

Is Democracy Deepening in Nigeria? Interrogating the Nexus between Nigerian Local Elections and De-Democratisation (1999-2019)

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Abstract

This paper attempts to explain de-democratisation as an outcome of the prevalence of dubious local elections. Ordinarily, chronicling political practices in local elections based on the Nigerian account between 1999 and 2019 is bound to generate several hypothetical conjectures regarding outcomes related to de-democratisation as the case is of the country. As a matter of fact, plethora of questionable and incredulous local elections likely will indicate more of outcomes associated with de-democratisation. Based on a conceptual framework labelled de-democratisation from bottom-up, the paper argues that the deepening of undemocratic deeds and ultimately de-democratisation in Nigeria derives from multiplicity of state government-administered local elections that often contravene key principles of the theory of electoral democracy. Thus, the paper draws insight from works of literature on electoral democracy to postulate how Nigeria's local elections during the understudied period reinforces the country's de-democratisation. It also highlights how the legal-constitutional groundings for local polls in Nigeria during the studied period accentuates de-democratisation of the country. By coming to terms with Nigeria's de-democratisation on the throes of incredulous cum disputed local elections, the paper sketches the reason why the nation's democracy is not deepening. It establishes that the local election governance laws as defined in the operating 1999 Constitution instigates de-democratisation rather than democratisation. Accordingly, the paper proposes amendment of the constitutionally codified rules governing local election organisation, administration, management and governance in Nigeria to galvanize local elections to support the deepening of Nigeria's democracy viz democratisation and not de-democratisation.

Keywords: De-democratisation; local election; theory of electoral democracy; de-democratisation from bottom-up; Nigeria

Introduction

It is necessary to stress from the outset that reference to democracy or democratisation mean the same thing and communicates the character of electoral democracy. This does imply that our analysis will progress by noting other rudimentary characteristics for electoral democracy to persist. As Obasanjo (1989, 34) opined that a democratised society characteristically possess '... orderly succession; the openness of society; an independent judiciary; freedom of the press to include freedom of ownership; institutional pluralism'. These characteristics too, nominal as they may seem, are considerable in grounding the thesis-of-thesis of the present paper. Also important

to be noted is that reference to Western democracy, and Western liberal democracy in the main infers to electoral democracy also.

A semantic approach alone to define what electoral democracy is about cannot produce an adequate answer to why the mere existence of democratic institutions and processes such as political parties and periodic elections respectively do not imply democratisation is on the course (Obasanjo and Mabogunje 1992, 1). Such a situation translates to that there exists today the conviction that ordinary display of democratic practices such as episodic elections may not necessarily produce democratisation outcomes. This explains why scholarly thoughts on democracy in the last two decades show conviction that the overall consequence of a nation-state to be designated a democracy or being democratised lies beyond organisation of elections alone. But more in the practice of democratic cultural principles, ethos and norms. Hence, the totality of processes and practices before and after elections and the outcomes produced are critical measures of the state of being democratic or undemocratic.

Therefore, mere adoption of the bequeathed model of election according to Western liberal democracy, such as in Nigeria more specifically does not imply the posture of democracy and democratic tendencies will happen from such singular act. That is, evaluating the workings of democratic institutions like the electoral umpire and adjudicatory bodies, and the tendencies of political actors/politicians and critical elites in politics are necessary to explain the totality of actualising democratisation. Another central factor of consideration are practices in election governance by electoral institutions and the processes cum manner they go about their statutory obligations. The way and manner important election institutions such as election commission, monitoring groups, policing agencies and others fulfil their mandates contribute to cause democratic elections to actualise democratisation or otherwise (Fasakin 2015).

