

THE ILLUSION OF DEMOCRATIC PARTICIPATION IN NIGERIAN LOCAL GOVERNMENT 1999-2011

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Abstract: This paper examines what appears to be a deliberate isolation of the Nigerian Local Government institution from democratic participation and consolidation by state governments. This is because elections in a democratic setting obviously provide the opportunity for citizens to participate in the political process of choosing their representatives at all levels of government. The analysis reveals that since the recommencement of democratic government in Nigeria on May 29th, 1999 elections have not been held in most of the 774 local governments in the country whereas elections are being held as when due at the Federal and state levels. The methodology adopted in this work is both descriptive and analytical including content analysis. The non-elections at the local government levels violate the 1999 constitutional provisions that stipulated periodic elections for the local governments. This situation the paper blames on the higher level of government which deliberately deny local government the opportunity of participating in the democratic process of election. The paper also reveals that this negative attitude of the state government towards the practice of democracy at the local government levels is responsible for the absence of democratic practice at that level which in turn affects development at the grass-roots level. This attitude places a limitation on the capacity of the local governments to effectively discharge their constitutional responsibilities to the local communities. Some recommendations are made to move the grassroots democratic practice forward for the local governments to be more responsive and efficient in the discharge of their duties to the people.

Keywords: Illusion Democratic Participation Local Government Nigeria

INTRODUCTION

The centrality of local government institution to both the democratic process and grassroots socio-economic and political development is not in doubt in any political system. This is because local government precedes some national governments and it therefore provides a training ground for the inculcation of democratic values in those who participate in it. More so, the local government institution is based on the philosophy of representative and responsible government at the grassroots level of government. By this it is assumed that local government helps in bringing government nearer to the people, fostering in the process the democratic principles.

The focus of this paper is therefore the analysis of the conduct of election into local government councils in Nigeria since 1999 to 2011. The choice of our period is informed by the fact that 1999 marked the re-commencement of democratic government in Nigeria and 2011 marked the third civilian to civilian transition. It is the argument of the paper that free, fair and credible elections into local government councils have been elusive due to the deliberate attitude of the state governments to keep out the local government from participating in the election of their representatives which is against the 1979 constitution that provided for periodic, free and fair elections into the councils.

Election is one of the most visible characteristics of democracy through which representatives are elected to official positions for the legitimate discharge of their duties to the people who elected them. To strengthen democratic practice at the grassroots level in Nigeria the Babangida military administration extended the presidential system of

administration to the local government through degree No 23 of 1991 which established the legislative arm of government to the grassroots administration.

The rationale for the introduction of the legislative arm to the local government councils was to make them complete third tiers of government and for the councilors to learn how to make laws for the smooth running of the councils without undue interference from the executive arm of government because the doctrine of checks and balances clearly separates the functions of the rule-making, rule application and rule-adjudication. The separation of powers is also very essential because according to Peter Harris (1976:100) "if the rules are made by one group of people, applied or executed by another and interpreted by yet a third, it should be possible to prevent a situation where too much power accumulates in one place". This is because the accumulation of power in one group may lead to its abuse since power corrupts and absolute power inevitably corrupts absolutely.

The 1979 Nigeria constitution also in section 7 (1) made provision for democratically elected local government councils. This is because section 7(1) of the 1979 constitution 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 ensure their existence under a law which provides for the establishment, structure, composition, finance and functions of local councils"

All these institutional structures were aimed at guaranteeing democratic participation, at the local government councils by allowing the people to freely elect their representatives because elections are an integral part of representative democracy which constitutes the hallmark of democratic practice. Election constitutes the major process for installing governments and for holding public officials accountable for their actions and keeping them responsive to the peoples' needs and interests in democracy. The relevance of elections to the democratic process is also seen in the fact that it provides citizens with the opportunity of exercising their constitutional rights to political participation and also confers legitimacy on those responsible for the exercise of executive and legislative powers in the polity.

