

Decentralization and Constitutionalism in Nigeria: An Exploration of Rousseau's Idea of Administration

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Abstract

The issue of administrative decentralization and constitutionalism has remained a topical issue in Nigeria; that is the reason why this work tries to do a theoretical exploration of Rousseau idea of administrative decentralization. Rousseau idea of administrative decentralization is a perfect example of what a progressive nation desired. Decentralization as a concept reveals that political stability would be possible when the basic structure of the society can guarantee autonomy as power will be distributed to sub-national unit. This worked in advanced country because constitutionalism is known and accepted as a form of political thought and action that seeks to prevent tyranny and guarantees the liberty and rights of individuals on which free society depends. The work discovered that despite the fact that Nigeria have the constitution and claim to follow and accepted the condition of constitutionalism but things are not working. This paper therefore, will employ the conceptual, analytical and reconstructive research methods. While the conceptual method will focus on clarifying key concepts such as administrative, decentralization, constitutionalism, constitution and Government; the analytical method will examine the administrative decentralization in Nigeria. The reconstructive method will establish the need for the government and people of Nigeria to have a rethink about the type of government they really want and at the same time adhere strictly to the tenet of constitutionalism. It is only when this is done that administrative decentralization can work in Nigeria.

Keyword: Administrative, Decentralization, Constitution, Constitutionalism, Government

Introduction

Decentralization, according to Ekpo¹ connotes the transfer of political power from central governments to sub - national governments. Duncan² observes that decentralization is a process where central government transfers political, fiscal and administrative powers to lower levels in an administrative and territorial hierarchy. In principle, decentralization is perceived as a means of improving the efficiency and responsiveness of the public sector. By transferring decision making power to levels of government that are close to beneficiaries, decentralization can give citizens greater influence over the level and mix of government services they consume and greater ability to hold their officials accountable. In a similar vein, Duncan² observes that decentralization is a process where central government transfers political, fiscal and administrative powers to lower levels in an administrative and territorial hierarchy. Some scholars like Laksono and Topatimasang,³ Permana⁴ have even gone further to see decentralization as a panacea for regional conflicts. In theory, decentralization holds regional leaders accountable to their constituents instead of the central government.

Decentralization entails the transfer of political, fiscal, and administrative powers to subnational units of government. A government has not decentralized unless the country contains "autonomous elected subnational governments capable of taking binding decisions in at least some policy areas".⁵ Decentralization

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1. See Ekpo A.H. *Decentralization and Service Delivery: A framework*. Nairobi: African Economic Research Consortium (AERC). (2008)
 2. Duncan C.R. "Mixed Outcomes: The Impact of Autonomy and Decentralization on Indigenous Ethnic Minorities in Indonesia". *Change*. 38(4): (2007), Pg. 711-733.
 3. See Laksono PM, Topatimasang R. "We were all Wrong: The Seeds of Peace in the Kei Archipelago". Tual Indonesia: Nen Mas II. (2003).
 4. Permana N.A. "The Revitalization of Adat Councils for Conflict Resolution as Part of Regional Autonomy: A Case Study of Bangka Island". *Anthropologi Indonesia*. 26(68). (2002). Pg. 74-85.
 5. Donahue J.D. *Disunited States*. (New York: Harper Collins Publishers Inc., 1997), Pg. 21.

may involve bringing such governments into existence. Or it may consist of expanding the resources and responsibilities of existing subnational governments. The definition encompasses many variations. India, for example, is a federal state, but the central government has considerable power over subnational governments. Political power in China is officially centralized, but subnational units have substantial de facto autonomy in what can be described as “decentralization Chinese style”.⁶

Following the literature on state and local government reform, national decentralization approaches can be classified into three ideal-typical forms of decentralization; these include political decentralization, administrative decentralization and administrative de-concentration.⁷ The first form, political decentralization, can be defined as the transfer of state functions that have either been located on the central level of government or its agencies, into the sphere of local government. Political decentralization means that locally legitimized bodies become competent to decide autonomously on the planning, financing and administration of their newly acquired executive functions.

The theory of decentralization explains the transfer of authority and responsibility for public functions from the central government to the subordinate or quasi-independent government organizations and/or the private sector. It is concerned with how functions and responsibilities are given to different institutions from the central government for better and effective performances. Decentralization is an initiative to support the grassroots development. It is motivated by the need to improve service delivery to large populations and put in place meaningful structure to provide good governance at the local

^{6.} Donahue J.D. *Disunited States*, Pg. 21.

