

## **Contending Issues in Governance and Democracy at the Local Government Level in Nigeria**

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### **Introduction:**

By the constitution being the supreme authority of a state, the Nigerian Nation is made up of three layers of government at the federal, state and local government levels. Specifically, it was the second republic constitution of 1979 that gave constitutional recognition to local government authorities as third tier agencies of government. The constitution (1979), section 7, sub-section 1 stated that,

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 such councils.

In the same token, the 1999 constitution section 7(1) spoke of local government, as did that of 1979. Looked at critically, the 1999 constitution under which Nigeria's present democracy is being run, while the states can delegate specific powers to local councils, they cannot without being in contravention of the constitution, derogate from the prescribed list. Also, in matters of finance, the state governments can only make provision for additional or supplemental funds to local governments since all the state Houses of Assembly could do was to give legal recognition to the prescriptions of the National Assembly. Any deviation from this course could incur the wrought of the federal government withholding state's share of revenue allocated to local government, as was recently the case in the month of April 2004 with Lagos and four other states that created new local government councils within their territory and jurisdiction.

If we accept that a constitution is a statement both of the fundamental objectives and directive principles of state policies aimed at

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prescribing how society can be organized to the best advantage of all, then we must realize that the rule of law and democracy are closely related. The rule of law not only implies that there is a legal order which is binding upon the state but also that specific definite principles also guarantee their being applied justly. Logically therefore and arising from the provisions of the 1979 and the 1999 constitutions concerning local government, we may have to ask these questions:

- (1) Who does the guaranteeing that section 7(1) spoke about?
- (2) What does it mean to talk of democratically elected local government councils?

Local government is an institution provided for in the nation's constitution. Therefore, both the fundamental objectives and directive principles of the constitution should be supported by institutional structures that work (Dudley 1981:131). The two constitutions (1979 and 1999) were fashioned by the military. They (military) even had written into the constitution, decrees which it has passed, thereby conferring on the decrees the status of a constitutional enactment, which could not be altered except by the process of a formal constitutional amendment (Bennett, 1984:5-15). In the cases of Sierra Leone under Siaka Stevens in 1967 and Ghana under Kofi Busia in 1979 who inherited power from the military respectively, they had their constitutions changed immediately they got into power. The Nigeria constitution which is a product of the military is too immutably. It paints a picture that speaks of the fact that, though the nation is ruled by civilians, it is not practicing democracy. This is because the created institutions, which should become the medium of expression of its tenability, are imperfectly (problematically) operating (Agozino and Idem, 2001). The constitution although appears federal in name, it is centrist and inflexible in operation. This is the reason why it must be subjected to a national overhaul where all stakeholders would have an input.

In a true federal constitution, all the tiers of government should be autonomous and coterminous, where local governments have the right to exist as an independent, but also a partner in the governance

process. The goals envisaged by the Nigerian state for its local government have beautifully been crafted on paper. The 1976 nationwide local government reform for example prescribed for local governments to for example;

- (a) Make appropriate service and development activities responsive to local wishes and initiatives by devolving or delegating them to local government 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 potential
- (c) To mobilize human and material resources through the involvement of members of the public in their local government.
- (d) To provide a two-way channel of communication between local communities and government (both state and federal)

The report went further to state the functions which local government bodies should perform to be those;

- (a) Which require detailed local knowledge or efficient performance.
- (b) In which success depends on community responsiveness and participation.
- (c) Which are of a personal nature requiring provision close to where the individual affected lives (1976 reform).

To be very specific, the fourth schedule of the 1999 constitution spelt out the functions of local government to amongst others involve;

- (a) The consideration and the making of recommendations to a state commission on economic body on;
  - (i) The economic development of the state, particularly in so far as the area of authority of the council and of the state are affected, and
  - (ii) Proposal made by the said commission or body.

Other very categoric functions according to the constitution covers the collection of rates, Licenses, parks, cemeteries and destitute homes, refuse and night soil disposal, outdoor advertisement, .public conveniences, control of sale of liquor amongst several others.

