STATE GOVERNORS AS ALBATROSS TO DEMOCRACY AND LOCAL SELF-GOVERNMENT IN NIGERIA

Samson E. Obamwonyi  
Faculty of Law, University of Benin, Benin City, Nigeria

Stanley Aibieyi, Ph.D  
Associate Professor, Institute of Public Administration and Extension Services  
University of Benin, Benin City, Nigeria

Abstract

Local governments in Nigeria have become the weeping child of state governors. The elected officials have been rendered almost useless as they are at the beck and call of state governors. At every slightest opportunity, they sack or dissolve local governments at will. This is to the detriment of both the people who elected the local council officials and democracy. In an attempt to examine the entire scenario, this paper employed the historical and content analysis method in exploring the activities of state governors against local governments. The paper revealed that since the year 1999 when the fourth republic came on board, at least seven state governors have sacked or dissolved local government councils in the country. The paper further revealed that besides sacking of elected local government officials, state governors deny local government access to their statutory allocations, or deny them their full allocations; this is partly responsible for their non-performance. The paper recommends that the supreme court judgement which states that state governors have no power to sack elected local government officials be inserted into the constitution when amended and the local people who elected them be given power to sack them.

Introduction

Local government is another form of devolution or decentralisation of power to the people at the grassroots, hence, the first step in decentralisation of power, for the purpose of reaching out to the local level, rural areas and connecting those in the country side with the state and federal governments, is through the local government system. Local government, variously referred to as local administration or the government at the grassroots or at local level, is the third-tier of government in a federal system. Often times it is referred to as government at the grassroots because it is believed to be the government that is closest to the people in country-side, or the
people at the local areas where the regional or central governments are far from. There are many reasons why government at the local level is created. Among the prominent reasons is the development of the rural areas and local communities, particularly in developing countries like Nigeria. Local governments are created so as to spur development in the hinterlands of any country.

The importance of local government or local self-government is more pronounced and relevant in developing countries than in developed nations. The reason being that local government or self-government would assist in quickening the provision of the much needed developmental facilities in human and materials resources so as to enable the people at the local level feel the presence and existence of government in order to have a sense of belonging. Local governments also enable the people participate in civic responsibilities like adult universal suffrage, participation in local and grassroots self-government. By so doing, local government administration helps the people at the local level participate in their self-development in all fields of human endeavours – that is, socially, economically and politically. Politically, this induces democracy at the local level; hence Laski (1961) asserts that “we cannot realise the full benefit of democratic government unless we begin by the admission that all problems in their incidence require decision at the place, and by the persons by whom the incidence is most deeply felt.”

However, over five decades of the existence of local government in Nigeria, the people, especially those at the local level and in the rural areas of the country, have not felt the much expected existence of local government or local self-government. This denial of local self-government, so to say, becomes more pronounced since the fourth republic which kicked-started in 1999.

**Conceptualising and Theorising Local Government**

The concept of local government is not static or rigid hence its concept is not specific in the lexicon of political science or public administration and social sciences in general. What seems static in local government concept is its nature and sphere of administration. According to Clark (1948), “local government appears to be that part of the government of a nation or state which deals with such matters as concern the inhabitants of particular district or place.” Rao (1965) asserts that local government is part of government that deals specifically with local affairs, that is, administered by authorities which are subordinated to the state government but elected independently of the state authority by qualified residents. A local self-government is that government which is of a specified locality by the local people through the representatives elected by them (Gokhale, 1972).

According to the United Nations office for public administration, a local government is “a political subdivision of a nation or 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 governing body of such an entity is elected or otherwise locally selected.” Local governments are infra-sovereign geographic units which are found within a sovereign nation or quasi-sovereign state. Local governments, as units, possess a defined territory or area with a
population, an organisation and also the authority to undertake and possess the power to perform public activities. A local government seeks to give opportunities to the people for the expression of their opinion as regards local affairs. It enables the people to choose their representatives to take care of local affairs on their behalf (Bhagwan and Bhushan, 2005).

Since the localities differ across the diverse country, the peculiarities come to the fore through the sheer performance of those critical functions dictated by local interest. In this respect, therefore, five important factors cannot be ignored or compromised. These factors are that:

1. For local government to bring itself nearer to the people, the people must have input into the policy formulation and decision-making process at all times, either directly or through their representatives in the local legislature.

2. Local government reflects the character of self-government when indigenes and residents participate directly in its administration, composition of functionaries, and general staffing.

3. Wider participation of the people in the affairs of the council should foster a sense of belonging.

4. Local government should encourage initiatives and development of leadership potentials from the grassroots. As a result, local government can become a training ground for future state and national leaders.

