

The State Governors and the Administration of Local Governments in Nigeria: Implications for Good Governance

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ABSTRACT

This study reviews the administration of local government councils in Nigeria as an extension of the state by elected State Governors, without recourse to the dictates of constitution. The paper x-rays the factors that accounted for the ugly scenario and the implications of such practice on good governance and political system as a whole. In this article, a number of suggestions have been made such as respect for the rule of law, due process, democratic principles and their implementation will no doubt further enhance the administration of local governments for effective service delivery and good governance at the grassroots level.

Keywords: *State Governors, Local Government and Good Governance.*

INTRODUCTION

On May 29, 1999 civilian rule was restored in Nigeria. The manner in which the local governments have been administered has called into question adherence to constitutional provisions on the devolution of powers among constituent units within the Nigerian federation. Most Governors are not willing to conduct local government elections that should give the people the power to democratically elect their local government chairmen and councillors. This frequently manifest in their reluctance to conduct, to - time, a free and fair election into the local councils. To ensure their firm grip of the states, they instead, nominate their preferred candidates and put them in place to run the

affairs of the council areas as caretaker, executive secretary or secretary of local councils. Under such guise, the administrations of local governments are relegated to the background by their 'excellencies'. Even, in states where there have been power shift from one political party to another or where the hitherto opposition political parties have been privileged to take over; the stories have been the same (Ajeh, 2009).

In such states as well, the opposition politicians have suffered undue alienation, political intimidation and suppression. According to Sesan (2004), there is always crisis arising from struggle to have control of the grassroots by the stake holders. The refusal or reluctance of the State Governors to conduct election into council areas always brew crisis because it negates democratic practice. In effect, it is alien to the democratic process of administration of the council areas and it appears a strange practice in a democratic system. In summary, it hampers the inflow of good governance and provision of the dividends of democracy. In other words, the administration of local government areas between 1999 and 2012 by the elected Governors have exhibited more crisis, and have not given room for serious grassroots' development. Little wonder that the much expected 'gains' of democracy have eluded the people under that circumstance. Our contention is that the authoritarianism of these Governors though, is a reflection of the Nigerian state and therefore, deepens crisis of democracy, undermines good governance and development.

State Governors Impunity: Theoretical Perspective

By definition, local government refers to government at the local level exercised through representative council establish by law to exercise specific powers within specifically defined geographical area (FGN, 1976). Hickey (1990) conceives of local government as the management of services and regulatory functions by locally elected council officials responsible to them under statutory and inspectoral supervision of central legislative and executive, but with enough financial and other independence to admit a fair degree of local initiative and policy making. Literature is replete with definitions of local government, but across all the definitions, one can rightly conclude that it is the unit of government administration at the local level below the state level. In short, and to us, local government is simply the government at the grassroots.

Local governments are created by statutes and the statutes often specify their functions, powers and duties, as well as the manner of performing their functions. Although, as creation of superior levels of government, they are subordinate to the state, yet in as much as they act within the scope of their authority, they are autonomous (Kunle, 2004). As enunciated by Mark (2010) and Zebudin (2011), the purpose of local governments includes bringing of

government nearer to the people so as to enjoy essential local services. Local government also serves as avenue for training political leaders, channel of communication, execution of local priorities and a good ground for experimentation. The above stated functions are captured thus ...local government basic role is to allow for flexibility, exploitation of local resources for development, provision of local services and satisfaction of cultural diversity (Adeogun, 2005). To ensure that the functions are effectively performed, local governments are given certain powers such as making of bye - laws, licensing, maintenance of laws and order, collection of rates, registration of births, deaths and marriages. Sadly, most of these powers have been taken over by the elected State Governors because local councils are not being run democratically.

For instance, the monthly allocations that are expected to be given to local government are been diverted and sometimes mismanaged by the so called 'democratically' elected Governors (Togun, 2010). Reinforcing this practice, Ajeh (2009) and Sesan (2004) remark that the idea of joint account is not entirely bad, but the manner of spending monies from such joint account exclusively by the Governors is condemnable. As a trajectory reference to the practice, between 1999 and 2012, there have been accusations against most State Governors that the policies priorities of some of them are sometimes at variance with, and do not always take into consideration the peculiar needs of local governments under them.

