

## THE LEGISLATURE AND REPRESENTATIVE DEMOCRACY IN THE LOCAL GOVERNMENT SYSTEM OF NIGERIA'S FOURTH REPUBLIC

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### ABSTRACT

The desire for local democracy informed the series of reforms in the local government system of Nigeria's plural society. This is in recognition that democracy and sustainable development is rooted in functioning local institutions that engage people in their own governance and are nearest the community and hence, knows their human and natural resources. Despite these reforms, Nigeria's local government system is yet to realize these objectives. This paper critically reviews the operation of Nigeria's local government system and unveils the near absence of the legislative organ which is the vehicle of social engineering and democratic consolidation. It argues that the legislature is indispensable to local governance and its effectiveness is central to local democracy through which sustainable development can be realized. This necessitates strengthening legislative capacity of the local government by addressing state government excessive control of local government councils in Nigeria. An institutional review of local government elections is therefore, imperative for local government autonomy in the country.

**Keywords:** Legislature, Local Government, Democracy, Sustainable Development, Nigeria

## INTRODUCTION

The essence of local government is the widely held belief that formulation of policies that are sensitive to local political, administrative and socio-economic conditions are likely to be more effective in encouraging economic development than centrally determined policies that ignore these geographical differences (Sellers, 2007; Schneider, 2003; Mukoro, 2009). Besides, the more governmental authority is devolved to local bodies, the better informed is government about the specifics of local circumstances that will enable it tailor policies and actions towards local needs and preferences (Stewart, 1998; Olasupo & Fayomi, 2012). As the level of government that is closest to and the most accessible by the people, local government serves as the tier of public authority that the citizens first look to in addressing their immediate social problems (Sellers, 2007) and making sustainable development a concrete reality in local communities (Happaerts, 2012). Local government is therefore, seen as enhancing a democratic polity, sustainable development and sustainability because of the involvement of citizens in the policy process and hence produce decisions based on local needs. Thus, local government administration and services have a major implication for securing balanced environmental protection and socio-economic development (Olsson, 2009). Conversely however, empirical studies have shown that highly centralized administration is expensive, cumbersome and inflexible to run and is easily vulnerable to abuse (Wit, 2000). Governmental centralization leads the government to provide public goods that diverge from the preferences of the citizens in particular regions, provinces, states or local governments (Adedokun, 2004). As noted by Oates (1993), when these preferences vary among geographical areas, a uniform package chosen by a nation's government is likely to force some localities to consume more or less than they would like to consume.

While full-scale direct participation can be very difficult in the modern society as the vast number of citizens cannot always be gathered in order to directly participate in all decision-making processes, the modern democracy, popularly called representative democracy, allows political power and influence, which the entire citizenry or a part of it might have upon governmental action, to be exercised on its behalf by a small number of elected individuals (Chikerema, 2013). The emergence of democratic governance in various parts of the world has therefore, raised increasing concern of both old and newly democratized governments about creating more open, responsive and effective local government and the enhancement of community based citizens participation (Sellers, 2002; Schneider, 2003).

In Nigeria, the desire to strengthen its local government administration and thus, makes it a veritable tool for taking the 'dividend' of democratic government and development to the people at the grassroots informed the series of reforms that have been carried out on this third tier government of Nigeria's federal political structure since 1976. This is because of the recognition that democracy is rooted in functioning local institutions that engage people in their own governance (Wunsch, 2004). Regrettably however, while local government is the closest tier of government to the people in Nigeria, the resident population in it is denied the benefits of its existence (Olabode & Akingbesote, 2007). Despite the various local government reforms in Nigeria and the recognition of its role, this level of government has remained in the rot and has not been able to achieve its aim of grassroot democracy and sustainable development in Nigeria (Ojo, 2005; Mukoro, 2009; Olasupo & Fayomi, 2012).