It is the inability of democratic elections to galvanise democratisation, hence the notoriety of the concept of de-democratisation. In other words, democratisation and de-democratisation are direct opposite concepts and mutually exclusive. Denoting that a country can be on the path of democratising or de-democratising in the real sense but cannot generally be said to exhibit qualities of both terms, from an all-inclusive assessment, at the same time. Although, a country may show signs of improvements in one or some elements of the democratic theory such as in the organisation of periodic elections according to law (e.g. constitutional codification of elections to be held every four-year interval in Nigeria), while also portraying signs of de-democratisation. This outcome is likely when the country grossly fails to abide by other features of Western democracy like execution of election guidelines that favour one candidate over other contestants or promotion of post-election litigations that protect candidates of the ruling party.

Accordingly, two schools of thought have emerged that interrogate democratisation or de-democratisation trajectories. These schools can be broadly classified into two schemas, based on two prisms: ideology and political practice. Proponents of the ideology prism will submit that the reason why some countries may find democratising difficult is because the ideology of Western liberal democracy is not well suited to the indigenous science and cultural flavour and political orientation of those nations. Shivji (2013) for example argues that countries such as in Africa in the first place are communally oriented and that the bequeathed colonial democratic ethos did not alter these societies' communal predilections and mentality. This school holds that since ideology is fashioned by historical and contextual determinisms, Western democracy could therefore not properly fit an African setting (i.e. Nigerian context) whose history and context of pre-colonial indigenous knowledge systems (IKS) about democratic representation virtually differs. Those aligned with this ideological reasoning highly believe that the ethos of Western liberal democracy is at variance with the intrinsic philosophy of African societies' IKS. They say so, particularly regarding these domains: (a) Western democracy's link to the rise of authoritarian capitalism in the postcolonial African epoch (Youngs 2015); (b) the intransitivity of the ontology of Western democratic ethics as regards its majority rule and winner-take-all posture from an election that is immanently in contradistinction to the social, communal and communitarian nature of African societies (Comaroff and Comaroff 1997); and (c) the unfolding revolutionary protests against ills such as high cost of organising periodic elections and worsening ethnic/class/ideological mistrust during elections that the trans-nationalisation of Western democratic theory somewhat fosters in postcolonial African states (Cambridge University Press 1996; Sandbrook 2010).

On the other hand, proponents of the political practice prism or school of thought view determinations of democratisation or de-democratisation based on the actions in politics and governance that play out through democratic institutions and other electoral governance bodies (Obasanjo and Mabogunje 1992). This prism emphasizes democratisation or de-democratisation as an outcome of politics as it concerns institutionally-defined processes of governance. Drawing insights from prevalent and actual political practices, this school will be interested in explaining democratisation or de-democratisation advances from these domains: (a) how political practices shape the system of elections according to the authorised rules for the umpire's powers, structure, funding, function and appointment in line with constitutionalism and rule of law (Ewere and Enabulele 2010; Jinadu 1997); (b) explicate how political practices shape the organisation, management and governance generally of elections (Fisher 2013; Lyons 2007); (c) examine political practices inclined towards post-election litigations, judicial review and operational procedures for post-election court remediation (Chernykh and Syolik 2015; Green, 2012); and (d) understand how political practices inclined towards the process of recruitment of representatives or political leaders (i.e. primary polls) gauge democracy's osmotic transcendence from the grassroots to higher governance realms of society (Akpan and Ekanem 2013; Choi 2007).

Theoretic assumption of the paper

The present paper emphasises the political practice prism or school of thought. It interrogates Nigeria's de-democratisation undercurrents as a consequence of the country's political practices and inclinations in the local election sphere. Namely that it uses insightful data drawn from organised local elections in Nigeria's Fourth Republic which commenced in 1999 to theorise about the country's de-democratisation posture. Accordingly, the paper's hypothetical supposition, borrowing Ake's (1994, 1-8) discerning prognosis as cited from Jinadu's (2007, 62) poignant analysis, is that:

Political practices inclined towards Nigeria's local electoral democracy results in de-democratisation and disempowerment in which citizens are voting without choosing which reduces democracy to mere governance of appointing representatives, and such outcome relate to the political correlates of pretending to abide by principles of the rule of law, constitutionalism and accountability but not to actual advance democratisation, and whereby the state government organised local polls are constituted in such a way as to render democracy [sic Nigeria's democratisation] impossible, whereas what is needed by way of democratisation to flourish is the transformation of state governments' practices in local election to principally be in strict adherence to doctrines of electoral democracy, for in the absence of such transformation, Nigeria's local elections will only be a choice between oppressors and not to objectify the ideal goal of electoral democracy which is about democratisation of society.

