

# Legitimacy Crisis and Elite Conspiracy in Local Government Administration in Nigeria

**Eddy Akpomera**  
**Kingsley Ufuoma Omoyibo**  
University of Benin, Nigeria

## ABSTRACT

Nigeria, the world's most populous black nation, faces a major crisis in its federal structure and democratic experience. Despite the allusion to democratic governance of the country, the political class, especially elected state governors, and the bureaucratic elite have turned autocratic, refusing to obey the Constitution which demands compulsory elections into the local government administration, siphoning the statutory allocation to the councils from the Federation Account, generating instability in the polity, and arresting the socioeconomic development at the grassroots. This paper puts in perspective the legitimacy crisis and elite conspiracy in the local government council administration, which has spread rural poverty and discontentment among the citizenry, and recommends concrete steps to arrest the calamitous drift.

*Keywords:* Nigeria, constitution, democracy, development, elite, legitimacy, local government

## LOCAL GOVERNMENTS IN NIGERIA

Nigeria's 774 local governments are critical community development centers and enjoy constitutional backing as the third tier of political governance. As mandated by the Constitution, this level of governance, like the first (federal) and second (states) tiers, is serviced monthly from the Federation Account for service delivery and provision of some localized infrastructure uplift the welfare of the rural poor (Osinbajo, 2010). Adamolekun (1983) explains that the local governments in Nigeria have three broad objectives: political participation, provision of essential services, and resource mobilization in their specific jurisdiction and in the national interest. According to Obadan (1993), the local government system was targeted to make each local council the microcosm of an overall national development strategy, which is to achieve broad-based sustainable social and economic improvement in the lives of the citizens. On the other hand, Aghayere (2010) emphasizes that

Nigeria's local government system is driven by the service delivery function at the grassroots level, as both the federal and state governments, especially their institutions and officials, are too far away from the rural dwellers in policy conception and implementation. Since the local government system and its operators are nearer to the people, they are expected to improve the welfare of the citizens at that level.

The above rationale justifies the legal backing given to the third tier of government in Nigeria in the grundnorm that has regulated the current democratic governance of the country. Section 7, subsection 1, of the 1999 Constitution specifically guarantees the system of local government by democratically elected local government councils. Accordingly, the government of every state shall ensure its existence under a law that provides for the establishment, structure, composition, finance, and functions of such councils. Similarly, Section 7, subsections 6(a) and 6(b), of the Constitution ensures that the National Assembly shall make provisions for statutory allocation of public revenue to local government councils of the Federation and that the House of Assembly of each state shall make provisions for statutory allocation of public revenue to local government councils within the state (Laws of the Federation, 1999).

The functionality of the local government council in each state has been legally prescribed in the Fourth Schedule of the 1999 Constitution, and properly delineated into two broad categories – exclusive and concurrent. The exclusive functions specifically involve the following:

- (a) making of recommendations to the state commission on economic planning for the economic development of the council jurisdiction and the entire state;
- (b) dutiful collection of approved rates, radio, and television licenses;
- (c) establishment and maintenance of cemeteries, burial grounds, and homes for the destitute or infirm;
- (d) licensing of bicycles, trucks (other than mechanically propelled trucks), canoes, wheel barrows, and carts;
- (e) establishment, maintenance, and regulation of slaughterhouses, slaughter slabs, markets, motor parks, and public conveniences;
- (f) construction and maintenance of roads, streets, street lightings, drains, and other public highways, parks, gardens, open spaces, or such public facilities as may be prescribed from time to time by the House of Assembly of a state;
- (g) naming of roads and streets and numbering of houses;

- (h) provision and maintenance of public conveniences, sewage and refuse disposal;
- (i) registration of all births, deaths, and marriages;
- (j) assessment of privately owned houses and tenements for the purpose of levying such rates as may be prescribed by the House of Assembly of a state; and
- (k) control and regulation of outdoor advertising and hoarding, movement and keeping of pets of all description, shops and kiosks, restaurants, bakeries, and other places for sale of food to the public, laundries, and licensing regulation and control of the sale of liquor.