However, not all elections are democratic because some elections are mere charades and illusionary just to legitimize authoritarian rule. Democratic elections must ideally satisfy the requirement of competition, participation and legitimacy Unfortunately democratic elections have eluded the Nigerian local government councils since 1999 even though 'elections' were sometimes held in some local government councils in the country. Consequently good governance based on transparency and accountability has been a mirage in local governments in Nigeria due to the absence of a truly representative system of government. Local communities have been denied the right to democratically choose their representatives into local government councils in free, fair and credible elections in line with section 7(1) of the 1979 constitution. It is this denial of truly free, fair and credible elections into the local government councils in Nigeria since 1999 that this Paper refers to as the illusion of democratic participation in Nigeria local government.

CONCEPTUAL ALTERNATIVES

In order to put the discussion of the illusion of democratic participation in Nigerian local government in the right perspective, it is necessary to clarify certain concepts germane to the topic. We begin with the concept of local government.

Local government as a social science concept does not readily lend itself to an easy definition. This, perhaps, is due to its dynamic and atavistic nature. Notwithstanding, local government has been defined as:

A territorial non-sovereign community possessing the right level of necessary organization to regulate its own affairs. This in turn presupposes the existence of a local authority with power to act independently of external control as well as the participation of the local community in the administration of its own affairs (Ayo 1986:133)

Also, the United Nations Division of public administration defined local government as:

A political sub-division of a nation or state in a federal system which is constituted by law and

has substantial control of local affairs, including the powers to impose taxes or exact labour for prescribed purposes. The governing body of such an entity is elected or otherwise selected (United Nations Conference 1961)

What has emerged from the definitions of local government above is the fact that local government has the following characteristic features.

- (a) Local government is a lower level of government as compared to national or state government
- (b) Local government is also established by law
- (c) Local government has a legal personality with the powers to impose taxes in its restricted areas of jurisdiction or competence.

But Ovwasa (1996:72) viewing local government from the developing countries perspective opines that local government should be regarded as a “ a workable and effective grassroots administration and rural development strategy through which national development can be enhanced”. This is because if all the local units in a country are self – sufficient in terms of social and infrastructural amenities, the whole country can be described as developed since the country is nothing more than the totality of the local councils.

However, for the analytical purpose of this paper, the definition of local government as stated in the guidelines for local government reform of 1976 is adopted, because it defines local government as “Government at local level exercised through representative councils, established by law to exercise specific powers within defined areas”. The adoption of this operational definition is robustly informed by the fact that it places emphasis on representativeness, democratic participation and local government autonomy.

DEMOCRATIC PARTICIPATION

The aspect of democratic participation that is relevant to our discussion is election. Consequently, democratic participation here means the extent to which the electorates at the local government councils are allowed to participate in the election of their representatives. It also means the frequency, the freeness, the fairness and the consistency with which such elections are conducted. This is because elections have become so pivotal to all successful democratic system of government in any polity.

Election is the most visible aspects of democracy in action because it provides the available means to the voting citizens to indicate their preferences for those they perceived as being worthy of rulership. Election provides the avenue for the actualization of ideas in regards to the power of the electorates to choose from among competing candidates for leadership position. Election enables the voters to choose and by implication underscore the performance of a particular leader or leaders who they consider worthier than others, for a specific public office. In fact, elections allow the people to make a choice of policies and candidates.

Elections also have pedagogic value because it provides the electorates political education. This is normally achieved during campaigns and through jingles in radios and televisions. This is because as political parties canvass for electoral victory, they showcase their manifestoes and programmes of action of what they intend to do if voted into office. Parties doing such, also include the methods by which their policies and programmes can be achieved.

The centrality of elections to any democratic system of government was graphically captured by Mackenzie and Robinson (2002) cited in Aluko 2010:3) when they wrote incisively that:

No human observer can ever grasp the
Whole life of a political system in action
but more can be learnt in a space of about
three months during an election, than in
any other comparable period.... The study
of elections, provides useful opportunity to
Observe the life of a political system in action,
as some elections have more profound
and long-term consequences for the political
systems than others.

Elections are actually the vehicles that drive democratic governance which in turn produce good governance.

