2021 election and only 17 percent of registered voters in Lagos State voted in the previous election of 2017 (Ogunbiyi, 2021). The consistent voters' apathy in the local government election is a sort of referendum on the performance of LASIEC. The voters' apathy in local government elections continued to the last election. Ogunbiyi (2021) believes that the residents have a notion that their votes do not count and that the results of the elections are predetermined. The fact is that several residents of Lagos consider the elections conducted by LASIEC as not free, fair and credible. It appears that at every election cycle, the people already know that the election will be rigged for and by the ruling party and when a situation emerges that an opposition candidate won overwhelmingly, the ruling party will still find a way to deprive them of that victory as it happens in the case People's Democratic Party's candidate, Babajide Obanikoro, in the Local Government election that was held in October 2011 in Ikoyi/Obalende Local Council Development Area.

**(4) Record Management:** LASIEC seems to have issues with record management. As a body that was created in the twenty-first century, the body is supposed to have a robust and up-to-date record of its elections and activities on its website. On its website, the body is supposed to upload all the results of the election he has conducted since inception, but the only election result that was uploaded for public viewing is the 2021 local government election.

## CONCLUSION

For LASIEC to perform efficiently in its duty of conducting credible, free and fair elections, there is a need to amend the local government administration law in Lagos State to reduce the influence of the sitting Governor and his party on LASIEC. In particular, the provision in the law that gives the Governor the authority to nominate the Chairman of LASIEC must be removed. This is important because the Governor should not be in a position where he can influence the local government election in any way. This paper suggests that such an important position should be selected through a recruitment process of a reputable recruitment firm and the appointment ratified by the Lagos State House of Assembly. Also, LASIEC must adopt technology in the process of conducting elections. Technology will restore credibility to the electoral process. Lagos is a cosmopolitan city with adequate technological infrastructure for electronic voting. Once the residents know that the electoral process is credible, they will participate in the process. Alternatively, local government elections in Nigerian States can be put under the management of the Independent National Electoral Commission (INEC), which is the national electoral body in Nigeria. Despite its flaws, it appears that Lagos residents trust INEC to organize a better election than LASIEC. Also, INEC officials are not appointed by State Governors and therefore likely to have limited influence, unlike State Independent Electoral Commission officials who are appointed by the State Government.



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