The fact that the legislature is regarded as the laboratory of, and indispensable for democracy (Sanchez, 2000; NDI, 2006) and plays a pivotal role in democratic governance (Cohen, 1967; Oni, 2013) is the basis for making this institution of democratic governance the focus of this paper. The legislature is seen as the preeminent forum of citizens' representation through which governmental power is carried on in accordance with the wishes of the people (Dahl, 1986; Weingast, 1989; Joshua & Oni, 2014). The paper is divided into five sections. The first is the introduction while the second section interrogates the theoretical and conceptual framework of the subject matter. Section three traces the evolution of local government in Nigeria, while section four examines the legislative politics and representative democracy in the Local Government System of Nigeria with particular focus on the Fourth Republic. The fifth chapter draws the conclusion and recommendations for local democracy in Nigeria.

### **LEGISLATURE, DEMOCRACY, LOCAL GOVERNMENT AND SUSTAINABLE DEVELOPMENT: A THEORETICAL FRAMEWORK**

The legislature has been seen as occupying a key position in the machinery of government (Heywood, 2007) and as the people's branch with the singular purpose of articulating and expressing the collective will of the people (Bernick & Bernick, 2008; Okoosi-Simbine, 2010). As an organ of government, it is the principal forum for citizens' representation and the preeminent medium in which people seek to articulate their interest through their representatives and to see that the government is carried on in accordance with their wishes (Macey, 1993; NDI, 2006). Carey (2006) conceptualizes the legislature as a body with large membership that offers the possibility both to represent more accurately the range of diversity in the polity and to foster closer connections between representatives and voters. To Anyaegbunam (2000), the legislature is the institution having the role of making, revising, amending and repealing laws for the advancement and well being of the citizenry that it represents. Lafenwa (2009) defines the legislature as an official body, usually chosen by election, with the power to make, change, and repeal laws; as well as powers to represent the constituent units and control government. Okoosi-Simbine (2010) sees the legislature as the law-making, deliberative and policy influencing body working for the furtherance of democratic political system. He describes the legislature as the First Estate of the Realm, the realm of representation and the site of sovereignty, the only expression of the will of the people. It follows from this analysis that the authority of the legislature is derived from the people and should be exercised according to the will of the people who they represent. This is the position of Bogdanor (1991) when he affirms that the authority of the legislature as a political institution is derived from a claim that the members are representative of the political community, and decisions are collectively made according to complex procedures. Similarly, Oni (2013) argues that the legislature is the primary mechanism of popular sovereignty that provides for the representation in governance, of the diverse interests in a multicultural and subnational society. Perhaps, it is in the light of this that Smith (1980) sees the legislature as the symbol of power and legitimacy because its decision is based on the collective wisdom of men and women who enjoy the confidence of the electorate. Jewell (1997) on the other hand, identified legislation and representation as the features that distinguish the legislature from other branches of government. According to him, the legislature possesses formal authority to make laws, and members are normally elected to represent various elements in the population. It is on the acknowledgement of the representative role of the legislature that Carey (2006) argues that plural societies warrant representation of broad diversity within the legislature. Loewenberg (1995) and Okoosi-Simbine, (2010) seems to concede to this important notion of the legislature as the people's representative when they

view the legislature as assemblies of elected representatives from geographically defined constituencies, with lawmaking functions in the governmental process of a country. Thus, Davies (2004) averred that representative liberal democracy cannot exist without a healthy, lively and credible legislature. He noted that the establishment of the legislature rests on the assumption that in the final analysis, political power still resides in the people and that the people can, if they choose, delegate the exercise of their sovereignty to elected representatives.

