

THE GOVERNABILITY OF THE MULTINATIONAL STATE OF NIGERIA

IS DECENTRALISATION THE SOLUTION OR PART OF THE PROBLEM?

Mathias Kamp

Nigeria, the crisis-stricken “African giant”, is extremely difficult to govern. Like most African countries, its borders were drawn up by colonial powers. Its population of 175 million comprises 400 different ethnic groups, making it the most densely populated country in Africa. The north of the country is predominantly Muslim, while the center and south are mainly Christian. While this diversity may be enriching, it is also the source of ongoing conflict, largely revolving around the distribution of power and state resources.


Nigeria has been put to the test many times in the course of its history. Yet, although it has been badly governed for decades and has lurched from one crisis to the next, it has so far managed to avoid falling into an oft-predicted state of total collapse. Time and time again, it has demonstrated its ability to survive, despite its many weaknesses and the challenges it faces. However, when it comes to the country’s constant problems of poverty, instability, violence and corruption, the fundamental question remains: how can the complex, fragile and contradictory entity that is the Nigerian nation continue to stay together?

This question is in fact the subject of regular debate in Nigeria, including at wide-reaching official levels. President Goodluck Jonathan recently invited 500 representatives from across the country to come to Abuja for a major National Conference that is expected to last several months. The aim of the conference is to discuss how to safeguard Nigeria’s future unity and positive national development.



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Since mid-March nearly 500 representatives from across the country have been convening at a National Conference in Abuja. The aim is to discuss how to safeguard Nigeria's future unity and national development. | Source: Juliana Rotich, flickr .

One of the key issues of the debate are potential reforms to the federal and decentralised political system. Federalism – which is something of an exception on the African continent – is viewed as the answer to the challenges posed by Nigeria's size, complexity and heterogeneity. The same can be said for the system of decentralisation within the individual states, which delegates important political powers at local government level. On the other hand, many observers also see the asymmetries, manipulations and efficiency problems evident in the country's federal and decentralised structures as being the very cause of many of the weaknesses inherent in Nigerian democracy. It should be stressed, however, that the federal and decentralised approach to government is not the main problem. Rather, this lies in the flawed set-up and the subversion of the constitutional role of the different political levels in practice.

NIGERIA – “DANCING ON THE BRINK”

Nigeria has huge potential in a great many areas. With its abundance of natural resources, cultural diversity and large population, it is one of the African continent's key players. It is currently one of the world's largest oil exporters and – following an overhaul of obsolete data – since early April it has officially replaced South Africa as the continent's largest economy. But despite its growth,

it would be wrong to describe the country's economy as healthy and sustainable. There is too much dependence on the oil and gas business and too little value creation within the country itself. Positive growth figures are certainly not reflected in the living standards of most Nigerians – distribution of wealth is highly unequal. While large sections of the population live in extreme poverty, the country's elite continue to grow wealthy on income from oil and other resources. Its reliance on oil means that Nigeria's economy has failed to adequately diversify, resulting in a serious lack of job opportunities, especially for the country's many young people. This lack of prospects for young people has led to frustration, an increase in crime and a growing risk of social unrest. But social inequality is not the only major cause for concern.

Nigeria is also facing a major threat from the escalation of regional conflicts. These two issues are connected. In the north-east of the country, violent clashes with the Islamist terrorist militia Boko Haram have led to

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a state of emergency and warlike conditions, resulting in thousands of deaths. The threat posed by Boko Haram in recent years, their obvious increase in strength and the unsuccessful military response by the government are all in stark contrast to the oft-repeated mantra of President Goodluck Jonathan that Boko Haram is no more than a "temporary phenomenon". His assurances that the problem is being dealt with and that Boko Haram has been forced to retreat to a small area in the north-east of the country were also called into question in dramatic fashion with the latest series of bomb attacks near the capital Abuja.¹ On 14 April 2013, at least 75 people were killed when a car bomb exploded at a busy bus station on the outskirts of Abuja.² Despite increased security measures, a second attack was carried out on 1 May in almost exactly the same place,

1 | Cf. Mathias Kamp in an interview mit *Radio Vatikan*, "Nigeria nach der Entführung der Mädchen: Eskalation und Mitleid", 6 May 2014, http://de.radiovaticana.va/news/2014/05/06/nigeria_nach_der_entfuhrung_der_mädchen_m%C3%A4dchen:_eskalation_und_mitleid/ted-796662 (accessed 19 May 2014).

2 | Cf. i.a. Eline Gordts, "The Deadly Rise of Nigeria's Boko Haram", *The Huffington Post*, 30 Apr 2014, http://huffingtonpost.com/2014/04/30/_5232957.html (accessed 19 May 2015).

resulting in another 19 deaths.³ The world's attention has also been focused on the country since the middle of April, when Boko Haram abducted more than 200 girls from a school in Chibok in north-eastern Nigeria. The kidnapping of the girls sparked a wave of protests at home and abroad. The international media has increasingly turned its attention to the escalation of Boko Haram's terror campaign, along with the Nigerian government's questionable crisis management and its obvious inability to protect its own people against the terrorist group.⁴



After the terror attack on a bus station in Abuja on 14 April delegates from the International Transport Worker's Federation visit the scene. | Source: ITF, flickr ©①③②.

