

# **Promoting the Culture of Democracy and Good Governance in Local Government Councils in Nigeria: The Role of the Legislature**

*Dr Aloba, Eni Eja*  
*eni.alobo@yahoo.com*

## **Abstract**

This article contends that despite the justification for the establishment of local government and its inevitable importance to the people at the grassroots level, this tier of government seems not to have justified the reasons for which it was established. The problems of local government are multifarious in nature and it is the concern of this paper to explain how the legislature can help to promote good governance at this level. The article notes that the legislature should be a critical component and necessary ingredient of democracy and good governance at the local government level. The definitions and scope of Democracy, Good Governance and the Legislature is explored with a view to establishing an inextricable nexus between these concepts as well as underscore the imperative of a viable and independent legislature for the institutionalization of democracy and good governance at the grassroots.

## Democracy, Good Governance and the Legislature

Nigeria is now enjoying the longest period of civilian (democratic) rule since independence in 1960. The first civilian republic ended in a military coup in 1966, ushering in a devastating civil war and several more military governments. In fact, during the 33-year period from 1966 until the fourth republic came into being in 1999, civilians only governed for four short years. Historically, therefore, the dearth of democratic experience has created enormous challenges to institutionalizing democracy in the Nigerian fourth republic. Nonetheless, it is critical to recognize the fact that the trend over the past decade, and especially since 1999, is modestly positive.<sup>1</sup>

What is this democracy that we seem<sup>2</sup> to be practicing now? Democracy is that form of government in which the sovereign power is exercised by the people. Thus, according to Abraham Lincoln, it is the government of the people by the people and for the people. Samuel P. Huntington perceives that democracy exists where the principal leaders of a political system are selected by a competitive election in which the bulk of the population has opportunity to participate. This view accords with the reasoning that democracy is synonymous with elections and multiparty system, since several parties are needed for there to be any competition between them<sup>3</sup>.

Representative democracy entails: the participation of peoples in the choice of government; the ability of political parties to move in and out of power through elections; the promotion and protection of human rights, including the freedoms of speech and dissent; the public debate of issues; minority rights; and check and balances in the exercise of government with the consent of the governed<sup>4</sup>.

Democratic regime is viewed as a political system granting to all citizens the regular and constitutional possibility of replacing the government by peaceful means if they decide to do so by a sufficient majority that enables them to avail themselves of non – violent, freely established parties and association of their choice, with none debarred, with a view to playing their role as citizens, and allows them in practice to enjoy fully all the commonly accepted civil rights, safeguard by legal guarantees written into a body of law that has higher authorities than the state and is submitted, in the event of complaints, to a judicial organ independent of the government.

Democracy<sup>5</sup> can only be based on the dual concern of setting up a government capable of ensuring social integration and therefore creating awareness of citizenship, and of

---

<sup>1</sup> Evaluating the trend line of Nigerian democracy requires a critical yet realistic perspective about the many barriers confronting Nigerian democrats. Indeed, in addition to overcoming the authoritarian legacies of colonial and military rule, the enormous size, ethnic diversity, and political complexity of Nigeria would daunt even the most talented and committed democratic reformers. When compared against perilous situations of neighboring states (e.g., Ivory Coast, Chad, Sudan, Congo), the fact that Nigeria survives as a united, democratic nation-state is no mean achievement and should be a cause for celebration. Realistically, however, institutionalizing full democratic processes in Nigeria is very likely to be a multi-generational undertaking. Relevant information at: <http://www.eurojournals.com/ejsr.htm>. Accessed on 25th September, 2012.

<sup>2</sup> Since 1999, Nigeria has not yet transitioned to a legal system or political culture that can be described as fully democratic. A disconnect between the legal and political processes has been a direct consequence of the military's approach to governance. The result has been citizens being subject to arbitrary government decisions. In the absence of effective legal recourse, citizens rely on their personal contacts and networks with elites or influential government officials. To move away from the extra-judicial means of pressing for political demands will require a different orientation towards respecting the rule of law regardless of who is in power. See Oromaregahake, P. (2009). *National Security, Political Stability and the Implementation of the Millennium Development Goals*. Abuja: Regional Bureaux and Country Office.

<sup>3</sup> S. P. Huntington, in S. P. Huntington and C. H. Moore (eds), *Authoritarian Politics in Modern Society*. New York: Basic Books, 1990, p. 509.

<sup>4</sup> N. Ardito – Barletta, *Democracy and Development*; the Washington Quarterly, Vol. 13, No.3, Summer 1990, P. 165.

<sup>5</sup> Formal democracies are political regimes characterized by vertical accountability through regular, free and fair election and by the lack of horizontal accountability. By contrast, liberal democracies are characterized by the fact that they are both vertically and horizontally accountable, that is by the fact that the power of the executive branch is constrained,

respecting the multiplicity of interest and opinions. Defining democracy as the free choice of rulers means giving the same importance to participation by citizens in an institutional order recognized as legitimate and to the representatives of the political officials, that is, to the autonomous existence of those in active society. Democracy cannot exist if individuals only belong to the private sphere or if, on the contrary, they are only the subjects of a state, even if the state grants them materials or other benefits. The field of political freedom of choice cannot exist if the existence of a public sphere and, in broader terms, a political society, is not recognized. Personal isolation, the fragmentation of society, the weakness of communication between social categories is almost insurmountable obstacles to democracy.

Simply put, governance means the process of decision making and the process by which decisions are implemented (or not implemented). Governance is an approach or perspective that focuses on state, societal institutions and the relationship between them as well as on how rules are made in a society which are accepted as legitimate to enhance values that are sought by individuals and groups within the society. Governance has also been identified with the founding values and constitutional policies that constitute the nature of governing institutions, guide their actions, and shape the complex relations between them and the society.

### **What then is good governance?**

Good governance is one that attempts to improve the system of government, to emphasize efficiency and responsibility for all institutions, to promote democratic principles and to establish a new relationship between government and civil society. Good governance is the process whereby public institutions conduct public affairs, manage public resources and guarantee the realization of human rights. Good governance accomplishes this in a manner essentially free of abuse and corruption, and with due regard for the rule of law. Good governance implies and requires that the processes of participation are guided by principles and standards of integrity, transparency and accountability; it is the function of local government administration to ensure that concerns of the most vulnerable in society are taken into consideration in decision making. It should be noted that the participation that will give rise to good governance is one that is devoid of manipulation through unethical and nontransparent practice.

The true test of good governance is the degree to which it delivers on the promise of human rights; civil, cultural, economic, political and social rights. Good governance<sup>6</sup> is the exercise of power or authority, political, economic, administrative or otherwise to manage a

---

checked and balanced by other branches of government and also by the fact that civil rights and political rights of individual and groups are protected. For more information see Dower, A. (2000). *Good Governance: Guiding Principle for Implementation*. Australia, Ministry for Foreign Affairs.

