



Challenges to the capacity of Local Governments to Advance Democracy in Nigeria

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This paper stands on a tripod, namely,

- (i) Advancing Democracy in Nigeria
- (ii) Capacity of Local Government to do so
- (iii) Challenges faced by Local Governments in Nigeria to do so

Abstract

In the quest to ensure that government gets down to the grassroots through participatory democracy, local government in Nigeria was established as a third tier after the federal and state levels. Unfortunately this role appears to have eluded the local governments in Nigeria.. This paper sought to investigate the dimensions of the challenges to the advancement of democracy by local governments in Nigeria. To do this, the researchers resorted to use of secondary data. After an extensive research, this paper argued that democracy failed in Nigeria because, as an essential tier of government, the local Government has been rendered ineffective, not only by the other tiers of government, but by the provisions of Section 7(1) of the 1979 Constitution of Nigeria and Section 7 (1) & (6) of the 1999 Constitution. The researchers concluded that there was need to ensure that democratically elected councils should be allowed to thrive in Nigeria. The paper, therefore, recommended that the state Independent Electoral Commissions should be scrapped and in their place, it should be the responsibility of the Independent National Electoral Commission (INEC) to conduct elections into the Local Councils.

Keywords:

Grassroots, participatory democracy, third tier,, local councils, elections.

1. INTRODUCTION

1.1 What is Democracy?

According to Nwankwo (2002), democracy is a system which gives periodic opportunities for the masses to choose their leaders. Democracy from a layman's point of view is government of the people, by the people and for the people. It is a system of government in which the will of the majority of qualified citizens prevails. It can also be defined as a majority government, or a government elected by the majority of the electorate (qualified adult citizens).

As Nwankwo (2002) continued, there are two main types of democracy, namely, direct democracy and indirect democracy.

Direct Democracy is a type of democracy where very qualified adult citizens in a community or state, participate in decision making directly without electing representatives. The Igbo traditional society and the Greek city of Athens practiced this type of democracy.

Indirect Democracy is the type of democracy where the qualified adult citizens in a community or state elect members or representatives into the parliament who then take decisions on their behalf. This is the type of democracy practised in the modern time. This type of democracy is sometimes referred to as "representative government".

The bad form or opposite of democracy as a system of government is mobocracy. Mobocracy means government formed through Mob-Action means by unorganized groups of people who have no objectives or direction clearly mapped out. (Nwankwo, 2002).

Shively (2001) informs that "A democracy is a regime in which all fully qualified citizens vote at regular intervals to choose, from among alternative candidates, the people who will be in charge of setting the states policies". It is called a government of the people by the people and for the people. In a large and heterogeneous state, efforts are made to bring government closer to the people so as to enhance the goal of grassroots participation. One of the ways to ensure that a government is a government of the people is the invention of a Federal System of government, an arrangement in which powers are shared by levels of government. In his "Federal Government" Wheare (1963) writes that an essential feature of federation is division and sharing of powers among different governments in a state in a coordinated manner. According to him. "By the federal principle, I mean the method of dividing powers so that general and regional governments are each within a sphere, coordinate and independent". (1963).

In some federal states, there are two levels of government, but in many, there are three levels of government. However, it is not the number of the levels of government that is crucial to the practice of federalism. One important mark that differentiates a federal state from a unitary state is the constitutional divisions of power among the levels of government in a federal state.

Nigeria formally became a federal state by virtue of the 1954 constitution. Since then, apart from the short period between January and July, 1966, efforts have been made to improve on the federal system in the country. As at present, Nigeria has three tiers or layers of government; federal, state and local. Each of these levels of government has its own peculiar problems that have rendered it inefficient. (Udenta, 2007).

The focus of this work is on the third tier of government in Nigeria, that is, the Local Government. Local Government system in Nigeria has been grossly inefficient and ineffective to the extent that it has almost lost its relevance as a government of the people at the local level. The inefficiency and the vintage position of local government as a way of enhancing a government of the people, by the people and for the people, has continued to agitate the minds of scholars in the country to the extent that they continually produce works on it, analyzing the root causes of the problems and suggesting ways of solving the problems. This paper builds on the existing works on the issue, identifying the Nigerian constitutions of 1979 and 1999, and the state governments as the main causes of the problems of local government administration in the country, and provides solutions to the problems.

This paper is divided into sections. Section one deals with the meaning of democracy. Section two deals with the meaning and importance of local government. Section three deals with the development of local government in Nigeria. The fourth section discusses the various local government reforms in Nigeria, especially the 1976 reform. The fifth section discusses the capacity of local governments in advancing democracy in Nigeria with respect to the provisions of 1979 and 1999 Nigeria Constitutions. The next section further discusses the key factors responsible for the near moribund nature of local governments in Nigeria as well as the challenges emanating from the 1979 and 1999 Nigeria Constitutions as they affect the capacity of local governments in advancing democracy in Nigeria.

1.2 Theoretical Framework

The paper adopted Democratic participatory and efficiency model/theories to underpin the challenges of local government administration in Nigeria and the relevance of comparative study in overcoming the challenges though other theories such as integrate, accountability and functional models are often applicable.

Democratic-Participatory Theory

Participatory democracy has been one of the earliest models in social sciences, particularly in political discourse since about 2000BC. Mills (1964) work on Utilitarianism, liberty and representative government serves as an impetus for renewed commitment to this school of thought, re-emphasizing that local government is the starting point of democratic participation regardless of other intrinsic and extrinsic functions it performs.

