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APPOINTMENT OF LOCAL GOVERNMENT CARETAKER COMMITTEES: AN ABERRATION IN LOCAL GOVERNMENT ADMINISTRATION IN NIGERIA

P. O. Oviasuyi & Lawrence Isiraojie,

Department Of Public Administration
Faculty Of Management Sciences
Ambrose Alli University
P. M. B. 14, Ekpoma

Abstract

The third tier of government which is closest to the grassroots has been hijacked and prevented from meeting up with its primary and major obligations. This paper examined the brief history of Caretaker Committees in Nigeria, as well as the causes/reasons for same. Also, the implication of the continued use of Caretaker Committees in Local Government Administration was identified. The paper recommends among others that the 8th National Assembly should as a matter of urgency legislate on granting full autonomy to the LGAs. The paper concludes that unless democratically elected individuals are allowed to run the affairs of LGAs, ineffectiveness, inefficiency, lack of popular participation by the local dwellers, electoral disenfranchisement, corruption, lack of accountability, transparency, developmental projects will continue to elude the third tier of government in Nigeria.

KEY WORDS: Local Government, Caretaker, Governance, Democracy

INTRODUCTION

Local Government Authorities in the Nigeria state is constituted for direct control and management of rural communities. According to Iriekpen (2012) the need for local government authorities was to bring actual recognition and place responsibilities on constituted authority in order to bring governance and popular participation to the people at the grass root.

Those in grass roots are basically the areas that ordinarily may not have opportunity to get to the government at the centre. The local government system is a governmental system that is practiced by every democratic state of the world under various contextual names such as; municipals, developmental centres, counties or local departments. The underlying motives according to Ananti, Onyekoelu and Madubueze (2015) is that, there are targeted efforts to ensuring that the remote villages and towns get what is due to them.

Interestingly, the importance of local government administration cannot be overemphasized as it is altruistic to assert that countries all over the world adopted this tier of government to ensure that democratic dividends gets to the grass root. As it is today in Nigeria, local government administration is anything, but what it was meant to be as the original idea of bringing government closer to the grass roots by encouraging participation by the local people have been hijacked and replaced with sadistic intent to oppress the grass root by ruling government of the day. Incidentally, Ibietan (2010) stated thus:

Where the standards and tactics for effectual development have been unwritten the correct way, local government is the focus of government efforts at promoting development. It becomes imperative that to successfully develop, the people have to be sufficiently mobilized. A focused combination of local (peoples) effort/energies with that of government with the objectives of improving socio-economic conditions and encouraging participation is key in rural development.

Accordingly, Callanan and Keogan cited in Tonwe (2012) were of the opinion that “ the strength of the local government as a democratic instrument is its closeness to the population, its elected status, its accessibility and the opportunities it provides for public participation in the democratic process”. This assertion have been observed to be purposefully bastardized by successive Nigerian government, as the will of the people is no longer obeyed and social amenities no longer guaranteed owing to the continuous overt control of local government by state government.

Through the institution of caretaker committees to run the affairs of local government areas, it has been observed that the action has no inputs from the rural population. Caretaker

committees in local government is an avenue where that state government solely or in tandem with his party guidelines handpicks few individuals viewed as loyalists too him or his party appointing them to run the affairs of local government areas. In line with the above, Ekpe (2006) affirmed that the “practice of state government who encroach upon what would normally have been the exclusive preserves of Local Government, lack of funds and appropriate institutions, excessive politicking have continued to make local government arrangement inefficient and ineffectual and has even made progress and development impossible.

Furthermore, The Guardian of Saturday 02 April, 2011 averred that state governors have turned the local government into an irrelevant scheme of things as they are found of taking over their financial allocations, taxes, counterpart funding and refuse to conduct local government elections, but instead ruling local government with appointed administrators. The use of Caretaker Committees to govern local council areas is a direct departure from democracy and the resultant effect is local councils remaining unaccountable to the people at the grass root. Iriekpen (2012) noted that by this “ practice of local government have been turned into vassals of state held in the trail by parties and executive structures that have confiscated the local government and strangulated development at the point nearest to Nigerians”. Observation revealed that many governors out of fear and lacking self confidence do not see any reason of conducting local government elections as the outcome may truncate their political ambitions or they see Caretaker Committees as a ploy for divert local government allocations.