^{7.} See Benz A. “Die territoriale dimension Von verwaltung” König, K, (Edited) *Deutsche verwaltung an der wende Zum Jahrhundert Baden-Baden: (Nomos. German)*, 2002; Wollmann, H. “Local Government Reforms in Great Britain, Sweden, Germany and France: Between Multi-Function and Single-Purpose Organizations”. *Local Government Studies*, 2004; 30(4), Pg. 639-665.

level. Decentralization, as a framework for rural development, could be explained using four major variables: participation, responsiveness, legitimacy, and liberty. Participation entails the suitability and effectiveness of the local or regional government in providing opportunities for citizens to participate in the political life of their community.

On constitutionalism, there is the need for us to examine what constitution itself is. Constitution is seen as the whole system of government of a country, the collection of rules which establish and regulate or govern the government⁸. In a similar view, constitution is the embodiment of the basic or fundamental laws that operate in the political administration and government of a state⁹. The above view identifies constitution as a collection of rules and fundamental laws as what regulates and guides the administration of government in a state. Therefore Constitutionalism is a form of political thought and action that seeks to prevent tyranny and guarantees the liberty and rights of individuals on which free society depends.¹⁰ It is based on the idea that government can and should be limited in its powers, and that its authority depends on enforcing these limitations. Scholars had examined constitutionalism from the liberal and radical angles.

The liberals see constitutionalism within the confines of legality or "legalistic interpretation"¹¹. One of such is Louis Henkin, who describes constitutionalism as the rule of the constitution without derogation from its letters.¹² He then sees constitutionalism as constituting the following elements: government according to the constitution; separation of powers; sovereignty of the people and democratic government; constitutional review; independent

⁸. Momoh and Akhaine. "Constitution and Constitutionalism in West Africa" Centre for Democracy and Development (2017), Pg. 4.

⁹. Onyekpe, Onyekpe, "Constitutionalism and Democratic Consolidation in Nigeria: Conceptual Framework" (2001), Pg. 2.

¹⁰. Reynolds, N. B, "The Ethical Foundations of Constitutional Order: A Conventionalist Perspective", 4(1) *CONSTPOL. ECON.* (1993), Pg. 79-95.

¹¹. Ihonvbere, J. O. "Towards a New Constitutionalism in Africa", *CDD Occasional Paper Series 4.* (2000), Pg. 9-11.

¹². Ihonvbere, J.O. "Towards a New Constitutionalism in Africa", Pg. 14.

judiciary; limited government subject to a bill of individual rights; police control; civilian control of the military; and no state power, or very limited and strictly circumscribed state power, suspension of the operation of some parts of, or, the entire, constitution.¹³ Invariably, constitutionalism, according to Henkin, is the legal limitations placed upon the rightful power of government in its relation to the citizens. It also includes the doctrine of official accountability to the people or to its legitimate representatives within the framework of fundamental law for better securing citizen's rights. The philosophy behind the doctrine suggests that the people are the best judge about issues that concern them.

Rousseau's Idea of Administrative Decentralization

The philosophical roots of decentralization and local level administration can be traced to writings of a French philosopher Jean Jacques Rousseau. Rousseau,¹⁴ being impressed by the emerging democratic practices and principles in operation in Sweden at that time, argued that local level administration is a good training ground for democratic development and effective performance. Having also witnessed Poland political system, Rousseau¹⁵ also favored small government. In his view, “rulers overburdened with business, see nothing for themselves: clerks govern”. Rousseau, who advocated for a political reformation, instructed the poles to perfect and extend the authority of their provincial parliaments to avoid the dangers of larger state bureaucracies.¹⁶ By this assertion, Rousseau was insisting on the essentials of local representation (decentralization).

