Mushrooming appointed Caretaker Committee: A quagmire to grassroot democracy in Nigeria

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The inclination and imposition of non-elected local government council impoverished the political institutional structure of local government while many state governors have trampled upon the constitutional provision which vindicate and established democratically elected local council. Therefore, this study carefully examines budding appointed caretaker committee in Nigerian local government which has become a quagmire to survival of grassroots democracy. This study employs qualitative source of data, samples are drawn from the states operating appointed caretaker committee system in Nigeria. The study concludes that out of 36 states, 14 states comprising six geo-political zones are operating appointed caretaker committee local government council in Nigeria. The subject of non-conduct of elections at the third tier of government has become a common trait within the political spheres of most states. The tier of government which is closest to the grassroots is thus hijacked, prevented from meeting up with its primary and major obligations; the citizens have been denied fair representation with feelings of alienation and disillusionment. Therefore, the study recommends constitutional review and its strict compliance in order to democratize political institution of local government whilst the lacunas and loopholes entrenched in the 1999 constitution should be amended to stem the proliferation of appointed local government executive councils in Nigeria.

Key words: Local Government, Caretaker Committee, Democracy, Grassroots, Governance, election.

INTRODUCTION

The Nigerian political elite do not believe in the constitution under which they claimed to have assumed power (The Punch Newspaper, December 9, 2012). Despite the claim of being in control of political activities in their states, many governors fail to conduct local council elections out of fear that the outcome of the elections might hinder their political ambitions. (George Emine). The system of local government by democa-
As Nigerians celebrate 13 years of unbroken democracy, many local government areas in the country are without elected representatives. Rather, what are in place in these councils are caretaker committees appointed by state governors. So far, about 27 states have not conducted local government elections in the last five years (Nigerian News World, Monday, 06/04/2012). Although, the caretaker committee system of local government is not mentioned in the Constitution, the system has remained common in the history and evolution of local government in Nigeria. (Ogunna., 1996, p. 116 cited in Okafor and Orjinta, 2013). Recently, the House of Representatives intervened to stop the flagrant abuse of power and clear disobedience to the rule of law by many state governments over the administration of the local government system in their domains. The lower house was pained that for many years the affected governors have continued to run the local governments on caretaker committee basis (Business Day Newspaper, 12 June 2012).

The apparent reluctance of some governors to conduct council elections is somewhat consistent with their opposition to calls that local government autonomy should be included in the constitution. The governors have premised their opposition on the ground that development and harmonization of programmes would be more difficult with such autonomy (Osun Defender, December 8 2012). Majority of the state governors in collusion with the Houses of Assembly have remained unwavering in the pursuit of a surreptitious agendum to continually armpit the local government as a pawn on their chess board.

These governors have exploited the noticeable blank gap in the 1999 constitution. They have consciously and covertly converted the local government councils to one of their parastatals, departments or agencies because of the lacuna created in sections 7 and 162 of the 1999 Nigeria’s Constitution. (Urhobo Times, June 14, 2012). Section 7(1) of the 1999 Constitution allows for an elected administration in the councils but in practice, most of the councils in Nigeria are administered by appointed chairmen or caretaker committees. Only very few can be said to be under democratically elected officials. Even in those with elected administrations, their finances are under direct control of the state government. Hence, there is no visible development in practically all the 774 councils in Nigeria (The Sun Newspaper, January 19, 2013).

