

LOCAL GOVERNMENT REFORMS AND THE CHANGING ROLES OF TRADITIONAL INSTITUTIONS IN NIGERIA

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Abstract

Of all the contesting issues in Nigeria today, the relevance of the traditional institutions in the modern administration is observed. Traditional institutions have been in existence as the demi-gods before the advent of capitalism, but gradually phased out with the coming of the white man and the subsequent local government reforms. It is in the light of the above that more light will be thrown to examine whether local government reforms have diminishing effect on the functions and relevance of the traditional institutions. The paper examines the role of traditional institutions with Nigeria democracy. The article contends that traditional institutions in today's democracy are face majorly with the problem of constitutional recognition and not of relevance. Overtime, traditional institutions played a crucial role in the pre-colonial and colonial phases of Nigeria history. The study interrogates the contending perspectives of the Traditionalist and modernist school of thought as regards the position of traditional institutions in modern democracy. The study also examines the various means through which traditional institutions remain relevant in Nigeria democratic space by having considerable influence and play active role in the political administration and electoral process at of tiers of government. In conclusion, the study identified the various process through which traditional institution can contribute to the sustainability of democracy in Nigeria such as conflict resolution process, spread of development and democratic dividends and viable instrument for democratic peace.

Keyword: Traditional Institution, Democracy, Constitution, Traditional Rulers, Government.

Introduction

This work is primarily undertaken to look at the changing roles of traditional institutions in Local Government administration in Nigeria. It is also imperative to examine the period before colonial rule and to have a look at the socio-political and economic set ups in Nigeria. Pre-colonial Nigeria can be divided into three main types of socio-political groupings. First, we have the centralised kingdom where the paramount ruler could not act on his own without the consent of the council of state. The ruler in such societies was therefore a constitutional monarch. This was the situation with the Obas in the area referred to as Yoruba land. In the emirate areas of the Northern Nigeria, the emir was the supreme ruler in the emirate. In these areas, emir had maximum control over his councillors and also had religious authority. The last socio-political grouping in Nigeria in the era of the colonial period was made up of people of diffused authority with elders acting mainly as decision makers. People of the diffused authority were traditionally individualistic and egalitarian. These people include Igbo, Tiv, Igbirra etc. Being the native of pre-colonial administration, the various communities under the jurisdiction of traditional rulers saw these rulers as embodiment of cultural values and traditions, and as the terminal and sacred apex of the administrative system. This strength of traditional authorities led the British colonial government to utilise the existing traditional institution for the purpose of penetrating rural communities to exploit our resources.

With the amalgamation of Northern and Southern Nigeria in 1914, the enactment of the Native Ordinance of 1914 and the Native Authority Ordinance of 1916, the indirect rule system was introduced. In explaining the objective of the policy, Lugard said;

“...to make emir or paramount chief assisted by his judicial council, an effective ruler over his own people, he presides over a native administration organised throughout as a unit of a local government. The areas which he exercises jurisdiction under the control of Headman....” the emir appoints and dismisses his subordinate chiefs and officials, he exercises power of allocation of lands and with the aid of the Native courts or adjudication in land disputes and expropriation offences against the community. To intrigue against him is an offence punishable if necessary in a provincial court. Thus, both British and Native courts invoked to uphold his authority. It is the consistent aim of British staff to maintain the prestige of the native ruler, to encourage his initiative and support his authority”. Source of quotation

Thus, with the introduction of the indirect rule system in Nigeria and Southern regions, Traditional rulers still continue to issue out orders to their subjects, but unlike in the pre-colonial days, the rulers were no longer the law givers. In the case of Eastern Nigeria, the British authorities could not introduce the indirect system that led to the enactment of House rule ordinance which gave official recognition to the existing political institutions. Besides, there was the creation of ‘warrant chiefs’ who were basically the executive agents of colonial government.