When the nation's statute books and reform efforts are critically examined, local governments are portrayed as true representatives of grassroots democracy. But as Barber (1982) observed sometime past, they are characterizing by "capricious selection of minor improvement and major impairments". The process of its operation and the constitution itself should provide for that atmosphere where autonomy and true democracy reigns. This position is in line with member states of the United Nations who meet in April 1996. They identified the problems confronting local governments in many developing countries as very critical (U.N; 1996). They opined that 'local governments that have real power can more effectively address local interests as well as exercise a check on operations at the higher levels of authority'.

This paper has the objective of rummaging the Nigerian local government system to find out whether its governance mechanism has been truly democratic. It goes further to enquire if the present political superstructure is sufficiently imbued with the necessary formations to sustain democracy at the local government level.

### **Explanation of Terms**

Three major terms comes to mind prominently in the body of this inquest. They are Democracy, governance and local government. Attempt is made here to explain the terms in the context in which they were used.

### **Democracy**

"Aristotle", as translated by Middlesex (1986), while discussing democracy in the Fourth Century described democracy as a form of government where power is held by the mass of the people. Modern students of politics would disagree with this position because it did not

take cognizance of the growth of population. In a Greek democracy, all the adult men except slaves, met to decide policy. There was no election of members of the legislature, since every citizen was a member. Mere numbers make this impossible today so that the power to govern i.e, to make and carry out laws must be entrusted to a few. There remains, however, the power to choose, criticize and change or control the government. It is the position of this power which determines how modern democracies should be classified. Based on this position, this paper draws extensively from the characteristics provided by Nyong'o. (1993,217-218) as conditions for recognizing a true democracy. These are;

- (1) Formation of a political community by free citizens having the obligation to obey, by their own active consent, rules and law that govern them.;
- (2) Establishment of this system of government through a process in which all individuals participate on the basis of equality, either directly as free and sovereign citizens or indirectly through their representations;
- (3) Ensuing the moral, intellectual, social and material development of every individual and social group that is part of the political community, thus avoiding any sort of discrimination that may introduce any inequality, political oppression or economic exploitation based on gender, caste, race, ethnicity, colour or any other social category;
- (4) Distribution of public goods and reward on criteria that every citizen, qua citizen, can achieve;
- (5) Making sure that the governors are controlled by the governed and that this system of control and accountability can only be subjected to change through a plebiscite in which all citizens participate or through a principle of majority decision on which all citizens concur.

Drawing from the above listed criteria, it becomes acceptable to argue that democratic societies are governed by the rule of law and the respect for inalienable human rights. This is what John Locke in his government by consent and as discussed by Cranston (1984, 67-80), captured as:

The whole trust, power and authority of the civil ruler is vested in him for no other purpose but to be made use of for the good, preservation and peace of men in that society over which he is set...

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### **Governance**

The term means the exercise of political power to manage the affairs of a nation. The usage of the term covers both the measurable aspects of services delivery and the more fundamental aspects of political responsibility. Two very important areas are in reference here. These are the aspects on;

- (a) Improvement in public policy outcomes and
- (b) Implementation by all stakeholders of a set of principles and processes by means of which appropriate public policies will be designed and put into practice.

The main elements of governance according to Adamolekun (2002:3) are 'rule of law, freedom of expression and association, electoral legitimacy, accountability and transparency and development oriented leadership'. While governance should be seen as concerns over the effectiveness of a state's institutional arrangements, decision making process and capacity for implementation, democracy expresses popular sovereignty, equality and representativeness.

### **Local Government**

Local government is used here in the context of central governments

deconcentrating or decentralizing management responsibilities and resources to established institutions at the provincial or municipal (local) levels. This act of decentralization involves the ceding of specific powers, functions and resources by the central government to sub national level government units. These sub national level government units are independent and have a legal status enshrined in a country's constitution. In Nigeria for example, the federal government gave a very good definition of local government in its 1976 National Reform exercise. However, the definition given by Whalen (1976:28) is most appropriate here. Whalen defined local government as;

A given territory and population, an institutional structure for legislative, executive or administrative purposes; a separate legal identify, a range of powers and functions authorized by delegation from appropriate central or intermediate legislature, and within the ambit of such delegation, autonomy including fiscal autonomy.