The centrality of the legislature to democratic governance is brought to the fore by Blondel (1973) when he noted that democracy cannot exist in any country without a healthy and lively legislature. Supporting this assertion, Heinemem (1996) noted that legislative activity is important to the advancement of democracy. Similarly, Bogaards (2007) and Poteete (2010) argued that the strength, composition and the state of the legislature is one of the strongest measures and predictors of a country's democratic development and survival while NDI (2006) sees democracy as dependent on legislature. Thus, as posited by Oni (2013), the legislature occupies a fundamental place in democratic governance and performing crucial role of citizens' representation for the advancement and well being of the citizenry. In the same vein, Edosa & Azelama (1995) noted that the nature of the legislature that is adopted determines whether a given political system is democratic or not. This is because while democracy has been defined in many different ways depending on the influence of many factors including culture, tradition, ideology and politics, what is much less crucial is that citizens would like to have at least some meaningful say in how they are represented by their governments (Janzekovic, 2010). That is why Appadorai (1976) defined democracy as a system of government under which the people exercise the power either directly or through representatives periodically elected by them. In a similar dimension, Cohen (1971) defined democracy as that system of community government in which by and large, the member of a community participate, directly or indirectly, in the making of decisions which affects them all. Democracy can therefore denote either direct or indirect rule by the people. It is a form of government that is based on the consent of the people in which the people have universal franchise to decide on those to rule them (Dahl, 1986). As noted by Laski (1982) however, the benefit of democratic government cannot be fully realize unless we admit that all problems are not central problems, and that the result of problems not central in their incidence requires decision at the place, and by the person, where and whom the incidence is most deeply felt. This argument brings to the fore, the imperative of local government system to democracy.

The fundamental of local government to democratic government is noted by Haque (2012) when he argued that without local government's system, it is not possible to consider any political system to be complete and entirely democratic. In fact, local government is identified to be one of the most consistent institutional features of democracies around the world. This position is upheld by Agagu (1997) who argues that the concept of local government involves a philosophical commitment to democratic participation in the governing process at the grassroots level. This is because democracy must be rooted in functioning local, participatory self-governance institutions (Wunsch, 2004). This is perhaps the view of Meyer (1978) when he explains local government as local democratic governing unit within a country, which are subordinate members of the government vested with prescribed, controlled governmental powers and sources of income to render specific local services and to develop, control and regulate the geographic, social and economic environment of defined local area. To Shah (2006), local government refers to specific institutions or entities created by national constitutions, by state constitutions, by ordinary legislation of a higher level of central government, by provincial or state legislation, or by executive order to deliver a range

of specified services to a relatively small geographically delineated area. Similarly, the United Nations (1961) conceives local government as a sub-division of a nation or state constituted by law with its governing body either elected or locally selected with substantial control of local affairs. Appadorai (1975) also defined local government as a government by the popularly elected bodies charged with administrative and executive duties in matters concerning the inhabitants of a particular district or place. In a similar dimension, the Nigeria's 1976 local government reform defines local government as government at local level exercised through representative council established by law to exercise specific powers within defined areas (Guidelines for Local Government Reforms (GLGR), 1976). For Lawal (2000), local government is that tier of government closest to the people vested with certain powers to exercise control over the affairs of people in its domain. It is on the basis of the centrality of democracy to local government that Stewart (1998) avers that local government is not distinguished by the services it provides, important though, it is distinguished by its basis in local democracy.

The views of scholars above suggest that local government is expected to play the role of promoting the democratic ideals of a society and coordinating development programme at the local level. In this regards, local democracy is viewed as imperative to the achievement of sustainable development. This position is brought to the fore by the assertion of Happaerts (2012) that local government is key to making sustainable development a concrete reality in local communities because of the recognition of its closeness to the citizens and societal group. As Ocheni, Atakpa & Nwankwo (2012) opine, sustainable development is people-centred and involves the full utilization of all available material resources and the full participation of the various people at the grassroot level for their own development. Sustainability is locally specific and more a matter of local interpretation (Zeijl-Rozema, Covers, Kemp & Martens, 2008).