DEMOCRATIC GOVERNANCE

Democratic governance which is essentially based on the product of free, fair and credible elections is regarded as the best form of government all over the world. The beauty of democratic system of government derives from the fact that the apparatus of governance, such as the executive and the legislature are controlled by the representatives of the people duly elected by the people.

The concept of democracy is central to the democratic – participatory thesis which stresses that democracy is a way of life and that democracy demands that one another's point of view and one another's interest be mutually appreciated. Democracy as a concept is based on fair play, rule of law, representativeness, tolerance and respect for the right of others. The product of a democratic system of government is invariably good governance.

Good governance presupposes the provision of social, economic and developmental infrastructure for the people within the framework of rules and regulations governing that society. Good governance means ruling according to the constitution.

THEORETICAL FRAMEWORK

Theoretical framework can be regarded as an intelligent mental construct designed with insightful and well informed reasoning that forms the platform within which social phenomena can be thoroughly analyzed for the purpose of providing clear understanding about the issues under investigation. Consequently, it can be viewed as a way or mode of seeing, analyzing, interpreting, describing and predicting issues under investigation (Obasi, 2008:43). It is therefore the norm particularly in the social sciences to link any discussion analysis and even line of action to theoretical framework. This is because it provides the significance, rational and justification for the study (Chukwuemeka, 2002:60). It is on the basis of this that the paper adopts the elite theory to analyze this apparent deliberate exclusion of the Nigerian local governments by the state governments from periodic elections as required by the country's constitution.

The elite is a group of people with comparative advantage over other groups in the society because they are powerful, influential, intelligent and wealthy. The main thrust of the theory is that there is in every society a minority of the population which takes the major decisions for the society. This minority decisions, because they were taken by the elite, have far reaching political implications for everybody in the society. The most important and celebrated advocates of the elite theory are Wilfred Pareto (1848-1923) Gaetano Mosca (1858-1941), Robert Michels, James Bumham, Joseph A. Schumpeter, Raymond Aron, Giovanni Sator and Karl Mannheim (Mahajan, 2005: 820-6, cited in Aluko: 2010:5).

Pareto analysis of the elite theory was essentially based on the nature of governing or ruling elite. To him, top leaders of political parties constitute the governing elite. The governing elite power is based partly on force and partly on consent but the element of force is more visible and important. According to him, the governing elite use bribery, deceit and cunningness to obtain or secure the consent of the subject classes. The rulers can secure obedience by the use of money, but they must use force to keep the masses under control because a weak elite is liable to overthrow.

Gaetano Mosca on his own argued that society is divided into classes: the class which rules and the class which is ruled. The success of the ruling elite lies in its organizational ability because a small group is more easily organized than an unorganized purposeless majority. The channels of communication and information of such a small well organized group are better and quicker making it possible for the group to formulate policies quickly.

The position of Robert Michels on the elite theory appears to be more appealing especially in the Nigerian situation where the selected few politicians and their up strings are recycled year in year out since independence in 1960. According to Michels democratic system is in practice a party system such that democracy becomes a "party-crazy" Party organization is controlled by a group of leaders who cannot be checked or held accountable by persons who elected them. This is due to organizational factors such as party funds, control over the press and control over the mass media by the party in power and psychological factors such as the apathy of the majority, technical incompetence e.t.c. This principle applies to all organizations. It was on the basis of this that Michels propounded his "Iron law of Oligarchy". In fact as he opined "who says organization says Oligarchy". He concluded and

rightly too, that whatever form of government is adopted, in practice, it is inevitably reduced to Oligarchy or the rule of the chosen few.

A BRIEF HISTORY OF LOCAL GOVERNMENT ELECTION IN NIGERIA BEFORE 1999

The British colonial administration in Nigeria, for administrative convenience divided Nigeria into three political administrative parts: the three parts were the Northern, the Western and the Eastern provinces. Each division was having its own traditional local government system on which the centre administration was anchored.

The native administrative system through which the indirect rule system was hinged was made up of four 'pillars', (a) the native authority, (b) the alkali/ customary courts, (c) the native authority treasury, and (d) the Resident. Under this system, the Chiefs and Emirs were mere agents of the British colonial administration through whom imperial decisions were carried to the remote localities for effects.

