

## **Between Democratic and the Caretaker Committee Approach to Local Government Administration in Nigeria: Re-Visiting the Anambra Experience from 2006 to 2013**

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### **Abstract**

This work is an attempt to examine the place of the caretaker committee option to local administration in the present day Nigeria's democratic setting as epitomized by the Anambra state example since the year 2006 to 2013. Notwithstanding the growing appeal for democracy as the best form of government the world over and the concerted efforts by the Nigerian state to legitimize the democratic culture of governance, Anambra state has for nearly seven (7) years now indulged in the use of caretaker committee option to run her local government system with membership composition based on either **selection** or **appointment** as opposed to democratically elected candidates to steer the mantle of leadership at this most crucial tier of government in Nigeria. Employing therefore the structural functionalism theory as the theoretical framework and the descriptive qualitative method of data analysis, the work amongst others was able to make the following findings namely; that local governments in Nigeria according to the various constitutional provisions are the responsibility of both the federal and state governments. Secondly, that even though the federal government is to make statutory allocations to the local governments, such allocations must be passed to them through the state governments but there has existed a very wide constitutional lacuna as to what happens to such funds. Thirdly, that despite the 1976 local government **reform** that pronounced the local government system as the **third tier** of government, their actual autonomy has continued to be far from real. Finally, it was equally found out that the adoption of the caretaker committee option to local government administration has further distorted whatever autonomy that may have been granted to the local government system thereby reducing it to a mere political appendage of the state governments and obvious instruments of pecuniary ambition. Based on the above findings, the work amongst others, made the following recommendations namely; that the on-going constitutional review should be hastened by both houses of the National Assembly in order to actually spell out in clear terms the boundary line for each tier of government in Nigeria. More so, no matter the circumstance, the local government as the third tier of government should be strengthened through its autonomous and democratic existence by ensuring that only elected officials are allowed to pilot its affairs as against the current practice of **selected** or **appointed**

candidates as is the case in Anambra state today. Finally, being financially accountable to itself should be the best stepping stone towards an enduring autonomy that must be made a constitutional matter for the local government system as a matter of urgency.

**Keywords:** Caretaker Committee, Democracy, Local Government, Local Government Autonomy and Local Administration.

### **Introduction**

The existence of Local governments the world over have been categorically recognized as being pivotal to the rapid development of localities where national and state governments may not be able to reach. Supporting the above fact, Obiora (2012), posits that Local governments are expected to act as the pivot in the realization of this dream being the government that is closest to the people. Consequent upon this, the local government system in Nigeria for instance has undergone various changes so as to make it more responsive to the expectations of the people particularly at the grassroots levels with the **1976 local government reforms** as the first major step. In the words of Abada (2007), “the Local government reform of 1976 initialized the local government autonomy which was later strengthened by the **1988** and **1991** reforms respectively”. It was also due to the perceived success recorded through the 1976 reforms that made the Federal government to upgrade the Local government system to a third tier of government through the **1979** and **1999 Nigerian** constitutions (Agalamanyi, 2005; Obiora, 2012).

It is pertinent to note that despite these reforms and subsequent constitutional backings, Local governments have not enjoyed real autonomy in the discharging of its functions. Take for instance, Section 7 of the 1999 constitution grants State Houses of Assembly the powers to determine the existence of Local governments under a law which also provides for their establishment, structure, composition, finance and functions (F.R.N, 1999).

Given these realities, it becomes obvious that Local governments are under the control of the state governments and as such lack elective autonomy especially with the introduction of the **Caretaker Committee arrangement** in its management. Between 2006 and 2013, Local governments in Anambra State to be specific have been managed by **caretaker committees** that are either appointed and/or selected by the state government. This implies that local governments in the state are under the control of the state government and lack all vestiges of administrative and financial autonomy in a democratic reality of 21<sup>st</sup> century Nigeria. Nonetheless, scholars such as Chukwuemeka (2012) have highlighted the importance of autonomy for Local governments as he believes that the political system of Nigeria requires that different levels of government should be given some kind of autonomy to function from the federal government. It is therefore desirable that the local governments should be made to enjoy such too.

Contrary to the above views, Local governments in Anambra state are not known to have enjoyed any administrative and financial autonomy since June 2002 when the first Caretaker Committee was introduced by the Chinwoke Mbadinuju administration under the country’s nascent democracy. This was reinforced and strengthened by the Chris Ngige’s administration between 2003 and 2006. With the emergence of Mr. Peter Obi as

the governor of Anambra State in 2006, there were high hopes that democratic elections shall be conducted into the Local government councils. Such hopes were however to be dashed as with three (3) years into the end of the year 2013, Local governments in Anambra state are still being administered through the Caretaker Committee option. It is believed that such act has dire consequences for the autonomy of Local governments in the State in particular and democracy in Nigeria in general. This work is therefore aimed at ascertaining the impact of the Caretaker Committee option on the autonomy of Local government administration in Anambra State in particular between 2006 and 2013 and its democratic implications on grassroots development in Nigeria as a whole.

