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COMMUNITY PARTICIPATION AND RURAL ELECTRICITY GOVERNANCE REGULATION IN NIGERIA: A FOCUS ON THE DELTA STATE ELECTRICITY POWER SECTOR LAW 2025

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Abstract

Rural Electricity access rate in Nigeria is still below fifty percent, this is poor when compared with other African countries that have attained one hundred percent rural electricity access rate. The International Energy Agency (IEA) has argued that one of the preconditions for a successful rural electrification policy is the full involvement of local people in the decision-making process. The paper focuses on an examination of the rural electricity governance structure in Nigeria and adopts the doctrinal methodology of research. It found that the Electricity Act, 2023 (EA) donated powers to the State Assemblies for establishment of Local Government Implementation Committees however, in the composition of its rural electricity governance structure, the Delta State Electricity Law, 2025 (DEL) did not comply with the position of the IEA. The paper recommends an amendment to the DEL in compliance with the standard developed by the IEA. It concludes by stating that this would imbibe a sense of ownership amongst the rural community, secure electricity investments and improve rural electricity access in Nigeria.

Keywords: Rural, Electricity, Local, Community and Decision.

1. Introduction

It has been argued that more than fifty percent of the Nigerian population are resident in rural areas which have the potential to contribute meaningfully to the nation's socio- economic development.[1] This potential can be harnessed through the provision of critical infrastructure such as sustainable rural electricity access. Notwithstanding this situation, per capita electricity consumption for rural residents is 17Kwh in Nigeria with households in rural areas having short hours of electricity supply that urban households. Urban households have eight hours of electricity supply while rural households have six hours on the average.[2] Also when compared with other African countries such as Egypt, Morrocco and Tunisia that have one hundred percent rural electricity access rate,[3] rural electricity access rate is forty-point four percent in Nigeria.[4] Several rural communities in Delta State are not connected to the national grid and are still in

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[1] Rasaq A. Olabomi, Jide Ogundola, Ajari.M. Yakubu and others, "Sustainable Agricultural Infrastructure and Development of Rural Economy In Nigeria" *Socio Economic and Policy Studies* (2021) (1) (2), 72.

[2] Kayode Olaniyan and Others, "Estimating Residential Electricity in Nigeria to Support Energy Transitions" MPDI *Sustainability Journal* (2018) 7.

[3] The Ten Most Electrified Countries in Africa, www.energycapitalpower.com accessed on the 13th of August 2025.

[4] Sam Tunji, "53.6 % of Households Have Access to Electricity- NBS" The *Punch (*Lagos November 22, 2024)

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darkness.[5] This indicates that rural electricity access in Nigeria is still a major challenge and a lot of measures must be put in place by stakeholders to improve the situation. From 1981 to 2023 several reforms have been put in place to improve this situation such as the establishment of the Rural Electrification Agency (REA).

One of the criticisms of the (REA) is that its rural electricity governance structure is over centralized.[6] The International Energy Agency (IEA) has argued that one of the preconditions for a successful rural electrification policy is the full involvement of the rural community throughout the decision-making process in rural electricity governance.[7] With the enactment of the Electricity Act of 2023 (EA) and the amendment of the 1999 Constitution of the Federal Republic of Nigeria, which empowers any State Government in Nigeria to enact a law with respect to the generation, transmission, system operation, distribution, supply and retail of electricity within the State and to set up regulatory bodies such as, Electricity Regulatory Commissions and Rural Electricity Agencies. The Delta State House of Assembly enacted the Delta State Electricity Power Sector Law, 2025 (DEL) which established the Delta State Rural Electrification Agency (DREA). In this respect, the aim and objective of this paper is to examine the provisions of the EA, 2023 and DEL 2025, as it pertains to its rural electricity governance structure and to ascertain whether it conforms with one of the preconditions established by the IEA, that there should be full involvement of the rural community throughout the decision-making process in rural electricity regulation, for the improvement of rural electricity access.