Sustainable development though, suffers a multidimensional complexity and divergent interpretations, some of the basic fundamentals of the concept are economic development, social development and environmental sustainability (Pohoryles, 2007; Zeijl-Rozema, et al., 2008; Ciegis, Ramanauskiene, Martinkus, 2009; Olsson, 2009; Jukneviene & Kareivaite, 2012). Olsson (2009) for instance, posited that ethical principles of human biosphere interdependence, human-human interdependence, intergenerational equity and participatory decision-making make ecological, economic and social dimension the elements of sustainable development. Similarly, Gorica, Kripa & Zenelaj (2012) identifies the core of sustainability as environmental social and economic sustainability. Pohoryles (2007) in his sustainability rectangle, identified environmental responsibility, social responsibility, economic responsibility and democratic governance and public participation as pivotal to sustainability. The UN World Commission on Environment and Development (WCED) (the Brundtland report, 1987) however, defines sustainable development as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Similarly, Arowolo (2013) conceives sustainable development as a mode of human development in which resource use aims to meet human needs while preserving the environment so that these needs can be met not only in the present, but also for generations to come. Jukneviene & Kareivaite (2012) describe sustainable development as a system in close and long-term relationship combining dynamic economic, social and environmental subsystems. For Ocheni, Atakpa & Nwankwo (2012) sustainable development should enable a people to realize their full potential, building self-confidence, dignity and fulfillment. It should free people from the evils of want, ignorance, deprivation and exploitation; and correct existing imbalances and injustices in the society. The fact that sustainable development is people-centred and involves the participation of the various people at the grassroot level makes

local democracy indispensable to sustainable development. Stressing the imperative of democratic local governance to sustainable development and sustainability, Arunachalam (2012) asserts that local democracy places community interest and values before individual self interest and directs the attention of individuals towards collaborative action for achieving economic efficiency, human development and environmental sustainability. For Oluwatobi (2012), local democracy serves as veritable avenue through which transparency, accountability good governance and the rule of law essential for sustainable development can be achieved. Similarly, Olsson (2009) affirms that local governance involves intensive interaction with citizens that is crucial for sustainable peace, freedom, security, respect for all human rights, equality, transparent, accountable and effective public institutions, and civil society participation which are interrelated with sustainable development. On the basis of this analysis, it can be inferred that local democracy is imperative to the achievement of sustainable development.

## **EVOLUTION OF LOCAL GOVERNMENT SYSTEM IN NIGERIA**

Local Government system in Nigeria is traceable to the pre-colonial period when powerful empires and kingdoms existed in Nigeria's traditional societies. These traditional societies such as the Oyo Empire, Borno Empire, Sokoto Empire, Jukun Kingdom, Nupe Kingdom, and Igala Kingdoms, among others, had other smaller districts, wards, towns and villages which were subjected to them. The subordinate governments which could be referred to as Local government operated their own unique administration suitable for their cultural and religious needs and aspirations. The bulk of the administrative activities of these kingdoms and empires took place at these levels (Asaju, 2010).

The introduction of Native Authority system by the colonial government however, changed the local government administration from the traditional to the British colonial government in Nigeria (Abutu, 2011). This is because colonial rule was anchored on local administration via indirect rule. Indirect rule was noted for two things mainly: to make colonial government more effective and acceptable to the people and their natural rulers (the natural rulers accepts colonial proposals, make it their own and handed them on to the people, backing it up with their own authority); and to train the chiefs and their councils so as to make them efficient organs of local administration (Akpan, 1982:12). The indirect rule anchored on the local government system made the people felt that in spite of colonial rule as well as the evolving colonial state of Nigeria, their respective aspirations and values were still being preserved (Abutu, 2011).

Governance of the country which was subsequently skewed in favour of federalism epitomized by regional governments gave impetus to local administration. As time went by, regionalism under the evolving federal framework, culminated in local government been listed under residual matters and residual matters were the exclusive preserves of the regions with implication for the existence of different local government structures across the country (Adedokun, 2004).

The first major reform in local government system was in 1976 during the military administration of General Olusegun Obasanjo which formed the foundation of local government system today (Diejomoh & Eboh, 2010). In September 1973, the Public Service Review Commission under the Chairmanship of Chief Jerome Udoji was set up known. The commission, among other things, was charged with the responsibility of examining the organization structure and management of the public service including local government services and recommends desirable reforms where necessary. The commission recommended the need to re-examine the whole structure of the local government system with a view to adopting a single-tier system. The government in power however, turned down the recommendation (Oyediran and Gboyega, 1981).