### **Theoretical Perspective**

This work adopted the Structural Functional Approach as its framework of analysis. The intellectual precursors of Structural Functionalism include Talcott parsons, Gabriel Almond and Sydney Powell (1972). The theory sets out to investigate how to establish a doctrine of political order to replace political confusion, uncertainties and threats as well as set backs to the maintenance of a capitalist order. The question very paramount here remains; how is order possible where individuals have different interests, passions and roles? They started by examining the structure and processes involved in political behavior, such as how a political system functions, its capabilities, the way it copes with stress and generally how to maintain stability in the system? Almond and Powell's cardinal postulation is that political development is only based on the extent of structure and role differentiation, as well as cultural secularization (Ogbaji, 2011).

This approach is necessary because Local governments exist to promote democratic ideals which involve giving fair consideration to minority views while allowing majority views to prevail. Also, it gives the citizens the opportunity to fully participate in the affairs of the Local council and to get feedback in the affairs of the council. Most theoretical debates on Local government administration have been in the area of development. On his part, Mackenzie (1964) however notes that "there is no normative general theory from which we can devise testable hypothesis about what Local government is".

Wraith (1964), argues that it is useful to think of the formatting stages of Local government in these terms; first, that Local government is an "organism" that is, something that cannot be contained forever or even for very long in a particular set of status, rules and regulations but which is constantly adapting itself to new circumstances; second, that it is related to habits, mode of life and surrounding. The implication of the above views of this scholar is that local government differs from one country to another or even within one country. Oyediran (1988), shares the same view as according to him, the concept of Local government means different things to different people. The first attempts sought to justify the existence or need for the Local government on the basis of its being essential to a democratic regime or for practical administrative purposes like responsiveness, accountability and control. However, the other class of the theory sees Local government system as contradicting the purposes of democratic regime (Ogbaji, 2011). Mill (1975) also justifies the establishment of Local government on three grounds. First, he maintains that certain functions of government are characteristically local and as such, should be locally administered and controlled; second, he believes that local government gives a valuable opportunity for democratic grassroots decision-making;

Thirdly, Mill (1975) argues that local councils are more easily held accountable to the local groups than central government and its agencies. He, therefore, claimed that the very object of having local representation is in order that those who have an interest in common which they do not share with the general body of their countrymen may manage that point of interests by themselves. He attempted to distinguish between local and general function of government, even though it is difficult because almost all service can have national implications. In the most recent time, the argument of Mill (1975) has been reapplied by many writers. Prominent among them are Bentham, Mackenzie, and Laski etc who agree that participation in local government gives first – hand knowledge and makes administration concrete and relevant to a locality (Ogbaji, 2011).

### **Periscoping the Local Government as a System of Governance in Nigeria**

There is no doubt that the local government system in Nigeria was not conceived in error. Of course, it represents part of an identified effort at solving perceived problems at hand as it concerns rural development (Odigboh and Osuagwu, 1998).

According to Ugwu (2000), a Local Government is the lowest unit of administration to whose laws and regulations, the communities who live in a defined geographical area and with common social and political ties are subject to. To him, the territorial Jurisdiction of the local government has to be clearly determined and defined in order to allow the residents of the Local government areas to be aware of their civic and financial claims for the provision of services and for protection against health and other hazards.

In the same vein, Ola (1984) citing the United Nations office for Public Administration defines a Local government as a political division of a nation or (in Federal System) State, which is constituted by law, and has substantial control of local affairs including the powers to impose taxes or exact labour for prescribed purposes. The governing body of such an entity is elected or otherwise locally selected. He posited. Going further, Ola (1984) outlines some elements that inform the creation of this third tier of government called Local government to include:

- Citizenship participation in the management of local affairs;
- Efficient and equitable provision of essential services;
- Resources mobilization for development purposes.

Nevertheless, he contends that the running of Local government organizations are not necessarily the exclusive role of experts as people of average skills and training can handle those issues which are most intimately required by the local people. This tier of government, according to Ola (1984) also offers the greatest possibility for democratic opportunities.