Rousseau's work on *Considerations on the Government of Poland* (*Considérations sur le gouvernement de Pologne* 1782) is

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13. Ihonvbere, J. O. “Towards a New Constitutionalism in Africa”, Pg. 14.
 14. Rousseau J.J. *The Social Contract & Discourses*. (New York: J.M. Dent & Sons, 1920).
 15. See Rousseau, J.J. *Considerations on the Government of Poland and its Proposed Reformation*. (Madison: University of Wisconsin Press; 1772).
 16. Rousseau J.J. *Considerations on the Government of Poland and its Proposed Reformation*. (Madison: University of Wisconsin Press; 1772).

an essay concerning the design of a new constitution for the people of Poland (the Polish-Lithuanian Commonwealth). In the early 1770s, the Polish-Lithuanian Commonwealth was in a particularly challenging situation, threatened by its neighbors on all sides, particularly Russia, Prussia and Austria.¹⁷ In an attempt to retain independence against the superior military might of the three great powers, some Poles joined together to form the Bar Confederation.¹⁸ The Bar Confederation was an association of Polish nobles formed at the fortress of Bar in Podolia in 1768 to defend the internal and external independence of the Polish-Lithuanian Commonwealth against Russian influence and against King Stanislaus II Augustus with Polish reformers, who were attempting to limit the power of the Commonwealth's wealthy Magnates. One member of the confederation, Michal Wielhorski, approached both Rousseau and Gabriel Bonnot de Mably to submit suggestions for the reformation of Poland's unique "Golden Liberty", sometimes referred to as Golden Freedoms, Nobles' Democracy or Nobles' Commonwealth was a political system in Poland, which had deteriorated from a semi-republican, semi-democratic political system into a state of virtual anarchy.¹⁹

In 1772 Rousseau completed his essay, among other issues, Rousseau addresses his belief that small states can prosper while large states slip into anarchy or despotism. He recommends that surpassing any constitutional reforms, the most important reform Poland could make would be the adoption of a federation (a federal state). A federation is a political entity characterized by a union of partially self-governing province, states, or other regions under a central federal government (federalism). In a federation, the self-governing status of the component states, as well as the division of power between them and the central government, is

17. Jacek Jedruch. *Constitution, Election, and Legislatures of Poland, 1493-1977: A Guide to Their History*. (EJJ Books, 1998), Pg. 166-167.

18. Jacek Jedruch. *Constitution, Election, and Legislatures of Poland, 1493-1977: A Guide to Their History*, Pg. 166-167.

19. David Lay Williams. *Rousseau's Platonic Enlightenment*. (Pennsylvania: Penn State Press, 2007), Pg. 202.

typically constitutionally entrenched and may not be altered by a unilateral decision, neither by the component states nor the federal political body. Alternatively, a federation is a form of government in which sovereign power is formally divided between a central authority and a number of constituent regions so that each region retains some degree of control over its internal affairs. Specifically, Rousseau advocates a federation of the existing voivodships. A voivodeship is the area administered by a voivode (Governor) in several countries of central and Eastern Europe. In recommending the creation of smaller states, Rousseau recognizes the imminent First Partition when he argued that "if you wish to reform your government, then, begin by narrowing your frontiers, though perhaps your neighbors intend to do that for you".²⁰ Rousseau maintained that local level administration is a good training ground for democratic development and effective performance. That is the reason why Rousseau²¹ favored small government or local administrators who are closely supervised by central governments.

Some other scholars after Rousseau have also argued that decentralization may result in better service delivery. In their opinion, decentralization of the provision of social services such as education, health, water and sanitation may improve service delivery. Thus, local level administration serves as incubators for experimental policies which can then be reproduced at the national level. This formed a core philosophical basis in the opinion of Rep. Gingrich four years before he became speaker in the United States who observed that "we must decentralize power and programs away from Washington. We must liberate individuals, neighborhoods and local and state governments so they can experiment with new and better methods of getting the

20. Leonardy, U. "Federation and Länder in German Foreign Relations: Power Sharing in Treaty Making and European Affairs". *German Politics*. 1 (3), (1992), Pg. 119-135.

21. Rousseau JJ. *Considerations on the Government of Poland and its Proposed Reformation*. (Madison: University of Wisconsin Press; 1772).

job done".²² The implication of this statement is that decentralization can result in transformational change both centrally and locally and in the nature of relationships across levels and sectors in any given society.

Madison argues that leaders must derive their powers "directly... from the great body of the people,"²³ which means that powerful locals and "not inconsiderable...handful of ...nobles are exercising their oppression by a delegation of their powers". Madison believes that the people at local level must be given the mandate to elect their leaders as a way of "composing independent regions, to which they respectively belong"²⁴.