The terminal phase of colonial rule brought a number of structural changes into local

government organisation in response to the democratic upsurge and changing nationalist sentiments. These reorganisation on the power traditional rulers differed among the various regions. In the North for instance, participation was introduced in the place of sole Native Authority under the 1954 Native Authority Law. Similarly, in 1952 some elements were introduced into Local government system following the British model. However, in 1950, the eastern region local government ordinance also introduced the British model. Three tier structures comprising County, Districts and Local councils. These structural changes diminished power and influence of traditional rulers. On the attainment of political independence in 1960, the traditional rulers had become mere appendage of politicians. With the introduction of competitive party in election, politicians expected the traditional rulers to use their influence on their subjects to follow and accept the political party affiliation.

With the coming of the military in 1966 and suspension of party politics, the traditional rulers became virtually removed playing active role at the state level. In an attempt to modernise the system of local government, the various state governments embarked on the re-organisation of their various local governments. This re-organisation was as the result of the 1976 local government reforms which for the first time in the history of the country were centrally conceived and implemented. In relation to the situation of the traditional rulers, the major philosophy behind the reforms was that, the role of traditional rulers should be neither executive, nor non participatory. While being removed from the executive decision-making process of duly established 'democratic' local government councils, traditional rulers are still retained as advisory body through established traditional emirate councils and the institution still appears relevant to modern local government administration.

With the inception of the 1979 constitution, some traditional rulers were given some seats and up to date (1999), some are still maintaining the seats in some national councils. Their roles at the grass roots level had been defined by the 1979 and 1999 reviewed constitution. Also, the Dasuki committee report on Local Government further recommended a more practical and meaningful involvement of the traditional rulers in the ruling of Local Government affairs.

Finally, the traditional institutions should appreciate the fact that a lot of changes in all aspects of our national endeavours have taken place since colonisation and by extension should be prepare to accept such changes which have also affected the traditional institution in good faith. This way they will perpetually command local support, respect and above all integrity in their domain and beyond.

Nature of Local Government Administration from Colonial Period to Independence

There is one standard definition of traditional system in Nigeria because of the varied nature of its indigenous political system. However, they can be referred to as indigenous state system before colonialism. Their basis of legitimacy is therefore tradition which include the whole range of inherited culture and a way of life, a

people's history moral and social values and the traditional institutions which exist to serve such values, the kingship system and other social institutions.

Local Administration in every given society is therefore based on indigenous traditional system with the leader (traditional) as the most powerful controlling all the affairs of the society.

Local Government Reforms in Transition

Traditional rulers in Nigeria's past have played the most important role in the development of the society. Gradually, this central role became weakened and today the very essence of the institution is being questioned. One obvious reason for this is the various local government reforms.

With the introduction of the Native Authority system, traditional rulers still held on to all their pre-colonial roles. The exception was their sovereignty when they lost to the British monarch and operated under the guidance of British officials. Despite being subordinate to British officials, traditional rulers still exercised a great deal of their executive, judicial and legislative powers particularly in matters of customs and traditions which the British administrator recognised could not be helped. However, this new situation did not affect his powers, for custom was custom and their role here was to ensure its observance. His executive powers were only affected to the extent that he did nothing in conflict with the colonial government.

At the terminal phase of colonial rule, these positions gradually changed. Numbers of structural changes were introduced into the local government organisation, response to the democratic upsurge and changing nationalists' sentiments. The effect of this re-Organisation on the powers of traditional rulers differed between the three analytical regions and departed radically from pre-existing arrangements.

In the western Nigeria, local government law of 1952 was enacted; the principal effect of the law was the replacement of Native Authority which was basically the traditional ruler-in council, with the British representative local government. This law changed drastically, the role of traditional rulers and their chiefs in local government. This law required local government councils to contain both elected and traditional members, but with traditional members forming less than a quarter of total membership. Such council had an elected chairman from the non-traditional class and performed regulative and distribution social service functions.

In Northern Nigeria, the institution of native Authority was abolished on the ground of incompatibility with modern, secular and democratic standards of local government. Councillor participation was introduced under the 1954 Native Authority law. The effect of this law on the powers of emirs was of little significance because the emirs and chiefs still headed the Native Authorities though most the powerful

emirates had chief-in council's constitutions, emirs could still veto council decisions. In effect, a strong executive role still obtained in the position of emirs.