<sup>6</sup> Governance has two faces: first, the leadership which has responsibilities derived from the principles of effective governmental organizations. Second, the governed, that is the citizens, who are responsible for making relevant inputs to the socio-economic and political affairs of their society. In Other words, governance is a relationship between rulers and the ruled, the state and society, the governors, and the governed. It is important that the two principal actors be as close as possible to ensure the legitimacy, accountability, credibility and responsiveness of the rulers and the effective participation, corruption and responsiveness of the ruled is achieved. An important aspect of the relationships within and between the two components of governance is the change that usually occurs. For instance, laws regulating certain behaviors and activities may change after sometime. Where these changes become too frequent, without well through out appraisals, instability results and this may paralyze operations. Good governance is an essential precondition for sustainable development. Various countries that are quite similar in terms of their natural resources and social structure have shown strictly different performance in improving the welfare of their people. Much of this is attributable to standards of governance stifles and impedes development. In countries, where there is corruption, poor control of public funds, lack of accountability, abuses of human rights and excessive military influence, development inevitably suffers. See: **Unescape (2008)**. *Poverty, Development Division and Good Governance*, UN Web Site Locator

country's processes and institutions through which citizens and groups articulate their interests excises their legal rights and harmonies their differences.

Human beings are born into this world with the opportunity of making themselves live better in their various communities. Better condition of living for citizens, has been achieved in the developed nations of the world, like Britain, United States of America, Germany, Japan, China etc. In these countries, there are evidences of well-run educational system, good organization of industrial sectors, provisions of affordable shelters for the citizens, good national security and political stability. There are also explicitly the interdependence between growth, poverty reduction and sustainable development which acknowledge that development rests on the foundations of democratic governance, the rule of law, respect for human rights and peace and security. The developed nations have put in place some measures such as ensuring security and stability in the politics through actualization of national economic empowerment, making government more efficient and effective through public service reforms, monetization and pension reforms.

When we speak of the quality of a country's governance, however, we mean the degree to which its institutions (such as parliament) and processes (such as elections) are transparent i.e. not susceptible to corruption in international business transactions, and accountable to the people, allowing them to participate in decisions that affect their lives. It is also the degree to which the private sector and organizations of civil society are free and able to participate. "Good" or "democratic" governance exists when the authority of the Government is based on the will of the people and is responsive to them. It is when open, democratic institutions allow full participation in political affairs and when human rights protections guarantee the right to speak, assemble and dissent. And it is when Government and Governmental institutions are pro-poor, promoting the sustainable human development of all citizens.

Today the quality of governance is attracting more and more attention within and among countries. The number of democratic regimes continues to rise and good governance has become an important criterion for a country's credibility and respect on the international stage. Yet even as good governance takes hold, challenges to it also emerge. The greatest threats to good governance today come from corruption, violence and poverty, all of which undermine transparency, security, participation and fundamental freedoms.

Good governance has certain qualities to it. It promotes equity, participation, pluralism, transparency, accountability and the rule of law. And it is effective, efficient, responsive and sustainable over the long run. Governance must be rooted in these principles to move society toward greater human development through poverty eradication, environmental protection and regeneration, gender equality and sustainable livelihoods.

In practice, these principles translate into certain tangible things, such as:

- Free, fair and frequent elections;
- A representative legislature that makes laws and provides oversight; and
- An independent judiciary that interprets laws.

They also translate into the guarantee of human rights and the rule of law, and transparent and accountable institutions. When it makes sense, good governance also decentralizes authority and resources to local Governments to give citizens a greater role in governance. Finally, good governance ensures that civil society plays an active role in setting priorities and making the needs of the most vulnerable people in society known. In sum, governance is good if it supports a society in which people can expand their choices in the way they live; promotes freedom from poverty, deprivation, fear and violence; and sustains the environment and women's advancement.

Good governance has eight major characteristics. They are, participatory by both men and women which is the key to good governance. The next is the rule of law which requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights, particularly those of minorities. Impartial enforcement of laws requires an independent judiciary and incorruptible police force. The third point is transparency which means that decisions taken and their enforcement are done in a manner that follows rules and regulations. The fourth is responsiveness which means that good governance requires that institutions and processes try to serve all stakeholders within a reasonable timeframe. The fifth characteristic is consensus orientation. Good governance requires mediation of the different interests in society to reach a broad consensus in society on what is in the best interest of the whole community and how this can be achieved. It also requires a broad and long-term perspective on what is needed for sustainable human development and how to achieve the goals of such development. The sixth characteristic is equity and inclusiveness. A society's well being depends on ensuring that all its member feel that they have a stake in it and do not feel excluded from the mainstream of society. This requires all groups, but particularly the most vulnerable, have opportunities to improve or maintain their well being. The seventh characteristic is effectiveness and efficiency. Good governance means that processes and institutions produce results that meet the needs of society while making the best use of resources at their disposal. The concept of efficiency in the context of good governance also covers the sustainable use of natural resources and the protection of the environment. The last characteristic of good governance is accountability. It is a key requirement of good governance, not only governmental institutions but also the private sector and civil society organizations. Conclusively good governance is an ideal which is difficult to achieve in its totality. Very few countries and society have come close to achieving good governance in its totality. However, to ensure sustainable, human development and actions must be taken to work towards this ideal with the aim of making it a reality.

Many countries argue that the quality of their governance is an internal affair, a matter of national sovereignty. According to this view, what happens within borders should not be of concern to the rest of the world. However, we know that in today's interconnected and globalized world, there is no such thing as an insular state.

There are other compelling reasons for us to care about whether the quality of governance is good across the globe. For the good of their own people and for the sake of our common aims, we should help to strengthen the capacity of weak states to govern because countries that are well governed are both less likely to be violent and less likely to be poor. A country that protects human rights and promotes inclusion is less likely to have citizens who are alienated enough to turn to violence as a means of addressing their problems. And a country where the poor have a voice in their Government is more likely to invest in national policies that reduce poverty. When people's interests, needs and human rights are at the center of governance institutions and practices, there can be real progress in combating poverty. Good governance provides the setting for equitable distribution of benefits from growth. In short, more peaceful and more prosperous nations contribute to a more peaceful and more prosperous world.

### **The Legislature**

The constitution of the Federal Republic of Nigeria, 1999 has, in sections 4, 5, and 6, apportioned the powers of the Federation to the three arms of government – the Legislature, the Executive and the Judiciary. By so doing, the constitution has institutionalized the hallowed doctrine of separation of powers<sup>7</sup>. Thus, the Legislature is one of the arms of

---

<sup>7</sup> Sebastine Tar, *Constitutional Law and Jurisprudence in Nigeria* (Port Harcourt; Pearl Publishers, 2004) p. 37

government with specified functions. In the same vein, the constitution created three tier level of governance: The Federal; State; and Local Government with the National Assembly, state House of Assembly and Local Government Legislative Council<sup>8</sup> as their respective legislative arm.

The legislature is that branch of government responsible essentially for making statutory laws and for overseeing the activities and functioning of the executive branch of government<sup>9</sup>. Accordingly, the legislative power of the Federal, State and Local Government is vested in the legislature. Legislative power is the law making powers of a legislative body, whose functions include the power to make, alter, amend and repeal laws.

In essence, the legislature<sup>10</sup> has the power to make laws and such power is reposed exclusively in such body and cannot be delegated<sup>11</sup>. Legislation defines the distribution of authority/power and functions (division of powers) between local and central government. Thus, horizontal<sup>12</sup> separation of powers which is the division of powers among the Legislative, Executive and Judiciary organs of Government, which are independent and are of co-ordinate status is guaranteed under the under the Nigerian constitution.

Democracy is based on the notion that a people should be self-governing and that the representatives of the people should be held accountable for their actions. The legislature, which represents the people and acts as their agent, is therefore at the core of the Western democratic tradition. But what does a legislature really do, and what role does it play in a democracy?