For many years, local government allocation has been hijacked by the various state governments because of absence of a truly local government system in our practice of democracy. Section 7(1) of the 1999 Constitution allows for an elected administration in the councils but in practice, most of the councils in Nigeria are administered by appointed chairmen or caretaker committees. Only very few can be said to be under democratically elected officials. Even in those with elected administrations, their finances are under direct control of the state government. Hence, there is no visible development in practically all the 774 councils in Nigeria. Their roads are as dilapidated as ever. There is nothing to show that there is grassroots government in Nigeria. And, this is the tier of government that is supposed to be closer to the people. Unfortunately, the nation’s councils exist only on paper. In reality, they are not centre of rural governance and development (The Sun Newspaper, October 19, 2012). To compound the problem, the ambiguities in 1999 Nigerian constitution also contribute to the proliferation of appointed caretaker committee in local government in Nigeria, as Omar (2012) explicitly argued that credible elections into local government councils have been non-existent from independence in 1960 till date. This is because the local councils are often subjected to controls by the upper levels of government in the federal system of government. During the First Republic, the Native Authorities (as local governments were then called) were under the control of the regional governments. The Constitution of the Second Republic (1979 to 1983) gave state governors the power to dissolve local councils and appoint Caretaker Committees to run the affairs of local councils. The 1999 Constitution currently being operated empowers state governors to appoint chairpersons of State Independent Electoral Commissions, the electoral umpires mandated to conduct local government elections in the 36 states of the federation. As the situation stands, there is some ambiguity as to whether the state governors can dissolve local councils before elections are conducted at the expiration of their tenure, but often, state governors capitalize on this ambiguity to dissolve local councils at the end of their tenure, and appoint Caretaker Committees. Often, these Committees are staffed with cronies and party sympathizers. It is against this background that this study examines mushrooming appointed caretaker committee in local governance in Nigeria which has become a quagmire to grassroots democracy. As shown in Table 1.

Delineation of Concepts

Local government

Local government is primarily recognized as the branch
Table 1. States Operating Appointed Local Government Council in Nigeria.

<table>
<thead>
<tr>
<th>No</th>
<th>State</th>
<th>Classification</th>
<th>Geo-Political Zone</th>
</tr>
</thead>
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<tr>
<td>1</td>
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<td>South-East</td>
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<tr>
<td>2</td>
<td>Bauchi</td>
<td>Appointed local government council</td>
<td>North-East</td>
</tr>
<tr>
<td>3</td>
<td>Borno</td>
<td>Appointed local government council</td>
<td>North-East</td>
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<tr>
<td>4</td>
<td>Delta</td>
<td>Appointed local government council</td>
<td>South-South</td>
</tr>
<tr>
<td>5</td>
<td>Ekiti</td>
<td>Appointed local government council</td>
<td>South-West</td>
</tr>
<tr>
<td>6</td>
<td>Imo</td>
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<td>South-West</td>
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<tr>
<td>7</td>
<td>Kano</td>
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<tr>
<td>8</td>
<td>Katsina</td>
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<td>Ondo</td>
<td>Appointed local government council</td>
<td>South-West</td>
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<tr>
<td>10</td>
<td>Ondo</td>
<td>Appointed local government council</td>
<td>South-West</td>
</tr>
<tr>
<td>11</td>
<td>Oyo</td>
<td>Appointed local government council</td>
<td>South-West</td>
</tr>
</tbody>
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Source: By author

of government that is closest to the people. It is the medium through which the people actively participate in grassroots government and continue to enjoy the provision of services (Mukoro, 2003). Local Government was not only accorded its place of pride in the socio-economic well-being of the country, it was also seen as a way of bringing government closer to the people (Awotokun, 2005). A local government is a political and an administrative body saddled with the governance and development of a small geographic area under its purview, such as a city, town or county, as it is known in some countries. Better still, to put it simply, a local government is a body saddled with the responsibility of meeting the yearnings of the people at the grassroots. (Daily Post Newspaper, February 2, 2013). Wraith (1984) cited in Adeyemo (2005) also defines local government as “the act of decentralizing power, which may take the form of deconcentration or devolution. Deconcentration involves delegation of authority to field units of the same department and devolution on the other hand refers to a transfer of authority to local government units or special statutory bodies such as school boards for instance. From this perceptive, one can see local government as a lesser power in the national polity. It is an administrative agency through which control and authority relates to the people at the grassroots or periphery.

The idea of creation of local government is to bring development nearer to the people and ensure participatory democratic governance. Local government is an instrument of political mobilization while the citizens engage in every political processes revolving around their locality. Local government facilitates and addresses local problems by providing local solutions. This will enhance people’s capacity to solve their problems using the local strategy and mobilization within a local domain. It is a government at the periphery level with legal background to perform its functions efficiently and effectively. The justification for the existence of local government lies in socio-political and economic mobilization towards addressing people’s problem at the grassroot level. Due to distance, local governments are created to make government accessible to the people in their door step and it is believed that a government that is nearer to the people will indubitably comprehend the problems facing the general citizenry within their local environment.