In achieving the above, the paper discusses the historical background of rural electricity reforms in Nigeria, the theory of cooperative federalism and community participation in electricity regulation, examines the provision for rural electricity governance regulation in the EA, 2023 and the DEL, 2025 in line with the IEA standard, offers some recommendations that would provide for community participation in the decision-making process of rural electricity regulation. These recommendations are aimed at improving rural electricity access for rural residents in Delta State and also serve as a model for improving rural electricity access in Nigeria as a whole.

The justification for the examination of the Delta State Electricity Power Sector Law, in this article, is based on the fact that the rural electricity component of the state has the potential to attract over $158 million dollars in private investments and contribute $2.9 billion to the State GDP[8], a comprehensive legal framework in line with international best practices developed by the IEA would position the State to fully harness this potential.

2. Historical Background of Rural Electricity Reforms in Nigeria

The reform for improved rural electricity access in Nigeria began in 1981, with the Federal Government Rural Electrification Programme which had the objective of connecting all local

[5] Damilola Aina, Gift Habib, Maiharaji Altine and Others, "Rural Areas Suffer Blackout Despite N14bn Power Spending" *The Punch (*Lagos January 22, 2025)
[6] Yemi Oke, National "Grid or National Greed" *The Punch (*Lagos December 7, 2011).
[7] Alexandra Nez, " Comparative Study on Rural Electrification Policies in Emerging Economies" *Information Paper by the International Energy Agency (2010) 103.*
[8] Damilola Aina, "Delta Signs MOU with REA to Attract Renewable Energy Investments" *The Punch (*Lagos August 20, 2025)

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government headquarters in the country to the national grid.[9] The defunct National Electric Power Authority (NEPA) was mandated to execute the programme on behalf of the Federal Government with the confidence that by connecting all local government headquarters in the country, several small towns and communities would benefit from the programme and bring power to rural residents, however due to political patronage, procurement challenges and minimal funding the progress was slow and came at a huge financial cost.[10] Between 1989 to 2003 six hundred out of the seven hundred and seventy four local government headquarters were connected to the national grid.[11] In 2003 the Federal Executive Council approved a new National Energy Policy (NEP) which paved way for the use of all viable energy sources for sustainable national development with the active participation of the private sector.[12] One of the objectives of the NEP was the provision of electricity to rural dwellers[13].

The NEP was the foundation upon which the Electric Power Sector Reform Act 2005, (EPSRA) was enacted with the aim of deregulating the Nigerian Electricity Supply Industry (NESI) establish the Nigeria Electricity Regulatory Commission (NEC)[14] and the Rural Electrification Agency (REA).[15] The REA recently in its impact report states that it has electrified 5,000,000 Nigerian homes, secured 1,021,510 connections, deployed 1,227,465 solar home systems, completed 62 mini grid projects, electrified 328,765 female households, electrified 1,206 female headed MSMEs, created 1,151 jobs and saved 249,193 tons of C02.[16]

One of the criticisms of the REA is that its rural electricity governance structure was over centralized.[17] In a bid to address this challenge the NESI witnessed another reform through the enactment of the Electricity Act of 2023 (EA) and the amendment of the 1999 Constitution of the Federal Republic of Nigeria. These amendments provided the platform for the liberalization of the NESI which empowers any State Government to enact a law with respect to the generation, transmission, system operation, distribution, supply and retail of electricity within the State and to set up regulatory bodies such as Electricity Regulatory Commissions and Rural Electricity Agencies.

3. Cooperative Federalism Theory in Electricity Regulation

Cooperative Federalism as a school of thought was developed as a second option to the top-down approach, it involves the distribution of power between federal, state and other levels of government.[18] The federal government sets the general policy guidelines of any regulatory

[9] Diji, C. J, "A Critical Assessment of The Nigerian Rural Electrification Policy" *International Journal of Advance Studies in Engineering and Scientific Inventions* (2014) (2) (1), 122.
[10] Ibid.
[11] Ibid, 123.
[12] Ibid.
[13] Ibid.
[14] Okafor .E.E, " Reforms in the Power Sector and Implications For Industrial Development: The Case of Difference Between Six and Half Dozen" *Ibadan Journal of the Social Sciences* (2014) (12) (1), 3.
[15] Nigerian Rural Electrification Agency, https://energydata.info/organisation/about/nigerian-rural-electrification-agency accessed 30th March 2021.
[16] The REA Impact Report:" A 3 Year Impact Snapshot Jan 2020- Jan 2023", 16- 17. Assessed on the 20th of August 2025 from https//rea.gov.ng.
[17] Yemi Oke, National "Grid or National Greed" *The Punch (*Lagos December 7 2011)
[18] Jonathan. H. Adler, "Judicial Federalism and the Future of Environmental Regulation" *Case Western Reserve University* (2005) 377.