There have also been a growing number of reports of violence breaking out between different sections of the population in the center of the country, especially in the states in the area known as the "Middle Belt". Here the main problem has been violent clashes between settled crop farmers and (semi-)nomadic cattle farmers. Various factors such as ethnicity, religion, lifestyle and land use rights have combined with political issues to create a complex conflict situation in the region.

3 | Cf. i.a. Will Ross, "Abuja blast: Car bomb attack rocks Nigerian Capital", *BBC News Africa*, 2 May 2014, <http://bbc.com/news/world-africa-27249097> (accessed 19 May 2014).

4 | Cf. i.a. Farouk Chothia, "Will Nigeria's abducted schoolgirls ever be found?", *BBC News Africa*, 12 May 2014, <http://bbc.com/news/world-africa-27293418> (accessed 19 May 2014); Alexander Göbel, "Machtlos gegen Boko Haram", 7 May 2014, <http://tagesschau.de/ausland/boko-haram106.html> (accessed 19 May 2014).

Nigeria's development indicators also make for sobering reading. Agriculture has been criminally neglected and the education and health systems are in a desperate state. Public infrastructure, especially the electricity supply system, is totally inadequate. The consequence of these ongoing difficulties is widespread disillusionment amongst the population. People feel they have been seriously let down by politicians. There is an overwhelming sense that the political elite cannot be trusted, not only because of their inability to handle Nigeria's enormous problems, but above all because of the many corruption scandals that regularly shake the country.

Pessimistic observers regularly predict the failure and collapse of the Nigerian state. There is no doubt that there are many indicators providing evidence of its weakness and fragility. Public safety is precarious at best in many parts of Nigeria, and the government appears unable to provide basic services country-wide. Meanwhile, corruption and organised crime are infiltrating government institutions and society as a whole. The consensus on the unity of the state and the political system is also being challenged from all sides. Nigeria is currently ranked 16th out of 178 countries in the latest *Failed States Index* and has been placed on the second highest level of warning.⁵ However, it would be wrong to write Nigeria off as a "failed state". It may well be that without its oil revenues Nigeria would have fallen apart a long time ago, but despite all the prophecies of doom, the fabric of the state is still holding together and public order is still basically in place, albeit with some limitations. In some areas, particularly the south-west, there have even been some successes that go beyond the window-dressed growth statistics.

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The fact that the Nigerian state has so far managed to survive as a unified entity has surprised many observers. But then Nigeria has been able to master the art of "dancing on the brink", as described by former American ambassador to Nigeria, John Campbell.⁶ More than anything, it is the

5 | Cf. The Fund for Peace (FFP), *The Failed States Index 2013*, <http://ffp.statesindex.org/rankings-2013-sortable> (accessed 19 May 2014).

6 | Cf. John Campbell, *Nigeria: Dancing on the Brink*, Council on Foreign Relations (CFR), Rowman & Littlefield, 2010.

apparent paradoxical solidarity of the political elite in the face of bitter infighting that seems to have kept the Nigerian system alive. While this fragile consensus amongst the elite may be a stabilising influence, it is also proving to be an obstacle to much-needed reforms. At the end of the day, this is the same elite that is reaping the benefits of the existing system, so they have no particular interest in changing the status quo. The networks of patronage that guarantee power, personal gain and influence appear very difficult to break. Perhaps the National Conference that has been called by the President will in the end offer some hope of change.

THE NATIONAL CONFERENCE: A STARTING POINT FOR MUCH-NEEDED REFORMS?

The National Conference began in mid-March and is scheduled to last three months. Its 500 delegates have come together in an attempt to find solutions to major challenges

Nigeria is currently facing. These include the

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long-term management of this diverse and complex country, the quality and stability of its democratic systems, and, ultimately, the very survival of the state in its territorial integrity.

It is clear to all delegates and observers that changes must be made to Nigeria's systems in order to guarantee stability and cohesion in the face of the country's many challenges, especially if the oft-touted "unity in diversity" is to become a reality.

The initiative taken by the government in calling a National Conference was preceded by a long and often controversial public debate. So far, there has been little real consensus on how the fundamental issues affecting the country's future should be addressed and whether, for example, the current National Conference is even the right forum for such discussions. Experiences with similar conferences in the past have generally been sobering: either the discussions came to nothing or the recommendations were never put into practice.⁷

7 | Cf. Zainab Usman, "Does Nigeria really need a Sovereign Conference?", *African Arguments*, 29 Jan 2014, <http://africanarguments.org/2014/01/29/does-nigeria-really-need-a-sovereign-national-conference-by-zainab-usman> (accessed 19 May 2014).



