



South- East Local Governments & Democracy in Nigeria

Eme. Okechukwu Innocent¹, Idike. Adeline Nnenna², Richard Amaechi Onuigbo³

¹University of Nigeria, Nsukka (08056753011), E-mail: okechukwunnent@gmail.com and okechukwu.eme@unn.edu.ng

²Department of Political Science and Mass Communication, Federal University, Ndufu- Alike, Ebonyi State. Email: ojeleogbu@yahoo.com

³Department of Political Science, Enugu State University. Email: ifeifeonuigbo@yahoo.com

Abstract: *Most Nigerians have over time craved for change in the local government system as presently constituted in order to bring it in conformity with present day realities as well as also to make the councils live up to the expectations of the people who have been yearning for grassroots development. This is because the local government is the closest government to the people, but the inability of the country's 774 councils to meet the two primary objectives spelled out in the landmark reform of 1976, which are to promote participatory democracy and rapid socio-economic development at the grassroots has made the citizens to lose trust in the third tier of government. The change, stakeholders, however agreed will require a constitutional amendment. Two major streams of theories of local government have been identified by scholars to address these issues. The first set of theories according to tries to justify the existence or need for local government on the grounds of its essentiality to a democratic regime or "for practical administrative purposes like responsiveness, accountability and control. The other set of theories holds a view contrary to the first and argues that the existence of local government cannot be justified by any of those reasons mentioned above in that "local government institutions are neither democratic in their internal operations nor admit of responsiveness, accountability and control. The paper seeks to interrogate the relationships between Local and Democracy in relation to the inability of local council to attain the goals of the reform. Data for this study will be generated from Focus Group Discussion, interviews and documentary sources. Tables and the technique of content analysis will serve as our data analysis technique. The finding reveals that as a result poor understanding of the operation of the Constitution and excessive control by states, corruption and the flaws in the 1999 Constitution, they remained handicapped. Based on the above findings, the paper recommends constitutional amendments; accountability and the diversification of the economy will help in addressing these challenges.*

Key words: *Local Governance, Transparency & Accountability, Reform, Politics, Federalism & Inter-Governmental Relations.*

INTRODUCTION

The 1999 constitution (as amended) provides for a three-tier government, namely federal, state and local governments. In fact the 1999 Constitution clearly defines the federating units of Nigeria and the local government areas in section 3(1) stating that there shall be 36 states in the country, and in section 3(6), that there shall be 768 local government areas in Nigeria as shown in the second column of Part 1 of the First Schedule of the constitution. But while there may be no ambiguity concerning the existence of the local government system of administration in the country, governors in virtually all the 36 states have since 1999 rendered that tier of government practically ineffectual.

The 1999 Constitution in its Fourth Schedule outlined the functions, duties and responsibilities of the local councils. Unfortunately, the same Constitution is silent regarding any protective mechanism that

guarantees financial and political autonomy to the councils. And to the extent that most of these crucial decisions are left at the whims of the state governors, it stands to reason that they are in control, perhaps because they are also held to account by their people for responsibilities that ordinarily should be that of local governments. It is within that context that we should examine the call made recently by President Muhammadu Buhari for a constitutional amendment that would free local governments from the stranglehold of state governments. As Buhari said while receiving officials of the Association of Local Governments of Nigeria (ALGON) that:

The relationship between the three tiers of government is not a very nice one, especially that between the local governments and the states. The states feel like they own the local governments if they are of the same party. It is worse if they are not. This is a very serious constitutional problem ().

Democratic local governance in Nigeria dates back to the year 1950 when Nigeria had its first democratic local government elections. The councillors' mandate ended in January 2001 and a new set of local government elections were supposed to be held in the same month. However, up to the writing of this article (Paper) the State Governments in many geo-political zones have not yet conducted the local government elections. With the presidential and parliamentary elections already held in 2015, there are no plans to conduct local elections any sooner in some of these states. The argument of this article is that the absence of councilors and chairmen is paralyzing the local governance policy in the country. This is because currently, it is only administrative activities that are taking place but governance functions have been stalled, thereby paralyzing the policies that provide for these functions. Taking a development perspective, this article seeks to understand the nature, dynamics, explanations and impacts of the paralysis. Through an institutional analysis, the article explains the intricacies that shape the local governance policy paralysis in Nigeria and the underlying motives of the political actors in the paralysis.