In the East, a similar order of arrangement was taken with the local government ordinance of 1950 which also introduced British modelled three tier structure comprising county, District and Local council. This three-tier system was replaced in 1958 by a two tier and provincial assemblies as the second county council were to consist of not more than one fifth traditional members.

The independence period brought the institutions of traditional rulers to direct conflict with an officially liberal democratic political superstructure at the regional level, their superior nature was recognised and provisions were made at both the Northern and Western Regional Assemblies processes through Houses of Chiefs. However, at the local government levels, various attempts were made to introduce councillor personalised structures of Local Government to replace the pre-existing personalised autocratic system. Essentially, traditional authorities were used by the new political elite to maintain a semblance of legitimacy and citizen apathy. Their powers and influence at the local levels therefore continued.

The military period ushered in a gradual reduction of the participatory role of the traditional rulers in local government matters. Structural re-organisation was carried out in various parts of the country now divided into states.

Local Government Reforms of 1976

It is imperative and relevant to explain in detail the 1976 Local Government Reforms. The 1976 Local Government reforms is sought to provide a more realistic representative democratic local government in Nigeria. However, in the History of local government reforms, the 1976 reforms strike a blow on the role of traditional rulers in local government. The 1976 local government reforms in Nigeria introduced a one tier all-purpose local government system throughout the country. Provisions were made to establish emirate/traditional councils in each local government area.

Following the provision of 1976, if traditional rulers have any role to play it must be within the functions assigned to local government by the constitution of the federal Republic of Nigeria or in accordance with the provision of the local government law enacted by each state. The structure virtually divorced traditional rulers from the management of local government affairs.

However, the 1979 constitution succeeded in insulating traditional rulers from partisan politics, thereby depriving them of any political power. This has led to some criticisms as to what essentially is the role of traditional rulers in local government affairs. Their opponents have consistently maintained that traditional rulers should be permanently devoid of political power by the three levels of government. They argued that

traditional rulers should be contended with their social and religious roles in their various communities.

Although the 1979 Constitution gave recognition to local government as the third level of government in Nigeria, there was a seeming array of inconsistencies that subsumed it under the control of the other tiers of government.

The 1984 Local Government Reforms

The Shagari led civilian administration that came to power on October 1, 1979, was disturbed by the low performance of the Nigerian local government system. It, therefore, planned to reposition them. However, the reform proposal did not materialise because of the military's incursion into the political space on December 31, 1983. The military government led by Major-General Muhammadu Buhari quashed the new local government councils created in the Second Republic. It nevertheless retained those established in 1976. The Buhari-led military administration also recognised the need to reposition the local government system as proposed by the former civilian government. Consequently, it set up Local Government Reform Committee in 1984 with the Sultan of Sokoto, Alhaji Ibrahim Dasuki as chairman.

In its findings, the Committee blamed the poor performance of the third tier government on so many factors, which included local government defective structures; incompetent appointment and weak commitment of the council political functionaries; unhealthy meddling roles played by state governments on local government statutory affairs; the lukewarm of the state government disposition in the delay and partial release of local government statutory funds and the culture of transferring some of the functions of the local government to the state without a corresponding transfer of funds (Aransi, 2017). Some other salient findings included the different roles played by the Ministry of Local Government Affairs and the low skill of the councils' workforce and their weak commitment to their official duties (Iyoha, Ubhenin, & Aiya, 2005). The Committee's findings also indicted the state governors for exploiting the contradictions of the 1979 Constitution on the relations between the state and local governments to undermine the activities of the latter.

Commenting on the report of the Dasuki committee, Idada (2007) noted that the Committee made very striking recommendations to make the local government perform its functions well. These included the view that the creation of new local government areas should be undertaken on a ten-year interval, that the creation of new local government should be based on a population in the range of one hundred thousand (100,000) and one hundred and fifty thousand (150,000) with the intended area to have a minimum tax-paying population of twenty thousand (20,000). Other recommendations included that the creation of a new local government and its administration should focus on geographical contiguity, administrative convenience and economic vibrancy of the area and that the creation of the new local government

should be based on the wishes of traditional associations and it must be based on the community request.