5. Local government can serve as a link or channel of communication between local communities and central authorities.

**Characteristics of local government**

From the various concepts provided, it could be inferred that local government, or local self-government, or government at the grassroots, or government of the local people possess the following characteristics:

1. It is a subdivision of a nation or country.

2. It can impose taxes and incur expenses.

3. It exists within a defined territory. A local government, like other governments (central or state) has to operate or function in a geographical area. The geographical area, by the nature of local government, has to be small, that is, a village, a town or city or a group of communities in the rural areas. This is in contrast to the whole country or state or region. In addition, the area or territory must have a sizeable population of people which is not fixed because it varies from country to country. The population could be few hundred or hundreds of thousands or millions, depending on the nature of the area.
4. It is autonomous and a legal entity. A local government enjoys a statutory status because it is a creation of law or statute. In Nigeria, local governments, from the 1950s till date has been a creation of law. The 1999 constitution recognises the status of local government in the country. Similarly, the autonomy of local governments is a natural fall-out of the legal status that creates it. As a legal entity, the powers, functions and relationship with both central (federal) and state/regional governments are states. It is hard to curtail the autonomy of local government unless and until the act or status is amended by the legislature.

5. It comprised elected members who operate it. This is equally known as local participation of the people at the grassroots. It is important for the people or inhabitants of the local area to be involved with the functions of the local government. Proper participation and involvement of the local people in decision-making and administration of the local authority is necessary as this give it the much needed character of self-government. This is known as democracy at the grassroots level.

6. Accountability: Another characteristic of a local government is accountability. Local government must be accountable to the local people which elected the people that represent them. Since the people at the local level control the local government, it will be compelled to serve the local people better. Proper accountability ensures effective and efficient performance. Absence of local accountability creates room for the elected representatives to become indifference to the needs and aspirations of the local people.

In Nigeria local governments exist at the mercy of state governments. This is as a result of the lop-sidedness of the statutory social, economic and political situations/positions on which local governments are placed in the country. Due to the statutory allocations given to local governments by the central government through the state governments, the local governments are not independent hence the interference of state governments in the affairs of local governments in the country. Politically, the state governments determine who are elected into elective positions in local governments.

**Functions of Local governments**

In Nigeria, before after the local government reforms of 1976, the following functions, among others, are performed by the local governments:

1. Provision of medical and health services
2. Road maintenance, sanitation, disposal of sewage
3. Provision and maintenance of markets
4. Provision and maintenance of motor parks
5. Community development
6. Customary or area courts
Challenges of local governments

Quite like central and state governments, local governments, especially those in developing countries, are often times prone to many challenges. The most prominent among the challenges are discussed below.

1. Inability to attract competent hands: Being a small government, and at the local area, may not be able to attract competent and efficient human resources to perform the services they render to the grassroots. Consequently, their area of jurisdiction is small and their capacity to pay is limited by their resources; they may find it difficult to hire specialists which are capable of hindering their efficiency and effectiveness.

2. Resistance to change: As far as local governments are confined and concerned with their respective local communities they may become myopic, narrow-minded, and ignorant tier of government as they are considered closed to new ideas and not dynamic.

3. Uniformity of standard: Local governments cannot provide services that are uniform in standard. They are definitely bound to be different in terms of resources, efficiency and so on. This must certainly reflect in their services to the people at the local level.

4. Corruption: Local governments are prone to corruption and malfeasance as is the case with Nigerian local governments. As the responsibilities and functions of local government increases, so they are tempted or prone to malfeasance and corruption.

5. Finance: Local governments lack the financial wherewithal to meet ever-increasing expenditure on local services.

State Governors as Problems of Local Self-Governance and Democracy at the Grassroots

Since democracy came on board in the country, the democratic foundations of local governments have been doubtful and shaky. Local governments in Nigeria are piloted by political appointees and democratically elected officials headed by chairmen and councillors. These officials have become working tools in the hands of state governors and ambitious political leaders.

State governors have quite some time become obstacles to the growth and development of democracy at the local level or what is commonly called the third-tier of government in Nigeria. This obstacle came to prominence since the fourth republic which started in 1999. Besides primary school teachers’ salaries which are deducted from local government funds, other deductions that are made include funds for joint state and local government projects, funds for
provision of infrastructural facilities, or collaborative projects that can give room for the mishandling of local government funds. The aftermath of such deductions would result in meagre funds which will then be handed over to local governments to execute their mandatory policies and programmes.

Political interference: Politically, state governors deliberately create problems for local governments so that they can underperform in their statutory functions. Often times, many state governors plant or sponsor their stooges to become local government chairmen. This is similar to political godfathers who sponsor local government chairmen and councillors. The governors do this to enable them have every access to the finances of local government councils. The idea is that by influencing the choice of local government chairmen, it would be easier for the governors to manipulate and have say on how local government money is deployed.

However, where they are unable to sponsor candidates to the positions of local government chairmen, some state governors would deliberately refuse to conduct local government elections in their states; alternatively the local governments would be dissolved. Consequent on this, the state governor would resort to the appointment of caretaker committees or caretaker chairmen to administer the affairs of the local governments in their states. The caretaker chairmen owe total allegiance to their godfather-governors rather than the people at the local areas and grassroots. By this political development, the serious work of governance at the local levels would become “job for the boys.” A good example is Anambra state in the south east of the country where the 21 local governments operated without democratically elected officials because the governors refused to conduct local government elections into the councils for over ten years. The governors used caretaker committees to pilot the affairs of the local governments (Akaeze, 2012).