The tenets of the school is that local governments are created in order to encourage participatory democracy and serve as training ground for recruitment of leaders, provide channel of self government and political education at grassroot levels. This was demonstrated in the works of Chukwuemeka et al (2014) Ani et al (2013), Adeyemo, (2011) that the idea of local government is intricately connected to a philosophical commitment to democratic participation in the politics and self-governing at the grassroots level.

For instance, David Butler in his study of British politics in 1964 revealed that 53% of Labour members of parliament and 45% of defeated Labour Party parliamentarian's candidates were once local government politicians and political office holders. Mackenzie (1954) also illustrated this with data showing that more than half of the Deputies and about the same proportion of

Senators in Italy had political education in the local government. In Nigeria, President Shehu Shagari, Umaru Dikko, Ali Mongunu among others started their political carriers at the local government level as demonstrated by (Tony, 2011), Ajayi (2000), and Adamolekun, Olowu and Laleye, (1988). The empirical relevance of this model is demonstrated in the study by Aragone and Sanchez-Pages (2008) in the city of Porto Alegre, Brazil in his examination of how the system of participatory Budgeting was implemented.

However, Fischer (1993) argues that representative democracy is not generally considered participatory since citizens may lack the time, knowledge or will to contribute to policy making. In addition, in spite of the constitutional provision for local government in Nigeria and the 1976 LG Reform, it is however sad that the manner in which the local government is run clearly and unambiguously deviates from the stated objectives. The overbearing posture of the State Governors in Nigeria especially since 2003 has strangulated local government from serving truly as the third tier of government. In most states, caretaker systems were adopted to ensure that the governors have a total control over the operation of LGs. In situations where elections were claimed to have been conducted, the process deviated from any civilized democratic norms as candidates were imposed by the governors and the elections conducted by the State Electoral Commission only returned candidates contesting the elections on the same political platforms as the governors. In effect, though Local Government is expected to serve as an avenue for political socialization, participation has not been fully realized. (Ebold Deijonaoh, 2010).

Even if the above stated goals are not achieved as expected in some system like Nigeria due to institutional and attitudinal factors, it does not diminish the relevance of the theory as noted by Aragone and Sanchez-pages (2008) that a participatory system at the local level is indeed possible and can be successful but not without problems as it helps to govern large communities.

Efficiency Theory

This theory/model premises the existence of local government as an efficient agent of government for providing services that are local in character. Mackenzie (1954) cited in Adeyemo (2010) and Chukwuemeka et al., (2014) noted that one of the notable proponents of the existence of local government is that local government exists to provide services and it must be judged... by its success in providing services up to a standard measured by national inspectorate. This same line of thought was found in the works of Sharpe (1970), that given that there is not local government, a functionally similar body must be in existence to provide services that are local in nature. This explains why Eboh & Diejonaoh (2010) add that local governments worldwide are considered strategic institutions for the provision of, among others, basic socio-economic needs.

This could be understood from the perspective that the size and spread of a nation particularly those that are large and heterogeneous in composition may not be able to rely on the central and regional government to effectively meet up with needs that are local in nature. In effect, local government may effectively and efficiently respond to local need. This theory therefore notes that local government may not justify its existence if it fails to provide needed service within its scope of competence effectively.

The model has been criticized by Sharpe (1970) in the sense that the value of local government as a bulwark of liberty, or at least as a handmaiden of democracy, has been recognized, its role as an agency for providing services has evoked no comparable enthusiasm. This is particularly relevant to Nigeria situation in which the local government has failed to justify its existence.

The nexus between the two theories in respect of challenges of LG in Nigeria and lessons that could be learned from comparative study is anchored on assessing the extent to which it has been able to serve as an agent of democratic participation and how efficient it has been able to cope with developmental challenges with specific references to socio-economic needs that are local in nature. Empirical reference for an inclusive governance is found in Parent Commission (2008) proposing changes in the current governance system to provide the necessary accountability and checks and balances and stronger parental input into school management by Mayors in New York State.

2. Conceptualizing Local Government

2.1 Government according to Udenta (2007) is an activity as well as those who perform it. It is a process as well as a system. As a system, it revolves around rule-making and execution roles (Nnoli, Okwudiba, 1986). As an activity, it is one that is marked by a high dose of rationality. Hence, there are goals to be achieved and so forth. Then to speak about rules and roles is also to speak about structures and role relationships and patterns.

As modern political systems get more complex, both demographically as well as spatially, multiltier government has emerged as an enduring feature. In other words, there are two apparently conflicting but, in fact, mutually reinforcing tendencies that work for a multi-tier government. One is the understandable compelling quest to bring government closer to the grassroots. This is of essence in regard to easing the difficulties associated with direction and control. Secondly the vast geographical space that contemporary political system have to control and their socio-economic and political diversities mean that one central government is often inadequate to respond appropriately to the several demand and supply pressures that confront contemporary political systems. For while the central government takes care of the general concerns of all groups or communities or interests, the governments of the constituent units focus on the unique concerns of each component group or community or interest. For if power were concentrated in single centralized government alone, the peculiar concerns of a great proportion of the constituent communities or interests would be annihilated or torpedoed. This would be a recipe not only for the maximization of marginalization and invariably alienation, but invariably for authoritarianism. Both mean counting political disaster: alienation breeds political instability and violence while absolute power corrupts absolutely. On the other count, if power were concentrated in the constituent units, the general concerns of all would be in jeopardy.

From another angle of our endeavour, there is the issue of democracy. Democracy calls for freedom of expression, self-determination, participation, among other values. Too much central or regional presence in a locality would tend to stifle local initiative especially as it is realized that not all problems are common problems requiring central solutions. In this connection, if it is recognized that among a group of local inhabitants, there are common sentiments, culture and common identity which might be peculiar to that group alone, then the solution to their common

problems ought to be handled by people to whom incidence of these problems are most felt. (Udenta, 2007).