The military regime that took over in July 1975, included a systematic and deliberate reorganization of the local government set up in its five-stage programme announced on October 1<sup>st</sup>, 1975 and also provided for election into the local council (Oyediran and Gboyege, 1981). The 1976 local government reforms introduced a uniform system of local administration throughout the whole country (Diejomoh and Eboh, 2010). The core aspect of the reforms was however, the democratization of the local government system in Nigeria which led to the increase in its autonomy both in functions and financial base (Abutu, 2011). The local council made up of a Chairman and councilors were to be elected for a definite term. In this respect, the reforms paved the way for participation and involvement of people at the grassroots level in their local affairs (Asaju, 2010).

As a tier of government with constitutionally allocated functions, it was entitled to a share of national revenue (Diejomoh and Eboh, 2010). In fact, each local government was given 100 million naira during the 1976/77 financial year (Awotokun, 2005). For the purpose of viability, the reforms of 1976 also introduced population criterion under which a local government could be created. Consequent upon this was the adoption of a population of within 150,000-800,000 before an area can be carved out as a local government council (Diejomaoh and Eboh, 2010).

The 1979 constitution basically adopted and incorporated these reforms. The passage of the revenue allocation Act of 1981 entitled local government to 10% of the federation account (Diejomaoh and Eboh, 2010). The 1999 constitution preserves the tripartite system of government at the grassroots level. The executive organ consists of the local government Chairman as the head, assisted by the Vice-Chairman and is armed with power and independence to implement duly formulated policies. The legislature of councilors headed by a leader and equipped with independence to perform the role of a parliament and representing the wards which make up the local government area and an independent judiciary which though, is outside the jurisdiction of the local government and operating as a part of the federal and state grill, avails itself of the judicial process to the local government (Awotokun, 2005). In essence, the 1999 Constitution guarantees the system of local government by democratically elected government councils as the case with the federal and state's political institutions and its structural framework is a perfect transplant of the Presidential system which, it is believed, serves the needs of Nigeria's plural society and efficient delivery of democracy.

## **THE LEGISLATURE AND REPRESENTATIVE DEMOCRACY IN THE LOCAL GOVERNMENT SYSTEM OF NIGERIA'S FOURTH REPUBLIC**

The basic philosophy surrounding the existence of local government in Nigeria, among others, is the need to foster the existence of democratic self-government (Tobi, 2005). According to the 1976 local government reform, the government at local level of Nigeria is to be exercised through representative council established by law to exercise specific powers within defined areas and its officials are to be elected at specified period of time (Guidelines for Local Government Reforms (GLGR), 1976; Igbuzor, 2003). This democratic imperative of local government system has been amplified in the successive constitutions of the country. The 1999 Constitution of the Federal Republic of Nigeria upon which the Fourth Republic anchors provides in Section 7 that;

The system of local government by democratically elected government councils is under this constitution guaranteed, and accordingly, the government of every state shall, subject to the Section 8 of this constitution, ensure their existence under a law which provides for the establishment, structure, composition, finance and functions of such councils.

The implication of this provision is the recognition of local government system in Nigeria as a legal entity distinct from the state and federal government and administered by democratically elected officials with specific array of autonomous powers to perform a range of functions, plan, formulate and execute its own policies, programmes and projects, and its own rules and regulations as deemed for its local needs assigned it by law (Fajobi, 2010; Asaju, 2010).

The 1999 Constitution also preserves the tripartite system of government, as earlier stated, within the presidential model, at the grassroots level - the executive, the legislature and the judiciary (Awotokun, 2005). The executive is vested in the chairman, vice-chairman, supervisor or supervisory councilors, and the whole machinery of local government bureaucracy. The Chairman as the Chief Executive is conferred with the power of policy implementation. He is directly elected by eligible voters in the local government area, and governs in collaboration with the legislative arm of the local government.