For any democracy, deciding how to form the legislature, how to elect its members, what powers to invest in it (and in the other branches of government), how to provide rights and channels of expression for minority parties, and how to organize its internal functions and deliberations are crucial issues in determining how the government, and the democracy, will function.

There are no simple or universal answers to any of these questions, because cultural considerations, historical experiences, and political realities affect the evolution and development of legislative bodies. Some countries work best with a large election systems; others work best with geographically confined, single-member districts. Some legislatures have a strong role in foreign policy; others, no role at all. Some have well-developed and defined committee systems; others have no sophisticated division of labor. Some have two parties; others, many parties. But one thing is clear: no country can have a workable democracy without a vibrant and meaningful legislature and legislative process.

### **What Legislatures Do?**

Although legislatures are known primarily as lawmaking bodies, it is important to recognize that these institutions have many other important responsibilities. Despite what the dictionary says, legislatures are not the only governmental bodies that make and implement laws. Those in positions of executive authority, courts of law, and bureaucracies may at times perform these same functions.

---

<sup>8</sup> Created by Cross River Local Government Law.

<sup>9</sup> Bryan Garner ed. *Blacks Law Dictionary* 8 edn. (USA; West Publishing Co. 2004) p. 919

<sup>10</sup> The legislative branch of government promotes good governance by enhancing the *rule of law, accountability, participation, and transparency*. The three main functions of the legislative branch are to make laws, to oversee the activities of the other two branches, particularly of the executive and of bureaucratic agencies, and to engage in providing *services to constituencies*. The legislative function of the parliament is integral to the rule of law. The oversight function enhances accountability and transparency. Constituency work may further strengthen accountability and transparency, as well as foster participation.

<sup>11</sup> Vertical separation of powers is the distribution of legislative, executive and judicial powers among different tiers of government. This is exemplified by Federalism.

<sup>12</sup> Kehinde Mowoe, *Constitutional Law in Nigeria* (Ibadan: Malthouse Press Limited, F 2008) p. 93

The first and foremost characteristic of a legislature is its intrinsic link to the citizens of the nation or state--representation. As John Stuart Mill wrote in 1862, in a representative democracy the legislature acts as the eyes, ears, and voice of the people: "[T]he proper office of a representative assembly is to watch and control the government: to throw the light of publicity on its acts, to compel a full exposition and justification of all of them which any one considers questionable; to censure them if found condemnable....In addition to this, the Parliament has an office...to be at once the nation's Committee of Grievances, and its Congress of Opinions."<sup>13</sup>

In addition to gaining their legitimacy by representing the public will, legislatures have other distinguishing features. For instance, most consist of a rather large group of individuals who come together, at least in theory, as equals. While some members may assume leadership positions or special responsibilities, each member's vote is customarily weighed equally. Thus, legislatures operate under a system of collective decision making.<sup>14</sup>

Legislatures adopt policies and make laws through the process of deliberation. While usually based on some broad set of principles contained in written and unwritten constitutions, decisions need not proceed from the rule of law or specific legal precedents. In this way legislatures differ from the courts. In addition to their official lawmaking capacity, most legislatures perform a unique educational role. Individual legislators simplify complicated issues and define policy choices. They use their resources and expertise to filter information from many sources and to resolve conflicting ideological positions, ultimately presenting their constituents with clear-cut options. This educational function has become increasingly important as societies have become more complex, as the scope of government activity has become more extensive, and as the public has gained increased access to legislative proceedings, particularly via television.<sup>15</sup>

Another defining characteristic of most legislatures is the dual role of the legislators. On the one hand, the legislature makes laws that affect the entire nation (state or local government) and are presumably intended to be for the good of the nation as a whole. On the other hand, its individual members, the legislators, have a duty to represent the interests of their individual constituencies. This inherent tension is unique to representative forms of government that have districts.<sup>16</sup>

From this brief overview, it should be apparent that the legislature is a necessary ingredient for democratic governance in the complex societies of the modern world. Legislatures represent a permanent and independent link between the populace and the government. Through elections, petitions, lobbying, and participation in political parties and interest groups, citizens can express their will and affect the outcomes of the legislative process.<sup>17</sup>

## Local Government

According to the United Nations division of public administration, a local government is a political subdivision of a nation, or in a federal system, a state which is constituted by law and has substantial control of local affairs, including the power to impose

---

<sup>13</sup> Thayson, Uwe, Roger H. Davidson, and Robert G. Livingston, Eds. *The U.S. Congress and the German Bundestag*. Boulder, Colorado: Westview Press, 1990.

<sup>14</sup> Congressional Quarterly. *Guide to Congress*, third edition. Washington, D.C.: Congressional Quarterly, Inc., 1982.

<sup>15</sup> Chaleff, Ira, et al. *Setting Course: A Congressional Management Guide*, third edition. Washington, D.C.: Congressional Management Foundation, 1988.

<sup>16</sup> Greenstein, Fred I., and Nelson W. Polsby. *Handbook of Political Science. Volume 5: Governmental Institutions and Processes*. Reading, Massachusetts: Addison-Wesley, 1975.

<sup>17</sup> Ornstein, Norman J. *The Role of the Legislature in Western Democracies*. Washington, D.C.: American Enterprise Institute for Public Policy Research, 1981.

taxes or exact labour for prescribed purposes<sup>18</sup>. The 1976 Local Government Reforms defined it as government at Local level exercised through representative councils established by law to exercise powers within defined areas and has substantial control over local affairs as well as the staff and institutional and financial powers to initial and direct the provision of services and to ensure that local initiative and response to local needs and conditions are maximized. A Local Government is a political and administrative unit that is empowered by law to administer a specified locality.

Every local Government must have a given territory and population, an institutional structure, a separate legal identity, a range of powers and function authorized by delegation from appropriate central or intermediate legislature, and lastly within the ambit of such delegation, autonomy subject always to the test of reasonableness<sup>19</sup>.

There is no doubt that local governments are an integral part or aspect of government at the local level, administered by the representatives of the people in that area, in relation to matters affecting that locality as circumscribed by law<sup>20</sup>.

From historical perspective, modern local government administration in Nigeria can be traced to the British system of local government. But it should be stated however, that local administration did not start with the advent of British Administration in Nigeria, because some forms of system of local government administration pre-dated the British rule. Local government administration is one of man's oldest institutions. The earliest form of local government existed in the form of clan and village meetings. In fact, democracy itself originated and developed along the lines of local governance initiative in the ancient Greek city states.<sup>21</sup> The oldest local government in Nigeria is Ikot Ekpene.<sup>22</sup>

Local government has overtime experienced change in name, structure and composition. Between 1930s and 1940s, for instance, local government was known as chief-in-council and chief-and-council, where traditional rulers were given pride of place in the scheme of things. In the 1950s, election was introduced according to the British model in the western and eastern parts of the country with some measure of autonomy in personnel, financial and general administration. It was on this premise that the rising tide of progress, growth and development experienced in the local governments in these areas was based. The pace of this development was more noticeable in the south than in the north.

During this period, heterogeneity was the hallmark of local government as there was no uniformity in the system and the level of development was also remarkably different. The introduction of 1976 reforms by military administration of General Obasanjo brought about uniformity in the administrative structure of the system. The reforms introduced a multi-purpose single-tier local government system.

The reforms also introduced population criterion under which a local government could be created. Consequently, a population of within 150,000 to 800,000 was considered feasible for a local government. This was done to avoid the creation of non-viable local council and for easy accessibility. There was provision for elective positions having the chairmen as executive head of local government with supervisory councillors constituting the cabinet. This was complemented by the bureaucrats and professionals, such as Doctors, Engineers, etc., who were charged with the responsibility of implementing policies.