The values enunciated in the positions given above, define democracy and contribute to the development of good governance.

### **Theoretical Framework**

Recent political, social and economic indices highlight in very clear terms the fundamental weaknesses in the process of governance and democratization at the local level in Nigeria. A perusal of the landscape paints two very contrasting pictures. On the one hand, it paints a picture of modernity while at the other hand; a picture of traditionalism is casted. This is what Peter Ekeh (1975:91-11), referred to as existence in two different publics. One being the primordial community to which we owe allegiance, and the other is the colonially contrived nation- state from which we are detached, without moral commitment and from where we can prey and if possible benefit the primordial community.

This study adopts Fred Riggs theory of Prismatic society to discuss the issues at hand. From there, the theorem of polycentricism is exponented to proffer for the way forward. The theory of prismatic society is peculiar with developing societies such as ours. It regards such societies as transitional because of the shift and changes experienced in the form of social differentiation. There are two main points in the social fabric: the traditional societies functionally diffuse social structure and the functionally differentiated social structure of an advanced civilization (Riggs 1964). By the laws of optics, designating the initial stage is fused or absolutely undifferentiated. While the final stage is diffracted or highly differentiated. The transitional stage, which is of interest here, is 'prismatic'.

At the prismatic stage, individual structures undertaking autonomous functions cannot yet be determined. None of the decisive structures can be understood without regard to the constant reactions of the other structures on one another. Accordingly, structural specializations and, as yet, mixed fields exist side by side in developing societies (Konig 2003:454-455)

The entire pattern of influence in a prismatic society thwarts the basic idea that an adequate administration will make it possible to bring about intended social and economic changes. As the contradictory forces of transition converge in the institutions of a prismatic society, the chance of realizing a planned change vanishes.

A fundamental tenet of the policycentric theory is that there is a deliberate fragmentation of authority among diverse decision centers. Each of the centers serves as 'necessary conditions for maintaining a stable political order which can advance human welfare under rapidly changing conditions' (Ostrom 1993:43-68, Olowu 1995:25). Polycentric Governance demonstrates that the unidirectional copying of advanced societies model of governance have very limited influence in developing societies. Experiences of community institutions in Nigeria have shown resilience and a tendency to meet the challenges of providing for the good life, conflict resolution and the protection of lives and properties. It is in this light that



**polycentrism** is taken here as the means towards understanding the various ways through which local communities, groups and associations manage the resources abounding in their territories, to the survival and benefit of all.

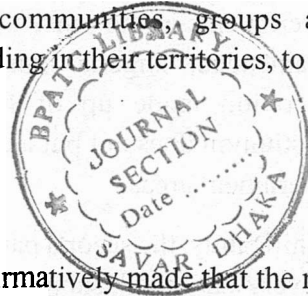
### **Issues in Retrospect**

#### **(a) Local Government Creation**

In the earlier part of this paper, it was affirmatively made that the rule of law and democracy are closely related. Therefore the laws of a nation serve as the continual and primary medium of communication which may even authorize a citizen, if necessary, to contradict the political power. The current constitution (1999) upon which the present democracy is anchored is filled with a lot of gaps and omissions. The reasons being that it was the military that midwife its birth, and that the crafters of the constitution believed too much in the American model. The contradiction here is that while the American constitution has evolved over time and gone through several amendments, that of Nigeria has only mimicked the American model without paying attention to the peculiar nature of the Nigerian society. An account by Olowu (1995:20) has it that such countries like Kenya, Cameroon, Sudan, East, Central and some of West Africa nations with federal constitution had certain aspects of their constitution legislated out of existence so as to tailor it to suit internal demands.