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scheme then states and other levels of government are allowed to execute and achieve the policy with liberty to adopt their enforcement style.[19] This theory has been applauded for its uniqueness in allowing other levels of government to adopt several options in achieving any particular policy.[20] The theory allows several levels of government to modify the application of federal policy to local circumstances, it promotes competition, it upholds the principle of accountability and it brings decision making within the scope of the people that will be impacted by the policy or regulation.[21] It has been argued that involving rural communities or community participation in the effort to expand rural electricity access has substantially contributed to the effectiveness of rural electricity programmes.[22] This is owing to the fact that it gives the rural population a sense of ownership; they understand the electricity consumption patterns of their locality; they can help electricity consumers to connect lines.[23] The involvement of rural population or the community in rural electricity governance and decision making is in line with the principle and theory of cooperative federalism in electricity regulation. In India, in recognition of the roles and importance of local people, the country ensured that women help in the coordination and control of electrification extension within their districts.[24] As regards environmental sustainability, community participation in rural electrification is pivotal to sustainable climate change mitigation.[25] It also has a positive impact in reducing restiveness and violence in resource producing communities due to complaints of alienation.[26] Also it has been argued that in Africa the most appropriate means of achieving an effective community involvement is through system integration by creating a level playing field for the harmonization of hierarchies and levels of decision making on any given policy or issue,[27] such as rural electricity access.

4. Rural Electricity Governance Provision in The Electricity Act (EA) 2023.

Section 130(1) of the EA, establishes the Rural Electrification Agency (REA) at the federal level, while section 130 (2) provides for the rural electricity governance structure and states that: the Board shall consist of seven members:

(a) six members appointed to represent the six geopolitical zones of Nigeria out of which one shall be designated as a part time Chairman, two others designated as non-Executive, while the other three designated as Executive Directors; and

(b) the Managing Director as the Chief Executive Director of the Agency.

The above provision has captured executive, technical, administrative, geopolitical as well as policy concerns in rural electricity governance, but has neglected the participation of the local people or community. However, section 152 (1) of the EA, 2025 provides that:

(1) For the purpose of effective execution, coordination, and monitoring of rural electrification projects nationwide and the function of the Agency, the Agency shall collaborate with State Rural Electrification Boards or related Agency by whatever

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[19] Ibid.

[20] Daniel. A. Lyons, "Federalism and the Rise of Renewable Energy: Preserving State and Local Voices in the Green Energy Revolution" *Case Western Law Review* (2024) 1651.

[21] Ibid.

[22] Alexandra Nez, "Comparative Study on Rural Electrification Policies in Emerging Economies" *Information Paper by the International Energy Agency (2010) 103.*

[23] Ibid.

[24] Ibid.

[25] Yemi Oke, *Nigerian Energy and Petroleum Industry Law* Princeton & Associate Co Ltd (2023) 973 .

[26] Ibid, 974.

[27] Ibid.

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appellation and the Agency shall encourage such State to establish Local Government Implementation Committees or such other similar institutions to carry out any component of the Rural Electrification Strategic Implementation Plans in their respective States.

(2) States Houses of Assembly shall by law make provision for the structure, operation and functions of the State Electricity Boards and Local Government Rural Electrification Implementation Committee's in their respective States.

These provisions, appears to have given powers to the various State Houses of Assemblies to provide an avenue for local or community participation through the establishment of Local Government Implementation Committees (LGICs) in the various States in Nigeria. The opening sentence of the section aptly captioned the essence of the establishment of the **(LGICs)** by stating that it is for the purpose of effective execution, coordination and monitoring of rural electrification projects nationwide.

