

# Ensuring Free, Fair and Credible Elections in Local Governments in Nigeria

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## Abstract

This paper analyses the conduct of elections into local government councils in Nigeria. The paper argues that credible elections into local government councils have been non-existent from independence in 1960 till date. This is because the local councils are often subjected to controls by the upper levels of government in the federal system of government. During the First Republic, the Native Authorities (as local governments were then called) were under the control of the regional governments. The Constitution of the Second Republic (1979-1983) gave state governors the power to dissolve local councils and appoint Caretaker Committees to run the affairs of local councils. The 1999 Constitution currently being operated empowers state governors to appoint chairpersons of State Independent Electoral Commissions, the electoral umpires mandated to conduct local government elections in the 36 states of the federation. As the situation stands, there is some ambiguity as to whether the state governors can dissolve local councils before elections are conducted at the expiration of their tenure, but often, state governors capitalise on this ambiguity to dissolve local councils at the end of their tenure, and appoint Caretaker Committees. Often, these Committees are staffed with cronies and party sympathisers. The paper argues that this situation makes the possibility of conducting free and fair elections into local councils very remote. The arguments in the paper are further strengthened by analysis of questionnaires distributed during field work and focus group discussions with stake holders drawn from civil society organizations, members of the clergy and the academia. The paper concludes that in order to ensure credible elections into local councils, the power to appoint chairpersons and commissioners of the State electoral bodies should be removed from the governors. Furthermore, there should be constitutional amendments to free local councils from the clutches of the state governors. The conclusions are based on the findings of field work conducted on local government elections in Kaduna state in Northern Nigeria, but to varying degrees, it represents a larger picture of local government elections in the country, because all the state electoral bodies and the local councils throughout the thirty six states of the Nigerian federation are under the control of the state governors.

**Key Words:** Local Governance, Democracy, Transparency Accountability Elections,

## 1.0 Introduction

Good governance based on transparency and accountability has eluded local governments in Nigeria due to the absence of a truly representative system of government. Local communities have been denied the right to democratically choose their representatives into local government councils in free, fair and credible elections from independence till date. Right from the 1950s (when elections were first held in some local governments in Eastern Nigeria) till date, most of the elections conducted into the local councils cannot be said to be credible. Most elections amount to "selection" and "appointment" of local representatives because state governors use the incumbency factor to rig elections in favour of their preferred candidates. Situations where local councils are controlled by opposition parties are rare, and where this happens, the local councils are dissolved and caretaker committees, often made up of sympathizers of the ruling party are appointed in their place. The main reason for this trend of affairs is that whoever controls the local councils is sure to gain control of the regional or state government during gubernatorial elections. Thus politicians in Nigeria have always considered control of local governments as very vital. This explains why during the prelude to independence, the Premiers of the Eastern, Western and Northern Regions - Dr. Azikiwe, Chief Awolowo and Sir Ahmadu Bello- also became Ministers of Local Government in their respective regions.

Elections into local councils were first organized in the late colonial period. The elections were held in a bid to contain the growing tide of anti-colonial nationalism after the second world war. There was broad consensus among the educated elites on the need to democratize the system of local government and this forced the colonial administration in both the Eastern and Western regions to begin steps which were to lead to a representative system in the early 1950s. A number of commissions were established during this era by the colonial government with the aim of effecting reforms that will increase local community representation in the overall administration of local affairs. The first step in this regard was taken in 1948 with the constitution of a

Select Committee of the members of the Eastern Regional House of Assembly to study a memorandum on the subject prepared by Brigadier E.J. Gibbons, a Senior Resident in the Eastern Provinces. This led to the promulgation of the Local Government Law of 1950. In the colonial government's view, the Local Government Law of 1950 was intended to remedy a major defect of native administration, namely, that the local councils were not sufficiently representative, especially of the educated elites. Therefore, a significant feature of this Law was the legal requirement that the Instrument establishing a council should specify the time of election to the council and the size of the elective seats. The reform made it legally obligatory that elections be the means of selecting councillors. It provided for three basic types of authority- county, district and local councils, each autonomous of one another. The first five years of the reform however, did not produce any change in terms of representativeness. It was not until after 1955 that the Premier of the Eastern Region, Dr. Azikiwe, could promise the introduction of universal adult suffrage in one urban district as a pilot scheme (Gboyega 36:1987)

Local government reform in the Western Region followed the example set by the Eastern Region. The Local Government Law of 1952 provided for three basic types of council, the divisional, district and local councils. The Councils had three year tenure, and the instrument establishing each Council specified its composition, and fixed the time for its election. The divisional council was headed by a President who was the paramount chief of the area, or where there was none, the office was filled in rotation by the recognized traditional rulers within the locality. The councils also had among their membership other traditional members, some of whom were permanent, and others elected for a three year period. It became clear five years after the introduction of this reform, i.e. by 1957, that the expectations of operating a liberal representative local government system was not being realized due to political interference by the regional government controlled by the Action Group (AG).