Grassroot democracy

Democracy in its true meaning is synonymous with grassroot democracy. Grassroot democracy is a people/community – driven participation in elections, governance and decision making. Grassroot democracy can be seen as a tendency towards designing political processes where as much decision making authority as practical is shifted to the lowest level of organization. Thus, a local government is a government at the grassroots level of administration meant for meeting peculiar grassroots need of the people (Agagu, 1997 cited in Oruonye, 2013). Grassroots democracy refers to shifting democratic traditions to the periphery level through people’s mobilization and electoral participation in determining who is to govern them. The sustenance of democratic canons lies in grassroot level; this is because the local people will appreciate a political representative who dwells among the local community members rather than being governed from afar while this better explicates the government of the people which democracy presages. As the words “ours is ours” invariably expounds that the government belong to us. Grassroot democracy is the political processes which are driven by groups of ordinary citizens, as opposed to larger organizations or wealthy individuals with concentrated vested interests in particular policies. In daily political practice the term usually refers to
RESEARCH METHODOLOGY

The methodology espoused in carrying out this study is derived from both secondary sources and empirical observations in relation to local government administration in Nigeria. The major newspaper and television reports were analyzed with empirical evidence drawn from the number of states operating appointed local government council in Nigeria. The content(s) of the secondary data and empirical observations unfold the current proliferation of appointed local government council in Nigeria.

The place of 1999 Constitution in appointing caretaker committee in Nigerian Local Government

There are some contradictions in the 1999 constitution of the Federal Republic of Nigeria in relation to local government administration. Section 7(1) states emphatically 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 subject to section 8 of this constitution, ensure their existence under a Law which provides for the establishment, structure, composition, finance and functions of such councils”. Yet, section 7 (6a) submits that “the National Assembly shall make provisions for statutory allocation of public revenue to Local Government councils in the federation. But the confusion is extended further by section 7 (6b) which states that “the House of Assembly of a state shall make provisions for statutory allocation of public revenue to local government councils within the state” (Khaleel 2012).

This confusion also resurfaced in section 162 (6) where it established the State Joint Local Government Account for the purpose of payment of “all allocations to the Local Government councils of the State from the Federal account and from the Government of the State”. In Section 162(7) it directs State Government to pay to Local Government councils its total revenue on the terms prescribed by the National Assembly. At the same time it gives the same power and functions to the State House of Assembly in section 162(8). Further, section 8 (subsections 5 and 6) saddles the National Assembly with some functions before creation of a local government can become legal. The implication of all the identified contradictions and ambiguities is that it is difficult to locate constitutionally the locus of power on local government creation. The unresolved contradictions, confusion and ambiguity created in the 1999 constitution have been tools in the hands of some third republic generation of politicians to cripple the Local Government system in Nigeria (Khaleel, 2012). Democracy is all about inclusion, participation and representation. Therefore, for democracy to strive, it has to be grounded at the grass-root level for its survivability. However, democracy in Nigeria has been categorized as a system of government without root due to inability to enhance people’s democratic participation at the local level. What we have in Nigeria in this contemporary political regime has been tagged with centralized democratic system without roots. The non-autonomization of local government has pussy-footing democratic political participation at the grassroot level in Nigeria, therefore creating undemocratic political loopholes anchored with state government dominations which placed the mode and manner of managing it as authoritarian. The skyrocket state overlord in managing and appointing caretaker committees in local governance negates the fundamental ethos of section 7(1) which stipulates democratically elected local government council in Nigerian polity. The principal aim of conducting election at the local level is to facilitate citizen’s participation in local affairs. Through people’s participation in choosing their elected representatives, democratic values are inculcated in the souls of local dwellers while they also become democratic instrument for the incoming generation yet unborn.