CONCEPTUAL CLARIFICATIONS

Local Government

Local government is primarily recognized as the third tier of government that is closest to the people at the grass root. United Nations Organization defines local government as a political section of a nation (in a central system or state) that is comprised by law and has substantial control of local affairs including the powers to impose taxes or to exact labour for agreed purposes. The governing body of such an entity is elected or locally selected (UNO as cited by Iyoha, 2007).

The guidelines for local government reform (FGN cited in Asaju,2010) defined local government as; government at local level do exercises through delegate councils established by law to exercise specific powers in defined areas. These powers according to him should give councils considerable control over local affairs and also the personnel and institutional and financial power to start and direct the condition of services and to decide and implement projects so as to go together the activities of the state and central government in their areas, and to ensure through delegation of functions to these councils and through the vigorous participation of the people and their traditional institutions, that local initiative and responses to local head and conditions are maximized.

Democracy

Pogason as cited by Oni, (2014) asserted that; Democracy is foundation on the principle that public verdict is the business of all citizens uniformly. It means that all citizens must not just be entitled to but also enabled to participate in public decision making. The issue of democracy goes ahead of the holding of elections to the recognition of democratic principles of governance in practice and to the balance of social forces in the supporting community. It is what politicians do when they are in office that calculate. Democracy is the representation of all shades of opinions in the society with clear roles of responsibilities for the executive, legislature and the judiciary and a mechanism for effective checks and balances.

Good Governance

Various discussions on governance by scholars have given birth to such terms as bad governance and good governance. Where the former has been the resultant effect of failed leadership, the later has brought democratic dividends to the door step of her citizens through quality leadership. For the purpose of this study, good governance entails those processes, activities, events and happenings in the society that can enhance (or impede) service delivering (Oni, 2014).

BRIEF HISTORY OF CARETAKER COMMITTEES IN NIGERIAN

The establishment of local government Caretaker Committees in some of the local government councils in Nigeria by state governors has become a normal and acceptable tradition that has been left unchallenged in the court of law despite the fact that the 1979 and 1999 constitutions do not recognize it. October 1st, 1979 witnessed the swearing in of democratically elected civilian government at the state and federal levels and the return of the military back to barracks. Between October 1st 1979 and December of the same year, when the tenure of local government councils was due to expire, dissolution of local government councils by state governors across the country was prevalent. Only few councils were allowed to complete their tenure before they were dissolved. Gradually, all the local government councils in Nigeria were dissolved by each state government and replaced them with care-taker committees appointed on a partisan basis by the governors. This actions of the state governors grossly undermined a system of local government that is democratically elected as guaranteed by the constitution (Tonwe,2012).

TRENDS OF CARETAKER COMMITTEES IN LOCAL GOVERNMENT ADMINISTRATION

The legality of Caretaker Committees in local government is being questioned by this paper. This is because the conceptualization was carried out and justified by very few Nigerians that knowingly perpetuated it and held on to the ideology.

Interestingly, above mentioned section(s) of the Nigerian constitution allow an elected administration in local government council but in practice, majority of councils in Nigeria are administered by appointed Chairmen or Caretaker Committees. This brings to the fore the pivotal opinion of the researcher(s) in this paper that the persistence bane to socio-economic development in the grass root level of the country is the reluctance of governors from the inception of the Nigerian state to accept the existence of local councils as separate tier of

government. It is needless to assert that Nigerians have over the years yearned to be led by persons who they choose via electioneering process. In line with the above, Abouyi(2011) averred that Nigerians have continually aspired for democracy in the belief that only leaders who are democratically elected can be responsive to their needs.

Historically, Caretaker Committees system in Local Government Administration has no place in the constitution of the Federal Republic of Nigeria. However, Ananti, Oyekwelu and Madubueze (2015) stated that the emergence of the practice dates back to the Second Republic. In the same vein, Ogunna(1996) in Ananti, Oyekwelu and Madubueze (2015) noted that during the Second Republic in all states of the federation, local governments were run by Caretaker Committee systems, consisting of party loyalists appointed by state governors. This idea of Caretakership re-surfaced in the Fourth Republics notably from the year 2000 and has continued to be increasingly practiced.

Okafor and Orjinta(2013) averred that in Constitutional Democracy and Caretaker Committee in Nigerian Local Government System that “Between 2003- 2013, out of the 36 states, 25 states have their local government administered by Caretaker Committees. This view was buttressed by Ojo and Ihemeije (2014) “that as at 2014, the Nigerian democratic system have nose dived, this is so as for the past five(5) years, 27 states in Nigeria have not conducted local government elections.