The Federal military government by decree No 24 of 1999 promulgated the 1999 constitutions into law. The constitution came into force on 29 May 1999. Section 3 subsection (6) of the constitution provides for a total of 774 local government and Area councils. It is therefore clear that the number of local government's area is set out in the constitution. Section 7(1) of the constitution provides that "the system of local government by democratically elected local government councils is under this constitution guaranteed...'

It is important to note that what is guaranteed is the system and not the number, names and area of local governments as set out in the above earlier quoted sections of the constitution. The implication of this is



that section 7(1) provides for guarantee for the existence of local governments in the sense that at all times and unless the constitution is amended, Nigeria must always be organized and exist as a federation made up of local government areas and state. The constitution does not put a ceiling as to the number of states and local government areas.

Significantly, the second part of section 7(1) says that "the government of every state shall, subject to section 8 of the constitution, ensure their (local government councils) existence under a law which provides for the establishment, structure, composition, finance and functions of such councils". Instructively, section 7(2) provides that "the person authorized by law to prescribe the area over which a local government council may exercise authority shall ... define such area as clearly as practicable..." Arising from the pronouncements of section 7(2), these questions has to be asked;

- (a) Who is the person authorized by law to prescribe the area over **which a local government may exercise** authority,
- (b) What necessitates the prescription over an area to become a local government,
- (c) Should section 7(2) be considered as the provision under which local government can be created?

The constitution is clear when it said in section 8(3) that the state houses of Assembly has the responsibility for passing a bill for the creation of new local government. Section 8(3) to section 8(5) gave eight very vital hurdles for the state houses of Assembly to cross. The eight hurdles is for each state house of Assembly to make adequate returns to both the Senate and House of Representative. It is not enough for the state house of assembly to pass a bill for the creation of new local government.

The bottleneck here is that after the state house of Assembly would have done their homework, the National Assembly still has to pass an Act making consequential provisions with respect to the names and

headquarters of the new local government areas. It is this Act of the National Assembly that gives authentication to the new councils. Rather for the constitution to have used the phrase 'creation of more local government Areas', it should have said 'recommendation for creation; because the National Assembly may decline to approve the new local government Areas proposed by the states. The way the issues of local government creation is presently, it is only the federal government that can confer legitimate recognition to new local governments through the Act of the National Assembly. The argument can be made that right 'now, the state houses of Assembly has the power only to make recommendations or proposals to the National Assembly for the creation of new local government councils.

The constitution is too ambivalent concerning issues of local government creation. While local governments are placed as the responsibilities of state governments on the one hand, the Federal government takes overriding powers of creation, finance and policy. The problem really has its foundation in the political and historical evolution of Nigeria. First, colonial rule was philosophically and organically elitist, centrist and absolute. It bequeathed on independent Nigeria's psyche; hierarchy, compliance and discipline with the absence of responsiveness, participation, and **accountability**. This led to the loose of internal sovereignty. It became clear that both the traditional (natural) rulers and the new elite (nationalist), became collaborators with the colonialist. Therefore, at the departure of the colonialist, the new power block had no problems with taking control of power. This attitude is reflected in Nigeria's ways of doing things. Olowu (1995), bemoaned that colonial rule promoted the concentration of political, administrative and supportive infrastructures in a few hands. In doing this the true essence of democracy being participation, rule of law, accountability, transparency, free and fair elections etc, were jettisoned. In making laws, it is these few elites that exercise control. In leadership, they are there, so is the political and economic control of the nation. A true constitution should evolve from participation, fairness, flexibility and wide consultation.

### (b) Resource Control and Autonomy

The idea of local government autonomy does not mean absolute independence for the local authorities. Since according to Adejumobi (1995:283), 'such an action will amount to dual sovereignty in a nation, and the constitution of a state within a state, which to say the least is undesirable'. However, the idea of autonomy in the opinion of Gboyega (1981:134-158), means the 'extent to which local governments are free from the paternal control of state and federal government in the management of local affairs'.