President Goodluck Jonathan at the World Economic Forum 2014 in Davos: With its abundance of natural resources, cultural diversity and large population, as of April, Nigeria is officially Africa's biggest economy. | Source: Jolanda Flubacher, Swiss-Image, WEF, flickr ©@@.

Closely linked to these discussions is the debate on constitutional reforms aimed at restricting the centralist tendencies within the political system and better balancing the distribution of power and resources at regional level. For years, there has been a general consensus on the need for constitutional reform, but to date all attempts have been unsuccessful. The last attempt to introduce reforms was in 2006 (under President Obasanjo), but the proposals were rejected by both houses in parliament. The decisive issue in the vote was probably the fact that the proposed reforms included an attempt to introduce a third term for the state president. The briefcases of the delegates of the ongoing conference have also been weighed down by this sad history of reform attempts, as every delegate was given and asked to read 13 detailed reports on earlier conferences and reform proposals. The idea was to take into consideration the results of earlier discussions, rather than once again starting from scratch.

The Presidential Committee on the Review of Outstanding Constitutional Issues set up by President Jonathan produced a report in 2011 aimed at providing the basis for the debate on constitutional reform. Another committee, the Presidential Advisory Committee on National Dialogue, was also set up in October 2013. Its job was to propose an overall agenda for the National Conference based on the results of a nationwide survey and to identify the issues

that should be discussed. However, government officials made it abundantly clear that the unity and integrity of the country was not up for discussion.⁸

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The fact that this issue was considered taboo comes as no real surprise, as Nigeria has been and remains subject to many centrifugal pressures and calls for regional emancipation. The terrorist activities of Boko Haram and the instability in the north have given plenty of ammunition to those who favour a north-south split that would effectively divide the country into Christian and Muslim regions. Memories still linger of the Igbo people's attempted secession, which escalated into the Biafran War between 1967 and 1970. The conflict in the oil-producing regions in the south and the activities of the Movement for the Emancipation of the Niger Delta (MEND) may have been largely contained, but the basic problems remain unresolved.

A COMPREHENSIVE CONFERENCE AGENDA

The delegate groups from the various regions also had their own suggestions for items to be included on the conference agenda. These suggestions reflect the wide and varied interests of the different regions and ethnic groups, which partly differ in terms of their detailed proposals. At the end of the day, however, the main issues for debate are clear:⁹

8 | Cf. Soni Daniel, "National Confab: NG insists on no-go areas", *Vanguard*, 17 Mar 2014, <http://vanguardngr.com/2014/03/national-confab-fg-insists-go-areas> (accessed 19 May 2014).

9 | Cf. i.a. Fidelis Mac-Leva et al., "Controversial Demands Before National CONFAB", *Sunday Trust*, 27 Oct 2013, <http://sundaytrust.com.ng/index.php/top-stories/14822> (accessed 19 May 2014); Olisa Agbakoba, "Core Issues at National Conference is a Remodeled Federation", 11 Apr 2014, <http://olisaagbakoba.wordpress.com/2014/04/11/core-issues> (accessed 19 May 2014); Ben Ikari, "Nigeria Conference: Core Issues to Resolve or it Fails", *The Nigerian Voice*, 7 Apr 2014, <http://thenigerianvoice.com/nvnews/142641/1/nigeria-conference-core-issues-to-resolve-or-it-fa.html> (accessed 19 May 2014); Zayyad I. Muhammad, "Agenda for Delegates to National Conference", Nigeria Village Square, 8 Mar 2014, <http://nigeriavillagesquare.com/articles/agenda-for-delegates-to-national-conference.html> (accessed 19 May 2014).

- Restructuring of the federal system: the existing federal system is seen as unbalanced and weakened by strong centralist tendencies. The debate will focus on the reorganisation (restructuring or even redesigning) of the federal state system as well as the level of independence enjoyed by each state. There is also the question of the role of the country's six geopolitical zones (North-East, North-West, North-Central, South-West, South-East, and South-South). No clear function has been officially conferred on them by the constitution, but in reality they play a very important role in the system of regional proportional representation.
- Participation of ethnic groups: closely linked to the issue of federalism is the question of the participation of the many different ethnic groups in the exercise of political power, something that has repeatedly led to conflicts in the past. Here the main issue is not just about how to deal with the basic division of the country into three parts, each with its own dominant ethnic group (Hausa-Fulani in the north, Yoruba in the south-west, Igbo in the south-east), but also about taking into consideration Nigeria's many other ethnic groups and minorities. How can the architecture of the system and the formulation of policy be used to balance out this heterogeneity and limit the tendency to exclusion and marginalisation?
- Reform of the democratic system: many participants and observers are in favour of fundamental reform of the political system, up to and including the abolition of the presidential system and the (re)introduction of parliamentarism. The state apparatus needs to be more efficient, while strong democratic institutions are needed to guarantee the rule of law and combat endemic corruption. There have also been calls for reforms to electoral law and the removal of the immunity clause for elected representatives in its current form.
- Allocation of rights and duties within the federal and decentralised system: the shift in power towards the federal government in the wake of numerous military dictatorships and half-hearted attempts at democratic reform needs to be corrected. The federal states need to be strengthened relative to the national government

and made more independent. The same is true of local governments, whose representatives have been calling for greater autonomy. The key issue here, in addition to finances, is the need for an overhaul of the national, state, local and competing legislative powers.