In 1991, a major landmark reform was introduced as the system had legislative arm. In addition, the Babangida administration increased the number of local government from 301 in

---

<sup>18</sup> Mckenzie WJN, *Theories of Local Government* (1964, London) p. 5

<sup>19</sup> United Nations summer on Local Government in Africa (Cambridge) p. 11

<sup>20</sup> Kehinde Mowoe, *Constitutional Law in Nigeria* (Lagos: Malthouse Press Limited, 2008) p. 240

<sup>21</sup> [www.wiki.answer.com](http://www.wiki.answer.com)

<sup>22</sup> *ibid*

1976 to 453 in 1989 and 589 in 1991. The Abacha regime also increased the number to 774 local councils that we have today and the administrative structure also underwent some changes.

In summary, it can be said that no public institution in Nigeria has been so subjected to frequent reforms than local government. Nearly every successive administration introduces one administrative change or the other. Apart from the celebrated 1976 reforms, state government officials have also introduced various manipulations.<sup>23</sup>

Each local government area is administered by a local government council consisting of a chairman who is the chief executive of the local government and other elected members who are referred to as councilors. Each of the Local Government Area is further subdivided into wards with a minimum of ten and a maximum of fifteen. Participation by the citizens in governance is one of the underlying precepts of democracy and modern day notion of government. Local governments serve as avenues through which the people participate in governance and as conduits by which government's policies are communicated to the people. Further more, local governments are created to bring about meaningful development in the rural areas through the effective mobilization of resources. Local governments are expected to use the funds made available to it by both federal and state governments and their internally generated revenue to improve on the lives of the people within their areas of operations. The creation of local government is also intended to bring people of common heritage or ancestry together as a political unit to further their interests and increase their participation in government business.<sup>24</sup>

### **Bad Governance as the Bane of democracy and good governance in Nigeria**

Nigeria as a country is rich in natural and human resources, but the inhabitants remain perpetually poor<sup>25</sup> due to mismanagement of resources and corruption which has eaten deep into the fabrics of the nationhood. In Nigeria, there is widespread poverty with about 70% of the population living below the poverty line. The following are the evidences of poverty indices being witnessed in Nigeria as a result of bad governance:

1. The exploration and exploitation of oil and other mineral resources in the country. These involve a number of activities that directly affect the lives of the oil-reducing communities. The adverse impact is not only limited to the physical environment with its sensitive and fragile ecosystem, but also the socio-economic life of the communities. It touches for instance, their relationship with their land and farmers, fishermen their swamps, rivers, creeks and their cultural as well as spiritual life.
2. In Nigeria, there are rampant cases of conflicts, kidnappings, random killings and general disorder

---

<sup>23</sup> 18 of which are in Cross River State

<sup>24</sup> It should be noted that, the broad objective of establishing local government is placed on the service delivery function. When roads are bad, when there are no markets stalls, no health centres, when there is no water, no drugs in the local dispensaries and when refuse is littered all around the place etc, the ordinary citizen blames it on the local government. It follows, therefore, that local government administration is established to affect citizens through the service delivery function.

<sup>25</sup> Given the scale of petro-revenues and the potential of Nigeria's natural resources, the government's failure to address the most minimal of the majority's basic human needs can be construed as criminal negligence. The World Bank ranks Nigeria as among the world's poorest countries, with the vast majority of the population living on less than \$2 per day. Only 40 percent of Nigerians have access to electricity. Most citizens suffer from grossly inadequate state services, such as the provision of public utilities (electricity, water, sanitation), social services such as education and health, or the maintenance of public security. Most social indicators, such as life expectancy, health, and education, have actually declined despite a windfall of oil revenues. Meanwhile, demographic trends are bringing massive numbers of young Nigerians into the political sphere over the next 10 years, most of whom are gaining political consciousness within a context of frustration and hopelessness. See [www.afrobarometer.org/results/PressReleaseNigeriaTermLimits3.pdf](http://www.afrobarometer.org/results/PressReleaseNigeriaTermLimits3.pdf). Accessed on 17/09/2012.

3. There is weak, inefficient and dilapidated institutional capacity, lack of adequate trained manpower, non-transparent working systems and lack of established institutional norms and values. Corruption is rife and societal institutions have decayed to a very large extent.
4. Traditional small-scale agriculture, which stands as a mainstay of the majority of the rural population, is characterized by low productivity, low income levels, minimal domestic savings and lack of investment capital.
5. There is a high mortality rate of children, coupled with malaria and the rapidly increasing incidence of HIV/AIDS in addition to other dreaded infectious diseases.
6. Social welfare as a public responsibility is largely absent in the country, care for persons in need is still mainly an issue of family responsibility with support of the extended family members and the larger community in severe cases. In the rural areas, welfare of the seriously ill, the old persons, the mentally and physically challenged, remains the families and community responsibilities.
7. There remains a great challenge of creating conditions in the educational system to enable the valuable programme to empower women and youths, improve the health of the people, and strengthen their education and enterprise capabilities, especially in the ICT-driven economy.
8. There is general agreement that the working conditions and service provision for the vast majority of people living in Nigeria are inadequate. Problems due to poor condition or absence of infrastructure continue to increase with rapid growth of urban areas due to soaring levels of natural population growth and the increasing numbers of migrants from rural areas.
9. Nigeria still remains one of the underdeveloped countries in the sub-Saharan region with low per capita income (66% of the US \$75) per month and 76.6% earn less than N20,000.00). The incidence of poverty is very high with over 70% living at subsistence level in rural areas.
10. Life expectancy in the country is low with 46.8 years. It is even lower in some of the remote areas where access to health care is difficult. In fact, child mortality is particularly high (20% die by the age of 5). This also includes a high degree of adult morbidity emanating from a wide variety of diseases that undermine individual employment and initiative.

The reason for these dismal development indices is not far-fetched.<sup>26</sup> When a few<sup>27</sup> people control the governance of a polity and have the preponderance of force to continue to

---

<sup>26</sup> The governors control the local governments through their discretion over the flow of funding. Roughly a quarter of the Federation Account revenues are earmarked for the 774 local governments, but these funds are first sent to the governor's office, who is supposed to disburse them to the councils in the state. In practice, however, the governors have withheld these funds at times, or deducted funds for dubious development projects. Once the funds arrive at the local government councils, they are controlled by the chairman, who tends to use this as leverage in negotiations with other council members and local bureaucrats. By the end of this process, little of the local funds remain for the business of local governance. For details see: <http://hrw.org/backgrounders/africa/nigeria0407/index.htm>

<sup>27</sup> This is a form of authoritarian rule by an institutionalized oligarchy and they constitute the main structural obstacle to deepening democratic rule in Nigeria. The oligarchs are composed of self-serving politicians, businesspersons, political fixers, "godfathers," former military officers, and elite bureaucrats who share a common interest in sustaining oligarchic power. Even though the oligarchy claims to represent democratically based regional, professional, and ethnic constituencies, their record falls far short of their claims. Constitutional provisions, state centralization, and accumulated political experience have nurtured far greater national integration within the oligarchy than among the fragmented groups that they rule. Informal networks of power based upon friendships, pragmatic alliances, financial deals, monopolizing information, and, above all, the patrimonial distribution of patronage sustains and reproduces the ruling oligarchy. To maintain power, the oligarchs trade offices; co-opt rivals, distribute concessions and contacts; and bleed the public treasury to fund their private fortunes, clients, political parties, and political thugs. Unable to show how their salaries could explain their life-styles, fortunes, and patronage, they have institutionalized a political order indifferent to legal, ethical, or even communal accountability. Unfortunately, the failure of oligarchic governance is visible; it does not,

maintain such control, a national assembly, state assembly and local government legislative council that emerges from the dictation of such a group is likely to be more corrupt and subversive of democracy and democratisation than the one that emerges from the dictates of the popular forces. It is incontrovertible that the local, States and National Houses of Assembly in Nigeria are products of corrupt and undemocratic procedures and processes. Hence, it is not surprising that its activities subverts rather than promotes democracy and good governance. This is actually the dilemma of democracy in Nigeria.