Definitions of Local Government

Olisa et al, (1990) define Local Government as a unit of government below the central, regional or state government established by law to exercise political authority, through a representative council within a defined area.

Odenigwe (1977) is of the view that local government is a system of local administration under which local communities and towns are organized to maintain law and order, provide some limited range of social services and public amenities and encourage the cooperation and participation of the inhabitants in joint endeavour towards the improvement of their conditions of living. It provides the communities with a formal organizational framework which enables them to conduct their affairs effectively and regulate the actions of their members for the general public good.

In a complimentary perspective, Odenigwe (op cit), describes local government as: a system of decentralization of government in which many of the functions are distributed among units separated both physically and organizationally from state government departments. These separate units are normally called local authorities, and they can cover urban and rural areas of the state. The various units of local authorities may be organized on the basis of a general law of the state and they may be assigned the same function but the performance of these functions in the municipal and urban areas assumes greater importance than in the rural areas.

The Office of Public Administration of the United Nations, assures that local government is “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 labour for prescribed purposes. The government body of such an entity is elected or otherwise locally selected” (Cambridge, 1961).

The “Guidelines for Reform of Local Government in Nigeria 1976” provided that Local Government is “government at the local level exercised through representative councils established by law to exercise specific powers within defined areas. These powers should give the council substantial control over affairs as well as the staff and institutional and financial powers to initiate and direct the provision of services and to determine and implement projects as to complement the activities of the state and federal governments in their areas and to ensure, through devolution of functions to these councils and through the active participation of the people... that local initiative and responses to local needs and conditions are maximized”.

Local government is further defined as “government at the local level exercised through democratically elected representative councils which, while subject to the general control of the central government, are given autonomy in the exercise of specific powers within defined area which they can exercise without control by the higher authority” (Agbo, 1995).

Professor Okwudiba Nnoli sees local government as “government at the local level exercised through locally elected representative council enjoying substantial “autonomy in the exercise of

specific powers over a given locality in the performance of a range of functions and responsibilities allotted to it by law" (Nnoli, 1980).

Professor F.C Okoli noted that "for local government to be so-called, the people under it must be in a position to elect or select their functionaries freely and fairly, participate fully in the decisions affecting their lives, initiate and execute projects and programmes they deem desirable for the improvement of their living conditions adding that "local government is in this respect local democracy". He then cautions that "since local government is a government within a government, there is a limit to the degree of autonomy which it can enjoy without embarrassing the "bigger" government –the "national government" (Okoli, 2000)

By inference, the salient features which emerge from the foregoing definitions are as follows:-

- (i) It is government at the local level, that is, at the grassroots.
- (ii) It has its autonomous existence.
- (iii) It is a body corporate hence possesses a legal status.
- (iv) Specific powers are reserved for it. For example, it can levy taxes and incur expenses.
- (v) It exists within a defined area or territory.
- (vi) It is a distinct tier or level of government.
- (vii) It exercises its authority over given population.
- (viii) It must provide avenue to the promotion of the well-being and welfare of the members of the community, and
- (ix) It is composed of elected (or locally selected) members.

3. Capacity of Local Government in Nigeria to Advance Democracy

3.1 Phases of Local Government in Nigeria

The history of local government in Nigeria is more or less the history of political development in the country. It is a common tradition among scholars of local government to periodise local government in Nigeria. Commenting on the state of local government in the pre-colonial period, Goddey (2013) averred that there was nothing in place to show that there was local government in Nigeria as it is known today. According to him, "Before colonialism, communities and ethnic groups devised convenient administrative practices for their internal governance". This arrangement should be seen as a kind of local government. Our today is a product of yesterday. In the pre-colonial day, traditional rulers were in charge of the administration of their localities. The major ethnic groups in the country; Hausa/Fulani in the north, the Igbos in the east, and the Yoruba in the west, adopted different methods of governing their communities based on their cultures, traditions and religions. In the north, the system of government was highly centralized with the emirs at the apex of the government. In the west, however, was a decentralized and constitutional monarchical system of government. The Obas in Yoruba land were theoretically so powerful that they were addressed as second in command to God, but in practice, their powers were limited, as there were checks on their powers. The Igbo in the east had no constituted authorities; hence their government was described as acephalous. But this was classical democracy which enabled various groups have a say in local affairs. Anyanele (2003) averred that in the place of recognized traditional rulers, the day to day administration of the Igbo communities were shared by institutions like the village assembly, the council of elders, the Ozo

title holders and the age grade. If local government is a government of the local people by the local people for the local people, these major groups should be deemed to have had a kind of local government.

The British government that took the administration of Nigeria in the colonial days introduced what Anyanele (2002) calls the Lugardian Native Authority System. Rather than disrupting the existing system of governance, the British government retained the system and improved on it. The traditional institutions were empowered and their functions were mainly those of maintenance of law and order in their communities. In the east where there were no recognized traditional rulers, warrant chiefs were appointed. This later led to the famous Aba Women Riot in 1929. The traditional and warrant chiefs were guided and supervised by British officials. In all, the system has been rightly described as indirect rule. Under this system, the resident officers handed over instructions to the traditional or warrant chiefs who in turn ordered their subjects to do what the British officers wanted them to do without letting them to know that the instructions were from the British officers. Where the traditional rulers were autocratic, as in the case of the north, the system was effective. However, in other places like in Yoruba land and Igboland where the powers of the rulers were not absolute, the system did not achieve much. It can therefore be said that during the colonial period, local government administrators were not responsible to the people but answerable only to their colonial masters. This arrangement did not however last long as the non-involvement of the elite in the local administration sparked off criticisms. By 1954, following the promulgation of the Lyttleton Constitution, and the full practice of Federalism in Nigeria, each of the regions, that is, north, east, and west, passed laws that made them the sole determinants of what happened in their regions, including the establishment, structure, functions and powers of the local government. Majority of the council members were elected and the councils were to a large extent financially autonomous (Igbuzor: 2019).