- Resource allocation: how the country should allocate state revenues – especially those generated by the oil business – is without doubt one of the most difficult questions. The main concern is to ensure a fairer division between central government and the federal states. However, this is one area where there is a clear clash of interests between the oil-producing, resource-rich states and the poorer “beneficiary states”. The formula for the distribution of revenues is to be altered in favour of the federal states, as central government currently receives the lion’s share. There is controversy over the extent to which the oil-producing states should have greater freedom in the way they administer oil revenues.
- Ethnic origin and citizenship: Nigeria’s current differentiation between “indigenous people” and “settlers” is problematic and has triggered many violent conflicts in the past. The importance given to “origin” – a principle which is reflected in the 1999 constitution – contradicts the principle of equality enshrined in “citizenship” and has in part been responsible for discrimination and exclusion at local and state level. Discussions will now take place on how to get round such categorisation so that all Nigerians can enjoy the same rights, irrespective of their origin or place of residence.
- Developmental challenges and state services: policy areas such as economic development, combating poverty and improving government services are also due to be discussed at the National Conference. Issues on the agenda include economic diversification, strengthening the agricultural sector, combating unemployment, improving power supplies and infrastructure in general and investing in the two problem areas of education and health.

- Security: because of the many causes of conflict in the country, especially the threat posed by Boko Haram, security is likely to be a key topic for discussion at the National Conference. Any comprehensive security strategy that goes beyond a purely police or military-based approach will require due consideration to be given to all the issues mentioned so far. The country will only enjoy stability in the long term if there are appropriate political reforms, a fairer distribution of wealth and more effort is put into development to ensure that poorer members of society can enjoy better prospects.

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A DIRECTION FOR THE COUNTRY OR A GOVERNMENT CAMPAIGN?

The public perception of the National Conference vacillates between scepticism and optimism. For some observers, the mere fact that the Conference is providing an opportunity for representatives from all over the country to discuss Nigeria's problems openly is cause for optimism. However, most experts – and civil society representatives who have long been demanding reform – fear that the conference is unlikely to meet its objectives. Many of the items on the comprehensive agenda are not new and past conferences and commissions have put forward numerous proposals for reform that have subsequently not been implemented.

There is particular ambiguity over whether the government is serious about supporting reforms. The main accusation is that the government is not particularly interested in finding real solutions to the country's problems as it is far too concerned with looking after its own interests and holding on to power. So the Conference could simply be a way of strengthening unity within the government camp and act as a campaign tool for the presidential elections to be held in early 2015.

The organisation of the Conference has also sparked criticism. While some commentators consider the three-month-long marathon to be a waste of time and money, others are calling for a longer or possibly even open-ended timeframe in order to ensure that practical solutions can be

found. The fact that delegates can make decisions based on a two-thirds majority if there is no overall consensus has also attracted criticism, as has the fact that the decisions that are made will not lead to the drafting of a new constitution. The decisions will in fact be incorporated into the existing constitution – but only once they have cleared the additional hurdle of a vote by the National Assembly. This has led to fears that the decisions may end up being significantly watered down, as many elected representatives have a personal interest in maintaining the status quo. The delegates represent many varied and different groups. They include representatives of the government, the opposition, key state institutions, civil society, the media, the unions and religious communities, along with delegates from the federal states, local governments and the numerous ethnic groups from the different regions. However, critics believe that what is really being represented are the interests of Nigeria's political and economic elites, who have been around for decades.

The importance of the National Conference should not be over-estimated. There is always the danger that it will end up being as disappointing as earlier attempts to introduce reforms. It is unrealistic to expect that it will turn out to be a triumph that provides concrete solutions to all the major problems. But it is still important that these issues are being openly discussed. The open debate that this kind of conference stimulates is a plus in itself, especially as the media and civil society are in a position to act as critical observers. And if nothing else, the National Conference provides an opportunity to find a sensible way of reshaping the country's decentralised government and administration structures. This is urgently needed if local governments are to carry out their tasks and functions in an effective way.