These problems are symptomatic of a broader, overarching democracy and governance problem in Nigeria, which relates to an oligarchic control of political power, both formal and informal, by unaccountable political elites. This oligarchic control of political power contributes to patterns of inefficient centralization, a dearth of meaningful representation within the political system, and a culture of impunity that dates back to military rule. This has created a stark gap between the rulers and the ruled, leading to a general dissatisfaction and cynicism regarding governance combined with growing sentiments of injustice which are fueled by attempts to manipulate ethno-religious rivalries. This directly threatens political stability, which is extraordinarily fragile. A breakdown in stability could undermine ongoing reform efforts, which are beginning to gain some traction in each of the areas of governance despite the predominant obstacles.<sup>28</sup>

### Positive Trends

Nigeria's democracy is truly at a crossroads. Although there has been much progress in the years since the 1999 political transition, there are also deep-seated problems of structure and performance that may jeopardize this fragile political experiment. There has been a general improvement of rights and liberties, increasing accountability, and some commendable initiatives toward better economic management and the control of rampant corruption.

I also recognize the following strides:

1. The rising role and assertiveness of the National Assembly;
2. Growing impact of macro-economic reforms and public sector reforms, although the public is not expected to feel much impact for another three to five years;
3. The EFCC, although politicized, has moved the anti-corruption agenda forward, and forced dormant agencies like the Independent Corrupt Practices and Other Related

---

outside the energy sector, create necessary infrastructures for economic development, nor does it inspire business confidence among Nigerian or foreign investors. Reliable market signals are obscured by authoritarianism, uncertain regulations and legal rights, and a generalized sense of insecurity. Relevant information in: [http://www.nigeria-consulate-ny.org/News/Sept02/president\\_response.htm](http://www.nigeria-consulate-ny.org/News/Sept02/president_response.htm). Accessed on 21/09/2012

<sup>28</sup> Thus an Oligarchy-driven insecurity and instability have generated a strong and widespread sense of injustice among the Nigerian public. Governance in Nigeria has been characterized by inefficient yet authoritarian centralization, a dearth of meaningful political representation, a culture of impunity, and a demoralizing climate of unaccountability dating back to military rule. The combination of aggrieved injustice and the social misery of the majority, in turn, risks producing disillusionment with democracy, creates conditions igniting social conflicts and, most importantly, threatens the stability of Nigeria's political order. This dismal situation is not completely without remedy. Strengthen formal political institutions that foster a healthy balance of power among the elite can help neutralize the situation. Clearly, efforts that bolster the relative power of the legislative and judicial branches against the executive branches are essential in this regard. Strengthening the powers of the states and local governments *vis-à-vis* the federal government is also essential, as is decentralization of presidential controls over public revenues. The enabling environment, however, is not yet as advanced as it could be for progress in this area, and the Government of Nigeria needs to first take some steps towards decentralization. Strengthening formal institutional arrangements that encourage and force political elites to view the public interest as a personal political priority, particularly through credible elections, transparency, and accountability mechanisms is of essence. In addition, provide increased formal avenues for public participation in the policy process, through community associations and other local governance approaches. Relevant information in: [http://www.nigeria-consulate-ny.org/News/Sept02/president\\_response.htm](http://www.nigeria-consulate-ny.org/News/Sept02/president_response.htm). Accessed on 21/09/2012.

Offences Commission (ICPC) and the Code of Conduct Bureau to reform in order to be relevant; and

4. The media is playing an important role in scrutinizing the actions of public figures, but it remains impoverished and susceptible to influence.

### **Ways of Ensuring Good Governance in Nigeria**

The negative factors affecting the potential for sustainable development in Nigeria have been x-rayed and discussed as seen above. However, for the nation to witness good governance, security and stability, the following points are to be noted:

1. The determination of governments and other stakeholders to partner in the rapid development of the country must be complemented by effectiveness, accountability and transparency at all level. There is urgent need to rebuild largely eroded faith in the integrity, intents and capability of governments among the populace and global community.
2. Multi-sectoral action is urgently required to alleviate widespread poverty, achieve the millennium Development Goals (MDGs) and fulfill her turbulent, underdeveloped, and environmentally degraded past to Africa's strongest economy.
3. The general perception of Nigeria as a nation rife with violent conflicts, kidnappings, random killings and general disorder should stop so as to attract private sector investments.
4. Public bodies and financial institutions must be sensitive to the special needs and aspirations of the communities of the region in a complementary relationship with the government and the people, through an effective institutional framework, including cross sector partnership that encourage collaboration and consultation.
5. The development of transportation infrastructure, telephone, waste management system and electricity in the nation are all crucial to the upliftment of Nigeria as a nation.
6. The creation of opportunities for youths is also crucial. The participation of both the youths and women in the democratic decision making processes and the development of civil societies is a very reliable instrument of national development.

There is no doubt that, following the various ways of ensuring good governance in Nigeria as discussed above, national security and political stability would have been ensured in the country. National security in a broad sense implies the absence of threat to life, property and socio-economic well being of the people. A proper understanding of security, whether historical, religious, civic, ethnic, economic, social, political etc that have contributed to the recurring conflicts, which the nation has witnessed over the years resulting in wanton destruction and losses of lives and property.

At the Commonwealth Heads of Government Meeting held in Abuja, in December 2003, Heads of Government re-affirmed the value they attach to elected local government as an important foundation for democracy. They endorsed the giving of constitutional and legal recognition to this sphere of government.<sup>29</sup>

---

<sup>29</sup> The first address was presented by Professor Ron Duncan of the University of the South Pacific, who established the themes for the day in an overview of local government structures in the Pacific and the status of democracy and decentralisation. He emphasised the importance of an appropriate division of powers between central and local governments and the commensurate sharing of revenues and other resources. His paper made clear the difficulties of achieving good governance in Pacific countries due to their small populations, the problems faced in delivering services by both rural and urban local government due to poor economic growth, and the difficulties experienced by local governments due to rapid rural-urban migration. They also welcomed the co-operation between the Commonwealth Secretariat and Commonwealth Local Government Forum in the promotion of best democratic practice.

The delegates endorsed the following recommendations, which should provide a way forward for making local government work effectively:

1. Solutions to the challenges facing local government in the Pacific need to be locally developed.
2. A participatory and representative approach to local government should be encouraged and facilitated through community education.
3. The representation and participation of women in local government should be actively developed.
4. The important role of traditional governance structures should be recognized and a commitment made to develop collaboration at the local level.
5. Central governments should ensure that there is an appropriate policy, legislative and financial environment in place to facilitate effective local government.<sup>30</sup>
6. Donor co-ordination in the areas of local governance and urban management should be enhanced.
7. Sub-regional collaboration, including symposia on specific issues, should be encouraged.
8. Formal capacity-building and training programmes that are locally focused should be developed with regional and country training institutions.