Most times as well, the local government needs at the urban or rural areas are not reflected in the policy drives of State Governors. Most governors are not always mindful of the policy focus of local governments because they control the 'purse' of the local council of their states (Togun, 2010). The reluctance of State Governors to conduct council polls has been argued elsewhere as a pathway to steal funds (Kunle, 2004; Hickey, 1990). As a result, use of non-elective officials has rendered local councils as appendages of the state since these people do not always have the constitutional effrontery to question authoritative directives that are inimical to the existence of local councils. Thus, we can say that non-conformity with democratic dictates to have elected council chairmen in most states of the federation in Nigeria is for clandestine motives and personal aggrandizements.

In particular, the illegal deduction of local government funds by some state Governors ignited a petition by Nigerian Union of Local Government Employees (NULGE) in 2002, which was sent to former President Olusegun Obasanjo (Abiodun, 2005). The same scenario played out between Ekiti State chapter of NULGE and Ekiti State government which is still in the court (Salako, 2012). All the allegations boil down on illegal deduction connected with non-availability of elected councils' bosses. This illegal infiltration on council affairs

was properly captured by Abiodun (2005), that joint account across states of the federation showed various illegal and arbitrary deductions from the statutory funds. It was equally alleged that monies accruing to the local governments in the joint account were occasionally paid to contractors without verifying such debts and that new contracts were award centrally (at the state level) without recourse to the interest of the respective local councils (Salako, 2012; Abiodun, 2005). To affirm the accusations, the Revenue Mobilization Allocation and Fiscal Commission (RMAFC) in 2009 indicted the state Governors of abandoning their statutory responsibilities in respect of the state/local governments' joint account.

As at then, RMAFC noted that over N475 billion due to the local government councils had been diverted to other uses by State Governors, thereby crippling the activities of the councils (Mark, 2010; Kunle, 2004). The story, perhaps, could have been different if the council chairmen had been elected, but when the council heads are nominated, they carry out the dictates of the 'State's number one man' without questioning. The State Governors hold the axe to 'exercise' control over the local governments when there is no elected council officials in place. Conversely, the nominated council officials do not have much to say or contend with the directives of State Governors that put them in office. This lack of democratic legitimacy upon which the 'hand - picked' council officials could lean easily erodes and impairs their performances.

Practically, the State Governors dominance of the local governments is strange to the principle of rule of law and fair play. Where the rule of law applies and is operational, the rights, duties and obligations of all the citizens in the state are subject to the same law (Dicey, 1948). These rights should not be alienated of any citizen or by government either. But, the State Governors have subverted these rights as a result of their un-democratic disposition to the institutional structure of their council areas. The 1999 Constitution, Section 14(1) & (2) provides among other things that the Federal Republic of Nigeria shall be a state based on the principles of democracy and social justice. It declares that:

- (a) Sovereignty belongs to the people from where government through the constitution derives all its power and authority.
- (b) The security and welfare of the people shall be the primary purpose of government.
- (c) The participation by the people in their government shall be ensured in accordance with the provision of the constitution.

Further in Section 17(1), it provides that the state social order is founded on ideals of freedom, equality and justice. In furtherance of social

order, governmental action shall be 'humane' and exploitation of human and material resources in any form whatsoever for reasons, other than the good of the community shall be prevented. Taking a clue from the concept of rule of law and the provisions of the 1999 constitution, we can not see enough means by which the citizens rights could be preserved, when the State Governor refuse to enthrone democratic principle in the administration of the local councils coupled with their reluctance to conduct elections. It is regrettable to note that most of the State Governors are themselves products of general elections, even when not minding the form through which they are brought into power. If anybody therefore contravenes the constitution, such a person, as reiterated in Section 46(1) should not go unpunished. It is baffling that Governors run the local governments under their care with impunity, not minding the provisions of the constitution.

Issues at Stake in the Conduct of Local Government Affairs

One of the features of democracy according to Obiyan and Afolabi (2012) is the conduct of periodic elections. It is also reiterated by Ake (2000) that democracy cannot be said to be in operation without periodic election. As a result, no matter how beautiful or good the intention of the Governor in power might be, there is a consensus that election into the council areas remains the central component of democracy, without which a system can not be said to be democratic (Sesan, 2004 and Ajeh, 2009). According to Fawole (2001), democracy is not a system of government that can be imposed, but one that must evolve through the express wishes and desires of the people themselves.

Any attempt to impose it, no matter how well crafted, is bound to fail. Using the above contextual position, local governments cannot thrive or be effective when the State Governors are not fully committed to the ideals, norms and values of democratic principles. Mark (2010) captured the idea better when he noted that since 1999 to 2012, most State Governors are not fully committed, neither do they accept the nuances and workings of democracy, especially in the administration of the local governments in their states.