The fact is that during the colonial administration there was no local autonomy. The reason being that the colonial administration did not orientate both in concept and practice, the native authority system towards democratic political process at the grass-roots levels. This was because the main objective of colonial administration was then political stability and peace for the effective exploitation of colonial resources. In this regard local government, could not be regarded as any tier of government, rather, it was an instrument for penetration, exploitation and repression in British interest. Consequently, there was no serious democratization at the grass-roots levels during the colonial administration. Although it is on record that the first election held under the colonial administration in 1952 were for local councils.

However when self-government was granted to the regions by the colonial administration from 1955 upwards, certain changes occurred. For example, the governments of Eastern and Western regions respectively made attempts to democratize local authorities while the Northern region continued with the anachronistic native authority system. But it must be noted that during this period, the Nigerian politicians and nationalists took the control of local government very important as they regarded the councils to be more lucrative in terms of power wielding and resources. This, perhaps, explains in part, why prominent politicians like late Dr. Nnamdi Azikiwe, late Chief Obafemi Awolowo and late Sir Ahmadu Bello became Ministers of local government in 1954 in their respective regions in addition to being premiers of their regions.

The political history of Nigeria has indicated a trend in which elections into local government councils were held in conjunction with each phase of elections since independence, although there were few cases especially during the military rule of general Babangida when elections were held at the local government levels only. It is also necessary to note that in Nigeria, civilian rule does not automatically translate to elections at all levels. The scenario during the civilian administration of Alhaji Shehu Shagaria in the second republic, 1979-1983 strongly testified to this point. This is because there were no local government elections after the first election of the second republic, as all elected officials were replaced by officials appointed by state governors.

This was clearly illustrated by the mass dissolution of all councils in some states. For example, all the 20 local councils in Kano were suspended. In Lagos state, all the councils were dissolved on the spurious ground that all the councils were no longer discharging their functions in a manner conducive to the welfare of the inhabitants (New Nigerian, March 26 1980) In all cases, the dissolved councils were almost always replaced with caretaker committees made up of party minions. These councilors were however, removed following the 1983 coup led by major general Buhari. The Buhari regime replaced the sacked councils with the appointment of five-member councils across the country. The Buhari regime was however, overthrown by General Ibrahim Babangida on August 27, 1985.

The Babangida regime in 1987 organized elections into all the local government councils in the country on a non-partisan basis and the elections were rated as free and fair by most observers as they were based on "option A4", a system of voting where voters queue behind the candidate of their choice in the open. The amended 1979 constitution which became the adopted 1989 constitution in the long transition programme of the Babangida, regime, provided for elected councils and secretaries (executives) of local government areas. Local elections were slated for 1989 in the transition time table of the Babangida regime, but were shifted to 1990 to accommodate the two party system imposed by the regime as the National Republican Convention (NRC) and the Social Democratic Party (SDP) were decreed into existence by General Babangida in 1990.

The councils elected in 1990 remained in office until all civilian institutions were terminated by the Babangida regime when it suspended the 1989 constitution in 1993. It is on record that between November 1993 and April 1994, the administration of local government was by the secretaries designated as Directors of personnel management of the local councils. The Directors of personnel management to the councils were strictly under the watchful eyes of the appointed state military administrators (Milads) According to Aluko (2010:6) from April 1994 to March 1997, the selected chairman and four (4) supervisors (indigenes) appointed by the state military administrator for each local government ran the affairs of the councils throughout the country.

It will be recalled that General SaniAbacha return Nigeria to a full blown military regime in November 1993. Consequent upon this, the Abacha regime planned local government elections on non - partisan basis to hold in 1996 for the election of only local government chairmen (executives). Through various manipulations the Abacharegime registered five political parties for his transition to civil rule programme. Interestingly all the five political parties adopted him as their presidential candidate. This led to the formation of the National Democratic Coalition(NADECO) that strongly opposed the Abacha regime. The Abacha regime scheduled local councils elections for March 1997 to be contested by all the five certified parties which were already under his control. NADECO called for a boycott of the elections because according to NADECO all the five parties were under the control of Abacha. It will be recalled that NADECO was formed on May 15, 1994 by a broad coalition of Nigerian democrats, who called on the military government of SaniAbacha to step down in favour of the winner of the June 12, 1993 election, M.K.O Abiola. The members mostly came from the southwest of the country. They quickly became the symbol of mass resistance against military rule. On June 11, 1994, using the groundwork laid by NADECO, Abiola declared himself president and went into hiding. He reemerged and was promptly arrested on June 23rd 1994.