Similarly, the Native Authority Law of 1954 introduced in the Northern Region did not produce any major change in the system of local administration. Traditional rulers became even more prominent in the exercise of authority in local councils. The dominant party in the region, the Northern People's Congress (NPC) was essentially made up of the nobility, and the Executive Council of the regional government included a powerful group of traditional rulers. The Native Authority Law of 1954 therefore did not attempt to make sweeping re-organisation of local administration based on popular participation. Thus, by the time the military took over power in January 1966, local governments in Nigeria were anything but representative.

Efforts were made to democratise the system of local government before the military handed over power to a civilian administration in 1979. The 1979 Constitution of the Second Republic recognised local government as the third tier of government, with a democratically elected council. Section 7, (1) of the constitution states:

*“the system of local government by democratically elected local government councils is under this constitution guaranteed; and accordingly, the Government of every state shall ensure their existence under a law which provides for the establishment, structure, composition, finance and functions of local councils”*

The negative consequence of placing local councils under the control of the state governments as the 1979 Constitution did was that many local councils were dissolved on flimsy excuses and replaced with Management Committees. This usually happened when the local council was under the control of an opposition party, or, when the council refused to dance to the tunes of the state government. There was also a proliferation of local governments throughout the country. Creation of local governments was usually done to satisfy selfish political interests rather than a genuine desire to promote democratic governance. Throughout the period of the Second Republic, i.e. from 1979-1983, there was no single election into local councils throughout the country.

## **2.0 Local Government Elections -1999-2012**

The framers of the 1999 constitution did not seem to have taken into consideration the weaknesses of the 1979 Constitution. Even though the Constitution guarantees democratically elected local government councils, it places the latter under the control of state governments, as the 1979 Constitution did. Section 7(1) of the 1999 constitution is a repetition of the Constitutional provision of 1979. It stipulates:

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

Section 3 sub section 6 of the 1999 Constitution provides for 768 Local Government Areas and 6 Area Councils. Section 7 sub section 4 states that the government of a state should ensure that every person who is eligible to vote

and be voted for in a House of Assembly election is also given the right to vote and be voted for at a local government council election. Despite this emphasis on representative democracy, local communities have been denied free and fair elections into local councils since 1999. For instance in Osun State in the South West, local councils have functioned for only four years since the return to civil rule in 1999.<sup>3</sup> Similarly, local communities in Oyo State (also in the South West) have not had up to four years of elected councils.<sup>4</sup> In Anambra State in the South East, the state governor, Peter Obi has refused to conduct local government elections since he assumed office. In Imo state also in the South East, successive governors have preferred using appointees to run local governments as against constitutional provision for elected officers. In Kaduna state in the North West, the elected local government councils were dissolved just before the general elections in 2011. Caretaker Committee chairmen and members for local government councils were inaugurated by the Governor in July 2011. But Justice G.I. Kurada of the Kaduna State High Court, on August 2, 2011, declared that the Kaduna State Government does not have the power to make any law empowering them to appoint interim leadership for the local councils in view of Section 7 of the Constitution. The state government however refused to budge, arguing that the expiration of the tenure of the Chairman and members of the State Independent Electoral Commission was the main problem hindering it from conducting the elections into local councils<sup>5</sup>. Earlier in the year, the Federal House of Representatives had, in May 2011 declared as illegal the appointment of caretaker committees in various local government councils in 25 states in the country. The norm, rather than the exception all over the country was the appointment by state governors of caretaker committees to govern the affairs of local councils. Conducting elections into local councils seems to be a misnomer.