However, Obi (2001), while x-raying the historical evolution of local government administration in Nigeria, highlighted as well, its major features as contained in the 1976 Local Government Reforms. To him, the reforms had its greatest achievement in making Local governments a separate body so that they are no longer treated as the appendages of the State governments. It also provided for the election of majority of the councilors from the communities making up the Local government. In his overview of the impact of the 1978 constitution on local government administration, he cited other relevant constitutional provisions which had impacted on the local government system in Nigeria to include:

- i. Section 1 of the 1979 Constitution, which for the first time guaranteed the existence of a system of local government by democratically elected Local government council.
- ii. Section 7, subsection 6(a) of the 1979 Constitution which directed that;
  - (a) The National Assembly shall make provisions for statutory allocation of public revenue to all Local government councils in the federation; and
  - (b) The House of Assembly of a State shall make provisions for statutory allocation of public revenue to Local Government Councils within the State.

Obi (2001) highlighted some of the noticeable defects of the 1976 Reforms in the local government administration, and which included;

1. The 1976 Edict empowering the military governor to initiate enquires into the affairs of the Local government area at such time or manner as may be deemed necessary by the military governor.
2. The military government was also responsible for the appointment of those that would conduct such enquiry.
3. The 1976 Edict gave the military Governors overriding powers to determine the performance of any following actions if satisfied that the council had not lived up to his expectations;
  - (a) Suspend the council;
  - (b) Appoint a management committee to look after the affairs of the council;
  - (c) Declare the seats of the chairman and other members of the council vacant other than the nominated members;
  - (d) All the management committee members to remain in office until such a time as the military Governor might order.
  - (e) Dissolve the Council where he was convinced that the Council has defaulted in the performance of its duties; and
  - (f) Instruct Local government inspectors to inspect the accounts of the council.

More so, Obi (2001), in a rare display of insiders' knowledge of the working of Local Government Administration, critically outlined the functions of the various positions in the **organogram** of the Local council, stating the limitations of the exercise of their powers. On the conflicts between the Local government council and the state, he enumerated the areas of conflict as follows:

- State and Local Government Joint Account
- The establishment of environmental protection, rural development authority, rural electrification and rural water board.
- **Customary Rights of Occupancy:** It was in keeping with the Land Use Decree which gives right of occupancy power to grant Customary Right of occupancy to applicants within their areas of jurisdiction. While the local government still complies with the decree, the Department in charge of land in the state collects the payment without anything going to the Local government.
- **Market Development:** State government usually hijack the function of provision of market from the local council and award contracts on "contract-finance" basis

- without involving the local council concerned. The author further cited areas of conflict between the local council and the federal government to include as well;
- **The Nigeria Police:** They equally rely on the support of the councils for office accommodation and other logistic arrangements to carry out their functions.

Obi (2001) further posits that the greatest problem confronting local councils in Nigeria is poor funding and general low revenue base. According to him, aside from the inadequate federal and state allocations to the local governments and undue interference, the local governments' possess large areas of activities for internal revenue generation but this notwithstanding, they are still weighed down by poor finances. From his stand-point, the following factors are responsible for poor revenue profile of the local government namely;

1. Poor transport facilities for revenue drive.
2. Indiscipline and dishonesty amongst officials of the local government areas.
3. Lack of timely encouragement of honest and hardworking officers and other motivational packages.
4. Lack of relevant enforcement apparatus.
5. Lack of appropriate supervision of officers in the field;
6. Obsolete by-laws coupled with difficulty in application.

Besides, Ezeani (2004) however notes that the local government system is a product of decentralization. He avers that decentralization means the transfer of authority on a geographic basis whether by de-concentration (i.e. delegation) of authority to component units of the same department or level of government or by devolution of authority to Local government units or special statutory bodies. He also identified various forms of decentralization to include; de-concentration, delegation and devolution. According to him, de-concentration entails transfer of administrative responsibilities and decision making discretion from the Central Government or Headquarters to the field and/or Local administration. Delegation, on the other hand implies the transfer of decision-making and management authority for specific functions to semi-independent agencies such as public area enterprises, regional planning and area development authorities, multi-purpose functional authorities and special project implementation units. Ezeani (2004) viewed devolution as the most extreme form of decentralization which involves power delegation and responsibilities over specific functions by the Central Government to the Local government. Devolution in this sense is concerned with reciprocal, mutually benefiting and coordinate relationships between central and local governments. According to him, devolution connotes local institutions which are separated and isolated from other levels and are likely to be important developmentally. He summed it all up by re-affirming that devolution is an attempt by the Federal or Central Government to transfer powers and responsibility to lower units of government which are granted substantial but not complete autonomy (Ezeani, 2004).