5. Rural Electricity Governance Structure in The DEL 2025

Delta State is one of the States that make up the federal republic of Nigeria. With a population of about 5,663,326 million people, it is home to a gas turbine power plant of 360 MW capacity located in Ughelli, a gas steam turbine power plant of 450 MW capacity located in Sapele, a 930MW combined cycle gas turbine power plant in Okpai I&II,[28] and a 8.5MW gas powered IPP facility that provides twenty four hours uninterrupted electricity supply to critical Delta State Government Assets.[29] In line with Part II of the Second Schedule of the Concurrent Legislative List of the 1999 Constitution as Amended and section 2 the EA which empowers State's within the Nigerian federation to generate, transmit, and distribute electricity in areas covered by the national grid, the DEL was passed in November, 2024,[30] and assented to in April, 2025. The DEL is made up of seven parts and ninety-nine sections, it establishes statutory bodies like the Delta State Electricity Commission (DESEC), the Delta State Rural Electricity Agency (DEREA).

Section 33(1) of the DEL 2025 establishes the Delta State Rural Electrification Agency (DREA), while section 34(1) creates the rural electricity governance structure. It states that:

> The Agency shall comprise nine 9 Directors:
> (a) a Chairman who shall be the Chief Executive Officer responsible for the day-to-day execution of policies, decisions of the Board and the day-to-day management and supervision of the activities of the Agency;
> (b) Vice Chairman who shall be the Executive Director for Management Services;
> (c) Four 4 Executive Directors to serve as:

[28] O Uchegbulam, R.N Opeh, M.O Ateega, "An Assessment of Power Generation Resources In Nigeria" *Journal of Appllied Physics* [2014] (6) (2) 46. & www.juliusberger.com. Assessed on the 18 0f September 2025.
[29] Mercy Enoch, "Asaba IPP To Give 24-Hour Uninterrupted Power Supply" *Business Day* (Lagos 1st December 2021).
[30] Dele Ogunyemi, ''Delta Assembly Passes Electricity Bill into Law'' *The Punch Newspaper* (Lagos 14th November 2025) http://punching,com. Assessed on the 2nd of July 2025.

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(i) Executive Director, Legal (Regulatory Compliance and Enforcement);
(ii) Executive Director, Technical Standards and ICT;
(iii) Executive Director, Commercial and Finance; and
(iv) Executive Director, Consumer Affairs;

(d) Three 3 Non- Executive Directors One each from the three senatorial Districts of the State;
(e) the Secretary;
(f) representative of the Ministry of Energy not below the rank of an Assistant Director, SGL 15.

A critical assessment of this provision above, shows that it has captured executive, technical, administrative, geopolitical as well as policy concerns in the rural electricity governance structure in Delta State, but has neglected the participation of the local people or community. Section 36 of the DEL list eighteen functions that the DREA would perform. The Agency would have to carry out all these functions without the impute of the local population during the decision-making process, as it is only those persons occupying the positions listed above, that would have the final say on any issue or policy that concerns the improvement of rural electricity access in the state. This is not in line with the IEA standard that there must be community participation throughout the decision-making process in rural electricity governance.

Also, section 58 of DEL provides that:

> 'There is established in each Local Government Area of the State, offices of the Agency at the Local Government Headquarters' to be headed by a staff of the Agency not below the rank of an Assistant Director, SGL 15'.

This provision establishes a local government office in each local government of the state. This provision attempts to comply with the provisions of section 152 (1) of the EA, 2025 on the establishment of Local Government Implementation Committees (LGICs) however, it still does not capture the involvement of the community or local population in its composition. It is composed mainly of an appointee of the DREA. One would have expected it to be composed of community heads, youth groups, women groups of the various communities within a particular local government area. In Itemizing the function of the local government office, section 58 (2) of DEL list seven functions of the Office and there is no critical role played by the community in the provision or improvement of rural electricity access.

An absence of a clear role played in the decision-making process by communities would hinder a level playing field amongst the local population which may result in community restiveness and eventual failure of policies to improve rural electricity access.