Table I shows the number of times local government elections have been held from 1976-the year when watershed reforms were introduced to make local governments democratic- to 2008

**TABLE I**

i.	1976-1977	:Elected Local Government Council on non-party basis
ii.	October 1979-December 1983	: Selected Chairmen and Councillors
iii.	January 1984- August 1985	: Sole Administrators/Management Committees
iv.	August 1985-December 1987	: Sole Administrators
v.	January 1988-July 1989	: Elected Chairmen and Councilors.
vi.	August 1989-December 1990	: Management Committees with Sole Administrators
vii.	January 1991-November 1993	: Elected councils on two party basis
viii.	November 1993-April 1994	: Management Committees
ix.	April 1994-1997	: Appointed Chairmen with 4 Supervisors
x.	1997-June 1998	: Elected Councils
xi.	July 1998-May 1999	: Sole Administrators with 4 supervisors
xii.	June 1999-June 2002	:Elected Council on political party basis
xiii.	June 2002-June 2003	:Selected Councils/Transition Committees
xiv.	June 2003-March 2004	:Transition Committees
xv.	March 2004-March 2007	: Elected Councils elected on party basis
xvi.	April 2007-March 2008	:Elected local councils in about half of the states

According to this table, in a period of thirty two years, only seven out of 16 different forms of local government administration were based on elections. Even then, only two out of the seven - the elections of 1976 held on zero party basis and that of January 1988 also held on zero party basis (both periods were during the era of military rule) were adjudged to have any semblance of being free and fair. All the other elections- January 1991, June 1997, June 1999, March 2004 and April 2007- have all been tainted by allegations of widespread irregularities which include inflated voter returns, ballot box stuffing, altered results and disenfranchisement of

<sup>3</sup> From May 2002 to May 2003, all the local councils were made up of Alliance for Democracy controlled caretaker committees appointed by the former state governor, Bisi Akande. They were dissolved when Governor Oyinlola assumed power in May, 2003.

<sup>4</sup> When Governor Rashidi Ladoja was about to vacate office, he held elections into the local governments in the State.<sup>4</sup> When governor Alao Akala succeeded Ladoja, he ordered the dissolution of the 33 Councils on 29th May, 2007 and approved a fresh list of Local Government Caretaker Committee Chairmen on 30th May 2007. The Nation Newspaper, 31<sup>st</sup> May, 2007

<sup>5</sup> The Nation Newspaper. 11 July 2012



voters, violence, intimidation of voters and electoral officers by hired political thugs. In all the states where the elections were held, the ruling parties always triumphed due to perpetuation of gross electoral malpractices. Currently, the Action Congress Party of Nigeria (ACN) controls all the twenty local government councils in Lagos State as a result of “elections” held in October 2011. While the party's leaders were quick to hail the conduct of the polling, four staff members of the Lagos State Independent Electoral Commission (LASIEC) were arrested in Epe ward over electoral offences. Residents of the area accused the LASIEC officials of delaying the voting process and providing insufficient voting materials.

**3.0 Methodology**

The findings in the paper are based on research conducted using Kaduna State in North Western Nigeria as a case study. The research was conducted using the questionnaire/interview method. The questionnaires were designed to find out the opinions of the electorate about the fairness of local government elections and the capability and impartiality of SIEC in conducting local government elections. Focus Group Discussions were also held with various stakeholders in three selected local governments, urban, semi urban and rural. The local governments are

- ❖ Chikun-Urban
- ❖ Giwa –Semi urban
- ❖ Kudan-Rural

Chikun local government is urban, Giwa local government is semi urban while Kudan is rural. Participants in each of the three FGDs included civil servants, candidates who have contested local government elections, farmers, teachers, representatives of community based organizations such as cooperative societies, women groups youth groups as well as the clergy.

Overall, the responses we had from the fieldwork conducted in Kaduna state suggest that local council elections are anything but free and fair. The questionnaires we designed and the Focus Group Discussions (FGDs) for the fieldwork was to enable us assess the opinions of the electorate about the fairness of local council elections as well as the impartiality of the SIEC in conducting these elections. Our analysis of the questionnaires reveals that a majority of our respondents do not believe that the local government elections are free and fair, as Table I shows. 72.5% of the respondents do not believe that the local government elections are free and fair as against 22.5% who believe that the elections are free and fair. 5% have no opinion. When disaggregated based on gender, 54.5% of females believe that local government elections are anything but free and fair as against 45.5% who believe that the elections are free. Among the male respondents, 79.3% do not believe that local government elections are free and fair as against 13.8% who believe that the elections are usually free and fair . 6.9% have no opinion.