Intellectualising the concept of de-democratisation

Given, as earlier stated, that democratisation and de-democratisation are mutually exclusive terms, meaning that the existence of one implies existential antithesis of the other. Put differently, by a simple semantic definition, democratisation means a situation in which elections do not conflate but instead deepen the proclivities of citizens' liberty to choose their representatives while at the same time embedding a democratic psyche and culture. Therefore, bearing in mind the paper's aforesaid terminological singularity of concepts like democracy and democratisation for electoral democracy, de-democratisation will mean the opposite of democratisation wherein political practices of the elites of all shades in politics deny citizens the ideal end of democracy which is the freedom to freely choose or elect representatives. Therefore, by our prognosis, democratisation and de-democratisation are state of affairs relating to the outcomes produced from local elections. Both concepts possess empirical and psychological imports by thoughtful ecumenical thinking. That is, the terminologies are naturally dynamic, perceptible in both an emotional and sensory logic as specifically determined by the prevailing character of political practices (Ake 1994).

In the present context as earlier noted, understanding democratisation is centered on the prevalent culture and characteristics of politics and political practices regarding the operation of electoral democracy. In short, a democratisation outcome reflects how political practices and politics influence the products of electoral institutions and election governance, administration and management generally to yield and deepen good democratic culture. Following our definition of democratisation above, Obasanjo and Mabogunje, (1992, 2) list these features as including the existence of democratisation:

- a) Right of choice
- b) Freedom from ignorance of want
- c) Empowerment and capability
- d) Respect for the rule of law and equality before the law
- e) Creation of appropriate political machinery
- f) Promotion and defence of human rights
- g) Sustained political communication to create trust and confidence amongst leaders and the populace
- h) Accountability of the leadership to the followership, and
- i) Periodic and orderly succession through secret ballot

Also, consequent upon our operationalised conceptualisation of democratisation, Sithole (1994, 152) says that a democratisation outcome can only be actualised if electoral democracy possesses the elements captured in the quote below:

...Democracy's universal character is that those who exercise political authority in society do so with the explicit consent and genuine mandate expressed at regular intervals by the governed through open, free, and fair electoral process.

The implication of the aforementioned quote and assertions about the democratisation outcome in the present paper's context is that a credible election process is a *sine qua non* for a nation to be said to be democratising or democratised (Merloe 2015). Therefore, Chigudu's (2016) concur with our outlined sacrosanct elements of electoral democracy thus far, noting that if political practices desecrate these values, they end up producing de-democratisation outcome. The elements are:

- 1- The democratisation outcome rests on periodic elections to hold at legally codified intervals. Generally, a periodic election is set *state qua state* based on specific considerations such as whether the presidential or parliamentary democratic system is being operated.
- 2- The democratisation outcome rests on the competitiveness of an election. Implying rules of the election game must not favour one candidate/political party over others.

- 3- The democratisation outcome rests on legitimately elected officials from an election-winning the majority votes of the voters. Meaning that candidate from an election with the highest votes should be declared the winner, and not through the court.
- 4- The democratisation outcome rests on the organisation of free and fair elections. That is, political practices should not overtly or covertly disenfranchise eligible voters or the election process and conduct.
- 5- A democratisation outcome rests on the organisation of a secret ballot. This means that only the secret ballot system guarantees the free will of choice from threat, pressure, or coercion.
- 6- According to Widner (2017), the democratisation outcome rests on a fair, just and equitable post-election litigation process. This means that the adjudicatory and litigation jurisprudence structure, system and process for dealing with election-related disputes, disagreements, quarrels and queries should not be designed to favour candidates of the ruling power elites and sitting governing political parties.