The concurrent functions of the local government councils with the state government revolve around: (a) the provision and maintenance of primary, adult, and vocational education; (b) the development of agriculture and natural resources, other than the exploitation of minerals; (c) the provision and maintenance of health services; and (d) such other functions as may be conferred on a local government council by the House of Assembly of the state (Laws of the Federation, 1999). The framers of the Constitution intended that the local government councils are the ones vested with the responsibility of mobilizing resources for service delivery and economic development in their various jurisdictions in order to improve the welfare of the citizenry at the grassroots. To achieve this purpose, the essence and value of governance was to be brought closer to the entire people of the country.

## **CONCEPTUAL FRAMEWORK**

The United Nations Office for Public Administration, in an attempt to give a universal perspective to the concept of local government, has defined it as 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 labor for prescribed purposes (Ola & Tonwe, 2003, p. 9). The governing body of such an entity is elected, or otherwise locally selected. Whalen (cited in Aghayere, 2010, p. 39) explains that the local government council must have some basic elements to differentiate it in a political system, such as having a given territory and population; an institutional structure for legislative, administrative, and administrative purposes; a separate legal identity; a range of power and functions authorized by delegation from the appropriate central or intermediate legislature; and lastly, within the ambit of such delegation, autonomy, which is subject always (at least in Anglo-American tradition) to the limitations of common law, such as the test of reasonableness. The structure of the local government council is akin to that of the state government, although

reasonably different by its defined authority and territory, which are subsumed under those of the state.

Mill (1975) argues that the concept and operation of the local government system will yield value in the political education of the country's elite. That is, the local government councils could serve as veritable structures for training the younger or peripheral elite for purposes of integration; they could also be a platform for firsthand information and political socialization of political leaders who manage the affairs of the state and the nation. Besides, the local government councils are supposed to be created legally, taking into consideration the commonality of the interests of the inhabitants in that local jurisdiction. This enables the council officials, both the legislature and the executive, to pursue the common interests of the community members as their elected representatives. Such a political situation would engender accountability by the local government officials, who ideally are generated from the local community by popular adult franchise.

The essence of duly electing the representatives of the people to deal with the affairs of the local government council is expected to confer a reasonable degree of legitimacy on the local system of government and its officials. Shively (1999) explains that it is crucial at any level of government for the majority of its people to believe that the government has authority and it properly should have that authority; such confidence gives legitimacy to a government at any level. However, legitimacy is a matter of degree. It is rarely absolute and definitely not conferred by everyone in a locality, but generally enjoyed by those in authority if the processes of emergence in office and exercise of authority conform to accepted legal provisions and pursuant of the common interests or goals for the benefit of the majority. According to Nnamdi (2009), legitimacy as a principle indicates the acceptance on the part of the public of the occupancy of a political office by a particular person, or the exercise of power by a person or group, either generally or in some specific instance, on the grounds that occupancy or exercise of powers is in accordance with some generally accepted principles and procedures of conformation of authority.

The legitimacy of the local government councils in Nigeria comes from the ideology of democratic representation as enshrined in the Constitution, the acceptance of the structures and operational checks and balances to ensure service delivery function, and the ability to bring up elected charismatic local leaders acceptable to the people in that local jurisdiction (Easton, 1953).

Like all structured leadership that demands the ability to exercise economic power and other levels of social stratification, the local government councils, are governed

by the local elite. The fulcrum of elitism collides with the classical perspective of democracy as a form of government of the people involving collective decision-making processes, as modern societies are consciously divided between a minority that rules and the majority that are led (Mahajan, 2010; Mosca, cited in Mahajan, 2010; Pareto, 1935). The fundamentals of the elite power are economic, political, and social, since power in most modern societies rests on certain public institutions such as the executive, legislature, and judiciary, and their operators, which play prominent political roles in the well-being of the society (Mills, 1956). The political elite in liberal democracies consciously de-emphasizes the centrality of ideologies to social movements and plays up the imperativeness of stability and equilibrium. The radical perspective views elitist or bourgeois democracy as a political system in which political power resides in the hands of the capitalist class and serves the class interest. According to Plamenatz (1973), three elements in the radical arguments on liberal democracy are imperative. First, where there are inequalities in wealth, power and influence will mostly reside in the economic class, whatever the form of government. Second, in modern societies where the political system operates with large public organizations, power and influence revolve around their leaders or operators instead of the working class. Third, in modern societies with great social inequalities, leaders who hitherto may have modest social origins will soon acquire the attitudes and ambitions of the privileged and gradually lose touch with the electorate or followers.