Local government system did not change vastly during the early period of independence from what it used to be in the later time of the colonial rule in terms of structures and functions. Goddey (2018) noted that the councils during that time were however controlled by the regional political parties to which they were responsible. He cited the examples of the west where elected representatives were dissolved and replaced with loyal members of the ruling party, and in the east, in some places where councils that were ruled by parties other than the party at regional level, were denied certain benefits. The north had its own share of the challenges of the local government system during the period under consideration. Attempts by Abubakar Tafawa Belewa to democratize the highly autocratic government in the north was met with stiff opposition by the traditional rulers who were the main beneficiaries of the system. (Goddey: 2018).

3.2 The 1976 Local Government Reforms

The most important and the most referenced period in the evolution and development of local government system in the post-colonial era in Nigeria is the 1976 Local Government reform. It was upon this reform that others were built. Commenting on this period, Abdulhamid and Chima (2015) argue that: Despite this colonial history, Nigeria's modern local government system started with the reform of local government in 1976. This reform aimed to restructure and modernize local government administration, and to make it one of the best in Africa. The good intentions of the 1976 reform included the desire to extend the principle of federation by bringing

government to the grassroots level, and to achieve uniformity of local government administration across the federation.

Despite the undemocratic nature of the military, the institution seems to be the first to realize the importance of local government in Nigeria and the need to make it more efficient and more effective. It can be said without fear of contradiction that one of the legacies of military regimes in Nigeria is local government reform. This assertion is not premised on only what they did but on the declared intention of the institution in regard to local government system. Brigadier Musa Yar' Adua correctly pictured the state of the local councils in Nigeria before the 1976 reform when he noted that:

The defects of previous local government systems are too well known to deserve further elaboration here. Local Government has, over the years, suffered from continuous playing down of their powers. The State Governments have continued to encroach upon what would normally have been the exclusive preserves of Local Government. Lack of adequate funds and appropriate institutions had continued to make Local Government ineffective and ineffectual. Moreover, the staffing arrangement to ensure a virile Local Government system had been inadequate. Excessive politicking had made even modest progress impossible. Consequently there had been a divorce between the people and the government institutions at their most basic levels. (Guidelines on Local Government Reforms, 1976).

In 1976, a local government reform committee was set up by the then military government to look critically into the challenges that made the level of government ineffective, and to come out with recommendation that would propel local government into maximum efficiency. The reform was aimed to achieve four basic objectives.

These are:

- (a) To make appropriate services and development activities responsive to local wishes and initiatives by developing or delegating them to local representative bodies;
- (b) To facilitate the exercise of democratic self-government close to the local levels of our society, and to encourage initiative and leadership potentials;
- (c) To mobilize human and material resources through the involvement of members of the public in their local government; and
- (d) To provide a two-way channel of communication between local communities and government that is, federal and state.

After consultations, the committee came out with what is known as the 1976 Local Government Reform. Among the important issues of the reform included:

- Local governments all over the country became single-tier, performing the same function, unlike what obtained before the reform.
- Local governments also became, for the first time, in history of the country, the third tier of government. The first and second being federal and state, respectively. The implication

of this provision is that, local government became legally recognized, with certain powers and functions.

- Past debts of the Local Governments were written off so as to make them have a new beginning and a good start.
- States were mandated to set up Local Government Service Board that would be responsible for the training of the staff of the local government. This was aimed at improving the standards and quality of their personnel.
- Federal and state governments were mandated to release monthly allocations to the Local governments in the federation. This was in line with the important functions the councils were to perform.
- Local governments were to be controlled by elected chairmen and councilors. Traditional rulers were therefore insulated from partisan politics. Under the reforms, the traditional rulers were to perform purely advisory roles.

In order to realize the set goals, elections were conducted in 1977 in all the then 301 local government areas of the country where the chairmen and councilors were voted into offices. Abe and Omotoso (2015), however pointed out that the management of local councils then was not without some undemocratic elements because, while 75% of the officials were elected, 25% were appointed by the then military government. Also, in order to provide legal and constitutional backing for the reform, local government system was for the first time enshrined in the 1979 constitution.

3.3 The 1979 Constitution: Constitutional Recognition of Local Government

Following the transition to civilian rule, the 1979 constitution gave formal and legal recognition to local governments. This constitution attempted to build upon the 1976 reform by institutionalizing local government autonomy.

A critical provision is Section 7(1) of 1979 Constitution, which states:

“The system of local government by democratically elected local government councils is under this Constitution guaranteed; and accordingly, the Government of every State shall, subject to Section 8 of this Constitution, ensure their existence under a Law which provides for the establishment, structure, composition, finance and functions of such councils”

This provision had several implications:

- (a) Democratic Governance at the Grassroots: It guaranteed that local governments must be led by elected representatives, thereby promoting political autonomy and accountability to the people rather than to state authorities.
- (b) Protection by State Law: While the Constitution recognized local governments, it required that state governments enact laws to provide for the establishment and functioning of the councils. This created a dual responsibility: while local governments were recognized nationally, their operational structure was still subject to the discretion of state laws.