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BACKGROUND: FEDERALISM AND DECENTRALISATION IN NIGERIA

According to its 1999 constitution, Nigeria is a sovereign federal state. However, federalism in Nigeria also has its roots in history. At the beginning of the 20th century the British colonial powers divided what is now Nigeria into

initially two, then later three regions (North, East and West), each made up of several provinces. Over time, this simple structure was expanded into a federal system, within which the regions enjoyed a relatively high degree of autonomy. In the wake of independence from Great Britain in 1960, Nigeria essentially adopted the federal system that it had inherited. Since that time, there have been many changes to the system as a result of changes of government, political reforms and repeated periods of military rule. Today, the country is divided into 36 states, 774 local government areas and the separate Federal Capital Territory of Abuja in the center of the country. There have been two recognisable trends in the way the federal system has developed: firstly the creation of ever more states, and secondly, a growing tendency towards centralisation, the concentration of power at national level, something which the current constitution has done nothing to reverse. The overwhelming dependence of the country on oil revenues, which are administered at the national level, has been a major contributing factor in the development of "centralised federalism".

In the wake of independence from Great Britain in 1960, Nigeria essentially adopted the federal system that it had inherited.

The choice of a federal structure for Nigeria has its roots in the country's size and heterogeneity. Beyond this, however, lies the recognition that the unity and stability of the country can only really be maintained, if its administration is decentralised and the regions (and the ethnic groups within them) are accorded a high degree of autonomy and self-determination in order to safeguard their own interests. However, the way the system has actually developed in reality (and particularly with regard to the trends described above) has attracted a mass of criticism. Heinrich Bergstresser describes the system as "regionalism along ethnic lines",¹⁰ while Rotimi Suberu concludes in his own analysis that Nigeria has an "intensely dysfunctional system of centralized 'ethno-distributive' federalism".¹¹ Instead of focusing on autonomy and self-determination for the federal states, the centralised legacy of the military governments and the country's high dependence on

10 | Heinrich Bergstresser, *Nigeria: Macht und Ohnmacht am Golf von Guinea*, Brandes & Apsel, 2010, 183.

11 | Rotimi Suberu, *Federalism and Ethnic Conflict in Nigeria*, Washington D.C., United States Institute of Peace Press, 2010, xxvi and 247 et sqq.

oil revenues has resulted in the allocation of resources at national level becoming the key issue. Access to these resources is the key factor in all aspects of political endeavour and this serves to undermine the autonomy of the states and local governments.

In 1976, reforms to local political structures created a third level in addition to the national and state levels. These are known as Local Government Areas. Since 1996, there have been 774 such districts. This has resulted in an ongoing process of decentralisation over and above the existing federalism. The status and functions of these local governments have been firmly enshrined in the constitutions that followed. So the mandates and legitimisation for all three levels of the political structure are derived from the same document – the national constitution. This defines the power, authority, function and financing for each of the levels and determines how they interact.



The dark side of oil: in addition to environmental disasters like this one in Goi Creek in 2010 the distribution of revenues is highly disputed. | Source: Friends of the Earth Netherlands, flickr ©1999.

The constitution distinguishes between the exclusive powers vested in central government (including foreign and security policy, monetary policy, customs, immigration, police, mining, etc.) and those parallel or competing powers vested in central and state governments (including health, education, road building, communications, etc). Other powers and responsibilities not covered by these two categories fall to the states and/or local governments,

especially in the case of local administrative tasks and the supply of public services at local level.

One of the key issues here is financing. The way state revenues are allocated across the three political levels within the framework of fiscal federalism is highly controversial and is one of the key issues to be discussed at the National Conference. In an ideal world, the federal system would give the states a significant amount of control over their own resources. But this is not the case in Nigeria, as the central government controls raw material revenues, 80 per cent of which come from oil. Initially, the money flows directly to central government, into the "Federation Account". From there, the money is distributed on the basis of an allocation formula. The end result is that more than half of the revenues are retained at national level, while approximately 27 per cent is allocated to the states and the remaining 20 per cent to local governments. However, prior to this allocation, 13 per cent of revenues from natural resources are currently returned to the states from which they were originally generated in accordance with the "origin principle".¹²

There have been calls from various quarters for this practice to be fundamentally reformed in favour of the states and local governments. The hope is that this will result in a fairer allocation of resources, so that each level of the political structure will have the necessary funding to carry out its responsibilities and duties. The share of revenues allocated to the revenue-generating states should also be increased in accordance with the principle of allowing them control over their own resources. In order to further reduce the dependence of the states and local governments on the allocation of funds from central government, the amount of income over which they themselves have control (taxes, fees, business revenues, etc.) also needs to be significantly increased. The current system offers little in the way of opportunities to achieve this, especially as it is central government that levies the most significant duties and taxes (e.g. value added tax and fuel tax). In total, 90 per cent of all state revenues are raised by federal government.

12 | Cf. Ito Diejomaoh and Eric Oboh, "Local Governments in Nigeria: Relevance and Effectiveness in Poverty Reduction and Economic Development", *Journal of Economics and Sustainable Development*, Vol. 1, No. 1, 2010.

POLITICAL STRUCTURES AT LOCAL LEVEL

The 1999 constitution provided for democratically elected representation at local level in the form of Local Govern-

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ment Councils. Each federal state is responsible for using its own legislative powers to define the structure, make-up, function and financing of its own Councils and the appropriate laws are in place in all 36 states.