Local government were created to make governance comes tograssroot level, however, many state governors in Nigeria has hijacked the political instrumentality of local government for their economic aggrandizement and to retain political elongation. It is necessary to trace the legal background of local government in Nigeria under the constitutional guides of 1999 Nigerian constitution. The constitution provides democratically elected local council in Nigeria, while it also contradicts itself in the fourth schedule where powers are accosted to the state governor to dissolve the local government council in their due course. The state governors have been hiding under this provision to appoint caretaker committee in local government council in Nigeria. This has been raging Nigerian democratic politics in a very longtime. The elected state governors have been using the weaknesses in the 1999 constitution of Federal Republic of Nigeria to perpetrate evil. Majority of elected local government council have been dissolved in Nigeria under the pretence.
of constitution empowering the state governors to dissolve local government council. Many state governments have refused to conduct elections in the political nomenclature of local government. It is against this background that people have been clamoring for constitutional amendment in order to salvage the democratic elected local government council in Nigeria. It is highly detrimental to the survivability of Nigerian nascent democracy if elections are not conducted within the stipulated period in Nigerian local government. This was noted that:

It is too well known that state governors rule over local government system in the country like the Lord of the Manor. They have practically decimated the administration of local government through illegal state/local governments’ joint accounts, the conduit pipe through which they arm-twist and divert funds meant for the development of the rural areas in the country. They have also destroyed democracy at the local level because, some states in the country never dim it fit to conduct local government elections since 1999 when the country returned to democratic government. The issue of the underdevelopment may outright negligence of the local government administration in Nigeria is a running story, a very sad situation (Nigerian Pilot October 25, 2013).

Local government as third tier of government in Nigeria’s purported federation was created for the sole aim of taking government ‘dividend’ and development to the people at the grassroot. However, it is regrettable that despite the whole local government reform, this third tier of government is yet to achieve the aim it was created for. More worrisome is that, out of 36 states in Nigeria, only about 13 states among them are Enugu, Rivers, Jigawa and Lagos have conducted elections in their local government areas (LGA). This then means that all the remaining local government is being run by caretaker or other informal arrangements. Obviously, this has completely thrown away the legislative organ in the local government and also denying the people in the grassroot the opportunity to elect representatives in the local government chamber (Legislative Digest, October 2012).

It is evident that Nigerian 1999 constitution has created loopholes which encumber grassroot democracy to survive in Nigeria. The salient provision which emphasizes democratically elected local council also ample opportunity for state governors to dissolve elected representatives of local government whenever it’s necessary. Democracy may be defined as a system of government where sovereignty resides in people to choose their elected representative within a particular political community. Democracy accommodates people participation to choose their leaders.

According to Abutudu (2011) cited in Ikeji et al. (2013) governance at the grassroot level is in a state of crisis. This crisis stems from what increasingly looks like deliberate efforts to stem the advance of democratic governance at the local government level in the country. As a tier, the local government retains its outwards appearance; it even goes through the motions of performing its functions. However, the crisis into which it enmeshed has undermined its essence as government whose authority is directly derived and anchored in the constitution. Local Government is a system of public administration at a local level, charged with the responsibility of bringing the people at the grassroots closer to the government. A critical survey of local governments (LGs) in Nigeria today shows almost the same scene: that is, they are living in the shadow of the Federal Government. What we have witnessed is the abysmal failure of the local government system (Daily Independent, June 13 2010). Section 7(1) of the 1999 Constitution allows for an elected administration in the councils but in practice, most of the councils in Nigeria are administered by appointed chairmen or caretaker committees. Only very few can be said to be under democratically elected officials. Even in those with elected administrations, their finances are under direct control of the state government. Hence, there is no visible development in practically all the 774 councils in Nigeria (The Sun Newspaper, October 19, 2012). In foregoing, democracy has not been institutionalized at the grassroot level in Nigeria; this is due to political and economic dominations of state government. Many states are yet to conduct election into local government councils while the economic pauperization has been the other of the day in the overall management of local government affairs in Nigeria.

Reasons for proliferation of appointed caretaker committee in Nigerian Local Government