Local governments in Nigeria have limited opportunities to generate revenues and are largely dependent on central governments for revenue and other forms of assistance. In effect, central governments are not transferring sufficient funds and other support for local governments to undertake their new responsibilities. This presents a huge obstacle to their ability to deliver the expected services. So far as it is within their capacity to do so, national governments should provide the revenue and other resource transfers consistent with the responsibilities given to local governments.

Local government officials must be accountable to the people. Accountability means that people will be able to hold local government authorities responsible for public issues as it is affecting them. In other words, accountability involves an obligation to explain or justify specific actions. This is a key requirement for good governance in local government administration in general, and a system or an institution is accountable to those who will be affected by its decisions or actions. It should be noted, therefore, that accountability cannot be enforced without transparency, the rule of law and constitutionality.

Where there is good governance, all that is at stake is public interest and there will be nothing to hide. The reason for good governance has continued to be problematic in Local Government Administration in Nigeria. This is as a result of lack of transparency in dealing with critical political, economic and administrative issues. The handling of issues, such as service delivery, appointments to public positions are not done in transparent manner. It should be clear that, government presence and access to resources would remain less satisfactory to the people unless it is based on transparency<sup>31</sup>.

Further, there is need to develop economic opportunities that will provide local governments with the capacity to generate revenue individually. Problems in the delivery of services to rural populations are greater in Nigeria, where the large majority of the population lives in the rural areas.

---

<sup>30</sup> We argue that parliamentary independence, such as whether members enjoy freedom of expression and immunity from arrests, investigations, and prosecutions during legislative sessions; whether the rules for dissolution of the parliament call for new elections within a specified time period; helps in the promotion of democracy and good governance.

<sup>31</sup> Ojo SOJ 2009. Issues in Perspective. In: VO Aghayere, FE Iyoha (Eds.): *Ethnic, Standard and Accountability in Governance*. Ekpoma: Institute for Governance and Development, Ambrose Alli University.

To advance the democratic project, the Nigerian public needs to gain confidence in its institutions. The public needs to feel that there are organs of the political system that can guarantee fairness and justice and that are not undermined by wealth through corruption. Common citizens must have recourse to democratic institutions in order to express demands and resolve conflicts. At this point, the public has little to no confidence in turning to any branch of the government to help directly resolve problems without the benefit of wealth<sup>32</sup>.

A central concern for building democracy in Nigeria is thus to alter this relationship between the government and the citizenry, so as to reconnect the state to its citizens in a more responsible and responsive manner. Another emerging opportunity arises from the relations within the elite, where democratic institutions and practices are increasingly used for competition within the oligarchy. The starting point for democratization must thus include not only the formal democratic institutions that have been slowly progressing since 1999, but also the informal system of oligarchs and their subordinates which overlays the formal institutions of government.<sup>33</sup>

### **The Role of Local Legislative Councils in Promoting Democracy and Good Governance in Nigeria**

It is important to first establish a nexus between democracy and good governance. Democracy has become the most fashionable form of governance in the world. In all societies of the world today, the issue is not which political system is appropriate but rather when will society become democratised or fully democratic. The democratization project is therefore, regarded as the age of civilization that every society should strive to attain rather than a political option among many others. Democracy has thus been recognized as the only moral and legitimate way through which a society can be administered.

Thus, theoretically, scholars and international financial institutions like the World Bank have established an inextricable connection between democracy and good governance. Democracy, adequately understood, is a theory that sets some basic principles according to which a good government, whatever its form, must be run. Such principles include those of justice, equity, freedom, liberty, accountability, openness and transparency in government. Indeed, effective democratic forms of governance rely on public participation, accountability and transparency. In most countries today, it is these principles that are used as criteria for distinguishing between good and bad governments. In this regard, democracy not only prescribes how political power should be acquired but also what to do with it or how it should be exercised. Therefore, democracy specifies who constitutes the legitimate government and wields the authority inherent in the state (the elected representatives), how they acquire authority (free and fair elections, choice between parties) and how they are to exercise it (in broad harmony with public good). This makes democracy amenable to moral and ethical justifications or judgments. Hence, good governance forms the philosophical foundation upon which democracy and democratic theories are built.<sup>34</sup>

Section 7 (1) of the 1999 constitution guarantees the establishment of democratically elected governments at the local government level. Their establishment, structure and

---

<sup>32</sup> Iyoha FE 1997. Local Government: Its Theory and Practice. In: IB Bello-Imam, FE Iyoha (Eds.): *Politics and Administration in Nigeria*. Lagos: Stirling-Horden Publishers Nigeria Limited, P. 204

<sup>33</sup> Iyoha FE 2007. *Training Modules on Community Based Associations and Participatory-Transparent Development in Local Authorities in Edo State of Nigeria*. Ekpoma: Institute for Governance and Development, Ambrose Alli University.

<sup>34</sup> In his confession before the United Nations in October 1991, Thomas Pickering, the United States Ambassador, declared, "The bottom line of good governance is democracy itself". Many scholars who shared this view have associated the tragedy of development in Africa, Nigeria inclusive, to the absence of democratic rule and or prolonged military hegemony. The legislative arm of government that would have provided adequate checks on abuses of power by the executive and recklessness of the opportunistic politicians is also inefficient and ineffective.

compositions, finance and functions, are to be promulgated upon by the state Houses of Assembly which also has the authority to repeal or amend such laws when the need arises.

The functions conferred on the local government authority are inclusive of those set out in the fourth schedule to the constitution. Thus, for example, they are constitutionally expected to participate (with the state) in the economic planning and development of their area, for which an economic planning board is to be established.

In terms of functions, there is uniformity of function and responsibilities for all the local governments throughout the federation. These functions and responsibilities are enshrined in the 1999 Constitution of the Federal Republic of Nigeria. The first category of functions is made up of functions that are mandatory for which local governments have full responsibility, the second category is made up of functions which local government shares with higher levels of government, and the third category of functions are those functions that the state or federal government can from time to time assign to local authority. As derived from the Fourth Schedule of 1999 Constitution of the Federal Republic of Nigeria, the basic functions, which all local governments in Nigeria are established to perform, revolve around the following:

- a) The consideration and the making of recommendations to a state commission on economic planning or any similar body on:
  - i. The economic development of the State, particularly in so far as the areas of authority of the council and of the State are affected, and
  - ii. Proposals made by the said commission or body;
- b) Collection of rates, radio and television licences;
- c) Establishment and maintenance of cemeteries, burial ground and homes for the destitute or infirm;
- d) Licensing of bicycles, trucks (other than mechanically propelled trucks), canoes, wheel barrows and carts;
- e) Establishment, maintenance and regulation of slaughter houses, slaughter slabs, markets, motor parks and public conveniences;
- f) Construction and maintenance of roads, streets, street lightings, drains and other public highways, parks, gardens, open spaces, or such public facilities as may be prescribe from time to time by the house of Assembly of a State;
- g) Naming of roads and streets and numbering of houses;
- h) Provision and maintenance of public conveniences swage and refuse disposal;
- i) Registration of all births, death and marriages;
- j) Assessment of privately owned houses or tenements for the purpose of levying such rate as may be prescribed by the House of Assembly of a State; and
- k) Control and regulation of –
  - i. Out – door advertising and hoarding.
  - ii. Movement and keeping of pets of all description
  - iii. Shops and kiosks
  - iv. Restaurants, bakeries and other places for sale of food to the public
  - v. Laundries, and
  - vi. Licensing, regulation and control of the sale of liquor.