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The Local Government Councils generally consist of ten to 15 members. Districts with local governments are divided up into sub-districts, each of which provides a directly elected representative to the Local Government Council. Committees are set up to oversee the various administrative and legislative tasks and duties. The Council and Executive Committee are headed up by a directly elected Local Government Chairperson.

The primary function of local governments, as defined by the constitution, is the provision of public services such as basic healthcare, pre-school, primary and adult education, public transport, waste disposal and the maintenance of roads and public spaces. They are also responsible for regulatory reporting, town planning, environmental protection, sport and leisure, religious institutions, libraries and the regulation of local markets and other commercial activities.

LOCAL GOVERNMENTS: BAD REPUTATIONS, DIFFICULT SITUATIONS

Decentralisation and more local autonomy could help to make a significant contribution to improving the quality of democratic government in a large, multi-ethnic state such as Nigeria. Decentralised structures should help to make local administration more effective and make it easier to ensure that local people are provided with the public services they need. They provide more opportunities for direct and indirect participation, give local voters more control

and result in better transparency, while making politicians more accountable to the people. The job of local government is to focus on the interests and needs of local people and to contribute towards local development

in a way that central government is not able to. Self-determination and democratic participation at the local level should help to improve identification with the political system, promote a culture of democracy, strengthen national integrity and reduce centrifugal pressures.

Self-determination and democratic participation at the local level should help to improve identification with the political system and strengthen national integrity.

This is the theory. But past experiences in Nigeria cast some doubt on these claims. Local governments have come in for a great deal of criticism and many people are now questioning their very *raison d'être*. It is clear that they are not living up to expectations in terms of democracy and development and, according to critics, have become a symbol of the corruption, irresponsibility and incompetence of the state.¹³ In the eyes of many Nigerians, they stand for little more than slow and inefficient bureaucracy, incompetence and ignorance of the pressing problems of the people.

Opinions are divided as to why local governments are so weak and why they have gained such a poor reputation. While some believe it is due to the poor managerial skills of local politicians and the problem of corruption at local level, others think the problem lies in the distortion of federal and decentralised structures and the undue influence exerted by the higher political levels. There is no doubt that one of the reasons for the gap between expectation and reality when it comes to local governments is the general erosion of democracy in Nigeria. The principles of democracy and the rule of law are often simply a façade that conceals authoritarian, corrupt and clientelistic practices. The organisation of the decentralised political system may also be partly to blame, as in many respects existing practices tend to weaken and undermine the constitutional role of the decentralised structures.

13 | Cf. Hassan Achimugu, Stephen Makoji Roberts and Uyo Joy Agboni, "Local Government Service Delivery in Nigeria: An Empirical Comparison of Government Efforts and the People's Expectations", *Mediterranean Journal of Social Sciences*, Vol. 4, No. 6, 2013, 335.

COMPETING AUTONOMIES AS CHALLENGES TO EFFECTIVE LOCAL GOVERNMENT

Supporters of decentralisation believe that the weak autonomy of local governments is the main reason behind their poor performance.

One of the main challenges facing local governments as they try to carry out their tasks and duties effectively is the controversial issue of local autonomy. Supporters of decentralisation believe the weak autonomy of local governments is the main reason behind their poor performance. Although these local governments form an independent third level in the country's political structure, as defined in the constitution, they are in reality often little more than "appendages" to the state government and used by state governors as instruments for exercising power.¹⁴

The main tasks and functions of local governments are set out in the constitution, but these tasks and functions are not clearly distinguished from the responsibilities of the state governments. The fact that the roles and interactions between central, state and local governments are not adequately defined provides scope for the two higher political levels to interfere in the affairs of local government and to assert an inordinate degree of influence.¹⁵ The constitution empowers state governments to use their own legislative powers to regulate the organisation, composition, structure, financing and functions of local governments. This gives states, and especially governors, a huge amount of power and control over local politics. This explains why there are such big differences in the level of autonomy enjoyed by local governments in the various different states.

The issue of autonomy is also on the agenda of the National Conference. The Nigerian Union of National Government Employees (NULGE) has been particularly vociferous in its calls for more self-determination.¹⁶ It has been highly crit-

14 | Cf. Diejomaoh/Oboh 2010; Allwell Okpi, "Local governments' battle for autonomy", *The Punch*, 10 Jun 2012, <http://punchng.com/politics/local-governments-battle-for-autonomy> (accessed 19 May 2014).

15 | Cf. *ibid.*; Ejikeme Nonso Alo, "Fiscal Federalism and Local Government Finance in Nigeria", *World Journal of Education*, Vol. 2, No. 5, 2012.

