

CONSTITUTIONAL DEMOCRACY AND LOCAL GOVERNMENT SYSTEM IN NIGERIA: AN APPRAISAL OF THE CARETAKER COMMITTEE PRACTICE IN ANAMBRA STATE, 2006 – 2013.

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Abstract

This study interrogates the local government caretaker committee system in Anambra State (2006-2013) and its implications for constitutional democracy. We predicated our analysis on Democratic Participatory Theory, and adopted the survey research design. The study employed both the primary and secondary methods of data collection, while descriptive statistical method was utilized for the analysis of data. The study conducted field survey in two universities in Anambra State. administered elite questionnaire on academic staff totalling 404; and analysed the data generated through the aid of SPSS software. The choice of the age bracket and occupation for the study was influenced by our quest to select respondents who are conversant with the dynamics of constitutional democracy, and its relationship with the local government caretaker committee system in Anambra State (2006-2013). Essentially, we discovered that the absence of democratically elected local government councils in Anambra State within the period under study was contrary to section 7 (1) of the 1999 constitution. We equally discovered that the non-conduct of local government elections in the state, within the same period, hampered citizens' political participation at the grassroots. Consequently, the study recommends, among other things, that governmental powers should be exercised in accordance with the constitution.

Keywords: Caretaker Committee, Constitutional Democracy, Intergovernmental Relations, Local Government, Patronage.

Introduction

The Federal Government Guideline for the Reform of Local Government in Nigeria (1976:1) defines local government as:

Government at the local level exercised through representative council established by law to exercise specific powers within defined areas. These powers should give the councils substantial control over local affairs, as well as the staff and

institutional and financial powers to initiate and direct the provision of services and to determine and implement projects so as to complement the activities of the state and federal governments in their areas, and ensure, through active participation of the people and their traditional institutions that local initiatives are maximized.

The local government system offers participatory opportunity to people especially at the grassroots, and serves as a veritable administrative structure for training future leaders (Odigbo, 2013: p.21) its proximity to the rural dwellers positions it aptly in identifying the challenges facing the people at the community level. It is in this regard that Ezeani (2004; p.24) noted that the local government system is generally seen as a veritable agent of development and grassroots participation in the democratic process.

However, the efforts of the local government to carry out the above mentioned roles are being undermined in several ways by the State governments. One of such ways is the use of the Caretaker Committee System in running the affairs of the local government councils. Thus, between 2006 and 2013, Caretaker Committees were appointed by the Anambra State government to run the affairs of the local government councils. This development hampered citizens' political participation, and eroded the principles of transparency and accountability at the grassroots level. It was this situation that prompted Okonkwo (in Obe, 2013:p.50), to assert that;

The consequences of this grave constitutional abnormality in Anambra State are the unhealthy reign of political apathy and stunted democratic growth at the grassroots. For the people to drive the process, we must grant them full participation in governance through the local government.

The practice of running the affairs of the local government councils through appointed Caretaker Committees has been largely blamed for lack of sustainable development at the grassroots level in the country. According to Ezeani (2012: p.46), part of the reasons why dividends of democracy and development have not trickled down to the grassroots level in Nigeria is due to the way the leadership and resources of local governments are hijacked by the state governors.

In Nigeria, politics has become the master key to wealth, making the over politicization of social life inevitable as individuals, business, social groups and communities seek to advance their interests by exploiting political opportunities (Ake, 1985:p.33). What emerges from this is politics which does not know legitimacy or legality, only expediency (Okolie, 2009: p.70). With regard to Anambra State (2006 – 2013), expediency was based on the desire to access local government finances, use the local government as platform to consolidate political positions and prevent opposition political parties from controlling the

local governments. While lending his voice on the subject matter, Ikeakor (cited in Obe, 2013: p. 15) remarked that;

Inasmuch as we continue to commend the governor for the good work he is doing, it still beats one's imagination why the government of Anambra State has bluntly refused to conduct local government elections. Democratic government is about the masses and their welfare. There is no way the state government can claim to be reaching the grassroots for development, if we do not have elected local government officials running the affairs of the councils.

It is in the light of the above that this study sets out to interrogate the caretaker committee system in Anambra State (2006 – 2013), and its implications for constitutional democracy.

Conceptual Clarification and Theoretical Perspective

As remarked by Aguwe (2018: p.10), Constitutional Democracy is a form of government in which the majority of authority is restricted by institutional and legal means in such a way that people's rights are respected. In a constitutional democracy, the people are the primary source of power, they elect leaders into government, who will manage society and represent its will on the international arena. The constitution regulates the rights and functions of government; the law also protects the rights of all people. Institutional and procedural devices can limit the power of the government, as elections are conducted periodically.