Nonetheless, Okoli (2000) has identified four hypotheses which he believes to be the guide in the justification of the existence of local government. In hypothesis one, he posits that the implication of local government is the presumption of the existence of higher level of government which is more encompassing or broader than the "local". In this line of thinking, it follows that communities and towns exist ever before nation and

republics. Also and more emphatically, the governments of communities and towns (Local Government) exist before nations and republics. In his hypothesis two (2), Okoli (2000) opines that the Local government exists to close the gaps which the national government is too far removed to fill. To him, the local government acts as the link between the national government and the rural dwellers. Furthermore, Okoli's (2000) hypothesis four (4) shows that the composition, functioning and the structure of the Local government is determined by the ideological orientation of the national government. The implication of the above assertion is that the needs, objectives, and aspirations of the national government constitute crucial determinants of the structure and functions allocated to Local government. Put differently, the extent of powers of the local government is a direct function of the ideological stance of the national government. Finally, he identified three major areas as guide to the understanding of the meaning of local government or what he termed its characteristics. They include;

- (i) Operating in a restricted geographical area within a state.
  - (ii) Operating through local election or selection of its functionaries.
  - (iii) Enjoying a measure of autonomy including the power to collect tax.
- To create an environment for democratic self-government nearer to the local people; and to encourage leadership training.
  - To mobilizing human resources for self-help development; and
  - To provide channels of communication between local communities and the government. On the status of local governments, he submits that it must be allowed to acquire the corporate personality which qualifies it to sue and be sued, with "perpetual succession".

### **The Politics of Local Government Autonomy in Nigeria**

There is a good deal of confusion and sometimes misinterpretation as to what the term **autonomy** connotes. Despite its regular usage, the real understanding of the term leaves much to be desired. The numerous scholars and government functionaries who use the term assumes that their audience understands the concept. Furthermore, government reforms that are intended to preserve or extend local government autonomy always ended up short of their objectives because the full meaning of the term "autonomy" has not been adequately explained (Odufa, 1991).

In view of these conflicts in conceptual interpretations, the term "Local government autonomy" is perceived as "Local self government or grass-root democracy". This grass-root democracy is primarily aimed at giving the vast majority of the people the fullest opportunity to participate in determining their own destiny. However, it should be noted that if local governments were to be made completely autonomous, "they would be sovereign states" (Adeyemo, 2005). The essence of local government is to enable those that have common local interests manage their interests by themselves (Idike, 1995). Uncritically, many Nigerians assert the autonomy of local governments and as such, Local government's presumed autonomy has become "both crucial and topical in the country's body politic since the 1976 Reforms" (Chikendu & Nwanegbo, 2005). In this regard, Nwabueze, (1983) defines autonomy under a federal system to mean that "each government enjoys a separate existence and independence from the control of the central or state governments". It is an autonomy which requires not just the legal and physical existence of an apparatus of government like a legislative Assembly, Governor, Court

etc, but that each government must exist not as an appendage of another government but as autonomous entity in the sense of being able to exercise its own will in the conduct of its affairs free from direction of another government. According to Nwabueze (1983), autonomy would only be meaningful in a situation where each level of government is not constitutionally bound to accept dictation or directives from another.

However, in the view of the Centre for Democratic Studies as cited in Adeyemo (2005), Local government autonomy refers to “the relative direction which local government enjoys in regulating their own affairs”. It is also the extent to which local governments are free from the control of the state and federal governments in the management of local affairs.

According to Davey (1991) as cited in Adeyemo (2005), “Local autonomy is primarily concerned with the question of responsibilities, resources and discretion conferred on the local authorities. As such discretion and responsibility are at the core of local government”. It presumes that Local government must possess the power to take decisions independent of external control within the limits laid down by the law. They must garner efficient resources particularly that of finances to meet their responsibilities. Put differently; local autonomy amounts to freedom or independence in clearly defined issues, areas, as well as separate legal entity from other levels of government.

In the context of this work therefore, we shall anchor the belief or position of this study as it relates to local government autonomy to refer to the relative independence of Local government control by both the State and Federal government. Therefore it is the nature and structure of transactions or interactions between the three levels of government that reveals the degree of Local government autonomy. Also, it is not permissible to assume that local governments demand for absolute autonomy. This is because of the interdependence of the three levels of government and the inherent synergy needed for their efficient functioning. Since the three tiers of government respond to the same population but at their various levels, for them to achieve the purpose of their existence, there is the need for their boundaries to be clearly defined and the area of operation of each of them neatly isolated (Ogbai, 2011).

### **Democracy versus the Caretaker Committee option to Local Administration**

Since the advent of the present democratic experiment in Nigeria, autonomy of Local governments has been a recurring issue in the polity due to illegal diversion of funds belonging to the local councils by their respective Governors (Omonyi, 2013). In the bid to make the administrators subservient to their whims and caprices, some governors have even deliberately refused to conduct Local government elections but instead have put in place Caretaker Committees to oversee the affairs of the Local governments. Omonyi (2013) states categorically that evidence had shown from recent statistics that only seventeen (17) states of the federation including the FCT have elected officers running the affairs of their Local governments as enshrined in section 7 of the 1999 Constitution. As a result, it has been very difficult to make the officials (Caretakers) at that level to be accountable to the people. It is also part of the reasons why performance has been abysmally low across the states of the federation.