This top down creation of political parties, characteristic of military regimes, was even more controlled during the Abacha regime than the Babangida regime which created only two party system. In spite of NADECO'S protestation, the elected councils of Abacha's five registered political parties was in place between March 1997 and June 1998 when General Abacha suddenly dropped dead.

General AbubakaAbdusalam succeeded Abacha, and between July 1998 and May 1999, the regime of AbubakaAbdusalam appointed sole administrators (state civil servants) with 4 indigenes selected as supervisors to run the local councils throughout the country. This arrangement was in place when local government elections were held in December of 1998 on nonpartisan basis. This local election was used as the basis for the registration of political parties that contested at the state and federal levels in 1999.

The analysis so far has revealed that the establishment of "democratically" elected local government councils has long been elusive in the country. This claim has also been long confirmed by the political bureau set up by the Babangida regime in 1986 to among others, "establish viable and enduring people oriented political system devoid of perennial disruption (Babangida 1986:6-8). On the management of local government in the country since independence, the political bureau indicted the various governments stressing that:

The tendency to ignore the political factor
In the management of local government had
reduced local government to instruments of
regulation and control. Local governments
have hitherto not operated as an instrument of
mobilization, primarily because it has not been
possible to install democratically elected local
councils since independence (Report of the political
Bureau March 1987 Abuja.P.122).

This was the parlous state local council election in Nigeria before the re-commencement of democratically elected government on 29th May 1999.

LOCAL COUNCILS ELECTION IN NIGERIA 1999 – 2011

On May 29th 1999, Chief OlusegunObasanjo was sworn in as the democratically elected president of the fourth Republic of Nigeria. This actually made it his second coming as the chief executive of the country because he became the head of state in 1976 after the assassination of General Murtala Mohammed on Friday, February 13th,

1976. General Mohammed had earlier seized power from General Yakubu Gowon on July 29th 1975 in a palace coup. In fact the major reforms of the local government system were carried out during the Obasanjo administration as illustrated by the 1976 local government reform that accorded local government the status of third tier of government with enough autonomy to operate as a recognized level of government at the grassroots levels.

Nigerians, particularly, those at the grassroots, therefore heaved a sigh of relief hoping that the 'boom' days of local councils election had arrived, giving way to the 'doom' days of local councils election. But unfortunately, as events unfolded, their hopes and enthusiasm were vastly misplaced.

This is essentially so, because it would appear as if the Nigeria ruling political elite had 'signed' a tacit agreement to deliberately continue to exclude democratic governance from the local government since the re-commencement of democratic government in Nigeria.

This is seen in the fact that local councils election across the 774 councils in the country have never been held as when due and in accordance with the constitutional provisions since 1999. Even in some states where local council's elections were reluctantly held the results were always manipulated in favour of the ruling party. The dissolution of elected councils by state governors with replacement by appointed care-taker committees continued unabated in the administration of local government in the country. For example as Aluko (2010:16) reported, three southern-western states in Nigeria, namely Osun, Oyo and Ogun have had chequered history of local council's election. In Osun state, elected councils have only been on ground for a little over four (4) years May 1999 to May 2002 and January 2008 up to 2010. From May 2002 to May 2003, all the councils were made up of Alliance for Democracy (AD) Party controlled caretaker committees appointed by Governor Bisi Akande. They were however, removed from office when Governor Olagunsoye Oyinlola of the People's Democratic Party (PDP) came to office in May 2003. As expected, for the period May, 2003 to April 2004, all the councils had PDP controlled caretaker committees. In April 2004 up to April 2007, the governor retained all the 30 PDP chairmen of the caretaker committees and renamed them acting chairmen from April 2007 to January 2008. The governor again appointed 30 PDP controlled caretaker committee councils till he was removed from office by the appeal court sitting at Ibadan on November 26th 2010. This situation was similar in the other two states of Oyo and Ogun, respectively.