Bonnal captures²⁵ the relevance of decentralization in any polity when he observes that: decentralization has kept its promise as far as the strengthening of democracy at the national level is concerned, as well as the central government's commitment in favour of rural development. It has thus contributed toward moving away from the bias toward urban areas in matters of development; to better management of the coordination of integrated rural development projects, and ensuring their sustainability. Decentralization has also reduced poverty which results from regional disparities, in paying more attention to the attendant socio-economic factors, in facilitating the gradual increase in development efforts and the promotion of cooperation between the government and NGOs, while increasing transparency, accountability and the response capacity of institution. These values, according to Gboyega²⁶ promote

22. Stigler G. "The Tenable Range of Functions of Local Government in Federal Expenditure Policy for Economic Growth and Stability". *Joint Economic Committee, Subcommittee on Fiscal Policy* (ed.), U.S. Congress. 1957, Pg. 213-19.

23. Wolmann H, "Decentralization: What it is and why should we Care". Bennet RJ, (Ed.) *Decentralization: Local Governments and Markets*. (London: Clarendon Press. 1990), Pg. 29-42.

24. Rossitter C. *The Federalist Papers*. (New York: Penguin Books; 1961).

25. Lawal, T and Oladunjoye, A. (2010). Local government, corruption and democracy in Nigeria, *Journal of Sustainable Development in Africa*, 12 (5) 227-235.

26. Gboyega, A. *Political Values and Local Government in Nigeria*. Lagos, Malthouse Press Ltd. (1987)

democracy; they are contributive to the development of a democratic climate.

Altmann *et al*²⁷ also opine that decentralization of local level administration can lead to increased efficiencies, effectiveness and economy. Besides, decentralization offers a number of benefits, according to the logic of markets. When local level administration competes to attract citizens, those that fail to perform will be crowded out.²⁸ With government closer to the people, holding specific politicians accountable becomes easier too. Not only are there fewer monitoring problems but more politicians can be held responsible for their performance. As far as the State is concerned, decentralized government may take a combination of forms which include: lower-level administrative units, regional structures and administrations, collaborative structural arrangements among clusters of municipalities and local jurisdictions and the central level, among other possible arrangements.

In the view of Ekpo²⁹ decentralization connotes the transfer of political power from central governments to sub - national governments. In principle, decentralization is perceived as a means of improving the efficiency and responsiveness of the public sector. By transferring decision making power to levels of government that are close to beneficiaries, decentralization can give citizens greater influence over the level and mix of government services they consume and greater ability to hold their officials accountable. Some scholars like Laksono and Topatimasang, Permana³⁰ have even gone further to see

27. Altmann J, Cariño L, Flaman R, Kulesa M, Schulz I. The UNDP role in decentralization and local governance: a joint UNDP-Government of Germany evaluation. New York: Evaluation office United Nations Development Programme. (2000).

28. Donahue J.D. *Disunited states*. New York: Harper Collins Publishers Inc. (1997)

29. Ekpo A.H. *Decentralization and service delivery: A Framework*. (Nairobi: African Economic Research Consortium (AERC). (2008).

30. Permana N.A "The Revitalization of Adat Councils for Conflict Resolution as part of Regional Autonomy: A Case Study of Bangka Island" . *Anthropologi Indonesia*. 26(68): (2002), Pg. 74-85.

decentralization as a panacea for regional conflicts.

More so decentralization extends the scope of political participation. It includes the fact that it helps to create a better educated and a more informed citizenry. Responsiveness involves the closeness of the peripheral institutions to the people and their sensitivity to people's needs. This both strengthens democratic accountability and ensures that the government responds not merely to the overall interests of society, but also to the specific needs of particular communities. Legitimacy explains the manner in which the physical distance from government affects the acceptability or rightness of its decision. Decisions made at a "local" level are more likely to be seen as intelligible and, therefore, legitimate. Liberty is protected by decentralization through the dispersion of government power, thereby creating a network of checks and balances.

In theory, decentralization can be a powerful tool for initiating improvements in policies for the poor. Effective decentralization results in democratic institutions in which the poor can effectively participate, and lobby for their interests. Improved knowledge also leads to better matching of local needs and better policies. All these lead to improved access to services and better quality and targeting of those services.³¹

From the political perspective, decentralization is a key strategy for promoting good governance, interpreted as greater pluralism, accountability, transparency, citizen participation and development. Since decentralization enhances the citizens' ability to monitor local officials, there are possibilities of improved transparency and reduction in corruption and an overall improvement in local governance. Administratively, decentralization is an important process that results in decongestion of the central government and reduces the workload to manageable proportions.