Local Government Reforms under the Ibrahim Babangida Administration

The recommendations of the Dasuki Committee were not implemented before another regime of reforms of local government commenced under the Ibrahim Babangida administration. The reforms under the Babangida administration made a far positive impact on local government administration. They introduced the presidential system to the Nigerian local government system. Relying on section 5 (1) of the reform guidelines, the designation of local government chairman was changed to Chief Executive and Accounting Officer. The new rule precluded the Accounting Officer from signing vouchers and cheques while the guidelines directed Supervisory Councillors to be part of the executive arm of the local government. The Supervisory Councillors were to be appointed by the Executive Chairman and were to closely work with him through their intimate involvement in the management of their respective assigned departments. Besides, the Local Government Council made up of elected Councillors was recognised as the legislative arm of the local government with law making functions (Federal Republic of Nigeria, 1991).

Local Government Reforms in Nigeria's Fourth Republic

The poor performance of the Nigerian local government system sparked off another round of local government reform by the Obasanjo-led civilian administration. It started with the inauguration of a thirteen (13) member technical committee headed by the Etsu Nupe, Alhaji Usman Sanda Ndayako. Some of the core issues assigned to the committee for consideration included the review of the performance of local governments since 1999 and to advise on the desirability of retaining them as the third tier of government; an examination of the inefficiency and the high cost of governance and to provide an appropriate way out as well as the re-examination of the cost of electioneering campaigns during local government elections (Idada, 2007).

The committee found that the state and federal governments were meddling in local government affairs. Other significant findings included inadequate funding, the weak commitment of state government to local government issues, particularly the delay and partial release of funds meant for the local government. Thus, parts of the recommendations were to make the local government system autonomous and make direct disbursement of local funds as well as to scrap the Ministry of Local Government and Chieftaincy Affairs (Aransi, 2017; Aghayere, 2008).

Notwithstanding the federal government's acceptance of the Committee reports, the goals set for the local government reform project were defeated as the federal government later suspended the election of local government political functionaries. It then established the State Independent Electoral Commission (SIEC) that conducted local government elections in March 2004.

What can be deduced from the preceding is that successive reforms of the Nigerian local government system have not yielded any significant improvement on grassroots governance (Agbodike, Igbokwe-Ibeto & Nkah, 2014). The relevance of the local government in Nigeria has continued to be questioned because they have deviated from their original mandate of promoting development at the grassroots (NISER cited in Olukotun, 2019).

Relevance of Traditional Rulers in Contemporary Local Government System

As far as the history of local government in Nigeria is concerned, successive governments realised that the surest way to win the hearts and minds of the citizens on major issues of the day was through the traditional rulers. Before the 1976 Local Government Reforms, traditional rulers have gained a semblance of power and prestige in the Local Government administration. But with subsequent 1976 local government reforms, traditional rulers were effectively removed from being active participants in local government administration.

In accordance with the provisions of the 1976 local government reforms, various state governments have through edicts established emirate/traditional councils with defined functions. These functions could be summed up as maintenance of law, order and good governance. It is important that the council could advice the state or federal government on matters referred to it. Not only that, the council was also empowered to determine questions relating to chieftaincy matters as well as to assist local government in prompt collection of taxes.

Thus, the formation of this council gave the traditional rulers more powers and prestige in the local government system. In fact, by the nature of the functions of the council, traditional rulers were able to influence developments in the local government areas.

A thorough examination of the 1979, 1999 and the present constitutional provisions recognised the role of traditional rulers therein. The constitution succeeded at insulating traditional rulers from partisan politics thereby depriving them of any patent political power. The present constitution provides for a system of government at both the federal and state levels with guidelines for Legislative arrangement to be made by each state government for the existence of local government councils.

Constitutional Roles for Traditional Rulers

The relevance of traditional institution to governance in Africa has elicited respectable literature and heated debate in the post-colonial era. The debate has three critical strands: One highly sceptical strand contends that chieftaincy is anachronistic – a hindrance to the transformation and development of African continent, undemocratic, divisive, and costly, and therefore should be abolished. Another view contends that traditional institutions are indispensable for political transformation of Africa and they represent a major part of Africa's history, culture and political governance systems. A

third and more balanced view while acknowledging the limitations of tradition institution because of the manner the colonial administrator's maneuverer them to their advantage, nonetheless, recognizes the fact that traditional institutions constitute crucial resources with the potentials of promoting democratic governance and access of rural communities to public services.