(c) Ambiguity and Leoopholes: By empowering states to determine the establishment, structure, and functions of local governments, the constitution inadvertently gave state governments overarching influence, which undermined the autonomy it initially sought to protect.

In practice, many state governments used this constitutional provision to manipulate local councils, often: delaying or refusing to conduct local elections, dissolving elected councils prematurely, replacing them with unelected caretaker committees loyal to the ruling party at the state level. Thus, while the 1979 Constitution marked progress in the legal status of local government, it failed to establish full autonomy due to its ambiguous wording and lack of enforcement mechanisms.

Even though there are problems created by these provisions (which shall be discussed later in this work), the foundation for the constitutional take-off of the local government system has been laid by both the military government and the constitution and law, and can be amended and improved upon.

The most fundamental reforms in local government administration in Nigeria came with the 1976 Local Government Reform as local government was accorded the third tier status. In addition, the Guidelines for Local Government Reform was released while there was also the establishment of the Local Government Service Commission, Local Government Peace and Security Committee, and recognition was accorded the position of the traditional rulers as advisers to councils. This arrangement continued to stabilize Local Government administration but with huge challenges of overhead cost and inability to meet up with salaries up to nine months in some states before the coup d'état of December 1983 due to state governments diversion of Local Government funds.

Unfortunately, the Second Republic in Nigeria saw the abuse and redundancy of the local government system. It almost destroyed the foundation of local government laid by the military. For instance, the various state governments created additional local councils, which were political but not necessary for the purpose of bringing government closer to the people and for enhancing development, thereby bringing the total local councils in the country close to 1,000. Igbuzor, (2009) noted that the Shehu Shagari Administration failed to conduct local council elections throughout the country. Instead, the councils were run by appointed party members loyal to the state. This step by the then civilian administration, instead of consolidating on the gain of democracy at the grass root level, impeded democratization process. By the time the military returned to power in December 1983, all the existing democratic institutions were dissolved. The administration increased the number of Local Governments from 301 to 453 and finally to 774. Concerted efforts were made to make Local Government serve as a training ground for democratic politicking and governance and a spring board for participation of other levels of government (Babangida in Aina; 2016). On the other hand, the Political Bureau was set up with the view of making Local Government a mobilizing force for national development and to fully integrate their voluntary and self help efforts within the actions of government in national transformation.

The Buhari regime in 1984 dismantled all democratic structures including the new mushroom local government councils created under Shagari administration by the governors and appointed sole administrators for each local government council. To streamline the administration of the

local Government to enhance efficiency, a 21 member committee headed by Ibrahim Dasuki was set up. The outcome of the committee led to upholding the 1976 Reforms that was eventually implemented by Babangida administration.

The Babangida administration in 1985 introduced the executive presidential system of government into the Local Government and by Decree 23 of 1991, each local government was to have and operate an executive Cabinet composed of the Chairman, with five Supervisory Councilors and Secretary appointed by the Chairman. In terms of function, the responsibilities associated with primary education and primary health infrastructure were transferred to the Local Government and the statutory allocations to local government was increased from 10 percent to 15 percent and finally to 20 percent from the federation account payable directly to local government councils on non-party basis followed later on a multi-party basis.

General Abdulsalam Abubakar's Military Regime (1998–1999) within its short span successfully conducted local government elections on multi-party basis in December, 1998 as its first step to democratization programme and nothing was done negatively to interfere with the structure, functions and funding of local government.

3.4 The 1999 Constitution and its Contradictions

The 1999 Constitution of the Federal Republic of Nigeria, which remains in force today (with several amendments), retained the structure introduced in the 1979 Constitution but introduced new complexities that have further compromised local government autonomy.

Key Provision and Issues:

(a) Recognition of Local Government and Revenue Allocation

Section 162(3) of the Constitution states that any amount standing to the credit of the federation account shall be distributed among the federal, state, and local governments.

However, Section 162(6) introduced the concept of the State Joint Local Government Account (SJLGA), which mandates that: "Each state shall maintain a special account to be called 'State Joint Local Government Account' into which shall be paid all allocations to the Local Government Councils of the State from the Federation Account and from the Government of the State. In theory, this was designed to ensure transparency in the disbursement of funds. In reality, it created a financial bottleneck, where state governors have overbearing control over local government finances, delaying or withholding disbursements for political reasons or to exert control.

(b) Limitation on Creation of New Local Governments

While states are empowered under Section 8(3) to create new local government areas, these newly created councils are not recognized by the Constitution unless they are listed in its First Schedule.

As a result, newly created local governments do not receive federal allocations until the Constitution is amended to reflect their creation. This restricts the power of states and leaves many local councils without funding or recognition, further complicating the autonomy debate.

(c) Absence of Effective Enforcement Mechanisms

Although the Constitution requires that local governments be democratically elected, no penalties or enforcement frameworks exist to compel state governors to hold elections or refrain from appointing caretaker committees. Consequently, in many states, elected councils are often absent, replaced with state-appointed administrators who are more accountable to the governor than to the people.

The fourth Republic started in Nigeria in 1999. The 1999 constitution has many things in common with the 1979 constitution, especially as it relates to the system of local councils. For instance, both constitutions adopted a presidential government. They also recognize local government as an important tier of government. Accordingly, apart from specifying the names of each of the councils and their capitals, the 1999 constitution, in the first schedule, part 1, almost in the same manner as the 1979 constitution, also declares that:

The system of local government by democratically elected local government councils is under this constitution guaranteed; accordingly, the government of every state subject to section 8 of this constitution, ensures their existence under a law which provides for the establishment, structure, composition, finance and functions of such councils. (Section 7 (1)).