Dahl, (1971: p.3) provides a benchmark for defining the essential elements of democracy, he identified eight criteria in defining democracy, they include: the right to vote; the right to be elected; the right of political leaders to compete for support and votes; elections that are free and fair; freedom of association; freedom of expression; alternative sources of information, and institutions that depend on votes and other expressions of preference. Like many other democratic theorists, Dahl is largely equating democracy with institutions and processes of democratic government. If citizens can participate equally in free and fair elections, and if elections direct the actions of government, then this is the essence of democracy. (Irvine 2007:p.3).

This institutional/procedural definition of electoral democracy is often accepted as a minimum measure of a democratic system. From Schumpeter (1943: p.45), to Przeworski, et al (2000: p.56), democracy is typically equated with the electoral process. Similarly, the democracy building activities of governments and the international NGO Community often focus on the creation of electoral institutions as the defining element of democracy. From this perspective, we might expect that citizens identify democracy with the institutions and processes of democratic governance. These individuals would cite "free

and fair elections”, “responsive government”, “multiparty competition”, and “popular control” or “majority rule” as key elements in defining democracy (Irvine, 2007: p. 15).

Second, in contrast to defining democracy in terms of its institutions and procedures, people might focus on its outcomes. In part, this is implicit in much of the democratic theory literature. For instance, Dahl’s (1989: p.48) discussion of electoral democracy presumes the existence of freedom of speech, assembly and other rights essential to make electoral competition meaningful. Similarly, Diamond (1999: p.56), lists political liberties, participation rights of citizens, equal justice before the law, and equal rights for women as four of the core democratic values.

Third, while scholarly definitions of democracy focus on the political, there may also be a social dimension to public images of democracy. Marshall, (1992: p.31), discussed a social dimension to democratic citizenship. In addition to civic and political rights, democracy can include social rights, such as social services, providing for those in need, and ensuring the general welfare of others. This approach argues that unless individuals have sufficient resources to meet their basic social needs democratic principles of political equality and participation are meaningless (Hubert, et al, 1997: p. 48).

With regard to their impact on democracy, constitutional provisions can be divided into negative or constraining and limiting rules, on the one hand, and positive, or facilitative and enabling rules on the other. Negative rules restrain those in power from performing certain acts, such as torture or use of the death penalty, or limit them from entering certain spheres such as influencing ecclesiastical appointments (Bellamy, 2007:p.3). The standard justification for such restrictions and limitations lie in some account of pre-political rights that demarcate the ways and areas in which public authorities may interfere with individuals. Positive rules concern less *what* can be done than *how* it can be done and by *who*, although there is some overlap between the two issues. Thus, rules determining the organization and timing of elections to the legislature may restrict the ability of incumbents to call a snap election (Bellamy, 2007:p. 15), but they also empower voters and create the possibility for a democratic electoral process. As such, they enable millions of citizens to act in a coordinated manner and invest that process with legitimacy and authority.

This study is anchored on Democratic Participatory theory as espoused by Sharpe (1970; p.40); Mills, (1971; p. 26); Laski (1949:p.411); Maddick (1963:p.46). They contend that local government functions to bring about democracy and to afford opportunities for political participation to the citizens as well as educate and socialize them politically. According to this theory, local government is superior to other levels of government since it is only at the level of the municipality – the city state that the individual can really participate in his own government, and so local government is truly democratic. Three related aspects of the democratic value of local government need to be emphasized. The first, according to Sharpe (1970; p. 159), relates to “the role of local government as a political educator, and as a means of civilizing men through the medium of self-government.”

The second is its role as a training ground for democracy. According to Bentham (cited in Mackenzie, 1961: p.13) "local government provides a nursery for supreme legislature; a school of appropriate aptitude in all its branches for the business of legislature." The third and final one is that which sees local government as the essential element for establishing a stable and harmonious national state, the breeder of better societies. "it is only by participation in and learning the arts of self-government at the local level that the individual had a stake in and came to appreciate the virtues of free government at the national level" (Sharpe, 1970: p.163)

Methodology

The study adopted the survey research design to elicit information from the target population. Thus, we employed self-report technique through questionnaire designed in five response options of Likert- Scale, and subjecting the information generated to statistical analysis for the purpose of drawing inference. The methods of data collection for this study were both primary and secondary methods. The primary method was the use of questionnaire, while secondary data were derived essentially from the internet, news dailies, magazines, journals and books.