Local Government Council are required to participate in the Government of a State as respects the following matters-

- a) The provision and maintenance of primary, adult and vocational education;
- b) The development of agriculture and natural resources, other than the exploitation of minerals;
- c) The provision and maintenance of health services; and

- d) Such other functions as may be conferred on a local government council by the House of Assembly of the State.

Pursuant to section 7 (1) of the 1999 constitution, the Cross River State House of Assembly enacted the Local Government Law<sup>35</sup>. Section 5 of the law establishes a Legislative Council for each L.G.A. The legislative Powers of the Council are set out in section 3, namely:

- a) To debate and pass by-laws for the Local Government;
- b) To debate, amend and approve an Annual Estimate of Revenue and Expenditure for the Local Government; provided however that the said Estimate is laid before the Cross River State of Assembly for its information and consequent monitoring by the appropriate committees of the House;
- c) To exercise legislative oversight functions over the activities of the departments with a view to ensuring that the Executive Committee of the Local Government diligently and effectively discharges its responsibility to manage the human and material resources of the Local Government as provided for herein and for this purpose to form standing committees for each such department ;
- d) To receive monthly Reports of Budgeted Receipts and Expenditure and approve the quarterly retirement of expenditure by the Local Government Executive; and
- e) Such other functions in accordance with its legislative powers as may be conferred on it by Law or the Constitution of the Federal Republic of Nigeria for the time being in force.

In order words, local government legislative councils in Nigeria are expected to legislate on all matters contained in the fourth schedule of the constitution so as to create normative and institutional framework for the promotion of democracy and good governance. It is apparent that local governments enjoy wide and embracing functions through the instrumentality of the constitution. The local government legislative councils in Cross River have been particularly empowered by section 3 of the Local Government Law to perform law making and oversight responsibilities. It is therefore pertinent that councilors should be trained in the process of drafting a law, from the proposal stage to its publication in the Official Gazette. The committee system is the backbone of the legislative process. Accordingly, legislative councils should be made to understand the workings of the committee system and types of committees (standing, temporary, special, and joint) and their roles. The administrative structure of legislative councils should be reformed and strengthened so as to create strong institution that will balance political influence and equation.

Effective legislature contributes to good governance. This is done by the performance of legislative oversight<sup>36</sup> over the finances of government, which serves as a catalyst for the sustainability of a democratic governance. It is also important to note that the responsibilities of the legislature in a democratic society have gone beyond mere rule making and representation. They are now involved in administrative and financial matters. Legislatures are now saddled with the role of keeping close watch and control over the executive arm of government and the control of public expenditures and taxation. In summary, a legislative house must not only be capable of making laws for the safety and general wellbeing of the

---

<sup>35</sup> Laws of Cross River State, Federal Republic of Nigeria, Chapter L 16.

<sup>36</sup> The difference between oversight potential and effective oversight is of great importance. We speak of effective oversight, when legislatures actually oversee governments' actions and activities and when this oversight function has an impact on the political system and, more specifically, on the government behavior. We speak of oversight potential to denote the set of formal powers and instruments that legislatures have to oversee government activities regardless of whether these powers and instruments are actually used. For details see: John Alder, *Constitutional and Administrative Law* (New York: Palgrave Macmillan, 2007) pp. 245-269.

people, but must also be able to manage funds in order to provide good life for the entire citizenry. We further argue that since democracy does not depend exclusively on the government's ability to perform but also on the fact that the government action is subject to scrutiny and control, the probability that a country is democratic should be affected by the legislature's potential to oversee the government.<sup>37</sup>

Legislative oversight consists in the legislative supervision of the policies and the programs enacted by the government. But oversight is not just a supervision of what the executive branch of government has done but is also supervision of the executive's legislative proposals. In parliamentary systems, where the executive branch of government has the power to introduce a bill, the process through which a bill becomes a law (the referral of that bill to specific committees, the discussion of the bill within such committees, the debates of a bill in the plenary and the fact that the parliament has ultimately the power to amend, approve or reject a government's legislative proposal) gives the legislative branch of government the power to oversee the government plans before they are actually enacted. This point has an obvious implication, namely that several of the activities and tasks that a legislature performs can be viewed as oversight activities.<sup>38</sup>

Effective oversight<sup>39</sup> is beneficial for a political system for, at least, two basic reasons: first, because the oversight activity can actually contribute to improving the quality of the policies/programs initiated by the government; second, because as the government policies are ratified by the legislative branch, such policies acquire greater legitimacy.

It is also vital to pay some attention to the tools that parliaments and legislatures can employ to oversee the government and the government's activities. Legislatures may adopt several tools to oversee the actions of the executives such as hearings in committees, hearings in the plenary assembly, the creation of inquiry committees, parliamentary questions, question time, the interpellations and the ombudsman.<sup>40</sup>

We argue that as the oversight potential increases, it becomes easier to scrutinize and control the government and its activities, and since controlling the government is a key component of democratic government, the more a government is subject to potential control,

---

<sup>37</sup> Also, elections, open, free and fair are the essence of democracy, the inescapable *sine qua non*. Governments produced by elections may be inefficient, corrupt, shortsighted, irresponsible, dominated by special interests, and incapable of adopting policies demanded by the public good. These qualities may make such governments undesirable but they do not make them undemocratic. The fact that a government is corrupt, irresponsible, unable or unwilling to address citizens' demands certainly makes the political system less democratic than those systems in which governments are actually responsive, accountable and responsible. Also, it could also be argued that beyond a certain point, irresponsiveness, irresponsibility and non-accountability make governments non-democratic. John Alder, *Constitutional and Administrative Law* (New York: Palgrave Macmillan, 2007) pp. 245-269.

<sup>38</sup> Nwabueze B.O. 1983. *The Presidential Constitution of Nigeria*. London: Sweet and Maxwell. *Nigerian Journal of Public Administration and Local Government*. Vol. 2 No. 2 1984 .

<sup>39</sup> In the course of the past decade, international organizations, agencies and NGOs have taken a much greater role in promoting democracy. They have tried to promote democracy, among other things, by strengthening legislatures and they have tried to strengthen legislatures by improving legislatures' ability to oversee government activities.

<sup>40</sup> Given the interest in legislative strengthening and in improving parliaments' oversight capabilities, international organizations have done some studies to see whether oversight is beneficial to the functioning of a given political regime. The studies found that most countries have some instruments to oversee the actions of the government and that legislature in parliamentary regimes have on average a greater number of oversight tools than legislatures in presidential and semi-presidential regimes. On average, liberal-democratic regime has more oversight tools and oversight potential than formally or quasi-democratic regimes and that these, in their turn, had a greater oversight potential than non-democratic regimes. But the fact that more democratic regime tend to have, on average, more oversight tool than less democratic regime does not tell us the adoption of a larger number of oversight tools is a consequence or a cause of the higher democratic quality in a given country. See, United Nations Development Programme (1997). *Human Development to Eradicate Poverty*. <http://hdr.undp.org/en/reports/global/hdr1997/>.

the more likely it is for the political system to be democratic. In other words, oversight potential is a cause and not a consequence of democratic quality.<sup>41</sup>

To perform its oversight function effectively, every legislature needs power<sup>42</sup> to shape the budget and means of overseeing or checking the executive power beyond the ultimate power of impeachment. A legislature that is capable of oversight function is more likely to manage the available funds to achieve the objectives of the state with minimal or no wastages, and this engenders transparency, openness, accountability which represent the tripod of good governance. The failure of the legislature to perform this important function at the local government level has denied the people the gains of democratic governance. Rather than enhance good governance through equity in the distribution of resources legislature in Nigeria have been preoccupied with how to amass wealth to them at the peril of Nigerian.<sup>43</sup> This situation has sipped into and is now a dominating practice in State Houses of Assembly and Local Government Legislative Councils in Nigeria.