The legislative functions on the other hand are meant to be performed by the Councilors elected from single member wards to represent the wards which make up the Local Government Area. The Councilors elect leaders among themselves to direct the business on issues affecting the council area similar to what is obtainable at the Federal and State level, i.e., the National and State Assemblies. The term of both the chairman and council of the LGAs is currently three years, but varies from state to state, depending on what has been legislated by the State House of Assembly (Diejomoh & Eboh, 2010). The judiciary on the other hand is streamlined with the federal and state and local government can avail itself of the judicial process available to it. Apart from this, there must be periodic elections into the councils of these local governments as is the case with the federal and states' political institutions (Igbuzor, 2002). This becomes imperative as local governments are seen as training grounds for higher level of political responsibilities in the federation (Awotokun, 2005). In fact, section 7(6) of the 1999 Constitution provides for a democratically elected Local government Council. While the Constitution provides for a four year tenure for Federal and State political office holders, it is however silent on the tenure of the local government political office holders. As noted by Fajobi (2010) the idea behind creation of local government in a democratic society is to make people at grassroots level to participate in government. This participation is done through the elected representative of the people who make decisions on behalf of and with the expressed or implied approval of the community. The decisions made thus have a binding effect upon the whole community that is represented. Going by the organizational framework, local government system in Nigeria, particularly as contained in the 1999 Constitution, ought to offer a near-perfect vehicle for the expression of popular will. The assembly of elected councilors is the mouthpiece of the grassroots because in a representative democracy, the legislature is seen as the representative of the wishes, expectation and aspiration of the people in the government (Dahl, 1986; Weingast, 1989; Macey, 1993). The elected Chairman is however, the spearhead of implementation action on collectively endorsed policies.

Furthermore, an important element of local government administration is sovereignty mostly referred to as autonomy which is the ability of the Local Government to take some political, economic and social decisions without recourse to any of the two superstructures - State and Federal Governments (Sellers and Lidstrom, 2007). The Nigerian Constitution 1999 is rather equivocal on the autonomy and powers of local governments in relation to the state government. Article 7 empowers the state government to enact legislation with regard to the establishment, structure, composition, finance and functions of democratically elected local government councils. According to Section 14 (2A) of the 1999 constitution, sovereignty belongs to the people of Nigeria from whom the government derives its authority and power. This connotes that sovereignty at the local level belongs to the local people from whom the government at the local level derives its authority and power.

The operation of local government system in Nigeria, particularly, the Fourth Republic, however, continued to contradict these basic principles of local democratic structure as enunciated in the constitution. State governments continue to exercise virtually unlimited jurisdiction in these same arenas (Diejomaoh and Eboh, 2010). In many circumstances, State governments appoint Local Chief Executives under different appellations such as Sole Administrator, Council Manager System, Care-taker Committee, Transition Committee and Electoral College or Cabinet System to oversee the affairs of the councils (Umor, 2013; Olasupo, 2013; Obateru, 2013; Edeh, 2013). In fact, out of 36 States in Nigeria, only 13 states, among which are Enugu, Rivers, Jigawa and Lagos, have their local governments run by duly elected representatives (Olaniyi, 2005; Balogun, 2012). Anambra state for instance, has not conducted election in its LGAs since the return of democracy in 1999 (Balogun, 2012). Similarly, the successive governors in Imo state, in the same South East, have preferred using appointees to run local governments as against constitutional provision for elected officers (Omar, 2013).

In spite of the resolution of the National Assembly that states should conduct elections for the administration of local governments, the Plateau State Independent Electoral Commission (PLASIEC) is yet to announce a time-table for conduct of election for the 17 local councils of the state (Obateru, 2103). The last elected local government administration in Abia and Bauchi States was in 2008 and in 2010, the State governments appointed a caretaker committees with a renewable tenure based on the Governors' satisfaction with their performance and has since been using the system to run the councils (Edeh, 2013; Okoli, 2013). Local councils in Osun and Oyo States have not had more than four years of elected councils since the return to civil rule in 1999, while the elected local government councils in Kaduna state in the North West were dissolved just before the general elections in 2011 and since then, the local government councils have been administered by Caretaker Committee inaugurated by the Governor (Omar, 2013). The running of local government by undemocratic means such as sole administrator or caretaker committee completely throws away the legislative organ in the local government and consequently denied the people in the grassroot the opportunity of electing their representative. Moreover, as Haque (2012) argues, the basic foundation for political leadership is served in shape of training provided by local government, particularly for those individuals who intent to further prosper their career in national politics. Buttressing this position, Laski (1931) avers that if M.P's (members) prior to their entry was officially permitted, allowed to serve tenure of three years on local grounds, they would attain the experience of foundations so essential to prosper. Undoubtedly, therefore, local democracy provides viable training ground for legislators to avail experiences in politics especially, the mechanism of legislation and oversight. The near absence of legislative politics at the local level is therefore, a denial of the basic training foundation for political leadership that local democracy is meant to provide.