### **MAJOR REFORM TRENDS IN LOCAL GOVERNMENT ADMINISTRATION IN NIGERIA**

The essentiality of the local government council in the Nigerian political landscape had been understood by colonial masters. As such, they attempted to foist a political system that would rein in the rural farmers and their opinion leaders in order to ensure the steady flow of the taxes and allegiance to Her Majesty's Government in Britain. In 1961, when Nigeria was basking in the political independence granted by Britain, the Cambridge-organized International Conference on Local Government in Africa put the local government system in focus by arguing for its strengthening as it had the potentials of aggregating the common interests of the minorities, catering to their local interests, and serving as a vehicle for integration into the general framework of national unity and development (Aghayere, 2010). The Nigerian local government system has strong roots in the British variant, although some basic features of the American political perspective of presidentialism have been added.

It is generally said of the Nigerian political landscape that the primary and significant reforms introduced into the country's local government administration were those

in 1976 by the military junta of General Murtala Muhammed, which arose from the Udoji Commission Report. The military government accepted the Commission's recommendation that the country should adopt the single-tier system of local government, and announced a uniform system of local government administration throughout the country. This uniformity had to do largely with local government functions, structure, financial resources, the place of traditional institutions, relationship with state governments, and law enforcement (Egonmwan, 1984). The guiding principles of the 1976 reforms, seen as the watershed of local government administration in Nigeria, were to enthrone a strong local authority with defined functions and legally recognized as a level of government with a constitutionally guaranteed share in the national revenue (Imuetinyan, 2003; Oviasuyi, Idada & Isiraoje, 2010). The then federal military government, as a demonstration of its seriousness, disbursed 100 million Naira (equivalent to USD 609,000) to the local governments nationwide in the 1976-1977 financial year (Ola, 1984).

The 1976 reforms introduced basic distinctions in the functions of the local government councils, which were categorized as exclusive and concurrent. The reforms were definitive in the structure of a local government council, especially in terms of minimum population size, and the mode of funding. As regards the latter, the local government councils were assured of funding from the federal government as well as powers to internally mobilize resources for their services and administrative costs. The reforms specifically excluded traditional rulers nationwide from the conduct of council administration, despite their lobby to be instrumental in the direct affairs of local government councils; instead, they were assigned advisory roles. Apart from denying the local government councils powers to direct police or security affairs, save for a police committee set up for consultative purposes, the reforms emphasized the essentiality of participatory democracy at the grassroots, stability in the polity, and the potentials of mobilizing resources for sustainable development at the local levels.

The Second Republic, driven by the principles of federalism and which operated the 1979 Constitution, gave hope for constitutionalism in the local government system, since the 1976 reforms were under military rule. However, apart from the fact that no elections were conducted into the local government councils during the four-year span (1979-1983) of the Second Republic, the Constitution did not specifically identify the local government as a distinct third tier of government in the federation. Rather, it empowered the states to superintend over units of administration designated as local councils, which were assigned certain functions to perform but without direct channel of funding from the federal government. The states were to collect from the federal government the funds allocated to local

councils in their states and disburse them at will, a procedural lacuna that was exploited by states to perpetuate corruption and mortify the local government councils (Awotokun, 2005).

The Civil Service Reforms (1988) infused presidentialism into the local government council administration nationwide, a move that received legal backing by virtue of the Local Government (Basic Constitutional Provision) Amendment Decree (1991). The decree provided that the chairman shall be the chief executive and accounting officer of each local government council, while the elected members of the local government council shall constitute the legislative arm of the local government to be responsible for law making, with one of the members chosen as the legislative leader. The executive arm of the local government shall constitute the chairman, vice chairman, and supervisors who could be appointed from within or outside the council and to be assigned portfolios. The reform also made provision for the secretary to the local government, who shall be appointed and serve as chief administrative adviser to the executive arm. Thus, the reform ensured the separation of powers between the executive and the legislature, and tried to encourage professionalism at the local government levels.

The 1999 Constitution, which is currently the grundnorm of the democratic governance of Nigeria, has definitely recognized the local government councils as the third tier of government in the federation, preserving the tripartite arrangement of government in the federal system. The local government councils draw their legal existence as a body corporate from the constitution, with specific demands that periodic elections must be conducted in the executive and legislative arms of the local government councils and that there should be channels of funding from both the Federation Account and internally generated revenue.