Perhaps, the most important extrapolation that kind of sums up the end-goal of all the elements above is that a democratisation outcome rests on political practices in election governance to promote the *ex-ante indeterminacy* code (Chigudu, 2016). The *ex-ante indeterminacy* code suggests that the eventual winner of an election contest should not be pre-determined. In essence, the *ex-ante indeterminacy* philosophy underscores an imperative that ethical political practices should promote an ideal democratic culture that supports the organisation of credible elections to ensure the electorates' power to determine would-be representatives. Also, the philosophy underscores a truism that with voters and voting therein lay the power to define democratisation. It equally implies that a legitimate election devoid of coercion, vote buying, or voter manipulation, and a credible primary election process are commanding necessity to advance democratisation. All the above postulation of the *ex-ante indeterminacy* maxim Jinadu (2010) stresses is a *sine qua non* for democratisation to persist.

Accordingly, Mohiddin (2007, 8) believes that a de-democratisation outcome signals existence of an incapable and failing state. This denotes that high rate of decadent and immoral political practices in electoral democracy signifies a state that lack capacity and therefore is along an imaginary spectrum of being a failed political machinery. Persistent high rate of dishonourable political practices during elections suggest that state institutions are powerless and have been overtaken by strong men in politics. Hence, an outcome of democratisation or de-democratisation is related socio-political undercurrents based on the dynamism produced and reproduced by political practices. This implies that democratisation and de-democratisation are eventual political outcomes that are somewhat developed and somehow consolidated by the prevalent norms in politics and character of political practices. However, perceived in totality, the preference of the world's governed citizens is for the democratisation outcome to persist (Ake, 1992).

Obasanjo and Mabogunje (1992) stress that de-democratisation outcome is a result of the prevalence of illegitimate elections. Incredulous elections produce “restrain, curtailment, suppression and oppression associated with authoritarian regimes; breed resentment, apathy, and withdrawal syndrome which releases negative thoughts and tendencies to the development process” (ix). The authors further aver that de-democratisation accentuates “suppression of national interest by tribal interest, favouritism, clientelism” stating further that de-democratization heightens nepotism that worsens “social inequalities and undermines the ethics and practice of democracy” (3). Toktamis (2014) warns that the existence of de-democratisation is indicative of political practices that accentuate constant privatization of the state and governance cum political structures and institutions by the power elites and deployment of the entire democratic process as a legitimising stimulus for public corruption, selfish aggrandisements and citizens’ domination.

Conceptual Framework: De-democratisation from bottom-up

Demands for overcoming de-democratisation, especially in countries lagging in entrenching an ideal democratic culture, have reached a crescendo in the last decade. This has prompted many advocacies in such nations to explore various context-effective practices to actualise the ideals of the ism in their polities. With the growing demand from citizens to eliminate de-democratisation comes an aggressive renewed interest in scholarships interrogating the nexus of political practices in local elections and the persistent outcome of de-democratisation. In essence, therefore, the subject of electoral reforms and reforming institutions involved in local election management, administration and organisation conduct and governance gained currency. The topic further assumed a buzzword among advocates for establishing democratisation in climes with a high rate of de-democratisation outcome that is commonplace.

In the present paper, one of the emergent electoral reformist approaches being earnestly advocated for is a deliberate effort to establish politico-democratic autonomy of local institutions of governance along with other espoused political decentralisation schemes to establish democratisation is the bottom-up federalism model. Put in another way, the bottom-up theory of democratization (on this theory see Donni and Marino 2020; Fioramonti 2012) is today one important topic amongst intellectuals diagnosing to improve democratic credentials of polities showing worsening signposts of the de-democratisation.