A true democratic local government with evidences of autonomy in the views of Ojofeitimi (1992), should exercise powers of decision-making, revenue generation and financial matters, staff matters and administrative responsibility. Adejumobi (1995), was even more candid with his opinion of autonomy. He said that local autonomy requires that the local governments must have the power to take decisions independent of external control within the limits laid down by the law. It must have sufficient resources, particularly finance, to meet its responsibilities, to create posts, appoint and dismiss its **officers**. Other areas of autonomy emphasized by him concern the administration of service free from direct interference from external superior authority and the ability to recruit its political leadership through the electoral process and ensure the democratic character of the system of local government.

Although autonomy is demanded for the local government, it has to be subjected to the other two (federal and state) levels of government for the simple reasons of balancing, equalization, security and stimulation (Olaloku, 1979,109-110, Davey, 1971:45-50 and Maxwell, 1969:67). But the leadership of the Nigerian political and economic turf has always treated local government as servants or as field extension of state bureaucracies, instead of as partners in progress. The reason for this attitude can be interpreted to arise from the ingrained mentality of force and domination inherited from the British colonialist and the psyche which military incursion into politics has generated.

The underlying demand of federal systems of government, to which Nigeria belongs, ensures that each political sub-unit of a sovereign state should possess the constitutional guarantee to operate independently within the state. But as a member of a National body, each unit or level of government should remain co-ordinate and interdependent with one another within the national scheme of things or nation (Wheare 1963:183). Matured democratic societies practicing federalism according to Vincent (2002:32)

have somehow managed to evolve a satisfactory balance among the federal, state and local tiers of government and the sharing of the available resources among them to fulfill the respective functions prescribed for each tier in their countries constitution.

This exercise operates in the spirit of equity, justice and fairness in a polity that aspires for progress, stability, peace and egalitarianism within its human community.

Judged from the inchoate state of democratic governance and the veil of prismaticism over the Nigeria nation, the operation of federalism has become fraught with a lot of problems. Fiscal policies in Nigeria has been used indiscriminately to alter the allocation of resources which has resulted into the promotion of inequality of wealth, opportunities, injustice and a lack of fairness amongst the federating units.

Having expressed the above opinions, what should concern every true federalist is the question of the impact of a given revenue allocation structure on the nature of Nigerian federalism. Since it is federalism that created the need for revenue allocation, it is appropriate to worry about what a revenue allocation system does to a nation. Take for example, the recent **clamour**, court cases and political tension generated over resource control mounted by the **South/South Oil** producing states of Nigeria. Those in the oil producing states are laying claim to natural resources located offshore which the sharing formulae allocated to the central government as enshrined in section 162, sub section 2 of the 1999 constitution. For the presidency to

abandon the ruling of the supreme court over resource control and instead opt for a political solution, means that the laws of the land need to be reviewed.

Also, in the month of April 2004, the federal government decided to withhold allocation to state that created new local government claiming that the exercise is illegal. If the principles of fairness, equity, derivation, decentralization and consultation which are the hallmarks of federal systems have been well applied, the local governments would not have been going cap in hand begging for hand-outs from the federal government. In such situations, the owners of particular resources or endowments have to be put in knowledge and made to participate on how their God given resources should be excavated, explored and expropriated. Anything short of this will continue to generate heat in the polity, create discontent and strife and encourage secession from a system that has become a pariah.

Nigeria is a vast and very rich country. There are whole arrays of resources wasting away in the underbelly of many communities. But the federal government and the states to some extent, has arrogated to themselves the power of sole ownership of these resources, thereby depriving the original owners of benefiting from what rightfully belongs to them. By the time local governments and the communities are made to participate and share from the exercise, there will be less tension, and development will be based on available resources, prudence and need.