However, Olukoshi (2011) notes that the role and place of local government administration in the overall architecture of political governance have been marked by twists and turns, resulting in a sour mix of progress and regression. The local government administration in Nigeria has posted consistently the failure of post-independence governments to depart radically from the colonial logic of local administration; the adverse impact of prolonged military rule on the federal system, including over-centralization and concentration of power in the federal center; and the absence of substantive or genuine autonomy for local governments and their effective subordination to other tiers of government within an overall structure of power that imposes on them residual position and the near absence of the mechanism of accountability in the local governance system to enable citizens hold officials accountable for their performances in office.

## LEGITIMACY CRISIS OF LOCAL COUNCIL ADMINISTRATION

Paradoxically, Nigeria, which boasts of a constitutional democratic governance since 1999, is in the throes of a serious legitimacy crisis in the administration of its local government councils. In complete violation of the explicit provision of Section 7(1) of the 1999 Constitution, 25 states (70%) in the federation have refused to conduct elections into the executive and legislative arms of the local government councils. For the past years, the state governors have appointed their cronies to run the local government councils as caretaker chairmen, with no elected members to even constitute the legislative arm. As of June 2012, the 25 states with no elected chairmen and council members were Abia, Adamawa, Akwa-Ibom, Anambra, Bauchi, Benue, Borno, Delta, Edo, Ekiti, Gombe, Imo, Kano, Kaduna, Katsina, Kebbi, Kogi, Nasarawa, Ogun, Ondo, Osun, Oyo, Plateau, Yobe, and Zamfara (Agande, 2012). No geopolitical region of the Federation of Nigeria has been spared this flagrant disregard of the constitutional provisions, as the 25 defaulting states are spread all over the country as follows: north-east region (five), north-central region (five), north-west region (four), south-east region (three), south-south region (three), and south-west region (five).

The National Assembly, provoked by the stream of protests, debated the matter and resolved that the actions of the state governors clearly violated the provisions of the 1999 Constitution and should be stopped forthwith. The crux of the matter is that in a democratic dispensation guaranteed by the Constitution, the caretaker chairmen imposed by the 25 state governors were not representatives of the people (Agande, 2012).

The nation's political landscape, especially in the affected states, has been in turmoil, with court cases filed by aggrieved politicians and stakeholders. One of the legal matters was resolved in Edo State, where the State High Court, sitting in Ekpoma (the administrative headquarters of Esan-West Local Government Council), declared as illegal the action of the governor. The Court thus dissolved the Edo State Local Government Caretaker Committees and set aside the resolution of the Edo State House of Assembly dated 1 June 2011, which, at the formal request of the state governor, extended the initial six-month period of the interim tenure of the local government area chairmen (Enogholase, 2012). Despite the widespread acceptance of the verdict as proper and in consonance with the tenets and spirit of democratic governance as guaranteed by the Nigerian Constitution, however, it was rejected by the state government, which is under the political party platform of the Action Congress of Nigeria (ACN), alleging political ambush by opposing political parties. The state government threatened to appeal the court judgment. The efforts of the



Edo State Government to conduct the local council elections in April 2013 became very controversial and had remained inconclusive months later.

The situation in Imo State was similar, where the state governor, Rochas Okorochoa, who was elected on the ticket of the All Peoples Grand Alliance (APGA), initially ignored the decision of the Court of Appeals. He had to be prevailed upon by the presidency and attorney-general of the Federation, Mohammed Adoke, to obey the Court's judgment to re-instate the sacked chairmen of the local governments in the state. A new face-off has emerged over the issue of tenure of the re-instated local government chairmen, which the law court may resolve (Nkwopara, 2012).

The legitimacy crisis in local government council administration has continued unabated for several years without intervention from the Federal Government. It was expected that the Federal Government – or the presidency through the statutory federal organs like the Council of States, National Security Council, and Revenue Mobilisation Allocation and Fiscal Commission (see Section 153 of the 1999 Constitution), where all the states' governors or their representatives are members – would raise the issue in defense of the Constitution, democracy, development, and protection of the country's third tier level of government. The informal platform of consultation between the presidency and the governors, under the aegis of the Forum of Governors, a high-profile pressure group that has been instrumental in swaying major presidential policies since the Fourth Republic started in 1999, has kept silent on the ugly fate of local government council administration in Nigeria.