The philosophical basis of the bottom-up theory rests on a key abstraction in the paper's context. It is that a functional local-grassroots democracy will produce and is synonymous with democratisation. A bottom-up federalism is broadly understood as that the happenings at the base, grassroots, local or least domains of socio-political relations permeate upward of society thereby re-occurring all over the country’s public spaces. As a theme, the bottom-up theory has gained currency and relevancy as the basis of theorisation in a variety of academic fields,

especially in political science. This is not unconnected to the fact that aggregate political behaviour, practices, tendencies and happenings at local levels truly do affect and replicate proportionally to be reflective cum representative of the whole of a country (Jacob, Gerber and Gallaher 2018; Sugiyama 2012). The argument of Onuoha (2002) holds water that every person is a citizen of one local governmental jurisdiction and so the aggregate tendencies of local government citizens can explain national characteristics by diffusion. Hence, advocates of the democratisation from bottom-up theory accept that the diffusion of local democratic cultural tendencies as moulded by political practices is a fact of any political system (Rose 2008; Shermer 2022).

The bottom-up theory evolved as a revolutionary counterforce to the emphasis on top-down thinking about human affairs. Particularly in governance and politics, most people have come to believe that political practices from only the top echelons are the real determinant of tendencies at every corner of society. To the contrary, bottom-up politics foreshadows the dysfunctionality of national governance by exposing damaging consequences of governance by the higher tiers on residents in both urban-rural local communities. A Wilson Centre video publication entitled “Bottom-Up Politics: What Do We Know and Where Do We Need to Go?” (No date: access from

<https://www.wilsoncenter.org/event/bottom-politics-what-do-we-know-and-where-do-we-need-to-go>) describes the recent popularity of the bottom-up theory as a “localist revolution”. The video's overview commentary notes that lingering negligence to commonplace difficulties experienced by local citizens as brought upon them by the higher tier governance are stimulating local citizens and urban-rural communities to generate problem-solving stratagems of theirs today more than ever. Also, the likes of Shermer (2022, no page) counteracts the emphasis on top-down thinking about democratisation, positing thus:

...Analogously, an economy is a self-organised bottom-up emergent process of people just trying to make a living and get their genes into the next generation, and out of that simple process emerges the diverse array of products and services available to us today. Likewise, democracy is a bottom-up emergent political system specifically designed to displace top-down kingdoms, theocracies, and dictatorships. Economic and political systems are the result of human action, not human design [sic more from the grassroots of society].

That is, political practices in local politics will better promote adherence to the theorisations about ideals of electoral democracy, and such will further yield a democratisation outcome than top-down political practices. Intellectuals promoting the bottom-up theory of democratisation believe that political practices ought to fashion occurrences for local-grassroots democratic culture to flourish and deepen. For instance, political practices that ensure periodic organisation of credible local elections according to legally set dates to happen and encourage massive local citizens' participation to elect local leaders by diffusion is supporting national democratisation

outcome. In the case of Nigeria, concern with the way political practices shape local elections of the country to produce a particular outcome is gratifying for the following reasons. The understanding of the political practices-local election organisation connection will help to understand the persistence of de-democratisation outcome in the country. It will also enable a better understanding of how the political ideals and practices of elite politicians at the state government level of the nation sway the local autonomy-development dynamics of the country (Okudolo and Salawu 2022). Again, articulation of this connection will shed light on the philosophical ideals of political elites, generally of the country, to the use of political power, internal hegemony and effective decentralisation enabling efficient local government autonomy in general.

In a nutshell, to pay attention to political practices *a la* local election, local-grassroots democracy and local electoral democracy generally can engender insightful information that can be used to theorise about de-democratisation outcome of any country. Invariably, the conceptual framework tagged de-democratisation from the bottom-up can be used to illumine and develop a reasonable theoretical explanation, understanding, and knowledge of why de-democratisation outcome persists in Nigeria's democratic transition process as for other nation-states. Indeed, bottom-up thinking now offers scholars a profound theoretical framework as a source of elucidating the link between political practices of elite politicians, institutions of electoral democracy and in election governance for the production and reproduction of de-democratisation outcome and the deviations from entrenching a democratic or democratising culture. As the paper considers the period from 1999 when Nigeria's Fourth Republic commenced, the propensities of political practices within the timeframe constitutes the data for making theoretical assertions on the continuing persistence of de-democratisation outcome in Nigeria.