Under the Fourth Republic, the local government system suffered the greatest assault since the 1976 reform. Councils became more redundant, least effective and efficient, ceased to be a government of the local people by the local people, and for the local people. Councils were cut off from the people and their impacts were hardly felt by the local people. The argument here is that the two constitutions under review and the state governments, particularly the state governors, are responsible for the poor state of the councils in Nigeria.

Between 1999 to date, the local governments had witnessed the worst bastardisation of the system from the higher levels of governments. The state governments hid under Section 7 (1) & (6) of the 1999 constitution to forcefully impose Joint Allocation Account on Local Governments to siphon the resources of the local governments and rendered them too weak for performance of its statutory duties. In addition, its internally generated revenue sources that were considered juicy like advertisements, tenement, rates street naming among others were taken over by the state government while the 10 percent internally generated revenue were not paid to the local governments. This partly explains the precarious positions of the local governments while the available resources were misappropriated by the council official as demonstrated by Aluko (2006). Such oppressive action on local government manifested in Obasanjo's regime unconstitutionally seizing the Lagos State local government fund for more than three years till when Yar Adua took over in 2007 on account of creation of additional councils. Hence, the local government administrations since 1999 have more or less been paralysed. The first ray of hope was the announcement by the current Governor of Kaduna State in July, 2015 cancelling Joint Allocation Account there by allowing statutory allocation to go directly to the local governments.

4. Challenges to the capacity of local governments to advance democracy in Nigeria

4.1 Enemuo (2008) summarized the problems of local government in Nigeria as follows: Lack of adequate funding, scarcity of experienced personnel, excessive instruction and control by the central government, corruption among staff, inadequate public support and rivalry with traditional authorities. These are indeed the basic reasons the local government system has not lived up to its expectations in Nigeria. However, these problems are not natural, and they are made possible or created by the constitutions of Nigeria, and unless, this is recognized, all attempts to reform the system will prove abortive. Both constitutions provide for the existence of the local councils by elected officials. However, the state shall ensure their existence under a law which provides for the establishment, structure, composition, finance and functions of such councils. (Section 7 (1). Yet local councils are regarded as a tier of government vested with certain powers and responsibilities. The implication of this constitutional provision is that local councils are creation of the state governments; hence the concept of “tier” in the constitution is in contradiction with the purpose of the councils. In order words, local councils cannot in any way by this provision, be free from the absolute control of the state, thereby rendering the councils as tools in the absolute control of the state, thereby rendering the councils as tools in the hands of the state governments. Abdullamid and Chime (2015) recognize the damaging impact of the 1979 constitution, especially to the effectiveness of local councils when they submit that:

However, the 1979 constitution which provided the legal framework for the 1979 reforms, plunged the local government system into a crisis of identity, and ever since local government in Nigeria has remained an idea in search of relevance... the combined effects of constitutional gaps and reform contradiction have rendered Nigeria’s system of local government and unfortunate “Orphan”, and that lacking a strong constitutional foundation, local government in Nigeria has been subject to the whims of both state and federal governments. (Abdulamid and Chima: 2015).

The 1999 constitution created more local and constitutional problems for local governments than the 1979 constitution.

Section 7 (1) states that state shall: ensure their existence under a law which provides for establishment, structure, composition, finance and functions of such councils. This was interpreted by some people as giving the power to create local councils to the states. This later became a legal battle between Lagos State and the Federal Government, when the latter ceased fund for local councils of the former over the creation of additional 37 local councils. This crisis was avoidable but the constitution.

The 1999 constitution gave power to the National Assembly for revenue allocation to the Local Governments, but these are Local Governments recognized by the constitution. The implication of this power is that even if the states have power to create local governments, only 774 local governments are recognized by the constitution and these are those the National Assembly have powers to allocate revenues to as local governments. Yet, local councils need funds to carry out their constitutionally stipulated functions. The Supreme Court ruled that the federal government had not power to withhold local council’s funds of Lagos state, and at the same time, states have

no power to create more local councils. Agreeing with the Supreme Court ruling in the case between Lagos state and Federal Government, Iwilade (2012) submitted that: “Unless the National Assembly enacts a consequential Amendment Act to list the additional 37 Lagos Local Development Council Area as Local Government Areas under the 1999 constitution, Lagosians cannot validate the new Local Government Areas they have lawfully created”. For two years or thereabout, Lagos State local councils were deprived of their federal monthly allocations. This was as a result of the lacuna created by the constitution.

Nwabueze (1983) had argued that if state government has the constitutional power to establish local government and to define its structure and functions, it clearly and necessarily implies that local government is a mere agency or a creation of the state government. Therefore, it will be erroneous to see it as an independent third tier of government. Furthermore, the issue of autonomy of local government becomes a myth and not a reality. This is a sure case of centralization devoid of the intended devolution of powers, thereby denying the grassroots a say or participation in their own affairs.

Another problem created by the 1999 constitution for the smooth operation of the local councils in Nigeria has to do with finance. Local councils like the other tiers of government, need enormous funds in order to be relevant. The constitution recognized this fact, and necessary provisions were made by councils, the largest come from the mandatory monthly allocations from both the state and federal governments. The fourth schedule of the constitution declares that: “The National Assembly shall make provisions for statutory allocation of public revenue to local councils in the federation; and (b) the House of Assembly of a state shall make provisions for statutory allocation of public revenue to local councils within the state. It is here that the local councils become over-dependent and over-reliant on the other tiers of the governments. In most cases, the state governments would not release funds to the councils. Where the party in power in the state is not the same with the one that controls the councils, such a council usually suffers. Apart from the fact that in some cases, the due of the councils from the states are not released to them, the constitution also aided the suppression of the councils by the states”. Under the Distributable Pool Account, there is this provision that:

“(6) Each state shall maintain a special account to be called State Joint Local Government Account into which shall be paid all allocations to the local government councils of the state from the Government of the state.