The situation indicates a clear conspiracy between the political and traditional elites in the country, who seem to be united by the common interest of primitive accumulation and influence expansion. The 25 states that have been flouting the constitutional provisions are governed by various political parties, namely: Peoples Democratic Party (PDP, which controls the Federal Government), Action Congress of Nigeria (ACN), Congress of Peoples Party (CPC), and All Nigeria Peoples Party (ANPP). The state governors under the platform of the different political parties have either intentionally refused to conduct elections into the local government councils or hid under excuses of unfavorable political atmosphere, resulting in the setting up of the State Electoral Commission (Gbadamosi, et al., 2012). In view of a series of petitions that erupted in the 2007 gubernatorial elections, the Tribunals and Appeal Courts overturned a series of electoral victories awarded by the supposed electoral umpire, the Independent National Electoral Commission (INEC), despite the fact that the initially victorious candidates had been sworn in as governors and in office for about two years. The new governors, who were from opposing political parties, then either dissolved the State Electoral Commission or simply refused to

approve its functionality on the excuse that it is composed of loyalists of the former governors and the other party. Besides, the political expediency of having the local government council administration controlled by party faithfuls of the incumbent governor for electoral advantage has contributed to the crisis. This inertia had also led to court cases, which the state governors used as an excuse to delay council elections until all matters under legal dispute were disposed of by the High Courts and Courts of Appeal.

The political situation imposed on the local government councils by the state governors, with the active connivance of the Houses of Assembly (which by law approve the executive requests), has become a conduit for state governments and legislators to annex the commonwealth of the local councils and to appoint their stooges and civil servants to head the local government council administration (Odoshimokhe, 2012). This political conspiracy was given impetus by the fact that most of the state legislators are dependent on the governor for political survival and that the Houses of Assembly are dominated by those with the same party affiliation as the governors. This has resulted in the inability of the State Houses of Assembly members to check the excesses of the executive and protect the Constitution, despite enjoying statutory oversight prerogative on the local government councils.

The legitimacy crisis and political elite conspiracy seem to enjoy the acquiescence of the traditional elite members, who, by virtue of their positions as leaders in various cultural domains, wield enormous political influence and whose endorsements are sought by the political class. The local and traditional elites have refused to tackle the state government on the propriety of their appointing council administrators. Apparently united by common economic interests and patronage, the political and traditional elites have foisted class dominance on the local populace and exploited the local government councils to their advantage.

### **IMPLICATIONS OF THE PREVAILING CRISIS**

The critical casualty of the prevailing crisis is the 1999 Constitution, the grundnorm of democratic governance of Nigeria. The Constitution has been brazenly violated with impunity by the political class, especially elected public officials at the federal and state levels. Contrary to the provisions of the Constitution, which has specifically created democratic local government councils as the third tier of government throughout Nigeria, the local councils stand annexed and comatose to the whims of the various state governments. The state executive has conspired with the State Houses of Assembly members, the statutory State-Local Council Joint Account, and

the State Electoral Commission to undermine the local government councils' growth and development. The supremacy of the Constitution of Nigeria has been subverted by state governments, which has endorsed state laws that run counter to the Constitution. Section 1(3) of the Constitution states that "[i]f any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail, and that other law shall to the extent of the inconsistency be void" (1999, LL15).

Consequently, the crisis has hindered the supposed progressive march of the local government councils to bring governance and popular democracy to the grassroots level, act as the major lever to stimulate socioeconomic development, and ensure stability in the polity. Instead, these councils have contributed to the spread of poverty, unemployment, and neglect (Ejerkwumadu, 2009). All the 768 local governments and the six area councils in the Federal Capital Territory in Nigeria received direct allocation from the Federation Account in 2011, totaling almost N1 trillion (about USD 7 billion). This amount was equivalent to the combined annual budgets of four African countries: Burkina Faso, Rwanda, Burundi, and Togo (El-Rufai, 2012). According to the Revenue Mobilisation Allocation and Fiscal Commission (Federal Republic of Nigeria, 2011), the local government councils in Nigeria ate up about 21 percent of the national revenue. Despite this allocation, there is nothing to show for the huge expenditure cornered by the political class, as well as the traditional and bureaucratic elite, in terms of uplifting the welfare of the rural populace and bringing about development at the grassroots. Apart from paying the monthly salaries of primary school teachers and the few Council secretariat staff, the councils funnel their funds to service elite patronage at the state and local levels, as well as support the ostentatious lifestyles of the appointed council chairmen, local party chieftains, and traditional rulers. The councils have not stimulated income growth for the rural populace; they have not set up cottage industries nor rendered the basic exclusive and concurrent services enshrined in the Constitution. In the wake of the global economic depression and the attendant rising unemployment in Nigeria, the local government councils failure has led to the stunting of the local economy, thus aggravating poverty, underdevelopment, and rural-urban migration of the youths in search of living wages and fulfillment.