This recurring issue of Local government autonomy has in the recent past attracted the interest of the Nigerian National Assembly who is currently embarking on constitutional review. Indications have shown that if the recommendations of the committee eventually

scale through the state and national assemblies, it will go a long way to reducing the overbearing influence of the governors.

On the other hand, it appears the governors wouldn't let be, as they have consistently continued to oppose the bill whenever such bill reaches their domain. Take for instance; the embattled Chairman of the Nigerian Governor's Forum Rotimi Amachi had literally launched an open campaign against the proposal, insisting that the bill would not see the light of the day (Amachi, 2013).

Besides, while the controversy still raging, the Nigerian Union of Teachers (NUT) as revealed by Omyoni (2013) has also raised its opposition against the planned policy to ensure complete autonomy of the Local governments. They opposing that on the ground that such would affect the fortune of the education sector. Their resistance to the proposal is however based on the past experience where Local governments piled up backlog of arrears of salaries of primary school teachers with resultant strikes that also paralyzed education and other activities in that subsector. To this effect, the "entire teachers in the country are saying no to the autonomy of Local governments" (Alogba, 2013). He further posited that the teachers have no fear or any grudge against the autonomy of the Local government but because of the fact that Local governments had been given such responsibility in the past and they failed woefully. Alogba (2013) further asserts that the entire teachers in Nigeria would not want a situation whereby the recorded gains in the education sector will be thwarted by this "Uncalled for autonomy".

In another development, the Senate Constitution Review Committee at her recent retreat in Lagos State agreed that any council that is not under the control of elected chairman should be excluded from benefitting from monthly allocations from the federation account (the Sunday Sun, June 9, 2013). The Sunday Sun gathered that when the constitution is amended, it may outlaw funding councils run by Caretaker Committees since there is no provision for such arrangement in the constitution. The aim is to enhance effective performance of elected Local government chairmen and facilitate democratic governance at this tier of government. Importantly, it should be noted that before the fresh war of agitation for the autonomy of local councils, control of their affairs were vested in the various ministries of local government and chieftaincy affairs. This was part of the measures to ensure prudent management of resources at the grassroots level. But, most analysts have criticized the supervisory role of the states because local governments have always been used as conduit pipe for siphoning money meant for developments. This concern may have informed the recent agitations from various corners for Local government's autonomy. Omyoni (2013) maintains emphatically here that the above concern must have been viewed critically by the senators and must have informed their recent decision to provide for a clause in the constitution that would further authorize the Federal Government to release funds for the payment of Local government staff while caretaker committees would be denied access to such funds in states that may want to resist the new law. The belief in most quarters is that elected chairmen will perform better under autonomy arrangement given the support of their respective political parties.

Besides, it has equally been argued that abolition of state/local government joint accounts would check corruption as well as embezzlement of public fund. The implication is that elected officers will now be directly answerable to the people. Though some people may however be skeptical that council administrators may become reckless for lack of

supervisory role of the state, we submit that it is better for the electorates to be the watchdog than allowing the states to control council resources.

### **Caretaker Committee Approach versus Local Government Autonomy in Nigeria**

Generally, the term Caretaker signifies an **ad hoc** solution designed for a specific problem or task, non-generalizable, and not intended to be adapted to other purposes. Common examples are Organizations, Committees, and Commission created at the national, state, local and even international level for a specific or stipulated task. Usually, these committees are used on temporary basis such as temporary administration, or review of the standing rules or the constitution of an organization. A Caretaker Committee is formed for a specific task or objective and dissolved after the completion of the task or achievement of the stated objective for which they were set to tackle. In this regard, Caretaker Committees are temporarily set up to solve a specific problem or to work towards a specific goal. They are usually set up when an existing organization or group cannot take care of what needs to be done (Robert, 2009).

Remarkably, in a Federal structure, a Local Government is created by state legislation with the endorsement of the National Assembly. The Vice president is responsible to the president on all matters relating to local government. The states are political bodies with elections to their legislatures taking place every four years. In several states, elected councilors and the chairman of local government authorities have been suspended by the state governor or state house of Assembly without due process of the law or allowing the councilors to exercise their democratic and constitutional role. In such cases, the governors have appointed Caretaker or Caretaker Committees to replace them (Ezeife, 2008).