### (c) Leadership and Control

As a major player in the family of public government;

The importance of local government lies in the fact that it is the means by which the people can provide services for themselves, can take an active and constructive part in the business of government, and can decide for themselves within the limits of what national policies and local resources allow, what kind of service they want and what kind of environment they prefer.

dependent on force to suppress a population that was inclined to revolt against their betrayal and unimpressive performance in office, a performance now epitomized by an economic crisis so deep it has become life threatening. The interpretations that can easily be given for this kind of failure of leadership, according to Selznick (1984:22), '... result from an inadequate understanding of its true nature and tasks'. On the realm of leadership, what is common to them is power and the interest which it serve in terms of capital and resources accumulation in order to continue to be relevant within the political system.

Beginning from the 1950's when attempt was made to democratize local administration into modern participatory form of grassroots self government, the exercise was vitiated by the Omniscient powers of the regional parties. An account by Dudley (1981:110-111) has it that at the end of the 1950s;

... not only had the initial structures been changed, but party political pressure to have local authorities function as voting machines for ruling parties had led to most elected council being suspended and in their place, "caretaker committees", composed of government nominees, substituted. Local participation had been made to give way to direct administration by the state government ministries.

By 1975, this pattern had barely changed because at the grassroots, government remained as remote and removed from daily concern of the people as ever. In the circumstance, it was difficult to attract, retain and develop the kind of leadership that would bring about and sustain grassroots transformation.

It was the 1976 Reforms and the 1979 constitution that gave expression to local government as the third tier of government with specific functions, source of funds and defined boundaries. The constitution however created some loopholes by subsuming local government under the control of state governments. Politicians of the second republic effectively subverted the autonomy given local

The above statement by the Royal Commission on local government in England (1966-1969:10-11), shows the utilitarian extent to which local government is desired. However, the pursuit of all the above listed aspirations is determined to a very large extent by the quality of leadership. It was Tamuno (1989:20) who said that;

History, over a long span of time and space, helps one to conclude that a decisive factor, in the conduct of nation-states, multi-ethnic or not, federally governed or not, is the human element: particularly, at the level of leadership. Compared with this primary factor, all other elements associated with the instruments or system of government assume secondary or complementary role.

Scholars and public commentators in Nigeria share a common view that the problem of Nigeria is that of leadership (Achebe: 1993, Orewa: 1997, Ake; 1981, Adamolekun: 1983).

Given the under-developed nature of the Nigerian economy and the ruralness of most Nigerian communities, the local governments are very often the first, and in most cases, the only contact with the modern state apparatus. Invariably, the local councils represent the only formal instrument for the provision of social and developmental amenities. Unfortunately, the pristine role that local government is expected to play has eluded the people. Added to the general failure of our centralized system of government (Wunsch and Olowu 1995) and the crisis of governance, is the absence of dedicated, effective and principled leadership. The project of establishing a specifically western form of political domination has not succeeded in Africa because of the colonial legacy. Ake (1993:13), commented that 'what the colonizers of Africa established in the cause of the state project was not so much a state in the western sense as an apparatus of violent repression'. Continuing, Ake opined that most of the nationalist leaders who came to power at independence decided to inherit the colonial state rather than transform it in accordance with nationalist aspirations. This isolated them and they became increasingly



government thus resulting into these myriad of leadership problems. First, was the dissolution of councils and their replacement with management committees based on political patronage, instead of conducting fresh elections into them (Akesode, 1988:100). Next in line was the proliferation of local governments without regard to guidelines and regulations for their creation. Also, the issue of usurpation of functions and illegal transfer of funds by state governments from local government was rampant. There were situations that most of the states hardly paid the 10% internal revenue due to local government to them. To sum up the activities of local government for this period, Adejumobi (1995:285) said that;

...between 1979 and 1983, the local authorities were lacking in power, responsibilities and resources. They also lacked a democratic character and were largely ineffectual and subordinated. Such a system may not qualify as local governments, but simply local administration.