Democratic-Participatory Thesis

The democratic-Participatory theory of local government highlights on the democratic benefits derivable from the practice of local government system. The theory posits that local government serves as a training ground for political leaders. It also focuses on the fact that most national politicians use local government as a lever for acquiring political training and leadership qualities by first contesting as councilors at the local government level (Ajayi 2000:6). It also believe that after spending some years at the local government level and having secured the necessary experience at that level, these local politicians can then contest politics at higher levels of the state and federal governments. It is based on this opportunity provided that Lord James Bryce remarks that local government is the best school of democracy and the best guarantee for its success is the practice of local self-government.

The democratic-participatory school "holds that local government functions to bring about democracy and to afford opportunities for political participation to the citizen as well as to socialize him politically"(Ola, 1984: 10). Local government is therefore seen as an avenue for training and inculcating habits of democracy in the grassroots. These habits of democracy here are construed to include participation, mobilization, accountability and responsiveness and of course, self-governability.

Proponents of democratic-participatory theory of local government like Robert Dahl, J. S. Mills, Jeremy Bentham, and others, argued that local government is a harbinger of participatory and grassroots democracy. By facilitating participatory democracy, local government, therefore, provides not just opportunity but equal opportunity for the local people to participate or take part in the political, democratic and decision-making, process. In fostering grassroots democracy, it brings democratic decision-making apparatus or institution to the doorstep or reach of the local people (Ezeani, 2004:37; Aniche, 2009:103).As a handmaiden of participatory democracy local government, thus, performs a number of roles or functions such as political education, political recruitment, national integration, etc. For example, according to Sharpe (1970:159) local government is a means of civilizing or educating men through medium of self-government. Also, a number of studies have shown that local governments are good recruiting grounds for upper levels of government like the national or central government. Local government is as well an essential element for establishing a stable and harmonious national state (see; Sharpe, 1970:163; Mackenzie, 1961:13; Ezeani, 2004:38-39). It is noteworthy to state here that some of these roles of local government are contestable. For example, it has been observed that in the British general elections of 1964, 45 percent of the defeated Labour Party parliamentarians and 40 percent Conservative Party had been local government councilors (Smith, 1967; Ezeani, 2004:38-39).

The democracy school of local government has projected the local governance institutions as avenue for political “apprenticeship” for future politicians and national leaders. This is so as it allows local politicians to undergo the necessary training and acquire to the basic political and government experience to be able to cope with higher national callings that is necessary in governance and larger politics.

Theoretical Framework of Analysis: The Development Theory Perspective

The developmental school essentially seeks to make the local government a tool for the promotion of national consciousness and national integration (Ola, 1984: 14). Its emphasis is political development which modernization theorists see as the breaking down of primordial loyalties and the transfer of such loyalties to the central and national government. The local government becomes a tool of nation building and national unity. It decongests the activities of the centre by locating such to the locality but in doing this, it brings the influence of the centre to the locality. It creates an awareness of life beyond the locality and in this way, serves as an instrument for the breakdown of dysfunctional parochialisms that tend to interfere with the development of a national consciousness. Local government can also complement this in another way. It can act as a means of dispersing and localizing political tension, and in that way, neutralizing its impact.

As Ola puts it, by allowing local government to emphasize local interests and argue sectional for parochial needs, a means is created for politically letting off steam. A build-up of strong local feelings and sentiments without such a safety valves this can mean an unwitting build-up of local tension which when it explodes, might hurt not only the local system but the national as well (Ola, 1984: 15). Also, by harnessing developmental resources from the local level and applying same at that level to provide basic needs, the developmental school opines that the local government becomes a potent instrument of self-reliant development.

The emphasis of the exponents of development theory of local government is that local government is an agent of national integration, political integration, nation-building, social development, economic development, grassroots development, and in general, national development in the developing states (see; Ezeani, 2004:42-44). According to Ola (1984:14) “local government in developing countries is seen as a veritable instrument for national development, national integration, national evolution and national consciousness”. While, for Sady (1962:137) local government in developing areas are mainly concerned with the following functions; (i) decongesting government at the centre, by so doing, freeing national leaders from onerous details and unnecessary involvement in local issues (ii) enhancing people’s understanding of governance or public issues and facilitating economic development (iii) fostering an enduring and practical economic betterment at the local level (iv) training people in the art of government and (v) strengthening national unity.

In Nigeria’s socio-political context, with multiplicity of culture, diversity of languages and differentiated needs and means, the importance of such an organization in fostering the needed national consciousness, unity and relative uniformity as well as preservation of peculiar diversities cannot be over-emphasized. Central to the creation of local government, however, is its ability to facilitate an avenue through which government and the people intermix, relate and more quickly than any other means resolve or dissolve issues that may have heated the system.