Instead, the local government councils have become a haven for corruption and monumental fraud by operators of the system, who have demonstrated that the councils were healthy conduits for looting public funds. The prevailing situation in which state governors have tactically converted the local government councils into their private fiefdoms by appointing cronies as caretaker chairmen of the councils have emboldened the operators to disregard accountability and transparency. The anti-corruption agencies—the Economic and Financial Crimes Commission

(EFCC) and the Independent Corrupt Practices and Other Related Offences Commission (ICPC) – have uncovered fraud worth over N10 billion (about USD 61 million) in the councils nationwide, perpetuated by state governors and council chairmen. The two agencies have accordingly arrested and charged before the court the former state governors of Ogun, Edo, Abia, Benue, and Plateau states, as well as the chairmen of councils in Benue, Edo, and Delta states (*Newswatch*, 2012).

The public's odium of the corruptive tendencies in the local government councils is indicated in a national survey, which reported that a very high proportion of the population (72.8% of males and 73.3% of females) perceived the local councils in Nigeria as corrupt and unable to carry out their basic service delivery functions (Osinbajo, 2010). The financial recklessness of the council chairmen nationwide is exemplified by their collective agreement to contribute N5.5 billion (USD 35.2 million), under the umbrella of the Association of Local Governments of Nigeria (ALGON), toward the building of a tertiary hospital training outfit in Abuja, the federal capital. Already, N1.3 billion (USD 8 million) had been disbursed, in complete disregard of primary healthcare facilities in their local jurisdictions, which are in shambles and begging for improvement (*Tell*, 2012).

After the former chairman of EFCC, Mrs. Farida Waziri, raised the alarm on the huge waste of government resources at the local government level in Nigeria, the Commission had queried the effective management of the N3.31 trillion that had been allocated to the local councils within an eight-year period (2000-2008) (Onwuemenyi, 2008). The other anticorruption agency, ICPC, has gone ahead to show evidence of serious corrupt practices in the local government system by prosecuting some of the investigated leaders. It has secured convictions in courts of relevant jurisdiction, despite the frustrating slow pace of the legal processes in the country. In Borno State, at the heart of the North-Eastern geo-political zone of the country, ICPC prosecuted a former council chairman of Mungono Local Government, who was convicted and sentenced to seven years' imprisonment for conspiracy and making false returns (Madu, 2009). Similarly, it prosecuted a former Chairman of Gamboru Local Government Area, also in Borno State, who was convicted and sentenced to 17 years of imprisonment for diverting funds in the amount of N6 million (USD 37,000) for personal use, which were meant supposed to pay for contracts to drill two boreholes (Femi, 2009). Only N1 million (USD 6,000) was released to pay for the drilling project.

In Ogun State, located in the South-West geopolitical zone, a former chairman of Abeokuta North Local Government Area, was charged before the court, convicted, and sentenced to two years of imprisonment with an option of fine for privately

printing exercise books (given as gifts during one of the Muslim festivals) using public funds without appropriation and approval of the elected council assembly (Ingoboro, 2006). In Nassarawa State, located in the Middle belt zone, a former chairman of Awe Local Government Area and two other principal officers were under intense investigations by ICPC for corrupt practices worth N23.5 million (USD 145,000) (Ameh, 2008).

The different levels of corrupt practices at the local government areas have had adverse effects on basic infrastructure such as roads, rural electrification, and markets, which are in utter disrepair, hindering transportation (including of agricultural produce from farms to urban areas) and local commerce, therefore constraining economic growth. Social services delivery is appalling nationwide. For instance, the quality of facilities for rural education and primary health care is so poor because resources for their improvement have been diverted to private pockets. As a result, abject poverty among the rural dwellers is prevalent, giving rise to rural-urban drift as well as youth unemployment and underdevelopment nationwide.