This continued trend of Caretakership in LGAs is unconstitutional and totally illegal. The practice of this trend is based upon the premise that it allows the governors of the state to have direct control of the local governments thereby eroding all forms of authority due to LGAs. The primary aim according to him is for the Committees to work towards delivering their local government votes to the ruling party at any point in time, thereby disenfranchising the people.

SOME OF THE CAUSES/REASONS FOR CARETAKERSHIP IN LGAS IN NIGERIA

(1) The Nigerian Constitution: The main cause of caretakership system in the Nigerian

LGAs is the unconstitutionality of the Nigerian constitution. This paper is at variance with the inconclusiveness of some aspect of the laws specifically as it concerns local government

authorities as it ends any form of autonomy, self rule or determination of developmental issues from the rural populace. In line with the above, Ananti, Oyekwelu and Madubueze (2015) stated that the increase in the practice of care-takership is as a result of the lacuna created by the 1999 constitution as amended as it did not specify the term of local government elected councils.

(2) Corruption: That the Caretaker Committees were not elected but merely appointed as cronies or party loyalist creates the unwarranted opportunity for the Governors or party chieftains to directly subvert developmental projects for self without recourse to the wants, needs and aspirations of the rural populace. Corruption in LGAs have been legalized specifically with the trend of Caretaker Committees who act as willing agents, leeway and subtle routes for state governors to perpetuate, both financial and electoral corruption. In the words of Oku, Emeka and Onakalu (2015) “corruption is everywhere in Nigeria, where you see, feel, hear or even smell it.” This statement is altruistic because almost everybody in Nigeria government do not plan for development but how to steal from the Nigerian system as in the case with Caretakership in LGA. To buttress this further, the state/local government joint account has turned to a conduit pipe where state governors drain local government allocated funds that could have been used for developmental purposes.

(3) Godfatherism/Incumbency Factor: Individualistic attributes of greed and fear of becoming irrelevant is a factor leading to Caretakership in LGA. Nigerian political class and elites even at death always want to be referred to as the power house, in the process institute systems that mystifies them as semi-gods to be approached for solutions with their abode or residence always likened to the religious enclaves of Mecca or Jerusalem, where people troop to for religious satisfaction. President Azikiwe as cited in Iyoha & Oviasuyi(2015) buttressed that Nigerians have been deprived of the constitutional right to freedom of association as no Nigerian politician in power have the right to employ instrument of power in order to perpetuate their stay in power or office.

(4) Settlement of Political Cronies: Another reason for the appointment of Caretaker Committee in LGA by state governors in Nigeria, is to enable them empower individuals who

fought hard for their elections as governors. Caretakership is also an attempt to bring into governance through the back door, acolytes and sycophants of the governor who sings his praises on a daily basis(National Mirror, march 25, 2013).

(5) The Fear of Opposition Political Parties: The fear of opposition political parties engenders the use of Caretakership in LGAs. The governors are aware that winning elections at the grass root level is dependent to a large extent on who is at the helm of affairs at the LGAs. As noted by Ojo & Ihemeje(2014) the entire Nigerian electoral process is riddled with fraud and malpractices. Therefore, the fear of loosing elections to the opposition political parties make the governors to appoint their loyalist as Caretaker Committee Chairmen who in turn coordinate the affairs of the council(s) in their favour especially during elections.

IMPLICATIONS OF CARETAKER COMMITTEES ON LOCAL GOVERNMENT ADMINISTRATION IN NIGERIA

It has been discovered that the financial strangulation of the LGA by state governors have left the councils with no funds to provide and maintain infrastructural facilities in their areas of jurisdiction, settle contractors and most worrisome pay workers salaries. Furthermore, It has been observed that local government autonomy rather than being a reality is more like a myth because of the use of Caretakership. Ojo as cited in Coker & Adams,(2012) noted that there are three separate standards to local autonomy, the amount of responsibility devolved, the size and elasticity or resources assigned and the degree of discretion conferred. The question is to what extent have these standards been observed since Nigeria's democratic dispensation?