³¹ Jutting, J., E. Corsi, and A. Stockmayer, "Decentralization and Poverty Reduction". *OECD Policy Insights* 5 (2005).

The breaking-up of the workload promotes greater efficiency, coordination and effectiveness in public service delivery. Since decentralization transfers decision-making powers from the center to local institutions, it provides an opportunity for local involvement in decision-making and harnessing local knowledge, resources and expertise in the development process.³² Thus proponents argue that decentralization promotes efficiency. They argue that local governments, because they are local, are better placed than central governments to know what public services are needed, by whom, and how best to deliver them. That is, the power over production and delivery of goods and services should be left to the lowest unit capable of capturing associated costs and benefits. This leads, in economic terms, to allocate efficiency. Proponents further argue that local councils are more easily held accountable to local groups and individuals than the central government and its agencies. Where a local authority is genuinely accountable to a local electorate, it will have more incentive to improve the services for which it is responsible. They believe, further, that accountability is essential to improved performance and that accountability is stronger when authorities and those they govern are proximate. The electorate can apply their electoral power more effectively on governments that are local and elected officials will be more sensitive of their reputations if they belong to the local communities they serve.³³

Thus a major objective of fiscal decentralization is to facilitate growth and ensure service delivery in poorer communities by offsetting the fiscal disabilities of subnational governments that rely on limited revenues or face high cost in providing public

^{32.} See Asante, F. A., and J. R. A. Ayee. "Decentralization and Poverty Reduction". *The Economy of Ghana: Analytical Perspectives on Stability, Growth and Poverty*, E. Aryeetey and R. Kanbur (Eds.) (Oxford, U.K.: James Currey Publishers, 2008).

^{33.} See Local Rule, Decentralization and Human Rights. (Geneva: International Human Council on Rights Policy- IHCR.), 2002.

services, or a combination of both.³⁴ This is expected to foster growth by transferring spending power to government levels that are best equipped to meet local demands adequately. Proponents of fiscal decentralization expect therefore, that its adoption will not only enhance efficiency in service delivery but also reduce operation costs. It also provides away for citizens to check the performance of various government levels through voting.³⁵

The classic argument in favor of decentralization is that it increases the efficiency and responsiveness of government.³⁶ Locally elected leaders know their constituents better than authorities at the national level and so should be well positioned to provide the public services local residents want and need. Physical proximity makes it easier for citizens to hold local officials accountable for their performance.³⁷ Finally, if the population is mobile and citizens can “vote with their feet” by moving to another jurisdiction, decentralization can create competition among local governments to better satisfy citizens' needs.³⁸

The Problem of Administrative Decentralization in Nigeria

Nigeria as a federation practice administrative decentralization, the government embraces three tiers of government, central, state and local governments. The central is located in Abuja; the country is divided in to 36 states and 774 local governments. Many states in Nigeria have also created more local government areas for administrative convenience. The essence of administrative decentralization is to involve more participation of the citizen in

34. De Graaf, K. “Public Expenditure Tracking (PET) in Tanzania District Levels: Effects on Local Accountability”. Proceedings of the European Conference of African Studies organized by the African Europe Group for Interdisciplinary Studies, June 29–July 2, London. (2005).

35. Chete L. N. “Fiscal Decentralization and Macroeconomic Management in Nigeria”. In *Journal of Economic Management* 5 (1) (January), (1998).

36. Ekpo A.H. “Decentralization and Service Delivery: A Framework”. (Nairobi: African Economic Research Consortium (AERC)). (2008).

37. Duncan C.R. “Mixed Outcomes: The Impact of Autonomy and Decentralization on Indigenous Ethnic Minorities in Indonesia, Pg. 711-733.

38. Permana N.A “The Revitalization of Adat Councils for Conflict Resolution as Part of Regional Autonomy: A Case Study of Bangka Island”, Pg. 74-85.

the affairs of the country. Not only that, to bring them into the realms of politics at the grassroots. As good as the idea of administrative decentralization is, it failed to work in Nigeria due to the following reason.