Meanwhile, the population of the study comprised of academic staff drawn from Nnamdi Azikiwe University Awka, Anambra State, and Chukwuemeka Odumegwu Ojukwu University, Uli, Anambra State. Anambra State has three senatorial districts, with 21 local government areas. We selected three local government areas from each senatorial district, thus from Anambra North Senatorial district, we selected Onitsha North, Anambra East, and Ogbaru Local Government Areas. From Anambra South Senatorial district, we selected Nnewi North, Aguata and Orumba South local government Areas. From Anambra Central Senatorial district, we selected Awka North, Idemili South and Aniocha local government areas.

The age bracket of respondents was 55 years and above, surveyed through random sampling. The criteria for selecting academic institutions were largely influenced by the presence of intellectuals who are conversant with the dynamics of constitutional democracy and its relationship with the local government caretaker committee system in Anambra State (2006-2013).

In this light, the sample size for the study was statistically determined using Yamane (1967:p.886) formular as stated below:

$$n = \frac{N}{1 + N(e)^2}$$

Where n is the sample size; N is the finite population, e is level of precision (or limit of tolerable error), 1 is unity (a constant).

Thus, Nnamdi Azikiwe University Awka =
845 ——— The totality of Academic Staff of NAU, Awka

$$\begin{aligned}n &= \frac{845}{1 + 845(0.05)^2} \\ &= \frac{845}{1 + 845 \times 0.0025} \\ &= \frac{845}{3.1125} \\ &= 271.\end{aligned}$$

Chukwuemeka Odumegwu Ojukwu University, Uli, Anambra State
562 ——— The totality of Academic Staff of COOU, Uli Anambra
State

$$\begin{aligned}n &= \frac{562}{1 + 562(0.05)^2} \\ &= \frac{562}{1 + 562 \times 0.0025} \\ &= \frac{562}{2.405} \\ &= 233.\end{aligned}$$

From the above calculations, we have sample size of $271 + 233 = 504$. The data generated from the respondents will be analyzed using descriptive statistical method. Calculations of the decision point or cut-off mean is arranged as follows:

Strongly Agree (SA)	=	5 points
Agree (A)	=	4 points
Undecided (UD)	=	3 points
Disagree (D)	=	2 points
Strongly Disagree (SD)	=	1 point

$$\begin{aligned} \text{Cut off mean} &= \frac{5+4+3+2+1}{5} \\ &= \frac{15}{5} = 3.0 \end{aligned}$$

Hence, the cut off mean = 3.0

This implies that any score that is exactly or above the 3.0 mean, agrees with the decision, while any score that is below 3.0 mean disagrees with the decision.

Local Government Caretaker Committee System in Anambra State (2006-2013):

The 1999 Constitution of the Federal Republic of Nigeria guarantees the existence of democratically elected local government councils. Section 7(1) of the constitution provides as follows:

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 such councils.

Contrary to the aforementioned provisions, some State governors have retained the tradition of controlling the affairs of the local government councils through the caretaker committee system. While espousing his view on the overbearing powers of State government over local governments in Nigeria, Obeche (2009:p.7), Contends that;

From Anambra where Council election has not been held since 1998, to Nasarawa where the governor is empowered by a state law to appoint caretaker committees in place of democratically elected officials, to Imo where sacked elected council officials are still locked in a legal battle for their reinstatement, the story has remained the same: hijack of council resources. Even in Lagos State where elected officials are at the helm of affairs, the ruling party, the Action Congress of Nigeria (ACN) has been accused of imposing its own candidates in a bid to tele-guide the activities of the council.

In Anambra State (2006-2013), the Heads of Service in all the 21 local government areas, were appointed as members of caretaker committee by the State government to manage the affairs of the local government councils. (Ananti, et al, 2015: p.5). This practice denied the local people, the rights for political participation at the grassroots.

Sometimes, contracts were awarded, but were never executed, as the contract funds were shared between the State government officials and the caretaker committee members (Ananti, et al, 2015: p.5). Revenue officials at the local government councils were rendered redundant, following a directive that only State government revenue officials were

authorized to collect revenues from the 21 local government areas, on behalf of the State government (Eme, et al; 2014: p.5). This practice denied the local government councils of funds which would have been used to execute developmental projects, consequentially, most rural areas lacked potable water supply, good roads, good health care facilities, good schools, electricity supply etc. Most of the local government headquarters looked bushy and deserted, as the workers were not motivated to put in their best, they were not only underpaid, but the salaries were never regular (Eme, et al, 2014: p.5).