In Nigeria, local government administrations have become the 'Punching bag' of the ruling elite because it has become the most constitutionally abused matter since the 1999 constitution became operational on 29th May 1999. This is due to the fact that only a handful of states hold local government elections while many others carry on as if it is legal to run local governments without the constitution that created them (Vanguard: 2014). The point is that running local governments affairs on the basis of caretaker committees has become the rule rather than the norm in Nigeria.

In fact a Thisdaynews paper survey on local government councils election across the country is quite revealing. The survey revealed that of the 36 states of the federation with 774 local government areas, only 17 states and the federal territory have elected persons running the affairs as enshrined in the 1999 constitution. The implication of this is that 19 states run their local councils on interim and caretaker committees' basis. Specifically, the survey's findings are summarized as follows:-

- In Abia state, the last council elections was held in January 2008 and when their tenures expired in 2010, the governor Theodore Orji, appointed caretaker committees and has on several occasions created a timeline for councils polls which never held.
- Bayelsa held its last council polls on April 3rd, 2010, when Governor Seriake Dickson stepped in on 29th May 2011, he dissolved the council administration and appointed interim administrators.
- Edo state held its last council polls in December 6, 2007 during the governor Oserhiemen Osunbor administration that was annulled.
- Local government polls in Plateau State held last on November 28, 2008 and witnessed a lot of blood shed. Their terms ran out in January 2012 and management committees were set up in their place.
- Council elections were last conducted in Borno State in 2007. Adhoc arrangements have been used to run the councils.
- In Yobe state council elections were last held in 2009. Since then, the councils are without elected heads and no date has been fixed for the next elections.
- In Kano, the last council polls were in 2009 which expired in 2011.

- Katsina last held council elections in 2010 and since the expiration of the tenure, has run the councils under caretaker committees while Delta last held theirs in May/June 2008 with no date for another.
- In Ondo state, election was held on December 14 2007 under OlusegunAgagu but would later be dissolved by OlusegunMimiko. No new date has been set while in Imo State, it has been a total rigmarole with the creation of further tiers without any mention of when local government elections would hold.
- Anambra state features perhaps the most notorious scenario. The last local government election in Anambra state was conducted in 1999 and due to what politicians say is court related reason, the third tier in that state has been under unelected structures since then and there is no specific date to conduct another election ... (Thisday News Paper: 2012).

Obviously, these examples across the country have further illustrated, though, painfully, the seeming deliberate action of the state governors to deny the local communities of participatory democracy which is the bedrock for socio-economic and political development at the grassroots levels.

This apparent reluctance of some governors to conduct council elections is somewhat consistent with their opposition to calls that local government autonomy should be strengthened and included in the constitution. More importantly, state governments find the funds allocated to local governments too attractive to leave and they must therefore control the local governments, after all, local governments earn their tenure to the obeisance of the state governments. In fact, some elected council executives have been sacked or impeached at the instance of governors. The governors have premised their opposition to local government autonomy on the grounds that development and harmonization of programmes would be more difficult with such autonomy. This is an anomalous position because local government is a constitutionally recognized third tier of government in the federal arrangement that operates three tiers of government, federal, state and local therefore, to argue that local government autonomy will make the development and harmonization of programmes more difficult, is to say the least, an admission by state governors that they lack the political will to run a constitutional government.

CONSTRIANTS ON LOCAL COUNCILS ELECTION IN NIGERIA

Apart from the brazen unwillingness of many state governments to allow local governments to participate in democratic local elections, there are other predisposing factors responsible for the parlous condition of local councils elections in Nigeria. Other identifiable constraints on local councils election in Nigeria are (a) Constitutional provisions and (b) the electoral bodies responsible for the conduct of local councils election.