The Constitution

There is no clear distinction of the constitutional powers and boundaries of both the State and Federal Governments as it affects the establishment and operations of the three tiers of Governments. We see these other tiers of government encroaching on some of the functions of each other's. for example; the creation of the State Joint Local Government Account (SJLGA) as noted under Section 162 (6) of the 1999 Constitution (as amended) states that "Each State shall maintain a Special Account to be called "State Joint Account" into which shall be paid all allocations to the Local Government Councils of the State from the Federation Account and from the Government of the State"³⁹ has made the search for financial autonomy almost impossible as the Local Government depend on the other tiers for funds. Many states now depended on the allocation of local government to function well today in Nigeria. The Nigerian Constitution has undergone a lot of reviews through the years but unfortunately, it has failed to address this major problem.

Legality

The legality of local government as the third tiers of government is questionable because the law strips the local government off all powers and places those powers on the state government but this is in sharp contrast to the state and Federal level which are well provided for. For example: Section 7(1) of the 1999 constitution provides that: "The system of local government by democratically elected local government councils is under this constitution guaranteed; and accordingly, the government of every state shall,

³⁹. See Section 162 (6) of the 1999 Constitution (as amended).

subject to section 8 of this constitution, ensure their existence under a law which provides for the establishment, structure, composition, finance and functions of such councils". If this is well streamlined, we will not have the many "Caretaker Chairmen" who are appointed by the various State governments.

Inadequate Finance

Inadequate finance reduced the issue of decentralization of administration a mere karate, because both state and local Government depends heavily on Statutory Monthly Allocation from the Federal Government and Internally Generated Revenue (IGR) which in most cases are not sufficient to cater for their functions. In Nigeria today, many states and local government are in debt, due to constant borrowing by each succeeding administration. When central government embark on deduction from the allocation whatever remains may only be sufficient to pay the salary of their employee. We found out that many state governments as well as their local government have not been able to perform their constitutional duty due to this problem.

Corruption

This is the bane of the Nigerian democracy from the top to the bottom. However, some schools of thought believe that all the three tiers are corrupt. The ruling party has been known to put all the federal might in force to see that they do not lost in any election. Even in the state local government elections, the ruling party we ensure that most of the seats were won by them. This is unheard of in a true democracy as the State Governors successfully put their cronies in power and the rights of the general populace to decide was totally shelved aside. Monies meant for payment of the salaries of the employees are siphoned and a lot of ghost workers are in the payrolls, financial figures for projects are inflated and most of the leaders rule with an autocratic and parochial attitude and tend to favour the state control by their party over others.

Poor Leadership

Poor leadership has been one of the bane administrative decentralization in Nigeria. Nigeria is face with a troop of corrupt leaders as well as a citizenry that has lost total confidence in them. That is the reason why many derisively depict the Nigeria as “a faraway place where good people go hungry, bad people run government, and chaos and anarchy are the norm”.⁴⁰ The dearth of good leadership in Nigeria “is inversely proportional to the widespread poverty, not only of ideas about running the societies and states, but also the impoverishment of the populace”.⁴¹ More crucially, however, the failure of the Nigeria state to properly manage its affairs is partly responsible for its inability to participate meaningfully in global processes. This unenviable state of affairs calls for an urgent re-examination of our political philosophy and social institutions so that we can make them emancipatory and effective tools for delivery of the good life for the civic public, that is, the citizens.

Lack of Autonomy

Autonomy simply means freedom from external control or influence. The 1999 Constitution specified three tiers of powers, these include; Exclusive, Concurrent and Residual powers. The exclusive power belong to federal government, the concurrent power belong to the federal and state government while the residual belong to the state and local government. The federal government has the power of the purse which made it more convenient to control all other tiers of government. In most cases in Nigeria one often wonders whether we are running a unitary government or federal government because everything depended on the dictate of the ruling powers. That of local government is the worst; little or no power rests on the hands of

^{40.} Afolayan, A. 2009. “Poverty as Statecraft: Preliminary Reflections on African Leadership” in *Lumina*, Vol. 20, no. 2, Pg. 1.

^{41.} Alex, T. 2002. *An Introduction to African Politics*, 2nd Edition, (London: Routledge;; quoted in Afolayan, A. *Supra*), Pg. 123.

the Local Government hence leading to incessant interference from the other tiers of government. The State Government literally controls the Local Government Commission and hence has the powers to manipulate the running of the local governments. Lack of autonomy of other tiers of government remains the bane of administrative decentralization in Nigeria.