In states that have conducted their local government election, in most cases, the candidates are handpicked by the state governor, imposed on the party, with state machinery deployed to ensure they emerge victorious at the polls (Oni, Chidozie and Agbude, 2013; Wilson, 2013). The 1999 Constitution of Nigeria as amended saddles state governments with the power to organize elections into local governments through the State Independent Electoral Commission (SIEC) established by such state. The state governor appoints the chairpersons and commissioners of SIEC (Omar, 2012). This act has made the SIEC institutionally weak and susceptible to the appointing authority thus, in most cases, conducts of local government elections do not to satisfy the democratic will of the local people (Osinakachukwu & Jawan, 2011; Oni, Chidozie & Agbude, 2013). Consequential upon this is the fact that the members of legislature who emerges from this undemocratic process would not be true representatives of the people.

The operation and effectiveness of representative institutions is greatly influenced by the structure, the powers and opportunities given to them in the institutional set-up and on their personal abilities and skills to use the available opportunities (Macey, 1993; Weingast, 1989; Mezey, 2008). The legislative assemblies at the Local government level of Nigeria obviously appeared lacking in capacity and skills to perform their oversight function while their tenures are often wasted on parochial issues at the expense of the masses (Diejomaoh, 2010; Wilson, 2013). The implication of this is that activities of governments and the implementation of policies and programmes would not be investigated to ascertain the extent to which they represented the peoples' interests. State's government subjugation incarcerated the Councillors and hence hindered them from effectively performing its oversight function through scrutiny and investigations. A concomitant of this is the displacement of good governance based on transparency and accountability at the local government level due to the absence of representative democracy. It is not surprising therefore, that crass mismanagement and waste of government resources, misplacement of priorities, corruption, among others have been identified as the major cause of comatose state of local government administration in Nigeria, and a major hindrance to the realization of sustainable development in the country (Asaju, 2010; Abutu, 2011; Olasupo & Fayomi, 2012). This has undermined Nigeria's socio-economic growth and development potential. Little wonder that Nigeria now ranks amongst the least developed countries in the World Bank League table (Oluwatobi, 2012). While responsive, responsible and accountable governance has been identified as the basic principles and prerequisites to successful local government reform (Shah, 2006), several decades after the local government reform in Nigeria, the system is yet to realize these basic principles. Since the strength of a democracy declines dramatically when the legislative institution is excessively dominated and lacks the capacity to effectively influence policy and performs its oversight role (NDI, 2000), democratic governance in the local government level of Nigeria's Fourth Republic is very weak and faces tremendous democratic reversal. This is not only injurious to democratic consolidation, but also treacherous to sustainable development in Nigeria.

## **CONCLUSION**

It is quite incontrovertible that system of local government by democratically elected government councils has been recognized as indispensable for the Presidential system of Nigeria's plural society by bringing the so-called dividends of democracy nearer to the people and facilitating sustainable development of the country. Local democracy and its dividends

however, cannot be entrenched when the legislative organ in the local government system which is the vehicle of social engineering and democratic consolidation is completely absent. Regrettably however, despite the whole local government reform, this level of government has not been able to achieve its aim of grassroot democracy and sustainable development in Nigeria. The near absence of democratically elected local government councils and invariably the absence of the legislative organ in the Nigeria's local governments particularly the Fourth Republic, denies the people in the grassroots the representative democracy essential for the modern society. The legislature is indispensable to local governance and its effectiveness is central to democracy and sustainable development at the grassroot level in Nigeria. This necessitates the strengthening of the capacity of legislature in the local government. This can be achieved by addressing the issue of state government excessive control of local government councils in Nigeria. A constitutional and institutional review of elections at the local government level is at this juncture, imperative. SIEC should be made independent of the state governments to enable it conduct free and fair elections for the local government councils. Local government councils should be given autonomous by discontinuing the State-Local government joint account. Continuous training of local government legislative arm in the country by institutes such as the National Institute for Legislative Studies should be a mandatory exercise. This will enhance legislative professionalism of local government councilors in the country. The House of Assembly of each State in Nigeria should enact a law establishing an Economic Planning Board for each local government council within the State to participate in economic planning and development of the area as specified by Section 7 (2) of the 1999 Constitution of Nigeria. Furthermore, a vibrant civil society should be prioritized if democracy and sustainable development must be seen to take place at the grassroot in Nigeria.