16 | Cf. "NULGE Canvasses Local Government Autonomy in National Conference", *Nigeria News Digest*, 8 Apr 2014, <http://nigerianewsdigest.com/%EF%BB%BFnulge-canvasses> (accessed 19 May 2014).

ical of the way local democracy has been undermined by the establishment of non-elected committees in the place of the Local Government Councils.¹⁷

CARETAKER COMMITTEES AND DUBIOUS ELECTIONS

Elections to Local Government Councils should in theory take place every three years. In reality, however, there have been repeated delays since the first elections in 1999 and

There have been repeated delays since the first elections in 1999 and in many states there have been no elections at all for a long time.

in many states there have been no elections at all for a long time. Here, the elected councils have been suspended by the state parliament or state governor and replaced by a "caretaker committee". In many cases, a committee chair has then been appointed who acts as the governor's direct representative. Although this goes against the country's principles of democracy and the rule of law and has attracted its fair share of criticism, it is still common practice in many states.¹⁸ According to a study published in May 2013, the governors of 25 of the 36 states had set up caretaker committees. Of the 774 local governments in the country, only 157 had elected Local Government Councils.¹⁹

In the states where there have been elections, these have mostly been held on an irregular basis and often given rise to questions about their credibility. It is the responsibility of the state electoral commission to run elections. Its members and chairs are appointed by the governor, so they cannot really be considered as independent. When local elections do take place, they are usually overshadowed by accusations of manipulation. Indeed, electoral

17 | Cf. "National Conference: Delegates canvass for council's autonomy", *Vanguard*, 7 Apr 2014, <http://vanguardngr.com/2014/04/national-conference-delegate-canvass-councils-autonomy> (accessed 19 May 2014).

18 | Cf. i.a. Okechukwu I. Eme and Edwin Izueke, "Local Government and Fiscal Autonomy for Local Government In Nigeria", <http://omicsonline.com/open-access/2315-7844/2315-7844-1-125.pdf> (accessed 19 May 2014); K. Asaju, "Local Government Autonomy in Nigeria: Politics and Challenges of the 1999 Constitution", *International Journal of Advanced Legal Studies and Governance*, Vol. 1, No. 1, 2010.

19 | Cf. Jude C. Okafor and Ikechukwu H. Orjinta, "Constitutional Democracy and Caretaker Committee in Nigeria Local Government System: An Assessment", *Commonwealth Journal of Local Governance*, No. 12, 2013.

statistics show that in the overwhelming majority of cases the successful candidates belong to the ruling party of the state in which the elections are held. As a result of these problems, there have been calls for local elections to be governed by the Independent National Electoral Commission.²⁰

FINANCIAL DEPENDENCIES

One of the key issues that affects local governments' autonomy and ability to act is funding. The main problem is that they lack any real independence. Local governments are to a large extent dependent on the allocation of funds from central government via the Federation Account (generally 60 to 80 per cent of their budgets), which in turn is predominantly funded by oil revenues. The allocation formula that is used allows for only 20 per cent of the money to go to local government, while the rest is divided up between

Because the more lucrative taxes and duties are levied by the central government, local governments have few meaningful sources of revenue left.

central government and the states. The money made available to local governments is not sufficient to allow them to effectively carry out the tasks and duties assigned to them, and any additional revenues that are generated locally are not enough to make up the shortfall. This is largely due to the fact that the more lucrative taxes and duties are levied by the central government, leaving local governments with few meaningful sources of revenue. Added to this is the fact that a large proportion of the money that the local governments should receive from the central government allocation fails to even reach them.

They do not actually receive the money direct from the Federation Account. Under the terms of the constitution, the money is allocated via the state governments. For this reason, each state has a State Joint Local Government Account, a common pot of money held at state level into which the local government funds are paid. This mechanism is highly controversial, as it hands the state governments control over the flow of funds and creates yet another level of dependency for the local governments. Although the

20 | Cf. Amina Mohammed, "New study offers ways to improve local government elections in Nigeria", *Premium Times*, 20 Nov 2013, <http://premiumtimesng.com/news/150042-new-study> (accessed 19 May 2014).

states are only meant to be the administrators of these funds, critics claim they regularly help themselves to the money, with the result that local governments only receive part of the money due to them.²¹ There is also a danger that this mechanism and the dependencies it creates could be misused for purely political purposes. It is often the case, for example, that funds are allocated to a local government not on the basis of the needs of the local community, but as a reward to local politicians for their loyalty to the governor.²²

WIDESPREAD CORRUPTION AND A LACK OF CITIZEN PARTICIPATION

These dependencies and opaque political procedures work in favour of the corruption that is widespread at all levels of Nigeria's political system. It ensures that, even at a local level, self interest and personal gain are the main motivating factors, rather than a desire to make progress and meet the needs of local people.

It is not only the governors and state governments who are siphoning off money. Even though the money the local governments receive is not enough to cover all their administrative and personnel costs, council members and chairs still find opportunities for personal gain. Farida Waziri, the former Chair of the Economic and Financial Crimes Commission (EFCC), Nigeria's highest anti-corruption authority, complained that the executive members of local governments were no longer interested in addressing the needs of local people and were for the most part conspicuous by their absence: "They drive to the council headquarters in their jeeps from the state capitals

Even though the money the local governments receive is not enough for their administrative and personnel costs, council members and chairs still find opportunities for personal gain.