Local government has been perceived as a panacea for the diverse problems of the diverse people with diverse culture. As important as this tier of government has been, there seems to be some impediments that have been infringing on its performance and functions in recent time. These impediments range from political and undue interference of the higher levels of government, that is, federal and state governments, bribery and corruption to embezzlement and gross inadequacy of well-trained and qualified personnel to mention a few.

A political scientist, Boniface Ayodele, described the local government as a victim of the lopsided federal arrangement. He recalled that while councils were grappling with challenges of growth in the First Republic under the regional arrangement, their challenges multiplied under the military rule, despite the reforms introduced by successive administrations. The 1999 Constitution has not specified that the council is a third tier, unlike what we have in India and other countries. Here, it appears that they mere local agencies of the state administration for the purpose of interface with the countryside (Eme, 2011).

Methodology

The methods used in this work are the descriptive and analytical methods. The use of library materials was employed. Related text books, journals, special publications and newspapers were analyzed. Local Governments & Democracy in Nigeria is not a fairly recent issue, and not much has been written on the subject, hence the reliance on daily news as recorded by credible sources. The data's units of analysis for this paper were derived from the research and analysis of scholars, analysts and practitioners, government documents, and recent newspaper and journal articles. The sources of information were, however, carefully evaluated and analyzed to determine their veracity. As noted earlier, previous political leaders of Nigeria have not kept their promises. The next section of the paper will address this challenge.

Political Paralysis of Local Governments: An Anti-thesis of Development Theory Perspective

For reasons of political survival, political officeholders attempted to have an eye on the activities of political institutions within their areas of jurisdiction, local government inclusive. Especially because of the partisan nature of political activities during this period, local governments became transformed into useful political propaganda machines designed to facilitate the penetration and control of local political and social forces. Local government were literally transformed into appendages of state governments, and used by state executive to consolidate their political fortunes in multi-party but NPN centre political game. The instrumental role of local governments thus continued (Egurube, 1991).

Thus, the return to civil rule in 1979 further depleted the purse of the local governments as they were given more responsibility of primary education without expanded funding system. Under this new arrangement, local government began to suffer acute financial shortages to the extent that primary school teachers were owed up to nine months salaries in some states. The civilian rule 1979-1983 and 1999 till date witnessed and are still witnessing unprecedented total neglect of local government system. Appointments were made to the administration of local government on partisan patronage thereby instituting corrupt and unqualified personnel to man the affairs of local government. The stipulated guidelines for financing local government was thrown abode and rather money was allocated to them on ad hoc basis. This method further stifled the local government system and made it unviable (Dudley, 1982; Nwagwu, 1991).

Local government councils are the closest to the grassroots. But, in terms of service delivery, it has not sufficiently lived up to its billings as the beacon of hope for rural dwellers. Although local governments are created for the purpose of easy administration at the local area, many of them are always struggling to perform their statutory functions due to financial constraints. As the appendage of the state government, the structure is under-developed. Not only are councils performing below expectation across board, its prospects as an autonomous unit of administration is slim.

Excessive Intrusion and Controlled by the Central Government and state governments undermine the autonomy of the local government system. In Nigeria, for example, interference by the federal and state governments has sometimes led to the dissolution of elected local government before the expiration of their tenure. Reasons for not holding Local Government Elections as and at when due in Nigeria includes:

- a. Contestations over the composition and conduct of State Independent Electoral Commissions (SIECs) which conducts local government elections. In many states, there have been several litigations on the composition of SIECs, and this has been found so distasteful that some have recommended that INEC should take over the conduct of local government elections. A good example is Oyo State, where the OSIEC is embroiled in series of legal battle over the composition of the commission. It conducted its last local government election on December 15, 2007. Since then, it has not been able to conduct a meaningful local government election.
- b. The elections in the local government councils have been overwhelmingly manipulated and therefore predetermined to be won almost hundred percent by the ruling party in the affected state. In Lagos State, the Action Congress (AC) and later the Action Congress of Nigeria (ACN) (and now All Progressive Congress, (APC) swept all the chairmanship and councillorship positions in the election that was conducted in the state's 20 Local Government Councils and the 37 Local Council Development Areas in 2007 and 2011. In Oyo State, the then ruling People's Democratic Party (PDP) won the 33 chairmanship seats and 359 of the 361 councillorship seats in election conducted by the Oyo SIEC on December 15, 2007. In Enugu State, the ruling party (PDP) got 15 of the 17 council chairmanship seats and 245 of the 254 councillorship seats, leaving ANPP with nine in the 2007 local

government elections. The same trend continued in several states in the North and other parts of the South.