Discussion

It has been noticed that a key assumption that has emerged from political practices *a la* local electoral democracy in Nigeria from 1999 is one of manipulation of the constitutional language of the 1999 Constitution. The distinction that the local election process as propelled by political practices is conceived as strict adherence to the letters and language of legal policy prescriptions than its spirit is obvious within the understudied timeframe in Nigeria (Okudolo et al. 2017; Jinadu, 2010). Albeit, the 1999 Constitution is inaugurated to midwife Nigeria's Fourth Republic in 1999, the constitution's codified letters and language for local electoral democracy are somewhat contradictory to cementing the democratisation of the country (Okudolo, 2021). The spirit behind the 1999 Constitution's provisions for local-grassroots democracy is being manipulated through political practices to debase local electoral democracy, and thereby sustain de-democratisation outcome in Nigeria (Okudolo, 2022).

Take for instance the language of Section 7(1) of the 1999 Constitution: "*The system of local government by democratically elected local government councils is under this constitution*

guaranteed...” is often violated by the use of governing the local councils by unelected leaders across Nigeria within the studied period (Momoh, Tijani and Erhaze 2016; Nnamani et al. 2019). The impetus for using unelected local caretakers or administrators by sitting/ruling parties at the state government level flows from political practices that ascribe and construe the addendum to the same Section 7(1) of the 1999 Constitution to mean exclusive and absolute legislative power over local government affairs. This addendum says “...and accordingly, the Government of every state shall 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” (see 1999 Constitution).

In the views of Akindiyo, Imoukhuede and Mohammed (2015), Osezua and Okudolo (2021), political practices are often deployed to manipulate the 1999 Constitution regarding local autonomy. Especially Section 7(1) is so implemented to destroy local democracy such that the state-based governments promote hegemony of the sitting party over contending opposition parties at the expense of advancing grassroots democracy viz democratisation of Nigeria. By such emphasis on the letters of that addendum under Section 7(1), state governments often justify why they can use unelected persons or caretakers or appointed administrators to preside over local democracy and govern the local government councils. This practice violates these electoral democratic principles: orderly succession, right of choice, and respect for the rule of law, as well as accountability of political leaders to the electorates. Also, Powell (1982) and Sithole’s (1994) espoused principles that a democratic society ensures that its political leaders are elected by winning majority votes in periodic held elections and that only by-election must a governor of any level of government emerge is contradicted by the use of unelected local governors.

For a fact, the use of unelected persons to govern Nigerian local government areas by political practices at the state government level has greatly undermined local-grassroots democracy to thrive and therefore worsens the country’s de-democratisation outcome. Whereas, such practice is contrary to the intendment of Section 1(2) of the 1999 Constitution as amended. The section says: *The Federal Republic of Nigeria shall not be governed, nor shall any person or group of persons take control of the government of Nigeria or any part thereof, except in accordance with the provisions of the Constitution* (see 2011 amended 1999 Constitution). It’s now a fact that the illegal practice of using unelected local administrators has become part and parcel of Nigeria’s Fourth Republic since its commencement in 1999 in all states in Nigeria. The latest examples as of 2021 of a willful violation of Section 1(2) above are Governor Aminu Waziri Tambuwal of Sokoto and Oluseyi Abiodun Makinde of Oyo that dissolved elected local council leaders and imposed their self-appointed caretakers/administrators. This political practice of imposing unelected persons as local governors in Nigeria has become a norm which is contrary to constitutionalism and the rule of law (Okafor and Orjinta, 2013).