In the political history of Nigeria, local governments have been provided with more respite under the military than under political leadership. It was the military regime of Buhari (1983-1985) that introduced remarkable changes to the system of local government administration through the Dasuki Committee. The work of this committee was continued by Ibrahim Babangida (1985-1993), although under a different guise. The kernel of Babangida's 1988 local government reform was based on two premises. First was to enhance local government autonomy through boosting of its revenue, political and administrative capability and secondly, to democratize the system of local government (Adejumobi, 1995). Following this was elections into local government councils in 1988 and 1991. Also, new local government was created and the constitution was amended to give the existence and creation of local government a federal dimension. This translates to mean that no new local government can be created under a civilian government as a result of the cumbersome hurdle on its path. The 1999 constitution has not fared any better.

A resounding contradiction that one may wager concerning military leadership, over local is their (military) undemocratic nature and their strive to decree democracy into local governance. Throughout the military era, state governments routinely withheld and unilaterally reduced from statutory allocation to local councils while local officials were summoned at will and given marching orders by federal and state military authorities. Also, elected councils were frequently dissolved and in their places, appointed civil servants as sole administrators. The verdict given by Olowu (1979:164-167) whether we are considering local government under the military or under civilian leadership still bears relevance even in present day situations. He commented that 'local governments have neither become democratic nor are they sustainable...'. The present democratic dispensation under the leadership of Chief Olusegun Obasanjo has not fared any better.

### **The polycentric Raisonsd'etre**

At the earlier part of this paper, it was stated that the polycentric governance mechanism' will form the fulcrum upon which a recommendation for the enlivenment of local government sustainability in Nigeria should be founded. The reason for this is founded on the fact that the western models of government copied by the Africa states on the attainment of independence have turned out to be formal instrument for the centralization of power which in large part has turned out in fiasco. Ake (1990:12), commented that 'one of the most important paradoxes on the African situation is that the state is at once inordinately powerful and pitifully irrelevant'. This translates to mean that African states governance posturing tend towards over centralization. In the views of Wunsch and Olowu (1995), the centralization of governance leads to these calamities, viz; political failure, institutional failure, economic failure, financial/fiscal failure and administrative failure. Over-centralization breeds corruption, inefficiency and a host of other social problems. Olowu (1995:20-21), gave a clear picture of the centralized state. Said he;

The central state collects all the most important and buoyant tax resources and makes only very little

available to sub-national organs which are transferred via grants on a sporadic rather than regular and systematic basis. The result is not only waste and corruption in central level of governments but inability of lower-level government to increase or even maintain available infrastructures. In addition, the struggle to control the central government becomes a life and death struggle among the political leadership including the military. Might inevitably becomes right, and all norms about right, morality of government actors, legitimacy become luxuries which are easily expended.

Ake (1993:15) was even more vociferous when he said "The real problem is that the public which is being served and the state which embodies it is at best rudimentary. It does not quite seem like a concrete universal but a disorderly aggregation of particularities". He went on to state that the situation has been kept so by a state which has turned society into its enemy, politics into warfare, and by so doing, thrown up political formations which have displaced it as the primary focus of political allegiance.

Although, the 1976 nation wide local government reforms has largely been eulogized as a major watershed in the history of local government management, scholars such as Adediji (1997) has observed that it is an unwanton act of illusion to ever imagine that a country as heterogeneous as Nigeria can make a success of a uniform system of local government. Uniformity, according to him ignores the difference in history, culture and modes of social organization of the various communities in a heterogeneous polity and by so doing sets local governments apart from their people. In another forum, Adediji and Otite (1997:7) opined that the 1976 local government reform broke with the observance of the federal principle. They therefore recommended for;

Creating structures and designing policies and programmes that serves the interest of all and contributes optimally to the development process.

The line of argument being pursued in this work is that there exist in our local governments and communities, informal institutions that have been resilient over the years. And that these bodies should be empowered and incorporated into the mainstream governance mechanism. These informal institutions arose as a result of the failure of the centralized state. These informal institutions have common homogeneity, speaks the same language and share common aspirations. It is in these informal bodies that people direct their energy to collective self realization through common enterprises by which the community seeks to reproduce itself at increasingly higher levels of spiritual and material well-being. It is here that people cooperate, sacrifice and work for a better society, combating crime, improving health care, building schools etc. As people give to the communities, so it gives to them. Ake (1993), sums it up when he said that 'it is to these local polities that people turn to for security, emotional support and social welfare. These polities are highly participatory and operate on the principle of consensus building'.