Local governments have enormous responsibilities as regards the transformation of the councils, these includes: the mobilization of local resources, promoting social and economic improvement, development as well as national integration. In additions, local governments are expected to carry out regional policies with respect to agriculture and help to develop selected industries thereby helping to ameliorate unemployment (Obinna as cited in Coker & Adams, 2012).

Good Governance has been negatively affected in the third tier of government through the use of Caretakership as local communities are not adequately represented because they are

not allowed to participate in the affairs that affect them. They have been denied the opportunity of grass root administration and participatory democracy. There exist an unhealthy reign of political apathy and stunted democratic growth at the grass root and their various needs are left unattended to. Political analyst opined that the governors only hide under the guise of appointing Caretaker Committees to run the affairs of local governments in their bid to divert the allocations accruable to the local government for their own selfish ends, adding that at the end of the day, the masses at the grass root level are not only short changed, but the dividends of democracy continue to elude them (National Mirror, march 25, 2013).

For the liberation or emancipation of the third tier of government, they must be allowed to function as guaranteed by the constitution of the Federal Republic of Nigeria, autonomy must be given to them with power to exercise executive, legislative and administrative functions. It is imperative to state at this juncture, that the encroachment of the state government into the statutory functions of the local government as listed in the 4th schedule of the 1999 constitution of Nigeria has retarded the much needed growth and development and has also hindered transparency and accountability at the grass root level. What this means is that, appointed caretaker committees do not answer to the rural dwellers but the governors who appointed them. This is made possible because the people at the grass root were not given the opportunity to participate in an electioneering process in electing those that will represent them. Therefore, for popular participation of the local people, equity, efficiency and effectiveness, accountability and transparency of the LGAs, state governors should stop the use of caretaker committees at the local level and allow the local populace to choose who to lead or represent them at the local government level.

It is imperative to state that the continued use of Caretaker Committees in LGAs have done more harm than good at the local level. These political appointees at the LGAs do not embark on any meaningful developmental projects and they hardly commission any project during their tenure in office. The individuals who are so appointed Caretaker Committee Chairmen are always persons from the same political parties with the governors, and most times, they are not the best hands to manage the affairs of the council at that particular time, but because the rural dwellers are not given the opportunity to elect the person(s) of their choice

irrespective of political affiliation the governors imposed individuals on them in the name of Caretaker Committees. This is an aberration in local government administration, and therefore, should be discouraged by all means available.

RECOMMENDATIONS

- (1) The 8th National Assembly should legislate as a matter of urgency on granting full autonomy to the LGAs. The relevant sections of the 1999 constitution that relates to the establishment, structure, composition, finance and functions of LGAs should be reviewed by the National Assembly. Section 7 of our constitution, which provides that all LGAs in Nigeria are to be democratically elected, should be fully complied with by the state governors;
- (2) For LGAs to be able to formulate and implement policies and to pursue socio-economic, and developmental programmes that will be of immense benefit to the people at the grassroots, their political and financial autonomy must be guaranteed so as to impact positively on the local people;
- (3) The federal government through the Revenue mobilization and Fiscal Commission should muster the courage or obtain a constitutional backing to discontinue forthwith the allocation of fund to states whose LGAs are headed by Caretaker Committees.
- (4) The Joint-State-Local Government-Allocation Account should be discontinued forthwith and all the allocations of LGAs should be sent directly to them to avoid diversion of such fund by state governors;
- (5) The opposition political parties and all well meaning Nigerians at state and national levels should challenge the unconstitutionality associated with the use of Caretaker Committees in LGAs as the constitution did not provide for such use. In fact, there is nowhere in the constitution that conferred on the state governors such powers to replace democratically elected officials with appointed ones or to continue the use of Caretaker Committee at the third tier of government.

CONCLUSION

The Local Government Areas in Nigeria are in great need of development and transformation and the citizens at the grass root level need basic necessities of life like water, food, shelter, security, electricity, etc so as to make life at that level pleasant for them. Local government councils need to actualize its constitutional mandate and responsibilities through the instrumentality of elected LGAs officers. It has been ascertained in this study that, the continued use of Caretaker Committees to run the affairs of the LGAs will not provide the needed change, development and transformation at the local level. This study, therefore, posits that unless democratically elected individuals are allowed to govern the LGAs, ineffectiveness, inefficiency, lack of popular participation by the local dwellers, electoral disenfranchisement, and corruption, lack of accountability and transparency and lack of developmental projects will continue to elude the third tier of government.

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