21 | Cf. Jude Okafor, "Local government financial autonomy in Nigeria: The State Joint Local Government Account", *Commonwealth Journal of Local Governance*, No. 6, 2010.

22 | Cf. Felix Akpan and Okonette Ekanem, "The Politics of Local Government Autonomy in Nigeria Reloaded", *European Scientific Journal*, Dec 2013, Vol. 9, No. 35, <http://ejournal.org/index.php/esj/article/view/2193/2078> (accessed 19 May 2014).

or the Federal Capital territory, pay salaries and share other monies and disappear until it is time to share the next subvention.”²³

Under these circumstances, it is local government’s ability to govern that is suffering and, ultimately, the people themselves. Many of the services the state is meant to provide are either lacking or simply not adequate. Many critics believe corruption is the main problem and is the reason for the “comatose state” and poor reputation of local governments.²⁴ Some observers, therefore, do not accept the argument that local governments are not in a position to carry out their responsibilities because they do not have enough funding. Increasing the funding allocated by central government would only serve to create more corruption.²⁵

Corruption at local level and the dependence of local governments on state governors are symptomatic of the prevailing political culture and logic in Nigeria, where patronage networks dominate events and state resources are used for personal gain and for securing political loyalty. And it is precisely this logic that stands in the way of reforms to the political system. The main beneficiaries have a vested interest in maintaining the system as it is, and they are the very same people who have the political responsibility for introducing the necessary reforms. It is doubtful, therefore, that the National Conference currently in session will find a way out of this dilemma.

What is lacking is a strong and committed civil society. Poor education standards and daily struggles for survival are major obstacles to people taking a greater interest in politics.

There is currently no counterbalance to the political establishment, especially at local level. What is lacking is a strong and committed civil society, along with a high level of citizen participation, especially in the poorer rural regions. Poor education standards and daily struggles for survival are major obstacles to people taking a greater interest in

23 | Jacob Olufemi Fatile and Raheem Akanni Okewale, “Corruption and Democracy in Nigerian Local Government”, 149, <http://omicsonline.com/open-access/2315-7844/2315-7844-1-128.pdf> (accessed 19 May 2014).

24 | O. O. Adeyemi et al., “Institutionalizing the culture of accountability in local government administration in Nigeria”, *African Journal of Political Science and International Relations*, Vol. 6, 2012.

25 | Cf. *ibid.*

politics. There is also a lack of awareness of political rights and opportunities for participation. People have little trust in the political system and formal opportunities for participation. The manipulation of the election process leaves many of them feeling resigned and powerless. Elected political representatives are rarely called to account, in part because there are no instruments in place to monitor and control public funds and services.

It is these shortcomings that serve to sustain the prevailing political system, while impeding development and the effective combating of poverty. As a result, the gap between rich and poor is likely to continue to grow. Superficial reforms to the political system will not be enough to stop this trend. Every effort must be made to improve people's participation in the political process, in the interest of making politics more development-oriented, more accountable and more subject to public scrutiny. This is where an organised civil society has a major role to play.

CONCLUSION

Decentralisation as currently practiced in Nigeria may be considered a major contributor to the crisis affecting its political system. However, it also has the potential to provide a solution to many of its problems. Necessary reforms include strengthening local autonomy, while at the same time promoting greater transparency and creating better ways of monitoring public services and expenditure. Constitutional reform would provide the means to correct some of the faults in the structure of the federal and decentralised political system. Ultimately, such reforms actually have to be put into practice and effective action taken to tackle any tendency to breach the principles of democracy and law and order. In this respect, it would be important to ensure that democratic elections continued to be held at a local level while doing away with caretaker committees once and for all.

Constitutional reform would provide the means to correct some of the faults in the structure of the federal and decentralised political system.

The role of the three political levels – central, state and local government – and the interactions between them needs to be more clearly defined and changes made to the system for allocating funding. In addition to simply

strengthening the financial clout of local governments, it is important to reduce unnecessary dependencies by abolishing the State Joint Local Government Account, for example, and by allowing local governments to generate more financial resources locally. It is also essential to have a more effective process for dealing with corruption in order to prevent the misuse of public funds.

These types of recommendations have been made before and are also on the agenda of the National Conference, but whether they are likely to be taken up and implemented is highly debatable. The political elite's lack of interest in genuine reform and the dominance of the federal government and state governors are likely to present serious obstacles to progress. So it remains to be seen whether the National Conference turns out to be a step in the right direction. Unfortunately, past experiences and the latest signs coming out of the country suggest that this is unlikely. This is why the critical and ongoing involvement of Nigerian civil society is so important. Irrespective of whether the National Conference produces some of the necessary reforms, it is important that civil society takes advantage of opportunities for participation and encourages citizens to become more involved through education and increased political awareness. Perhaps this is the way to produce a faint, but nonetheless vital, glimmer of hope.

The views expressed here are those of the author alone.