Spurred by the authoritative language and letters of Section 7(1), the allures of political practices of state-based ruling elites to entrench hegemony over local democracy and thereby expand the diminishment of democratisation throughout Nigeria is real. Editorial comment of *The Citizen*, an online news medium entitled “Expose Governors who Divert LG Fund” of May 20, 2016 (no page), captures graphically how state-based political practices promote the use of unelected local leaders to deepen de-democratisation outcome in the country thus:

...Accordingly, a Governor’s act of dissolving Local Government Councils and replacing them with Caretaker Committees amounts to the Governor acting on his whims and fancies, unknown to Nigerian laws, and clearly illegal. In other words, it is the duty of the Governor of a State to ensure the existence of Local Government Councils [sic “guarantee the system of local government by democratically elected person] instead of being responsible for destroying them.

An important constitutional provision overtly subject to manipulation through state government political practices that sustain de-democratisation outcomes in Nigeria relates to the formation of state election commissions. According to Okudolo (2018 and 2019), state governors’ impetuses to exploit local elections to undermine local democracy derives from their literal interpretation of the letters and language as against the spirit behind the addendum of Section 7(1) of the 1999 Constitution. For instance, Section 197(1)(b) of the Constitution lists the State Independent Electoral Commission popularly called SIEC as one of the established state’ executive bodies under the exclusive direction of the sitting governor. The Third Schedule (States’ Executive Bodies [Established by Section 197]) Part II, Section 3B(A) of the 1999 Constitution, provides for the establishment of SIEC, under the legislative competence of the state government’s executive and legislative arms to constitute the SIEC to organise the election of local government elected leaders. It provides for the establishment of a SIEC that “...shall comprise... (a) a Chairman; and (b) not less than five but not more than seven other persons”.

The impartiality of a SIEC is *ab initio* questionable deducing from the norm of political practices by state governments that usually interpret the above referred addendum of Section 7(1) literally during implementation. A situation whereby state executive and legislatures that are often overwhelmingly represented by elected persons from the same political party (note, the circumstance of one-party dominance in state politics is widespread across Nigeria) to institute a SIEC that is impartial to organise a local election the ruling state party presents candidates and is participating in is highly unlikely.

Instances abound where a constituted SIEC is criticized for being made up of persons not apolitical, associated with the ruling state regime, sometimes card-carrying members of the ruling state party, and thus persons overtly designated as highly partial. For example, Rochas Okorocho who was Imo State Governor between 2011 and 2019 was accused of appointing his party member into the state’s SIEC and implementing various absurdities of the theory of local

electoral democracy (Punch online, [no date], <https://punchng.com/the-charade-called-imo-ig-election/>). Such a practice provides the answer to why outcomes of local polls in Nigeria are usually questionable, illegitimate and incredible to opposition parties and the general public at large in the country. This situation violates these elements for democratisation such as constructing a local election umpire that will organise free and fair polls as well as ensure the competitiveness of the election. This explains why throughout Nigeria from 1999 sitting state governments' parties usually win overwhelmingly in the local elections of the state (Nnamani 2019; Akindiyo, Imoukhuede and Mohammed 2015).

Also, under the manipulative political practices at the states' level of governance of Section 7(1), ruling state powers argue that the constitution gives them powers to set tenures of elected local councils and fix timeframes for periodic local council elections to hold. Ikeanyi's (2016) study accounts for how state local elections laws violate periodic tenure for local poll to hold. He cites a Anambra State Local Government Law 2002 as amended in Section 2 which states: *Where an emergency or any other situation arises which makes impossible the holding of local government election within the period as stipulated in the Principal Law as amended, the Governor shall upon expiration of serving council administrators nominate and forward to the House of Assembly a list of persons to be considered as Transition Committee.* This state's law seems to provide for the Anambra State House of Assembly to be the voting college to elect persons into the Transition Committee nominated by the Governor. The impetus of this Anambra State local democracy rule stems from literal interpretation of Section 7(1) of the 1999 Constitution of Nigeria that state legislations determine the administration viz. democratic credential of local government areas. Ikeanyi (2016) asserts that this Anambra State Local Government Law 2002 no doubt contradicts the principles of electoral democracy and cannot advance local democracy. Similar legislations like this Anambra law has been replicated across Nigeria since 1999 till date.