For effective execution, coordination and monitoring of rural electrification projects in Delta State, the State House of Assembly would have taken advantage of the provisions of section 152 (1) and (2) of the EA to establish **(LGICs)** in the various local government areas of the state. It has been argued that:

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> Both India and Brazil have taken this into account. India, acknowledges that most of the burden of working without electricity falls on women, and has arranged for women to be represented in District Committees, thereby helping in the co-ordination and control of electrification extensions within their district. These committees also check the quality of power and consumer satisfaction, and promote energy efficiency measures. According to the government of India's statement, the "participation of women in meeting energy needs, especially electricity, is essential for effective, efficient and sustainable implementation of rural electrification programs." Similarly, Brazil through its *Luz para Todos* programme has ensured the involvement of rural communities in Management Committees which work to priorities activities within the electrification process.[31]

6. Findings

This paper found that:

(a) for purposes of effectiveness in rural electricity programmes, the IEA has argued that, there is need for local or community participation in the decision-making process of rural electricity regulation;

(b) for purposes of effective coordination and monitoring of rural electrification projects nationwide, section 152 (1) of the EA donates powers to the State Houses of Assembly to establish State Rural Electrification Boards or agencies and Local Government Implementation Committees;

(c) section 152(2) of the EA also gives powers to State Houses of Assembly to determine the structure, operation and functions of the State Rural Electricity Boards and Local Government Implementation Committees;

(d) section 34(1) of DEL makes provision for the establishment and composition the Rural Electrification Agency but does not incorporate local or community participation in its composition;

(e) section 58 of DEL creates a local government office for the Rural Electrification Agency but its composition does not also comply with the IEA standard that there should be local or community participation in the decision-making process of rural electricity regulation.

7. Recommendations

(a) For the purpose of improving rural electricity access in the country, the various State Assemblies should take advantage of the provisions of section 152 (1) of the EA, 2025, in establishing **Local Government Implementation Committees (LGICs)** to be composed of community heads, women and youth groups, retired public servants, artisans and skilled people who reside in the community, that would be involved in the decision-making process in the rural electricity governance structure.

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[31] Alexandra Nez, "Comparative Study on Rural Electrification Policies in Emerging Economies" *Information Paper by the International Energy Agency (2010) 131.*

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(b) As regards the DEL 2025, there is need for an amendment of section 58. The amendment sought should bring the composition of the local government office in line with the first recommendation above and also in lune with international best practice as developed by the IEA.
(c) In the drafting of laws for the improvement of rural electricity access in the country, the various state governments should engage the services of experts in rural electricity access policies and regulations to provide the needed expertise.
(d) There should be constant training of those members of the local community, that would be in the committee, on improved forms of energy, especially with respect to renewable energy sources. This would enable them check the quality of electricity and evaluate consumer satisfaction and advice on the appropriate forms of electricity for a particular rural area.

8. Conclusion

Nigeria as a developing nation has witnessed two significant legislations for the improvement of rural electricity access (Electric Power Sector Act 2005 and the Electricity Act of 2023). This is highly commendable. However, for a substantial improvement of rural electricity access rate in the country to occur, local or community participation must be incorporated into rural electricity governance. One of the profound provisions of the new Electricity Act of Nigeria is that, it has donated enormous powers to States in Nigeria to ensure that rural electricity access rate improves.

This is evident in the liberty given to State Assemblies to determine the composition of the membership in their respective State Rural Electrification Boards as well as their Local Government Implementation Committees.

In applying and maximizing this provision, State Assemblies should endeavor to understand or come to grasp with provisions or studies on rural electricity access, as it relates with the involvement of the local community, as developed by the International Energy Agency.

For effective execution, coordination and monitoring of rural electrification projects in Nigeria, States such as Delta State, that have passed their electricity laws or about to do so, should ensure that in the membership composition of their respective Local Government Implementation Committees (LGICs) the local people or community should be fully represented in the decision-making process in line with the standard developed by the IEA. This would imbibe a sense of ownership amongst the rural communities, secure rural electricity investments and improve rural electricity access rate in Nigeria.