(8) The amount standing to the credit of local government councils shall be distributed among the local government councils of that state on such terms and in such a manner as may be prescribed by the House of Assembly of the state” (1999 constitution).

The SJLGA, no matter the original intention of the framers of the constitution, has become a potent weapon in the hands of the state government for weakening the performance of the local councils. Commenting on the implication for the state in the starving of the local councils by the state, Abulhamid and Chima (2015) write thus:

‘The consequence of the financial strangulation of local government councils is predictable: a local government administration that is ineffectual, unable to connect with citizens, or to discharge its statutory responsibilities, and a local population without responsive local administration’.

The Local Governments in Nigeria have not been able to perform optimally because of the overbearing nature of the state governments, rendering the autonomy of the system relatively paralyzed. The resources accruing to the local governments from the federated account were considered too juicy to be ignored by the state governments hence, hiding under section 7(1) & (6) of the 1999 constitution, various systems were cynically developed to rub the local governments of the benefit of appropriating its funds.

The damage done to the local councils system in Nigeria by the state governors are enormous. They make sure that the tier of the government is not functional. They make local council an administration instead of a local government. This is, instead of devolving power (devolution) to the local council, they were only allowed a measure of deconcentration. The state governments usurp local councils’ powers, funds and responsibilities, thereby making the government of the local people invisible (no democracy). All attempts to reform and restructure local councils are blocked by the stated governors. They do not allow free and fair elections to hold in the councils, apparently because governors themselves have failed their people and they would not want a situation where opposition parties will defeat them at the local level. Therefore, state governments stage managed the election into the councils to ensure that their party and their own hand-picked candidates won the election so that leadership at the local governments are not responsive to the electorate but to the state governors who can easily manipulate them. Throughout the four years of Kayode Fayemi as governor of Ekiti State, Local council elections were not conducted. Olusegun Miniko spent eight years as Ondo State Governor without conducting elections into the local councils. These are just examples of very many states in Nigeria where the state governments prefer an appointed caretaker committee to a democratically elected official to run the local councils as guaranteed by the constitution. Yet, the governors are all acclaimed democrats.

4.2 Local Governments as State Agencies: Nwabueze’s View

Professor Ben Nwabueze, a renowned Nigerian constitutional scholar and Senior Advocate of Nigeria (SAN), has been one of the strongest critics of the claim that local governments in Nigeria operate as truly autonomous entities. According to his scholarly interpretation, local governments are not genuinely the third tier of government in a federal structure. Instead, they are creatures of the state, functioning as administrative arms under state control.

Key Arguments by Nwabueze

1. Constitutional Dependency on States: Nwabueze emphasizes that although the Nigerian Constitution (particularly Section 7) recognizes local governments, it simultaneously grants states the authority to: Create local governments areas, define their structures and functions, regulate their operations by law.

2. This essentially places local governments at the mercy of the states, making their existence conditional and subordinate, not co-equal or independent.
3. Legal Status: while the Constitution requires that every state government provide for the existence of local councils, it does not confer sovereign status on these councils. Nwabueze argues that any entity whose existence and structure depend on another government unit (i.e. the state) cannot be regarded as an autonomous government in its own right.
4. State Supervision and Control: The practice of state governors: dissolving local councils at will, appointing caretaker committees, directing how local government funds are spent, intervening in personnel and project decisions, further supports the view that local government function as extensions of the state executive, not as independent authorities. For Nwabueze, this undermines the federal character of Nigeria's political system.
5. Lack of Direct Relationship with the Federal Government: Nwabueze also notes that in true federalism, each tier of government (federal, state, and local) must maintain a direct constitutional relationship with the central authority. In Nigeria, local governments do not maintain this kind of relationship; they interact with the federal government only through state channels, especially in matters of revenue and administration.

Conclusion of Nwabueze's Position

In sum, Nwabueze concludes that local governments are not autonomous governments in federal sense. Rather, they are state-controlled agencies, created to assist state governments in administering local affairs. Therefore, to describe local governments as the third tier of government is, in practice, a constitutional myth, not a political reality.

As observed by Udetta (2007) the 1976 local government reforms in Nigeria underscored the relationship between local government and democracy among other values, namely, unified structure or uniformity, grassroots development and so on. Hence, we can continue ad infinitum as regards local government and democracy local or national but the simple matter before our comprehensive and integrative endeavour is: How far as regards local government and democracy in Nigeria?

Discussing democracy, Udetta (Opcit 29) argued that the association or correlation between local government and democracy has been clearly underscored by the Laski perspective. According to him, the case..... for the strong system of local government in any state is clear almost beyond the needs of discussion. We cannot realize the full benefit of democratic government unless we begin by the admission that all problems are not central problems and that the results of problems not central in their incidence require decision at the place, and by the persons, where and by whom the incidence is most deeply felt. Among the inhabitants of some given area, that is to say, there is a consciousness of common purposes and common needs by which they are differentiated from the inhabitants of other areas for administration from without which lacks the vitalizing ability to be responsive to local opinion. And such government is bound almost inevitably to aim, not at variety but at uniformity..... it cannot grasp, in other words, the genius of place Its solutions may be well meant in conception and efficient in application. But they fail to arouse in the neighbourhood a desire actively to participate in the realization of their best result. Laski 1980)

According to Okoli (2003) Arthur Maas believes much in this function of local government that he titled his book on local government “Area and Power”. He believes that by dividing powers on area basis, local government mitigates the power of the national government and to that extent promotes the liberty of the individual. The whole argument that local government promotes democracy makes for local initiatives and participation is predicated on this areas division of powers, which should confer autonomy to local councils.