For Legislative Councils in Cross River State to be able to promote good governance and democracy, it suggested as follows, namely: Councillors should represent all sectors of society; Councillors should receive induction training in ethics, leadership (for the public good), and budget review and community feedback systems –perhaps through the local government association. Participation should involve all community groups and take place before by-laws or projects are approved or commenced.

Besides, Legislative Councils must engage the public in regular dialogue. Also, there should be an officially recognised dialogue between central and local government. Consideration should be given to combining functions such as training between local level government authorities. Further more, the community should be empowered with access to more information through awareness campaigns (culturally appropriate and in multiple languages), structured workshops (focusing on residents' priorities) and transparency of actions and outcomes.

The State and Federal Governments should ensure that they do not infringe on the revenue yielding areas of Local Government. They should also put a stop to the persist deduction from the monthly allocation of Local Governments. In the same vein, States should henceforth remit the constitutional 10% of their internally generated revenue to the Local Councils. Local Governments also needs to increase their internal revenue based rather than relying on the federal allocation. Similarly, Local Governments should re-order their priorities and block all avenues of wastage and leakage's.

---

<sup>41</sup> We are aware of the possibility that oversight potential, that is the number of oversight tools available to a given parliament in a given country may be a consequence of that country's democratic quality or status. To test this causal relationship we should test whether the number of oversight tools changed as a consequence of improvements in the democratic quality or the status of a country.

<sup>42</sup> Executive dominance characterizes all three tiers of the Nigerian federation, and is most evident in the legislatures' lack of control over government revenues or the budget process. The president has yet to respect a budget passed by the National Assembly, state assemblies typically do not even know significant line items in the budgets they do pass, and local government councils are absolutely beholden to the local government chairmen.

<sup>43</sup> The case of the 2009 budgetary allocation is a typical example. A breakdown of the 2009 National Budget shows that members of the National Assembly and the personnel of a part of the Presidency will be paid 47.8 billion naira as emoluments during the year. The 360 members of the House of Representatives were to receive 26.67 billion naira while the 109 Senators were to get 16.3 billion naira. When provisions for legislative aides, the National Assembly Service Commission and the National Assembly Office are factored in, the total allocation to the federal legislature stands at 61.6 billion naira. In its analysis, the editorial comment in the *Nigerian Tribune* of December 11, 2008 notes that "an infinitesimal percentage of the citizenry will be pocketing 2.9% of the total provision made for there current expenditure of Federal Government".

## **Conclusion**

Nigeria is nowhere near achieving any one of the eight Millennium Development Goals in 2015, to wit;

- Eradicate poverty and hunger
- Achieve universal primary education
- Promote gender equality and empower women
- Reduce child mortality
- Improve maternal health
- Combat HIV & AIDS and other disease, e.g. polio
- Ensure environmental sustainability
- Develop a global partnership for development

Legislative Councils in Nigeria must brace up with the challenge and live up to the billing of their obligations and responsibilities. It is sad and regrettable that economic, social, cultural and political development is lacking in Nigeria. This is so because:

1. Corruption remains a cankerworm, nibbling away at every facet of life in the country.
2. The gaping deficits in many aspects of our national life are traceable to the invidious impact of bad governance.
3. Most of the roads are in a terrible state of disrepair today either because contracts for their rehabilitation have been awarded and the money released, but with no repair effected or the quality of repair has been so poor that they have quickly fallen back into ruin.

The hospitals are useless because money that should have been utilized to equip and upgrade them has been diverted to private pockets. The education sector has collapsed because funds that should have gone into revamping the system have been embezzled. The economy is in a shambles because bribes must be offered before a business can operate successfully. Greater transparency, accountability and merit-based human resources management in public administration are principles which, if implemented, will help promote good governance.

This gloomy situation, we are happy to note, is seriously being addressed in Cross River State of Nigeria through effective legal and systematic supervisory partnership between the state and local governments. This collaboration has resulted in the establishment of rural development based agencies.<sup>44</sup> These efforts have impacted positively on rural communities and have helped in the transformation of the state.

The Cross State House of Assembly has, for instance, contributed in no small measure in these developmental trends. The House has created adequate normative and institutional framework for the promotion of democracy and the development of rural areas. We therefore do not support the bill for the amendment of the 1999 constitution of Nigeria in which it is being proposed that local government should be independent and autonomous. This attempt is perhaps meant to create a veritable fourth tier of government, and probably solve some of the problems being encountered in the relationship between the state and local governments. This, in my opinion, is however not the best way to solve the problem in that making the structure of the local government a constitutional issue does not allow innovations taking into consideration the peculiarities of each local government area, which is important in a federal set up.

---

<sup>44</sup> For instance, we have the Cross River Rural Development Agency(RUDA) and Rural Electrification Agency(REA)

Besides, local governments cannot be separated as an important arm of the state government because of the local matters it deals with. Creating a direct relationship with the federal government in the same manner as the one between the state and the federation is to indirectly introduce the seeds of discord into governance at the state level.<sup>45</sup> Whilst there is room for improvement upon the present system in such a way as to make local governments more responsive to, (for example through ensuring greater financial independence from the other levels of government) and able to deal with local needs with limited intervention from the state government, there is still need for the state government to maintain some degree of supervision and say over activities within its domain. It is my view that there can never be absolute autonomy. Even sovereign nations are not autonomous since they are bounded by inter-national co-operation, commitment, laws and treaties. Also, within the domestic political environment, governments are guided by some bodies of organic laws, norms and convention etc. which regulates their relations / interaction with the polity. The quest for autonomy therefore should there be related to financial viability<sup>46</sup>. Local government autonomy should not be seen as making the local government a sovereign entity, or the chairman a 'local governor' thus comparing himself with the state governors. But local government autonomy should be enjoyed by the citizens at the grassroots. The autonomy should not be a privilege of the chairman and councillors.

Finally, whatever the degree of autonomy vested on the local government in the amended 1999 constitution and the local government laws of the state, the political actors should be more diligent in exercising such autonomy or power. Irrespective of the type of constitution, conflicts are bound to ensue among the operatives, the ability to amicably resolve such conflicts will give room for an enduring democracy where the value of autonomy would be better appreciated.<sup>47</sup>

---

<sup>45</sup> Kehinde Mowoe, *supra note 21*, p.244

<sup>46</sup> Adeyemo, D.O. 1996. "Federalism and the Logic of Local Government Autonomy in Nigeria". *Nigerian Journal of Local Government Studies*, 16. December 1996 O.A.U. Ile-Ife.

<sup>47</sup> Akpomuvire Mukoro (Ed.). 2000. *Institutional Administration A contemporary Local Government Perspectives from Nigeria*. Lagos: Malthouse Press Ltd.