Therefore, a critical evaluation of the various strands as borne out by their divergent arguments above has provoked further research towards a deeper understanding of the relevance of chieftaincy on the modern constitution of African states. It must be recalled that the core issue and central theme of this paper bothers on allocation of constitutional role to traditional rulers. One then wonders whether the agitation is in the national interest or in the interest of the subjects or for the selfish interest of the traditional rulers themselves.

The relevance of traditional political institutions in general and traditional ruler ship in particular has continued to generate intense and most often, heated and acrimonious debate in Nigeria and other African countries. This has provoked great deal of scholarly interest, and counter interest. The mass media is not left out of the debate. Chieftaincy is obsolete and should be allowed to die out, as it has in Europe, where its remnant (monarchies) can only be seen in the most backward of countries. Similarly, Babafemi Badeja and SA Ogunyemi maintained that;

The institution of traditional ruler ship is an historic relic that belongs to antiquity. These relics of by gone instruments of oppression which are a constant reminder of uneven social development and sociological disunity in Africa are irrelevant to a society currently subject to the objective laws of capitalism controlled from the western states of capitalism.

More often than not, many scholars have always blamed the traditional rulers for their convenience with the British colonial masters in facilitating colonial exploitation; particularly their participation in the trans-Atlanta slave trade. It has been however contended that the trade was the prevailing global commerce as at then and was not considered bad and major continent of the world like America's, Europe, Asia and Africa was deeply involved.

Another sceptical opposition which also emerged is that chiefs often avail their services to both the colonial and post-colonial state by betraying the responsibility of their communities.

Furthermore, some scholars have vehemently opposed according formal constitutional provision to the traditional institution. Their arguments range from making them submit to known standards of scrutiny and accountability which may debase the traditional institution, duplicating the effort of government, the risk of

alienation by the subjects, problem of bureaucracy arising from adding another tier of government to the existing three tiers of government amongst others.

According to Abubakar traditional rulers do not have any official role to play in the political machinery and government in the contemporary Nigeria. At best, they should serve in an unofficial capacity as mere advisory body to the local state and federal government functionaries.

Some analysis has equally objected to the provision of formal constitutional roles for traditional rulers for some reasons while some are of the opinion that their return to the political thrones would drag them in the mud, others believed that royal factors cannot cope with political insults, bickering, prevarications, sabotage and character assassination associated with the Nigerian politics, and they should rather concentrate on the discharge of duties imposed on them by local traditions.

Some political analysts have maintained that drafting the royal fathers into politics amounts to waking up the sleeping dogs stating that modern democracy has come to halt the dictatorship of few which does not preclude traditional rulers and Wada Nas, former minister for special Duties categorically stated that traditional rulers should not have a role in the Nigerian constitution.

Since traditional authority presupposes the absence of democracy and a hereditary institution is unsuitable for democratic practices. Notwithstanding the fact that many scholarly writings as demonstrated above vehemently question the continued existence of traditional institutions in modern society, there are equally plethora of evidence to the contrary as several reasons have been adduced for the survival of chieftaincy against all odds.

This view has been attributed to the ineffectiveness of African states in bringing about sustained socio-economic development to the neglect of the traditional institution, and its failure to restore Africa's own history, that political and economic development would be more successful when rated upon widely shared institutions and cultural values. It is a corroborative fact that whenever the policy makers are overwhelmed by a sense of inadequacy in carrying the masses along with them on some critical issues with dire consequences the assistance of traditional rulers is always resorted to. No wonder that the traditional institution has been described as the most effective channel by which the federal and state governments reach the people in rural areas.

Among other arguments posited for the continued existence of traditional institution ranges from its tendency to provide the bedrock upon which modern governance can be constructed, advocating for the interest of the local community; serving as a strong philosophical basis for accountability in governance⁴; articulation of the indigenous political values and practices and their harmonization with the modern democratic practices.