The allegiance of the caretaker committee members was to the State governor that appointed them. This explains why it was never in their interests to initiate developmental projects that would have impacted positively on people's lives. The aforementioned situation was persistently criticized by the members of the civil rights organization, opposition political parties, the Nigerian Bar Association and the church. Thus, the Civil Liberty Organization (CLO) in the state accused the administration of Governor Obi of stifling democracy at the local government level. At a press briefing in Awka to mark the 64th anniversary of the universal declaration of human rights, the State chairman of the CLO, Aloy Attah, described Obi's government as a "first degree violator of the Section 7(1) of the 1999 Constitution. According to him: "the consequence of the absence of democratically elected government at the local council is that political grooming is dead in the state, while our youths in the past 12 years do not know that there is a political post known as councillorship anymore (Nwaneri, 2013: p.15).

Similarly, the movement for the conduct of local government elections, through its spokesman, Chief Olisaemeka Onyeka, said that the non-conduct of local government elections in the state had led to high level of decay and underdevelopment in every sector of the state's economy. He added that the trend had denied several indigenes the opportunity to contribute to the advancement of their State (Nwaneri, 2013:p.17). In a related development, Ken Emekayi, described as breach of the law, the non-conduct of local government polls by the Obi led government. According to him;

The non-conduct of the council polls by the Obi administration is illegal, unconstitutional, and criminal for a governor who prides himself as a democrat and believer in the rule of law. To refuse to conduct local government elections has made the third tier of government in Anambra State moribund (Nwaneri, 2013: p. 19).

The chairman of Nnewi branch of the Nigerian Bar Association (NBA) Ogo Okeke, who shared similar view, argued that the enthronement of democratic administration in the 21 councils of the State, apart from being in compliance with the constitution, will bring governance closer to the people, reduce unemployment and anti-social pressures in the State. He quipped, "The election is sacrosanct, any act against it is running against the

nations statutes. It is not by the goodwill of any benevolent political or god father” (Nwaneri, 2013: p.14).

The persistence of the caretaker committee system subverts the practice of democracy at the grassroots. An administrative system where few individuals are appointed by a patron is an indication of external imposition which does not guarantee the participation of the citizens in the democratic process at the grassroots level. Thus, the appointed officials work in the interest of the patron and remain accountable to him and not the people. To this end, basic democratic ethos, such as representation, participation, responsive and accountable governance, egalitarian society, transparency and accountability elude the local people. (Jega, 2006: p.40). The two key pillars of liberal democracy – citizens’ participation in the choice of their leaders and decision making process are absent under the caretaker committee system. The system also encourages lopsided representation of different communities in the local government administration, as some communities may have more than one appointee while others have none. This practice of unequal representation is a negation of section 14(4) of the 1999 Constitution, which provides that:

The composition of the Government of a state, a local government council, or any of the agencies of such Government or Council, and the conduct of the affairs of the Government or Council or such agencies shall be carried out in such manner as to recognize the diversity of the people within its area of authority and the need to promote a sense of belonging and loyalty among all the peoples of the Federation.

The above constitutional provision harps on the democratic principles of political equality and participation, thus in nearly every instance where participation is increased, there is a rise in feeling of self-esteem and wellbeing. Therefore, an individual will be most happy in a balanced setting which allows for the development of self-powers freely in relation to a wide and varying scope of objects (Pateman, 1970: p.56). The inability of people to take advantage of preferred participation possibilities is one of the results of a lack of *true* participation. Furthermore, people who do not participate in the action-settings which determine their identities and self-esteem are bound to become alienated from both their societies and themselves. Thus, the local government Caretaker Committee System alienates the local people from themselves and their societies.

Data Presentation and Analysis

Of the 504 questionnaires administered to interrogate the local government caretaker committee system in Anambra State (2006-2013), and its implications for constitutional democracy, 404 respondents filled and returned their questionnaires, while we recorded a unit non response of 100 which were not used in the estimation process. The questionnaire

has one section which interrogated the local government caretaker committee system in Anambra State (2006 – 2013), and its implications for constitutional democracy. However, the following information were elicited from the respondents, presented and analysed using the SPSS software.

Hypothesis: The local government caretaker committee system in Anambra State (2006 – 2013) hampered the survival of constitutional democracy

Table I: MEAN RATING OF RESPONDENTS' OPINIONS ON THE LOCAL GOVERNMENT CARETAKER COMMITTEE SYSTEM IN ANAMBRA STATE (2006-2013) AND ITS IMPLICATIONS FOR CONSTITUTIONAL DEMOCRACY.