CONSTITUTIONAL PROVISIONS

The 1979 constitution that heralded the American style presidential system of government to Nigeria's second republic recognized local government as the third tier of government of three levels in the federation. The three levels are the federal, state and local governments. Although the 1979 constitution in section 7(1) made provision for the existence of local government across the country but their administrations were left at the mercy of state governments by the same constitution.

The most curious and surprising aspect of Nigerian politics was that this weak section of the 1979 constitution that have been creating problems for the administration of local government was retained intact by the framers of the 1999 constitution of the fourth republic. This is because section 7(1) of the 1999 constitution is a repetition of the constitutional provision of 1979. It 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 the constitution, ensure their existence under a law which provides for the establishment, structure, composition, finance and functions of such councils.

This provision is weak in respect to local government administration in a federal system, because it only guarantees the existence of democratically elected local government councils but places local government under the control of state governments. This is because the constitution did not make such provisions that may shield the local government councils from being direct appendages of the state government. As Jaga (2011) correctly observes " local government authorities are constitutionally placed under the domineering and crippling influence of state

governments which are willing to concede limited autonomy to this third tier of government local governments therefore operate under the shadow of state governments”.

Section 7(4) of the 1999 constitution also states that the “government of a state should ensure that every person who is eligible to vote and be voted for in a house of assembly is also given the right to vote and be voted for at a local government council election” But it has been revealed from the analysis so far, that despite this emphasis on representative democracy, local communities have been denied free and fair elections into local councils since 1999 by the political ruling elite.

THE ELECTORAL BODIES

The story of the electoral bodies responsible for the conduct of local councils election in Nigeria is not different from the weak constitutional framework for running local government councils. This is because a distinct electoral umpire is created for the conduct of local councils election apart from the National umpire responsible for elections in the country.

It is important to note, that the major instrument for democratization in a polity is the National constitution while the agents of the democratic process are the Electoral Monitoring Bodies (EMB) like the Independent Electoral Commission (INEC) and the state Independent electoral Commission (SIEC) on one hand and the political parties (PPS) on the other (Abbas & Ahmed 2012:99). The major instrument of the democratic process at the local government level is the SIEC and the political parties. The state Independent Electoral Commissions were created as the equivalent of INEC to conduct elections into local government councils periodically. They were established in accordance with the provisions of section 197(1) (b) of the 1999 constitution of the Federal Republic of Nigeria. The 1999 constitution empowered SIEC to undertake and supervise all elections to the local government councils within the states. This is because part 11 of the Third schedule sections (3) and (4) of the 1999 constitution of the Federal Republic of Nigeria made provision for the establishment of state Independent Electoral Commission, with the following powers:

- (i) To organize, undertake and supervise all elections to local government councils within the state.
- (ii) To render such advice as it may consider necessary to the Independent National Electoral Commission on the compilation of and the register of voters in so far that register is applicable to local government elections in the state.

The actualization of this constitutional provision is at the instance of the state governments because each state assembly enacts and passes its own laws to supplement the provisions of the constitution whenever it pleases them.

This is the problematic of local councils election in Nigeria. This is because in many states of the Federation state assembly did not enact or pass any laws regarding the establishment of state Independent Electoral Commission because the state governors did not constitute any, and without SIEC no elections can be conducted to local government councils. This in part, explains why there were no local government councils elections since 1999 to 2011 in the country. Even in some of the states where the state Independent Electoral Commissions were reluctantly constituted, the governors most of the time appointed party loyalists into the commission and representation also skewed in favour of some senatorial zones than others, within the state. The Taraba state Independent Electoral Commission (TISEC) offers a good example: As Abbas & Ahmed (2012:100) correctly observed:

Since 2002 to 2011 the electoral body had seven members drawn from Takum, Donga, Wukari and Kurim. (all in the Southern senatorial Zone), Zing and Karim Lamido (in the Northern senatorial zone) and Gassol which produced the TSIEC chairman (in the central senatorial zone). Thus the Southern senatorial zone which has (6) about 37.5% of the 16 local governments in the state had about 71.5% members drawn from that zone. The central zone with 4 (ie 25%) of the 16 local governments in the state technically had 14.3% representation While the northern senatorial zone also with a total

of 6 (37.5%) Local government areas had about 14.3% representation on the Commission. The commission was reconstituted in 2011 and the membership and spatial pattern of representation changed only slightly. The skewedness in the representation still remains highly in favour of the Southern senatorial zone.