The rationale in this position is that a recognition and empowerment of these grassroots institutions will form the building block upon which the superstructure of the nation's democracy is built. Olowu (1995:23) argued; "Democracy is about self governance and these social institutions ought to be the building blocks of the new African democratic polity".

In the analysis of this new paradigm of alternative governance, I will not pretend to ascribe originability of any portion of it to myself. I have taken into knowledge, the views of Vincent Ostrom (1987), Wunsch and Olowu (1990,1995) Akin Mabogunje (1995:1-13) Claude Ake (1990,1993) and the works of the 'Research Group on local institutions of the Obafemi Awolowo University, Ile-Ife, Nigeria.

In the introduction to indigenous governance system in Nigeria, Olowu and Erero (1977:1-2) averred that;

The formal structures of government in Nigeria have increasingly become a fiction in governance. The

services they provide have declined sharply in quality and quantity. On several respects, these services are no longer being delivered by government agencies.

Flowing from the failure of governmental structures is the development of alternative institutional structures for providing essential services either in terms of security, improvement and maintenance of roads, water facilities etc (Olowu and Erero 1997).

In another medium, Olowu (1995:23-24) gave reasons why he believed that local or indigeneous institutions are relevant for the development of a national governance model. According to him, these informal organizations are closest to the people. People feel more responsibility towards it than governmental structures. Also, the mass of Africa's people lives in the county side. They rely on informal political institutions to make demands, process them and make the system work their way. The third point rests on the fact that cultural pluralism and multiple systems of governance within the commonwealth rather than the construction of unitary political system that is imposed, is much more preferred in the community of man. Fourthly, there should be a deliberate attempt at decentralization. This will give opportunity to minority groups, parties and viewpoints while building or planning for the national scheme of things. A final prescription by Olowu is that the polycentric self governing paradigm will allow for each of these informal institutions to grow and mature, articulate a system of rule of law and identifies the boundaries of various communities of interest. According to him, polycentric political system consists of many autonomous units, which are formally independent of one another and act in ways that take account of one another. These units interact through processes of co-operation, competition, conflict, conflict resolution, and consensus building. What matters really is the decentralization of power and authority and empowerment of the sub-regional units.

## **Conclusion**

This study has been able to point out that the formal institutions of government have failed in the governance ethos of the Nigerian state. A new vista of awakenining has been brought to light that the indigeneous non-governmental organizations abounding in our civil society and the communities possess the necessary qualities for fostering democratic governance in the Nigerian state. What is hanging in the balance and constituting a barricade is the policy challenge for a programme of institution building from the bottom of society, i.e the community levels to be developed and made to form the foundation for governance at the local level and in the larger society.

Mabogunje (1995: 11), asked two very pertinent questions while concluding his work. His first question was "What do we know about the traditional institutions of local governance in different parts of the country"? Second, "In what form have these institutions survived and in what ways have they been modified or are being modified to make them more functionally appropriate to present circumstance"? A ready answer I may want to provide is that the nation should be able to appreciate, evaluate and capture the activities of the indigenous institutions and build them into our laws and statutes. To start with, according to Erero (2000:56),

The process of reconstituting order in the larger arena called Nigeria would entail having communities or representatives of the diverse communities in Nigeria meeting in congress or in a sovereign National conference to craft institutional mechanisms in constituting what might be referred to as local, state/regional and federal government.

The bottom line of my position is that the constitution has to be radically restructured to derive from the collective wisdom of the people. Its present state, composition and method of operation is depriving the nation of the intrinsic benefits that civil societies, associations, local groups in our formal local government structures, contribute to the governance process of the nation.



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