**TABLE II**

			Do you believe that local govt elections are conducted in a generally free and fair manner?			Total
			Yes	No	don't know	
Gender	Male	Count	4	23	2	29
		% within Gender	13.8%	79.3%	6.9%	100.0%
	Female	Count	5	6	0	11
		% within Gender	45.5%	54.5%	.0%	100.0%
Total		Count	9	29	2	40
		% within Gender	22.5%	72.5%	5.0%	100.0%

On the question of sensitization of the electorate, Table III shows that 60.0% of respondents feel they are not adequately informed about how they can vote while 40.0% feel they are adequately informed about the voting process

**TABLE III**

		Do you feel that you were adequately informed about how you can vote?		Total
		Yes	No	
Male	Count	11	18	29
	% within Gender	37.9%	62.1%	100.0%
Female	Count	5	6	11
	% within Gender	45.5%	54.5%	100.0%
Total		16	24	40
% within Gender		40.0%	60.0%	

Respondents who believe that preparations for local government are not free and fair base their opinions on different reasons, as tables IV to V reveal. According to Table IV below, 55.0% from this category base their opinion on bias of SIEC officials. 30%. Of our respondents believe that the elections are not free and fair due to interference from political party agents while 70% are of no opinion on this question as shown in Table V.

**TABLE IV**

			The elections are not free and fair due to		Total
			no response	Bias form SIEC Officials	
Gender	Male	Count	11	18	29
		% within Gender	37.9%	62.1%	100.0%
	female	Count	7	4	11
		% within Gender	63.6%	36.4%	100.0%
Total		Count	18	22	40
		% within Gender	45.0%	55.0%	100.0%

**TABLE V**

			The elections are not free and fair due to		Total
			no response	Interference from Political Party agents	
Gender	Male	Count	19	10	29
		% within Gender	65.5%	34.5%	100.0%
	female	Count	9	2	11
		% within Gender	81.8%	18.2%	100.0%
Total		Count	28	12	40
		% within Gender	70.0%	30.0%	100.0%

According to the participants in all the FGDs, a major challenge faced during local government elections is insufficient number of security agents. Due to their insufficient number, the security personnel are often overstretched during local council elections. Moreover, they are usually influenced by the ruling party's agents, through monetary inducements. Thus the security agents look the other way when fraudulent practices are being perpetuated and sometimes they actually assist in inflating the number of votes cast in favour of the ruling party. In terms of capacity building, the SIEC is found wanting. Staff of the commission, both permanent and ad-hoc, as we were told by FGD participants, lacked the requisite training. Some of them are even unable to fill out designated forms. In Giwa Local Government the dearth of SIEC staff means the Commission has to train ad-hoc Staff to man the polling booths on election day. However, the purpose of the training is defeated as both government and party officials influence the appointment of ad-hoc staff during elections, and in most cases, the actual trainees are not the ones brought in to oversee the election. Rather, ruling party agents who have never even been trained for the position are brought in to act as SIEC ad-hoc staff. Also the participants noted that logistics such as transport and communication gadgets are not provided for during elections, and this makes it easy for corruption to thrive. Local Election Observers from Community Based Organizations (CBO's) are also often intimidated by security agents, but foreign observers are allowed to monitor same, and this is done to deceive the foreign observers that all is well as happened during the 2008 local government elections. Inefficiency in the distribution of electoral materials and lack of punctuality in accreditation are other the major challenges faced during local council elections. These problems deny a huge number of registered voters the opportunity to exercise their franchise, especially amongst the women populace, who have a responsibility of ensuring that the home front is adequately taken care of before arriving at the polling booths.

Participants also noted that the members of the media are also intimidated by party thugs and in some instances, they are influenced by monetary inducements. This, to a large extent, influences journalists in reporting the outcome of the elections. Journalists are also usually unwilling to go to the remote areas, where most of the electoral malpractices are committed.

#### **4.0 Conclusion**

From our findings, credible elections can only be ensured when the State Independent Electoral Commissions are freed from the control of state governments. Their independence should be ensured through a separate budgetary

allocation. This is to avoid a situation whereby officials of the Commission rely on party officials and election candidates for financial assistance during local government elections. Also, the appointment of SIEC chairperson and commissioners should not be handled by the state government. It should be done through an independent body established by law. Members of this body should be drawn from retired civil servants and civil society organisations, and before their appointment, they should be properly screened with regards to their conduct, experience and qualifications. Other staff of the SIEC should be carefully screened, from character to academic qualification before employment. Training of SIEC officials, both permanent and ad hoc, should be properly planned. It should be on both short term and long term basis, and during elections, only those properly trained should be allowed to handle elections. This can however be possible only with a truly independent SIEC whose members are not the appointees of the ruling party or the state government. Until proper measures are adopted, local council elections will continue to be a mirage and consequently, the impunity with which financial resources are frittered away by corrupt politicians will continue to affect the quality of governance and service delivery in local communities.

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