For instance, the financial autonomy of local councils is not fully guaranteed (Abiodun, 2005). Local Government autonomy requires that the local government must have power to take decisions independent of external control within the limits laid down by the constitution. It must have sufficient resources, particularly funds to meet its responsibilities, create jobs, appoint and dismiss its officers. Under a caretaker chairman, to what extent can the above functions be effectively performed? Other area of autonomy is in the administration of services, that is, ability to be free from the interference of external authority and to recruit political leadership through the electoral process.

To what extent can we argue that the administration of local councils in Nigeria compact with democratic character? Local government has been subjected to federal and state levels of government for balancing, equalization, security and stimulation. Kunle (2004) and Mark (2010) argue that local government should not serve as field extension of the higher levels, but as partners in progress.

The reason for this preponderance behaviour of the State Governors can be likened to the ingrained mentality of force, pecuniary interest, the urge to re-contest and the desperation to have the local councils under their firm grip. There seems to be excessive control by State Governors over the affairs of local governments, which undermines the concept of democracy. The overbearing attitude of the State Governors in their working relationship with the local councils has also not helped to inbuilt independence and good governance at both local and state levels of governance. To a large extent, the State Governors still harbour the attitude that they are the repository of knowledge about the development of the grassroots.

Implications of State Governors' Autocracy

The reluctance of most State Governors to enthrone democratic rule in their local councils portends a lot of dangers for the polity and undermines good governance. One, delayed elections denied stakeholders the much desired political participation and thus, the people do not have control over their leaders. Whereas, people should be able to call their elected representatives to order and hold them accountable, but because elections do not hold, their representatives' responsiveness is always to the 'Governor', rather than to the 'people'. Also, the nominees of the Governors neither enjoying the 'goodwill' of the people at the grassroots nor possess the constitutional mandate to question any 'strange' directive in the administration of the local council areas.

The fact that they are hand-picked by the Governors, assures that they are always fearful not to be removed or dropped. This hampers development at the grassroots and the dividends of democracy expected on the long run. The arbitrary power to run the local councils by the State Governors enables them to deduct local government funds at will. Because the council 'caretakers' exist at the mercy of the Governors, then it gives undue support to state executives to 'do' and 'undo' which is strange to democratic consolidation. More importantly, the idea of administration the local governments as extension of the state is alien to the federal structure that Nigeria proclaims. In a true federal structure, all tiers of government should be autonomous and coterminous. Where this truly subsists, local governments would have the right to operate as an independent, but also as partner in the

governance process. The present arrangement negates the United Nations (1996) position that local governments that have real power can effectively address local interests as well as exercise a check on illegal operations at the higher level of authority. A truly autonomous and democratic local government should be able to exercise powers of decision making, revenue generation and financial independence, staff matters and administrative responsibilities. These are absent since 1999 in most local councils because State Governors have got too much involved in the conduct of local government affairs.

What Should Be Done?

Given the dangers to democratic consolidation and good governance posed by the present manner in which the Nigerian governors run their local governments, there is urgent need to deliberately re-cultivate the spirit of 'real' civil culture through a radical transformation of the Nigerian electoral process. Excessive premium placed on the capture of political power by the Governors using the local governments as template is a dangerous trend to Nigeria's political system, and needs to be addressed frontally. Besides, there is need to accord the local councils the respect they deserve. Local councils should be run as institution of democracy by democrats, not as a garrison command that is being run by dictators in form of state governors.

Governors should do away with mentality of winning second term election at all cost. It should be obvious by now, that the winner takes all syndromes cannot promote peace, stability, good governance and development in Nigeria. There is also the need to contend with the issue of corruption in Nigeria. As long as corrupt State Governors get away with their loots from the local councils, corruption will not only continue, the desperate struggle for the control of state power would not stop. State structure that is founded and sustained by corruption cannot clamour for, nor promote democracy. Therefore, efforts should be dispensed in enthroning people's voices through a free and fair contest at all levels of government. Presently in Nigeria, what is needed is a type of democracy that will promote equal opportunities for all people at all levels of government based on the dictates of the constitution. Any Governor that fails in this regard is moribund. If there is the need to consolidate democracy, we must view it as a vital element for good governance at the grassroots.

CONCLUSION

We have been able to show that State Governors are not always willing to conduct local government polls since 1999 for pecuniary gains. Lack of legitimacy, apathy from stakeholders, absent of good governance, poor political

will on the part of the caretakers have been the results of this alienation. The authoritarian character of most State Governors in the conduct of local governments' affairs under their care deepens crisis of democracy in Nigeria. The implication being that this lack of democratic structure at the grassroots undermines good governance, credibility of the electoral process and democratic project itself.

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