This story of non-conduct of elections at the third tier of government has become a common feature within the political spheres of most states. The tier of government which is closest to the grassroots is thus hijacked, prevented from meeting up with its primary and major obligation. Even in states where elections have been conducted, it has been fraught with controversy as most times, opposition has cried foul, claiming that the ruling party had tampered with the process so as to make the results come out in their favour. The local governments were created so that governance can come down to the people, but in reality what is happening is that the governors have hijacked these local governments. What they do is that they collect fund meant for the local governments, and dispense in such a way as to secure the loyalty of these local government chairman or punish them if they are not loyal to them, by starving them of funds. So they dictate what happens. The problem is that the state governors know that if their cronies are not at the helm of affairs at the local government level, they might have problems at the polls as the entire Nigerian
electoral process is riddled with fraud and malpractice (Nigerian Newsworld, 06/04/2012). Corruption and Diversification of Funds engulfed the administration of local government by the state governors in Nigeria. The policy makes nonsense of democracy at the rural level. It provided governors ample opportunity to manipulate appointed administrators to divert funds meant for the development of rural areas to other purposes. The nation’s constitution states that local administrations as third tiers of government should be run by democratically elected chairmen and not appointed sole administrators who are loyalists of governors. Governors prefer sole administrators due to resistance on the part of elected chairmen who were always at logger-heads with state executives because they resist pressures from governors to divert funds to projects that do not benefit the people (Orient Newspaper, March 25, 2013). Also the fear of political opposition engenders proliferation of caretaker committee at the grassroot level. The fear of political opposition contributes to the main reasons for the mushrooming of appointed caretaker committees at the local government level in Nigeria. This is because many of Nigerian politicians see politics as rig and roast. The fear of losing election in political contestation facilitates appointment of non-elected local government executives with intent of sheltering loyalty across the state.

CONCLUSION

This study has explored mushrooming appointed caretaker committee in local governance which has become a quagmire to grassroot democracy in Nigeria. The state governments have been employing lacuna generated in 1999 constitution of federal republic of Nigeria to secure appointment for their loyalist at the local government level. Therefore, many local governments in Nigeria have been governed by appointed caretaker executives. The loophole midwife by Nigerian constitution which enables the state government to manage the affairs of local government undemocratically with impunity has championed the pauperization of local government institution in Nigeria. In this regards, it is very germane to review Nigerian 1999 constitution in the areas relating to local governance in order to ensure grassroot democracy in Nigeria. The constitution should accommodate political and economic sovereignty of local government for sustainable grassroot democracy in Nigeria. The allocation of local government should be sent directly from the federal government to avoid diversion of funds by the state governments. It is therefore unconstitutional for state government to manage the political affairs of local government in undemocratic comportment in Nigeria.

There should be zero-tolerance for appointment of non-elected political executives at the local government if Nigerian democratic system of government is to be strived and respected among the comity of nations.

If truly local government is one of the federating units and the third tier of government, it should be made autonomous both politically and economically, in such a way that neither its political structure nor economic fortune would be determined or subjected to manipulation by the states. Meanwhile, the constitution should reserve a safe place or provide a soft landing for local government to have its own executive, legislative and judicial arms of government as obtained at the state and federal levels (The Tide, July 11, 2012). Khaleel (2012) emphasizes the imperative for removal of section 7 of the 1999 Constitution. This section of the 1999 constitution is full of contradictions and confusion. It is under this ambiguity that State Governments hide to manipulate the Local Government system by aborting democratic governance, suspending elections and imposing a regime of caretaker administration; usurping the statutory functions of local government and plunder its resources. To replace this section, a chapter on Local Government should be provided in the Constitution to restore the autonomy of Local Government and guarantee its status as the third tier of government in Nigeria with power to exercise all Executive, Legislative and Administrative functions. This chapter will deal with issues such as: Tenure of office; Public Service of Local Government etc. Only an outright removal of the section that creates the state joint local government account can stop State Governments from tampering with Local Government funds to the extent that only between 23 to 25% of statutory allocation from federation account eventually gets to the Local Government account can stop State Governments from tampering with Local Government funds to the extent that only between 23 to 25% of statutory allocation from federation account eventually gets to the Local Government due to illegal and sundry deductions. All lawful methods to stop this fraud, including judgments of the Supreme Court and other Courts of competent jurisdiction have been frustrated by the State Governments. This will guarantee fiscal jurisdiction through direct remittance of local government allocations from federation account to respective Councils with necessary checks to guard against the mismanagement of public funds. The amendment of this section should broaden the revenue generation capacity of the Local Government and specifically forbid the State or Federal Governments from encroaching upon the statutory functions of the Local Government as listed in the Fourth Schedule of the 1999 Constitution.

Conflict of Interests

The authors have not declared any conflict of interests.

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