- c. The 2011 election was greeted with protests and in one instance, the office of the election petition tribunal was burgled and records taken away.
- d. The general trend in most of the states included the boycott of the election by the major opposition political parties in the state. In the states where the major opposition parties did not boycott the election, they were usually overrun by the ruling party, which in most cases; enjoy the support of the state's electoral commissions, the security agents as well as the incumbency factor of the sitting governors. For most state governors, the outcome of local government elections was an assessment of the confidence the people of the state reposed in the party and the state government (Oladeji, 2014:25).

The selected case studies support the thesis advanced above:

Imo: Endless cycle of appointments, dissolutions

There is apparently no functional local government administration in Imo state today, though there are Transition Committee Chairmen across the 27 council areas of Imo state. Governor Rochas Okorocha for some of the reasons adduced above has stalled conducting council elections in the state since 2011. It has been an endless cycle of appointments and dissolutions of different batches of Transition Committee Chairmen across the state. The current batch was appointed about six months ago and according to some of them, they are yet to collect any allocation for the running of the councils.

Most of the responsibilities of the council in Imo State have been effectively usurped by the state. Pay parade exercises in the local government is now controlled by the state with the local government rendered incapable of executing any rural project. Revenue offices at the local government have been grounded by a recent directive allowing officials from the state to move across the 27 council areas on revenue drives while the host council areas are left helpless and unfunded. Most local government headquarters look gloomy, bushy and deserted as workers are ill motivated to give their best. Supervising officials most times lack the will to enforce discipline because, workers are not paid regularly and when the salaries come at all, the workers are underpaid. A staff of Njaba Local Government Area, who spoke to New Telegraph correspondent, declared that the state of the council is pitiable. According to him,

Our salaries are far from regular. We are about to receive May salaries and when we are paid, they pay us like we are charity cases; just like refugees on the breadline. The situation is so bad that workers no longer know what their monthly pay packet is statutorily. For the last three months we have been paid, nobody has received the same amount. What I mean is that the inconsistency is such that what you are paid this month is not what you will be paid next month and the subsequent months and we no longer understand the terms of payment. If no decisive intervention is made by the Federal Government, local government system in Imo state will totally collapse (Nwaneri, 2016: 10). The governor created a Fourth Tier of government that is already dead on arrival with no definition to its operations and administration. The fourth tier was apparently created at the expense of the local government system but both of them now seem headed to the rocks as they are superintended by a government largely driven by ignorance.

Abia: Council poll held last in 2007

The last local government election in Abia State was held in 2007. That was the first tenure of the immediate past governor, and now Senator representing Abia Central senatorial zone, Chief Theodore Orji. Since the end of that era, local government administrations have been under the appointed transition/caretaker committees. The reason given at that time for not conducting another local government election was not only the huge financial implication but the mismanagement of the councils' funds by that set of chairmen and backlog of staff salaries. The promise of conducting council elections after that time has not been kept.

The present administration has also promised to conduct council election, ostensibly to assuage the growing agitation for elected administrations at the councils. The governor state, Okezie Ikpeazu, had earlier in the year directed the Abia State Independent Electoral Commission (ABSIEC) to furnish his office with requirements for the conduct of council polls. Since the promise early in the year, nothing else has been said of the election. And it is doubtful whether the council election would be conducted given the present economic

situation. At the moment, it is not only that the councils have no elected officials but owe salaries of upward of six months.

Ebonyi: Caretaker committee in place

Since the present administration in Ebonyi State came on board, the state local government system has been under the control of caretaker committee chairmen. The caretaker committee chairmen were appointed by Governor Dave Umahi after the state House of Assembly approved one year tenure for the chairmen in its resolution. The caretaker committee chairmen were appointed in September last year to oversee the affairs of the 13 local government areas of the state. Also appointed by the governor were vice chairmen of the caretaker committees and local government advisory committees, who are all female. The immediate past administration of Martin Elechi also appointed caretaker committees to run the local governments after a Federal High Court sitting in Abakaliki nullified the local government election conducted by the administration. The court in its ruling had faulted the open ballot system used in the conduct of the poll, describing it as inconsistent with the Electoral Act. When the Umahi administration came in, it borrowed a leaf from the past administration and appointed its own caretaker committee chairmen.

The governor said he appointed the caretaker committee to run the affairs of local government system as there was no fund to conduct local government election in the state. He said the state cannot afford the N600 million demanded by the state electoral commission for conduct of local government election. The government has, however, continued to pay workers under the local government system as and when due. It pays workers in the system every 20th of the month. Also pensioners under the system are paid regularly.