This scenario in Taraba state is common in most other states of the federation particularly with the dominant ruling party in each state. Since the people Democratic Party (PDP) is the dominant ruling party in the country, the Taraba state electoral commission's story could be retold all over.

It is therefore difficult to expect a free, fair and credible elections from an electoral body that is biased from birth. It is therefore not surprising, that whenever local elections are conducted, the common trend is for the ruling party to win all the local chairmanships and councilors.

IMPLICATIONS FOR GRASSROOTS SOCIA-ECONOMIC AND POLITICAL DEVELOPMENT

The failures of many local government councils to perform their constitutionally assigned functions of socio-economic and political development for their communities could be blamed on the absence of democratic governance at the grass roots levels in the country. This is because as Oviasuyi (2010) rightly observed "Successive governments in Nigeria for too long have neglected the rural/local communities, and that little evidence may be found to suggest that past policies of governments made significant impact on improving the quality of life of over 70% Nigerians living in the rural areas". The fact is that because the members of the rural communities are excluded from the government of their affairs as they are being denied free, fair and credible elections their interests therefore suffered most due to lack of representation in the various local government councils. The truth is that most rural areas across the country lack basic social amenities such as good water supply, motorable roads, electricity supply, good health care services and facilities as well as good schools.

These problems as noted above, are blamed on lack of effective involvement of the local communities in the development process as well as lack of good governance at the grassroots levels. The reasons for lack of good governance in rural/local areas, according to Alila (1998) include "lack of commitment by government and inadequate development, support institutions for the local community, inadequate programme design, poor management/implementation, corruption and the failure of government to tackle the problem of poverty". The recommencement of democratic government in 1999, as earlier observed, rekindled the hopes of many Nigerians thinking that the legacy of corruption and lack of accountability bequeathed by many years of military rule had been an impediment to the achievement of good governance for socio-economic development in the country. The hopelessness as noted previously, seems to be obstinate as it remains even in the current democratic dispensation as illustrated by the excessive interference in local councils affairs by state governors and the flagrant and brazen abuse of the democratic process and culture fuelled by poor governance. The cumulative effect of the interference of state governments in the affairs of local government councils is the discouragement of initiatives and well articulated development plans in the local government councils. Other implications are the lack of effective budgeting and budget implementation, poor or lack of accountability, decay in physical and social infrastructure, and general under development and backwardness at the grassroots level. The final implication is that development initiatives are killed and poverty remain endemic, thus failure of democracy (Abbas & Ahmed 2012:104).

POLICY OPTIONS AND CONCLUSION

To allow the local communities to benefit from the dividends of democracy the following policy options are recommended for urgent implementation.

- The state Independent Electoral Commissions should be made truly independent of the state governments by ensuring that a separate budgetary allocation is given to them. This is to insulate them from the temptation of depending on political parties' funds, thereby avoiding a situation where officials of the commission rely on party officials and contestants for financial help during local councils elections.
- The National assembly in its constitutional review should consider granting financial autonomy to the local government and transfer the powers of SIEC to INEC.

- Members of SIEC should be drawn from retired civil servants and civil society organizations who should be non partisan.
- Other staff of the SIEC should be properly screened in regard to nobility in character and academic before being employed (Massoud 2012:81).
- Both permanent and adhoc SIEC officials should be trained and retrained and only those who have imbibed proficient training qualities should be made to handle elections
- The 1999 constitution should be amended to entrench the autonomy of local government councils in it, so that local government can operate within the state in the same manner the various state governments operate within the federation.

CONCLUSION

The achievement of freedom, self determination, self –reliance and the eradication of poverty among the rural communities in Nigeria calls for the entrenchment of an enduring democratic governance at the grassroots levels. This can only be achieved if all the necessary measures as recommended are implemented by policy makers.

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