The 1979 Constitution as re-enacted and re-entrenched in the 1989 and 1999 constitutions of the Federal Republic of Nigeria provided in Section 7(i) for the existence of a system of Local government by democratically elected local government councils. The constitution requires all states to enact legislation providing for the establishment, structure, composition, finance and functions of local government councils (Section 7(i), 1999 Constitution). The local government exists in a single tier in all states. There are seven hundred and sixty eight local government authorities and six area councils totaling seven hundred and seventy four in Nigeria today.

The 1976 local government reform provided for the membership of the council to be predominantly elected either by direct or indirect elections from the local councils or communities. The normal life span of a council according to the reform shall be three years and the state governors are given the powers to order the dissolution of a local government council at any time after due inquiry as defined in the state edict/law establishing such council, if it is found that the council is incapable of discharging its functions effectively (Okpata, 2005).

If the Local government is really seen as “government at the local level exercised through representative councils with established laws to exercise specific powers within defined areas” as established by the 1976 Local Government Reforms, it therefore implies that the Local government is an integral part of national government essentially as it derives its powers from the constitution which also states that local government must operate under the guidance or supervision of the higher levels of government so as to ensure that they work in accordance with the national policy(ies) (Ogbaji, 2011).

The formation of Caretaker Committees or transitional management committees or whichever the name, is an instrument in the hands of the state governments to erode the autonomy of local governments in Nigeria. The ability of Local governments to transform rural areas is hampered under the Caretaker Committee arrangement particularly and more so too, as they do not get enough funds because, they lose more than half of their federal allocation to state governments. Also, the State governments do not adhere to the policy of remitting the ten percent (10%) of their internally generated revenue to the Local governments as supposed. This is due to Joint State – Local Governments Account, which has as its implication, the inability of most Local governments to prepare and execute annual budgets especially, during the era of Caretaker Committees (Dalhatu, 2007).

Indeed, Local governments in Nigeria could be regarded as not being autonomous due to poor intergovernmental relations that give room to the formation of Caretaker Committees instead of democratically elected representatives. According to Dalhatu (2007), “Local Governments are used as tools for achieving political desires and aggrandizement. They are often misconstrued with field administrations which consequently act as agents of State governments. They are generally not more than mere pawns on the chess-board of the Chief Executives of the State”. From the above therefore, Abada (2007) asserts that today, “Local governments to an extent, exist at the mercy of the state governments depending on the creation agency. Administrators and councilors are imposed on the people which actually makes them to resort to the use of force in administering labour within its area/s of jurisdiction”. The fact remains, that the Caretaker Committee option gives room for the siphoning of finance by State governments.

Furthermore, Abada (2007) believes that the erosion of financial autonomy of the Local governments by State governments has reached the extent that Local governments are on daily basis being intimidated to sign and handover their statutory allocations to the states. The states do get away with this because of the absence of democratically elected officers in the Local governments. The governor appoints most of the officers (Caretaker Committee) “who pay their loyalty to the governor at the expense of development in these council areas, by allowing him to cart away the funds that accrue from their statutory allocations. The Caretaker Committee System therefore reduces the autonomy of Local governments in Nigeria and in general terms, retard the socio-economic and political development of the rural areas.

### **The Realities of the Local Government Caretaker Committee Administration in Anambra State from (2006 – 2012)**

It may perhaps represent one of the numerous defects of the hurriedly packaged 1999 Constitution, and has continued to agitate the minds of many as to why the tenure of Local government Council was programmed to elapse in three years whereas those of the other elected officials at the Federal and State levels (i.e.) executive and legislative branches of government terminate in four years, a situation which has ultimately empowered the state chief executives (Governors) to consolidate their plan for return to power on expiration of their tenure.

It is worthy to note that Local Government administration in Anambra State has not participated in any democratic rule since 2002 when the tenure of the 1999 Councils