Enugu: Caretaker chairmen hold sway

On January 2016, Enugu State Governor, Ifeanyi Ugwuanyi, formally announced the appointment of caretaker committee chairmen and management committee members for the 17 local government areas in the state. This followed the expiration of the tenure of elected council chairmen in the state on January 4. Prior to the expiration of the tenure of the elected council chairmen, the governor in November 2015 called an extra-ordinary meeting of Enugu political stakeholders to discuss the matter. At the meeting, the governor laid down the difficult economic situation on ground, following which the stakeholders assessed the situation and urged the governor to set up a caretaker committee at the expiration of the tenure of the elected chairmen in January.

The decision was really based on the prevailing economic downturn in the country coupled with the fact that no provision was made in the 2015 budget for the council poll. Consequently, the governor announced that “in order to avoid vacuum, on January 4, 2016, the local government caretaker committees will be constituted and this is in keeping with the extant laws of Enugu State” (Nwaneri, 2016:10).

The political and opinion leader, who took the decision, included Deputy Senate President, Ike Ekweremadu, immediate past governor of the state, Chief Sullivan Chime, former Information minister, Chief Nnia Nwodo, former Minister of Power, Prof. Barth Nnaji, among others. Governor Ugwuanyi had offered two reasons the local council polls would not hold before the expiration of the tenure of the councils. One was the local government staff audit going on at the time and the second is that of inadequate funds for the exercise. Reacting to the development, the All Progressives Congress in the state and other pressure groups including Save Enugu Group (SEG) protested that one political party had “no right to gang up and deny the people of the state the right to governance (Nwaneri, 2016:11)”.

Recommendations

It should be noted that the state governments were not meant to be beneficiaries of the account but trustees. They are required to maintain the accounts for the benefit of the local governments by ensuring that the amount allocated for this third tier of government is equitably and fairly shared among the councils, adhering strictly to constitutionally stipulated criteria. In view of this, there is an urgent need for the Revenue Mobilisation, Fiscal and Allocation Committee to enforce revenue laws in Nigeria and punish those who abuse them.

But most state governments have continued to implement the joint account contrary to its intention. Instances abound where some governors’ hand out only wage bills to the council chairmen in their respective domains, a development which have prompted calls by some analysts and stakeholders for the Federal

Government to either review the local government system or even scrap it. This paper also support this thesis.

The imposition of undemocratic structures (caretaker committee) to run the affairs of local government contrary to section 7 of the 1999 constitution by state governments should be kicked against by all stakeholders in local governance. This is because the section has helped shield and create escape route for many state governments to manipulate local government affairs to the detriment of the local populace.

There is the need to make Local Governments federating units (as being proposed by the Constitution amendment). This view is opposed to those who posited that making local councils a federating unit will further strengthen the Federal Government and weaken all other units, thereby pushing Nigeria towards centralization or unitary governance. Finally, transparency and accountability across horizontal and vertical levels should be promoted.

Conclusion

From the discussion above, the study among other things found out that the imposition of undemocratic structures (caretaker committee) to run the affairs of local government contrary to Section 7 of the 1999 Constitution by state governments is illegal. Also, the Section has helped shield and create escape route for many state governments to manipulate local government affairs and this has led to the development of anti-development instruments used to frustrate every progressive and patriotic action to make the local government work since the return of the country to democracy in 1999. It was against this backdrop that the 7th National Assembly through the House of Representatives initiated a bill for an act to amend not only the provisions of Sections 7 of the Constitution, but also Section 162 in order to provide for independence and financial autonomy of the local governments.

Related to the above, the impact of governance has not been felt at the local government in terms of changing the lives of the people as funds meant for the councils are usually withheld by the states. The states, it would be recalled had in 2002, won a case at the Supreme Court on JAC, a victory that lead to the creation of the Joint Allocation Committee (JAC). Furthermore, we found out that whoever heads the Caretaker committee must be a governor's very trusted crony and in most cases, does all the "panel-beating" of the councils allocation from Abuja, in favour of himself and his principal, the state governor as council funds comes to him, not the LG treasurer, anymore.

Based on the above, we conclude that the local administration which the is the closest government to the people, but the inability of the country's 774 councils to meet the two primary objectives spelled out in the landmark reform of 1976, which are to promote participatory democracy and rapid socio-economic development at the grassroots has made the citizens to lose trust in the third tier of government. While the issue of autonomy for the councils is yet to be resolved, stakeholders, including the national leadership of NULGE, are calling for urgent steps to be taken to save the local governments from imminent extinction.

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