Theoretical Framework

In appraising the local government reforms and the changing roles of Traditional Institutions in Nigeria, the modernization theory will prove the value. Generally, theories are used because they provide a set of standards against which a researcher can measure his variables or observations for the purpose of classification and clarifications.

Under this system, political responsibility has to be entrusted to the people the grass root, and principle of participatory has the chance of penetrating the political system at all levels.

Modernization theory of Development was advanced by W.W Rostow (1960) which argues that for a society to develop, it has to move from its pre-modern or traditional stage to a more developed technological and social organization that characterized advanced societies. In another development, modernization theory further argues that industrial countries are developed because their technology is modern, and politics are relatively stable. Countries of the third world which Nigeria is inclusive, on the other hand are underdeveloped because their technology is traditional and are characterized by unstable political system.

According to the theory which is western and capitalist oriented, that the causes of under development in the third world countries are internal to the society in which it is found. That in order to enhance development, the traditional society should accept the western style of development which include a rational view of life, the spirit of science, advanced technology, specialization of roles, secularism, individualistic approach to social relation in pursuit of justice in public affairs and establishment of the social order within the frame work of modern state.

In line with the modernization theory, the local government reforms were necessary in order to enable the people at the grass roots to respond to the services and development activities in their communities through their representatives (Mark & Ataire, 2022). To create favorable conditions for democratic self-government at the local level and develop initiatives and qualities of leadership among the people. To enhance a sense of belonging and security through effective communication between local communities and the three levels of government in Nigeria. To bring government nearer to the people, guarantee reasonably adequate functions, financial resources, and staff for local governments.

Conclusion

It is imperative to conclude that traditional institutions in Nigeria have roles to play in the local government administration. During pre-colonial days, the traditional rulers enjoyed full powers in their domains; they commanded respect and obedience for their subjects who regarded them as semi-gods and their spiritual and political leaders. Also, they played both the roles of legislative, executive and judicial leadership in their local government areas.

With the subsequent reforms of local governments, the country have attempted re-organization to meet the changing needs, circumstances and functions of local governments. The independence period saw the traditional rulers in struggle with the democratic usurp in which the personalized ascriptive dynasty role was viewed as incompatible with an officially liberal democratic political superstructure. With this departure notwithstanding, the emirs and chiefs still remained powerful in their domains. The beginning of the constitutional government of 1979 introduced the avenue for continuing debate on the role of traditional rulers in the process of local government administration. The 1979, and the current amended constitution (1999) we are using, is as silent as to what function to be performed by the traditional rulers at the local government level outside the advisory constitutional role.

There is a controversy at the moment among scholars as to whether or not the traditional rulers should participate in the contemporary local government administration. In view of this, a diversity of views has emerged. One of the views held that traditional rulers can be utilized for social, economic and political development. On the other hand, another view held that traditional rulers have since outlived their political and cultural usefulness and therefore, should be made less concerned politically. In between these two views, emerged the third view which held that traditional rulers should be kept out of partisan politics to retain their revered cultural significance as 'FATHERS' of people.

The third school of thought further maintained that the views of the two opposing schools of thoughts should be incorporated together. This means that since both views cannot be ignored, certain elements in the structure and functions of the traditional institutions and the present democratic system should be merged to form a new political system.

From all indications, it can be concluded that local government administration in Nigeria has under gone series of changes and these changes to a certain extent have helped in bringing government closer to people at the grass roots, despite the fact that fundamental purpose of creating local governments in Nigeria as a panacea of development has been defeated.

Recommendations

Although there are changes in the system of local government administration in Nigeria right from the traditional administration to the present democratic system, it is not enough to conclude that this is the best way the system should be. It is therefore recommended as follows; Traditional rulers should continue to be accorded their due recognition as 'fathers' of the people who are highly placed in the socio-political system of the society.

Government should be organising seminars, lectures and workshops on how the traditional rulers will maintain silence on politics in the society. There should be a national council of traditional rulers at the federal level to serve as link between the

grassroots and the federal government and also to serve as advisory body to the federal government.

Finally, there should be adequate and proper education and sensitization programmes aimed at creating awareness and mobilizing the rural people through the traditional rulers towards development programmes at the local governments.

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