elapsed. The State chief executive has since then appointed own cronies to manage the Local government councils in the state. This development has substantially enlarged the state's political and economic machinery. The regime of those crop of appointed officers usually go with all manners of unwholesome financial practices and in some extreme situations, outright embezzlement of council's funds, clearly depicting a conscious design by the State chief executive to ground the Local government council due largely to the inherent lacuna in the constitution (Ifeka, 2006). There is always a standing instruction given to the appointees not to engage in any form of project exceeding **one hundred thousand naira**, which literally translates not to undertake any developmental project in their L.G.As. This is the genesis of the very poor showing of rural development in the State as observed by several development agencies that are operating in the State. The question now is, if the three years tenure prescribed for the elected council members of Local government was not a deliberate effort to subjugate the independence and capability of the third tier of government, then the deliberate delay by the State Chief executive in using the existing machinery of State Independent Electoral Commission (ISEC) to organize election into the councils at the appropriate time, calls for concern (Agbati, 2005). As further noted by Agbati (2005), the Nigerian constitution of 1999 at best subjected the Local government system to the whims and caprices of the State governors who have come to identify it as an area to be conquered if they must remain politically relevant. Given this magnitude of anomaly, there has been a clarion call for an electoral bill that will ensure the immediate harmonization of the tenure of Local government councils across board. The climax of the abnormal situation was the time of Dr. Chris Ngige. A major act perpetuated by that administration was the idea of intimidating the appointed Caretaker Committee Chairmen to sign receipts of hundreds of millions of Naira purportedly collected by the councils when in the actual fact, the Governor was the receiver of the monies, under the guise that the State and Local government councils in the State were jointly executing projects; a claim that has been widely refuted. For instance, Ifeka (2006) contends that this third tier of government in Anambra State during the period under review were **taken six years back** because those resources that would have gone into them were channeled to the infrastructure developments that never rewarded them outside the **ordained ones** by the Governor. This situation did not change even under the Peter Obi Administration. Projects were neither initiated nor executed by the appointed caretaker officers. The obvious remains that these appointed Local government councils are not the people's representatives and until the trend of unelected councils is constitutionally discouraged, development will continue to elude the people at the grass roots. It is not enough to pay salaries of the staff of the Local government councils, because the enormous financial resources at the disposal of the LGAs are for the development of the communities that make up the LGAs among other needs.

The allegiance of the councils' bosses and their committees in this era of transition has always been to the powers that appointed them into offices. This explains why it has never been in their agenda to either initiate any development project that will impact positively on people's lives or create an enabling environment for the staff to contribute meaningfully to the development of the Local government area. Staff motivation by way of training/ workshops/seminars to improve on their performances through acquisition of new skills and building their capacities to deliver, are non-existent in this period of

Caretaker ship. At a time when pressures became unbearable, **smokescreen – like workshops** were arranged with men and women whose credentials and cognate experiences were very doubtful as trainers. The trainers being aware of their very poor academic background were always willing to part with a certain percentage of the total cost of those workshops/seminars usually organized for the very few staff located in the urban local government councils. Sometimes if such jamborees are extended to cover the rural local governments, it is often done without the allowances that should normally accompany it.

In the area of Internal Revenue Generation (IGR), it is better not mentioned because it has deteriorated to a level beyond what it was even before the inception of democratic rule in the Local Government Areas in 1999. The truth remains that it is the elected local government councils that are equipped with the instrument of leadership by the constitution. Therefore, the fact that the rural areas in Anambra State have remained widely underdeveloped is a manifestation of the results of attempts by the various State Chief executives to continue to circumvent democratic leadership at the grassroots level (Nwobu, 2011).

In line with the above views, scholars such as Ola (1984), Obi (2001), Ezeani (2004), Okoli (2000), Idika (1995), Odunfa (1991), Nwabueze (1983), Obiora (2012) among others have delved into the issue of Local government administration in Nigeria. They have in various ways defined the term Local government and at best, marshaled out the reasons for its existence, meaning and functions. However, little or no attention was paid to the impact of the Caretaker Committee option on Local Government autonomy and the reason/s as to why State governments do constitute Caretaker Committees and the constitutional provisions that guarantees its existence. This work is equally an attempt to feel this gap as it tries to ascertain whether constitutional provisions guarantee the existence of Caretaker Committees in Local government, and its effect on Local government autonomy.

### **Basic Understandings/ Findings**

Even though Section 7(i) of the 1999 Constitution provides for the establishment of Local government council, the exact status of Local governments have not been very clear but rather contradictory. It seems reasonable to conclude right away from the provision that Local government is the responsibility of both the Federal and State Governments. However, this conclusion is still problematic. Moreover, some of these provisions lend themselves easily to different interpretations and could lead to operational or functional immobilism. In other words, if the state is responsible for Local government within its confines, what is the idea of entrenching their existence in the constitution and not in the state legislation like in the American Federalism (Okoli, 1981 as cited in Okpata, 2005)? On the dissolution, expiration and the removal of council chairmen, various Governors and Houses of Assembly during the life span of the last democratically constituted councils, took decisions which either outrightly resulted in the termination of the life of elected councils through dissolution and in some other cases, suspension of council chairmen.

Nonetheless, according to the provisions and stipulations of the 1999 Constitution, it is clear that even though government shall make statutory allocations to Local governments, such allocations must be passed to them through the State governments. However, one

thing appears to have escaped the notice of the framers of the Constitution which had combined to form the problem of the 1999 Constitution. Whereas the federal government has a constitutional duty to make allocations to establish “State Joint Local Government Account” into which these allocations are paid, what may happen to the funds is not the business of the Constitution. Poor constitutional provision therefore is one of the contributory factors to the erosion of Local government autonomy in Nigeria. The financial control and relationship between the local government and the State and Federal government brings the former to a level of over dependence thereby reducing the autonomy of the Local government but increasing the undue control by the State over the Local governments. This has even given them the impetus to appoint Caretakers into Local governments thereby further reducing their autonomy.