S/N	Items	5 SA	4 A	3 UD	2 D	1 SD	Σfx	\bar{X}	SD	Remarks
1	The local government caretaker committee system in Anambra State (2006-2013), was a negation of sec. 7(1) of the 1999 Constitution	189	105	28	45	37	1576	3.90	.90	Accepted
2	The ability of local government to transform rural areas is hampered under the caretaker arrangement.	145	100	10	109	40	1413	3.49	.49	Accepted
3	The non-conduct of local government elections in Anambra State (2006 – 2013) eroded the principles of transparency and accountability at the grassroots.	160	103	25	77	39	1480	3.66	.66	Accepted
4	Promotion of democracy at the local level holds the key to poverty reduction and improvement in the standard of living	128	115	15	100	46	1391	3.44	.44	Accepted
5	The absence of democratically elected									

	government at the local council in Anambra State (2006 – 2013) hampered citizens’ participation in the political process at the grassroots.	180	150	20	35	19	1649	4.08	1.08	Accepted
6	The personal ambition of the political elites contributes to the poor intergovernmental relations in Nigeria.	173	80	28	70	53	1462	3.62	.62	Accepted

Source: Researcher’s Field work.

Data on the above table, items 1-6 show the following mean scores, 3.90, 3.49, 3.66, 3.44, 4.08 and 3.62. it equally shows that all the mean scores are above the normal mean of 3.0, which indicates that all the respondents accepted the items on the questionnaire.

Results and Discussions

The observations of the study arising from the opinions of the respondents in relation to the hypothesis indicated a unanimous and unbiased acceptance that the adoption of the local government caretaker committee system in Anambra State between 2006 and 2013 had serious implications for constitutional democracy. According to them, the caretaker committee system negated the provisions of section 7(1) of the 1999 constitution of the Federal Republic of Nigeria. They equally affirmed that the non-conduct of local government elections in Anambra State within the period under study eroded the principles of transparency and accountability at the grassroots, as the committee members paid allegiance to the State governor that appointed them and so were not accountable to the people. The committee members were more or less “errand boys” of the governor, therefore their appointments reflected the extensive patronage at the governor’s disposal to reward and retain their loyalty.

The respondents also agreed that the absence of democratically elected government at the local councils in Anambra State within the period under study, hampered citizens’ participation in the political process. According to them the local government functions to bring about democracy and affords the citizens the opportunity for political participation. The respondents also opined that the promotion of democracy at the local level holds the key to poverty reduction and improvement in standard of living of the local people. According to them material well-being and political freedom express an organic unity, they cannot be separated either in a consecutive or concurrent sense, thus, they contended that the economic welfare and emancipatory contents of democracy are far more relevant issues. Hence, from the results of the six hypotheses tested so far, we therefore conclude

that the local government caretaker committee system in Anambra State within the period under study was unconstitutional, undemocratic, it also denied the local people the opportunity for better standard of living.

Conclusion and Recommendations:

The study interrogated the local government caretaker Committee system in Anambra State between 2006 and 2013, and its implications for constitutional democracy. We predicated our analysis on Democratic Participatory theory, and discovered that the absence of democratically elected local government councils in Anambra State (2006 – 2013) was contrary to section 7(1) of the 1999 Constitution. This situation is against the principle of the Rule of Law, which is the cornerstone of constitutionalism; the supremacy of the law means the predominance of regular law as opposed to the influence of arbitrary power and excludes the existence of arbitrariness, of prerogative, or even of wide discretionary authority on the part of the government.

Secondly, the study found that the non-conduct of local government elections in Anambra State, within the period under study, hampered citizens' political participation at the grassroots. As crisply remarked by Meddick, (1963: p.24), local authorities provide the opportunity for local people to participate in local decisions and local schemes within the general national policies, and to act above all, as local centres of initiative conducive to development.

Thirdly, the paper discovered that the ability of local government to transform rural areas was hampered under the caretaker committee system. The system is usually associated with all manner of unwholesome financial practices and in some extreme situations, outright embezzlement of council funds. There was always a standing instruction given to the appointees not to engage in any form of project, exceeding one hundred thousand naira (Ezeh & Muanya, 2013: p. 12) which literally means that they should not undertake any developmental projects in the local government councils.

In the light of the above, the study recommends that governmental powers should be exercised in accordance with the constitution. The study also calls for the abolition of the local government caretaker committee system because of its undemocratic and unconstitutional status. The principle of devolution should be adopted to ensure that each arm of government operates within the ambit of the law to avert unnecessary conflicts arising from the usurpation of the powers of one level of government by another.

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