The Imperative of Administrative Decentralisation in Nigeria

Decentralization of administration is a shift of responsibility by the central government to the state and local government authority in Nigeria. The Nigeria constitution specifies the duties and regulations of power sharing between the three levels of government. Each has their own area of jurisdictions. This is in line with Rousseau⁴¹, emerging democratic practices and principles that was in operation in Sweden at that time, and he argued that local level administration is a good training ground for democratic development and effective performance. Having witness Poland political system, Rousseau⁴² also favored small government or local administrators who are closely supervised by central governments. The Nigeria administrative decentralization took after Rousseau theory and the constitution of the federal republic of Nigeria specify the division of power into three tiers of government, i.e. Central, State and Local government but it is rather unfortunate it has remained a failed exercise.

For example, decentralization is supposed to be a prerequisite element for effective and efficient management but not an adequate conditionality for local development. For instance, in Nigeria, power seems to have been transferred to lower levels of government (i.e the state and local government) but this does not actually guarantee accountability, responsiveness, efficiency, transparency and has actually not given people the power to decide their fate on issues affecting them.

⁴² See Rousseau J. J. *Considerations on the Government of Poland and its Proposed Reformation*.

In practice, evidence on the comparative advantages of decentralization is mixed. Evidence in Nigeria shows that public services suffer as a result of decentralization because, decentralization reforms lead to inequity (for example, undesirable regional disparities) by making local governments responsible for funding and delivery of services. Furthermore, resources accruing to local governments in developing countries may be so small that there is little for provision of public services. Evidence on the positive impact of decentralization on accountability, efficient resource allocation and cost recovery is very thin.⁴³

Decentralization can also lower the quality of public services, as it is in many local governments in Nigeria. Conceding power to local governments is no guarantee that all local interest groups will be represented in local politics. It may simply mean that power is transferred from national to local elites. Implicit in the above explanations is that those who champion the principle and policies are indirect benefactor hence it is another form of expanding their solid-political and economic empire.

It is understandable that significant number of pre and post-independent nationalists do not have sound economic base. Gboyega⁴⁴ aptly says that federal character principle is merely an elite ploy which could not materially improve the lot of the down-trodden in whose name it is raised. They constitute corrupt cabals and use ethnic sentiment to cover their ills. They strategically position their few agents in offices who act as political representatives against the set out goals of the establishment where they work. Decentralizing power to local government is transferred from national to local elites. The local government serves interest of elite who are eager to use their slaves to unleash terror and destabilize the country when they are schemed out.

^{43.} See Bonfiglioli, A. *Empowering the Poor: Local Governance and Poverty Reduction*, United Nations Capital Development Fund. New York, November. (2003).

^{44.} Gboyega, A. *Political Values and Local Government in Nigeria*. (Lagos, Malthouse Press Ltd, 1987).

That has been the situation in many local governments in Nigeria. The allocation is been shared among the elite most especially in the northern part of the country.

Decentralization aims to empower local governments, but as long as local governments lack significant capacity, states will be reluctant to devolve power to them. In Nigeria today many local government are not functioning. The federal allocation to each local government stops at the state levels. Many states in Nigeria depended on local government allocation to survive. Even when the local governments have the opportunity of receiving the allocation directly from the federal account; many of them cannot account for the money received. Corruption was and is the others of the day.

Conclusion

Rousseau idea of administrative decentralization is a perfect example of what a progressive nation deserves. Decentralization as a concept reveals that political stability would be possible when the basic structure of the society can guarantee autonomy as power will be distributed to sub-national unit. It has been the practice in many advanced countries of the world. It works in those country because the constitution of those country is well adhered to. The spirit of constitutionalism is working. Constitutionalism is known and accepted as a form of political thought and action that seeks to prevent tyranny and guarantees the liberty and rights of individuals on which free society depends. They also accepted that government can and should be limited in its powers, and that its authority depends on enforcing these limitations. These help to sustained administrative decentralization. But here in Nigeria, we have constitution; we claim to follow and accepted the condition of constitutionalism but things are not working. The government and people of Nigeria should have a rethink about the type of government they really want and the same time allows the spirit of constitutionalism to play its role in the country. If constitutionalism is known and accepted as a form of political

thought and action in advance countries of the world and things are moving. Nigeria should know and accept constitutionalism as a form of political thought and action and allow things to move.

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