Besides, from the foregoing therefore, it has been difficult to practice an enduring autonomy in Nigerian Local Governments. Even though various institutional frameworks have been put in place following the 1976 Local Government Reforms in order to concretize certain degrees of autonomy, an amalgam of bottlenecks have continued to exist on the way of an emergent autonomous Local government system in Nigeria. These can be identified to include poor constitutional provisions, political instability caused by poor governance in the polity, financial and fiscal problems and all others that tend to give rise to the practice of the Caretaker Committee System. As aptly noted by Ogbaji (2011), this continuous overbearing role as exercised by State governments no doubt, poses serious threats to the autonomy of Local government.

By and large, it is evident that the political instability which has strongly manifested in the polity especially in Anambra State from 2003 to 2013 is among the militating factors against autonomy of the Local government. This is due to the changing and swinging of political pendulum that oscillates between Caretaker Committee System and elected government. Within the above period, the most favored system was in the Caretaker Committee System of administration that further cedes the Local government to State control and erodes its autonomy (Oyelakin, 1992). Consequently the Caretaker Committee System cedes Local governments more to State control and reduces its autonomy. The submission here still remains that the poor constitutional provisions ranks prominent as a contributory factor to the problem of Local government autonomy in Nigeria.

### **Conclusion**

This study has shown that Local government autonomy has been adversely jeopardized in Anambra State by the practice of the Caretaker Committee System of administration. It equally established that Local government autonomy is being eroded by vacuous constitutional provisions, political instability and the nature of fiscal/financial relationships that exist among the three tiers of government. Local governments were created to stimulate socio-economic development at the grassroots level. Even though their powers, functions and duties were enshrined in the 1979, 1989 and 1999 Constitutions of the Federal Republic of Nigeria, it was observed that the autonomy being expressed is a myth rather than reality.

The usurpation of Local government functions and revenue sources by the State government through the Caretaker Committee arrangement is a systematic way of eroding their autonomy. More often than not, parallel revenue boards are created by

states thereby unwillingly usurping and reducing the revenue yielding potency of the Local government.

Furthermore, the State governments do apply excessive force in both financial control and supervision of Local governments which goes a long way to distorting whatever autonomy that may have existed in the Local government system. Given the situation, this tier cannot carry out her developmental responsibilities. Equally, this undue dominance by the State government has completely rendered the autonomy of the local governments useless and making it absolutely impossible for the goals of the 1976 Local government reforms to be achieved.

### **Recommendations**

Presently, there are seven hundred and seventy-four (774) constitutionally recognized Local government areas in Nigeria but situation of things have left most of them beggarly and unviable socio-economic and political centers with accompanying clienteles. As such, there is need to reduce the level of their over dependent on the states so as to make them more viable and capable of performing their functions. Moreover, the controversy surrounding the position of the Local government in the 1999 Constitution should be resolved otherwise; the autonomy and development efforts at the grassroots will be in jeopardy. The on-going constitutional review should be speeded up so as to spell out clearly the boundary of each tier of government and the nature of their relationships. It should also be written in simple and clear clauses so that legal interpretations cannot continue to remain an unresolved puzzle with **men of the bar and the bench** cashing in on such to massage their ego. Where ambiguities exist, the Supreme Court should adjudicate between the State and Local governments and this is dependent on the constitutional provisions determining their relationships.

Besides, in order to consolidate the gains made in Local government councils for greater performances, there is the need to reform the Local government system along certain lines. The Local government as a third tier of government needs to be strengthened and democratized. Officials of the Local government should always be democratically elected by the Local people and not appointed. Where unavoidable, the State government should not be allowed to constitute the Caretaker Committee(s) alone. Instead, a better way of constituting a caretaker Committee should be designed to always involve the Local people of such a council so as to make the representatives be responsive to the people instead of the State Governors.

Equally, there is the need however to promote transparency and accountability at all levels of governance by putting mechanisms in place. It will be crucial to strengthen institutions of horizontal accountability and anti-corruption bodies. In addition, civil society organizations particularly at the various local levels should be re-oriented and empowered to hold elected officials accountable.

All in all, whatever the degree of autonomy vested on the local government in the amended 1999 Constitution and other Local government laws of the State, the political actors should be more diligent in exercising such autonomy or powers. Irrespective of the type of constitution in existence, conflicts are bound to arise among the operators, but the ability to amicably resolve such conflicts will give room for an enduring democracy where the value of autonomy would be better appreciated.

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