A similar scenario played out itself in Imo State where the governor dissolved all the 27 local government administration on 6th June, 2011 (Ugborgu, 2012). The major influence of the dissolution was for political reasons as the governor and the 27 local government chairmen and councillors belong to different political parties. This action is typical of Nigeria politics. In spite of the order of the Court of Appeal which directed the governor to reinstate the local government chairmen and councillors the governor disobeyed the ruling as the local government chairmen met empty premises when they wanted to return to their offices (Ugborgu, 2012).

State governors dissolve local governments at will as if the officials were not elected by the local people. States where governors removed local government chairmen and dissolved the local governments at will, according to Maduabuchi, Akinsuyi, and Opesan (2014), are:

1. Abia State: On 16th June, 2006, the governor dissolved the local government officials elected by the people and sacked 148 local government chairmen and councillors. This action led to gamut of legal battle which brought about the Supreme Court judgement of Friday, 11th July, 2014.
2. **Imo State:** In 2011, the governor, sacked elected local council officials as soon as he was sworn in June 2011 as governor of the state. He later appointed Transitional Committee chairmen to run the affairs of the 27 local councils. This led to court action by the aggrieved officials. The court reinstated them, but he refused to obey the court order; he said he appealed the judgement.

3. **Rivers State:** In 2012, the governor suspended 11 local council chairmen indefinitely. The suspension was a fall out of the local government chairmen to attend a meeting called by the governor. Eleven out the 23 local government council chairmen refused to attend the meeting.

4. **Delta State:** The governor sacked the Chairman of Burutu Local government of Delta State, five months before the end of his first tenure in office.

5. **Ondo State:** In 2008, the governor of the state, on assumption of office and as part of his first official assignment in office, sacked the local government chairmen. He claimed that he had filed a suit against the election that brought them into office. This was ignored.

6. **Ekiti State:** On 29th October, 2010, 16 local government chairmen were sacked by the governor, exactly 19 days he assumed office. Before the sack, Justice Cornelius Akintayo of Ado Ekiti High Court, held that the State Independent Electoral Commission (SIEC), which organised the election was not properly constituted. He therefore dismissed their application. But a judgement by the Court of Appeal held that Justice Akintayo erred as what he ruled on was not the case before his court. It was held that the case before the court was the constitutionality of the sack carried out by the governor, or lack of it. The judgement held that the governor lacked the power to sack the local government chairmen that were elected.

7. **Bayelsa State:** In 2013, five local government chairmen were sacked from office by the connivance of the state governor and the state House of Assembly. The local government chairmen had only six months to end their tenure of office before they were booted out. It was alleged that the local government chairmen committed crime of gross misconduct coupled with failure to give account of their stewardship to the House of Assembly.

8. **Anambra State:** The state governor refused to hold local government election while in office. The only local government election he held was the one held few weeks before the end of his tenure.

9. **Edo State:** In late October 2012, the state House of Assembly connived with the governor to sack the 18 local government executives of council transition committees.

Another glaring factor negating democracy in the local governments in the country is the issue of state governors working against the interests of local governments in their states to the detriment of development in their local governments. The state governors either misappropriate the funds of local governments or reduce them to perform other functions meant for the state government. For example, in November 2009, a total of N1.7 billion was allocated to 20 local governments in Ogun state, but only N700 million was released to them by the state governor and the amount
was less than half of their financial requirement (Akaeze, 2012). In the various states, the governors deduct primary school emoluments from the allocations to local governments. This ought not to be so.

Some state governors deduct money in excess of primary school teachers and non-teaching staff salaries. The manner state governors come to be associated with the funds of local governments is rooted in the 1999 constitution as it is stated how funds to local governments are disbursed. The constitution states that the local government and state governments should operate a joint account through which the federal government remits their monthly allocations to them.

Many state governors withhold local government statutory allocations before they are released to the councils, at times not the full allocations. This has led to many controversies between state and local governments. Sometimes, in order not to accuse state governments of tampering with or embezzling local government funds, the state governors would deliberately give to them huge responsibilities which are outside the purview of local governments such that local government funds are then deployed to finance the projects. When such happens, the core functions or projects of local governments are left unattended to; where they are attempted, such projects would be poorly executed.

**Conclusion**

In Nigeria, it has become glaring to the common man on the street that state governors have hijacked democracy at the local level, and by extension local self-government. The people no longer have say, by way of power given to the local people to superintend over their own affairs as their representatives are booted out of office at will by state governors. The much talked about power to the people which are the key ingredient and nucleus of democracy is no longer feasible at the grassroots. This is not good for democracy. The people have the right to determine who govern them and when they are to leave office. The governors are usurping their powers.

**Recommendations**

It is the view of this paper, from the discussion, that the following recommendations would suffice in the face of democracy at the local level.

(i) Local governments should be given full autonomy without state governors’ interference in their affairs.

(ii) State governors should stop the idea of sacking elected local government officials without due process and for political parochialism.

(iii) Both local governments and state governments should endeavour to adhere strictly to the 1999 constitution on state-local government relationship.

(iv) The people at the local level should be given the power to sack their representatives either by way of recall or by not re-electing them for another term of office.
References


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