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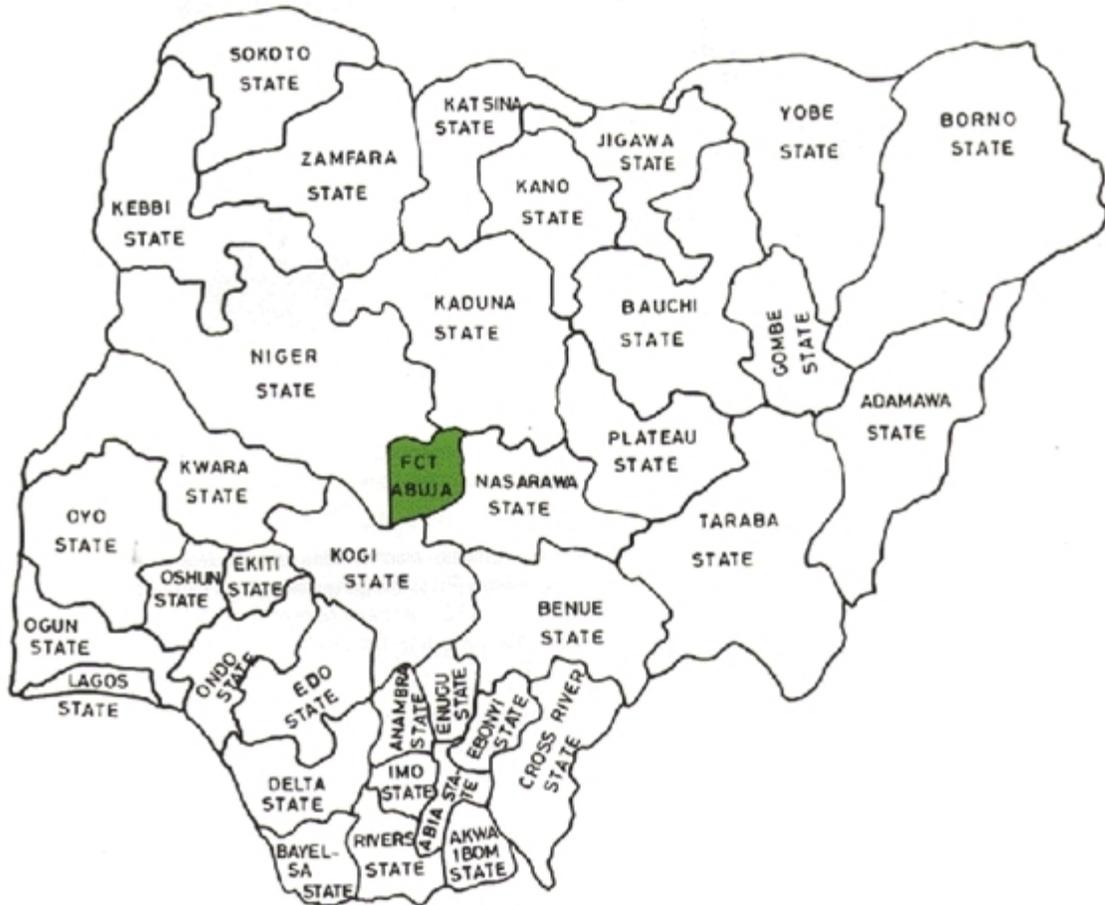
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Appendix A. Map of the Federal Republic on Nigeria



Source: Joshua (2013)