4.3 Implications of the Lack of Local Government Autonomy

The failure to implement true autonomy for local government has resulted in deep-rooted dysfunctions in governance and development, especially at the grassroots level. While the theoretical intent of establishing local governments was to bring government closer to the people, the absence of meaningful independence has rendered them ineffective and unproductive in many cases.

5. Conclusion and Recommendations

The crucial roles of effective local councils system in any democratic and federal state cannot be over-emphasized. It is however noted that the impacts of the system are not felt in Nigeria because of certain challenges this paper has indentified. The implications of all these impediments are many. For one, local councils are almost non-existent in Nigeria because their impacts are not felt in the grassroots. Feeder roads are not repaired, parks are not constructed and the existing one are not renovated. Markets are not built by the councils but by the states as in the case of Ondo State under governor Olusegun Mimiko. In fact, infrastructures are in poor state in most councils all over the federation. Some constitutional functions of the councils like the administration of primary schools and health, market and drainages are usurped by the states. Councils are no long responsible and responsive to the local people but to the state governors. The government of the locals ceases to be as citizens are not able to actively participate in the governments that are supposed to be their own. The essence for which local councils were created, as a way of linking the locals with the central government is defeated. An efficient local council system would provide an opportunity for training future leaders that would grow from councilors to chairmen, to the assembly members before becoming governors and finally progressing to the central government level. Economic development is hampered as a result of ineffective local councils. Local initiatives are lost in the process.

A thorough examination of local government system in the country was carried out in this paper. As a way of concluding, the following measures are recommended for the effective local government system in the country, especially, at this crucial time that many people are clamouring for restructuring.

1. In line with the provision of the constitution all local councils should, without unnecessary delay, be governed by democratically elected officials. There should be a relevant law that will prevent the states from constituting appointed caretaker committee at the council levels.

2. If federal and state governments are controlled by elected officials, the same should be extended to the local council for it to be a true tier of government.
3. State Independent Electoral commission should be cancelled. In its place, it should be the responsibility of the independent National Electoral commission (INEC) to conduct elections into the local councils.
4. Local council elections should precede state and federal elections.
5. The proper functions of the local councils should be performed only by the councils. A situation whereby states embark on the construction and maintenance of primary schools and health, markets and parks should be discouraged.
6. State Joint Local Government Account (SJLGA) should be cancelled and funds for the local governments should be paid to them directly. It does not make much sense again to say that the councils cannot be entrusted with huge fund. As a matter of fact there is little to steal from the local level than in the other levels of government.
7. The anti-graft agencies, the Civil Societies and the local people should be empowered and enlightened to monitor funds for the local councils. This is what obtains at the state and federal levels.
8. Some local council like Udi and Nsukka Local Government Areas in Enugu State are too large to function as grassroots government. Hence, they should be split. In other words, there should be creation of more local councils.
9. In order to prevent the proliferation of local councils as witnessed in the Second Republic, Local Government creation and existence should be handled by an independent commission.
10. The above recommendations necessarily demand the amendment of the relevant sections of the 1999 constitution which have joined in demeaning the autonomy and status of the Local government as a third tier of government in Nigeria. This would be a great stride in ensuring that Local Government in Nigeria indeed has the capacity to advance democracy.

REFERENCES

Ake, Clude (1981). A Political Economy of Africa. Longman Nigeria Limited.

Dye, Thomas R. (1978). Institutional Leadership in the United States. New Jersey: Prentice Hall.

Easton, David (1953). The Political System. Calcutta: Scientific Book Agency.

Federal Republic of Nigeria (1974) Main Report of the Public Service Review Commission, Lagos; Federal Ministry of Information.

Federal Republic of Nigeria (1976), Guidelines for Local Government Reform Kaduna: Government Printer.

Federal Republic of Nigeria (1979), Constitution of the Federal Republic of Nigeria, Enugu: Government Printer.

Federal Republic of Nigeria (1999), Constitution of the Federal Republic of Nigeria, Lagos: Federal Government Press.

Igbuzor, A.M. (1991). Productivity of Local Government. Enugu: Fourth Dimension Publishers.

Laski, Harold J.C. (1980). A Grammar of Politics. London: George Allen and Urwin.

Nnoli, O. (1986). Introduction to Politics. London: Longman.

Nwachukwu Goddy E. (2020). Theory and Practice of Local Government. Ark Publishers.

Nwankwo (2002). Polytechnic: Department of Local Government Studies.

Nwosu, H.N. (1977). Political Authority and the Nigerian Civil Service. Enugu: Fourth Dimension Publishers.

Odenigwe, G.A. (1977). The Role of Local Government in Developing societies. Nwanife Publishers.

Okoli, F.C (2000). Theory and Practice of Local Government: A nigerian Perspective. Enug: JohnJacobs Classic Publishers Ltd.

Ogunna, A.E.C. (1996). Handbook of Local Government in Nigeria. Owerri: Versatile Publishers.

Oladosu, S.A. (2018). Essays in Local Government. Kaduna.

Olisa, Okoli and Nwabufo (1990). Government for Senior Secondary School. Africana – FFP Publications.

Wheare, K.C. (1948). Lineoln: A Chronicle of the Long Better and Heroic Struggle to Svave the American Union. New York Collier Books.