The political, bureaucratic, and traditional elites have arrested the evolution to democratic governance of the local government councils, thereby stunting the training of peripheral local politicians and youths on the rudiments of democratic practices. The situation has adversely affected also the ability of the local populace to articulate their yearnings and of the elected councilors to deliver on their promises to constituents in each ward. The culture of impunity foisted on the local populace has been internalized and is demonstrated in higher political offices at the state and federal levels.

## **CONCLUSION**

There is a huge disconnect between the local government council administration and the majority of the rural populace in Nigeria. This third tier of government in the federal system, guaranteed by the Constitution as a major plank of public administration in the country, is supposed to be the closest to the people, with the exclusive capacity to drive and grow the local economy, meet the critical needs of the people, engender and enthrone democratic practices, and ensure stability to the polity. However, state governors and the States' Houses of Assembly have exploited the local government councils for their political antics and illegalities, in complete disregard of the councils' composition and functions as clearly stated in the Constitution.

Despite the constitutional backing and huge financial resources pumped into the local government councils from the Federation Account, the common public revenue

distributive pool of the three tiers of government, poverty continues unabated and democracy's growth has been hampered at the grassroots level. Nigeria faces the challenge of granting the local government councils the freedom or autonomy to elect their own leaders, following the example of counties in the United States of America, which contribute about 20 percent of their gross domestic product and employ about 10 percent of the local population, as well as local councils in Indonesia, which are fiscally and politically autonomous and have succeeded reasonably to redistribute resources in favor of the poor (El-Rufai, 2012). The pathway to these destinations in Nigeria is tortuous as the political, bureaucratic, and traditional elites have found the prevailing situation useful for class accumulation and for perpetuating political and economic dominance.

Currently the states' Houses of Assembly make laws to pander to the political whims of governors, which are in direct collision with the provisions of the Constitution. Perhaps, it is time that the judiciary at the apex level – the highly respected Supreme Court—makes a landmark pronouncement to protect the Constitution, by ordering compulsory periodic, time-defined elections into the local government council administration throughout the Federation, just like what it did for state governments, thus saving the local government councils from the political and economic vampires. The Supreme Court has in the past resolved many knotty constitutional issues that the political class had toyed with for their selfish interests, and the Court had always been obeyed.

Moreover, the National Assembly should amend the Constitution to remove the membership of the State Electoral Commission from the appointing grips of the state governors and to place it instead under the directive of the Independent National Electoral Commission to ensure the periodic conduct of free, fair, and credible elections into the local government councils.

A major linchpin in the emancipation of the local government councils is the State Houses of Assembly, which by law superintend over the councils through legislation and oversight activities. The Assembly members, who are voted directly from the local councils, are usually the first targets of executive blackmail and corruption, eroding their independence. As long as the Houses of Assembly negate their constitutional role as checks on the executive, ostensibly for party affiliation, the local government councils would continue to be under the sway of the corrupt political class seeking frontiers for primitive accumulative tendencies. The State Houses of Assembly must be peopled by courageous members who could protect the autonomy of the local councils, ensure periodic elections into the local council administration, keep eagle eyes to stop the preying tendencies of the state

governments on the financial resources of the local councils channeled through the Joint State-Local Council Account, and conduct genuine oversight on local council administration to ensure that resources are used to uplift the rural poor and grow the local economy.

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**Eddy Akpomera, PhD** <eddyakpomera@yahoo.com> is currently a faculty member of the Institute of Education, University of Benin, Edo State, Nigeria. His field of expertise is international relations, with special interest in political economy, migration, and gender issues. He is currently doing research on crude oil theft and its security implications for Nigeria.

**Kingsley Ufuoma Omoyibo, PhD** <ufuomaomoyibo@hotmail.com> is an Associate Professor of Sociology and Anthropology at the University of Benin, Edo State, Nigeria. His interests are in development sociology, crime and delinquency, social psychology, and gender issues. He obtained his PhD in Sociology from Freie Universitaet Berlin, Germany. He is currently doing research on prosperity theology in Nigeria.