All state governments from 1999 in Nigeria are guilty of manipulating the principle of holding periodic local elections and organising local polls that violates the *ex-ante indeterminacy* philosophy of electoral democracy. For instance, a Nigerian Tribune report of July 10, 2015, page four, chronicles how Governor Rotimi Amaechi of Rivers State conducted local polls on May 23, 2015, just six days to the expiration of his constitutional second/final term as governor, of which the ruling All Progressive Congress (APC) party won all the elective positions being contested. Governor Nyesom Wike of the Peoples Democratic Party (PDP) that succeeded Rotimi Amaechi dissolved those elected and organised his local poll in which the PDP won overwhelming too all the available contested positions. Again, The Punch newspaper report of Nov. 28, 2016, page one, narrates how Governor Olusegun Mimiko of Ondo held local elections on April 23 2016 nine months to the end of his second/final term as governor. Whereas, the last Ondo local election was held seven years before Governor Mimiko's edition. Equally same, Mimiko's election came after his ruling PDP (Mimiko was formerly of the Labour Party) lost to

the APC and as usual that election saw Mimiko's party win all available Chairmanship and Councillorship positions because the main opposition APC boycotted that poll. In all the local elections held in Lagos state during the understudied period, the ruling state's party often wins overwhelming as is the case in all Northern, South-South, Eastern and every other regions' states' local election in the Nigerian federation.

What the above narrations and their outcomes denote is that local election results all over Nigeria are predetermined, known and always favourable to the ruling state parties due to the unscrupulous political practices deployed in a local election. This situation contradicts the *ex-ante indeterminacy* code of a credible democratic election, hence a recipe for the deepening of de-democratisation outcome in Nigeria. Even where opposition parties win some available position in a local election, governors often constitute the post-local election tribunals to revert victory to their party candidates. Similarly, the Third Schedule (States' Executive Bodies [Established by Section 197]) Part II, Section 5C of the 1999 Constitution vests the powers to establish, provide for and manage the State Judicial Service Commission to the state's Governor and House of Assembly. Appointment as judges is by the governor subject to the concurrence and approval of the legislature of the state. Whether by covert or overt means, the state governments often indulge in politics of appointment into post-local election tribunals or local election litigation cum court agencies to favour their party candidate who may have lost at the polls or whose victory is being challenged.

Even to date, governors' overt influence over post-local government election tribunal judgments is still pervasive. For instance, a This Day online news report of 27 July 2022 reads: "Tribunal Affirms PDP's Total Control of Abia LGs 15 Months after Poll". The news here is that it took the court to confirm the legality of an organised Abia State local election under the sitting state's PDP government a year and three months after because its legitimacy was challenged. The above is indicative that the political practice of organising questionable local polls are very much still a norm in Nigerian politics which has assumed a culture. Although, exceptions to this norm are extremely scarce, however, when it does happen such outcomes enjoy media hype. A good example is a Premium Times online news report by Ben Ezeamalu on Oct. 4, 2012, entitled "Tinubu dealt political blow as tribunal declares PDP winner of his local council election". In this report, the Lagos local election tribunal gave a judgment nullifying the win of the ruling Action Congress of Nigeria (ACN) Chairmanship candidate for the Ikoyi/Obalende local council area in the state's 2011 local council polls to the opposition PDP Babajide Obanikoro. This report is particularly significant because the son of the arch-rival of the "strongman" of Lagos politics of the ACN, Bola Tinubu, lost that local area which is his base.

In light of the above, by the notion of osmotic transcendence given that the local government areas constitute the arena of high population concentration together, overwhelming incidence of unelected local leaders as governors indicate an established culture. Hence, the protracted involvement and input of non-elected local political administrators as local governors in political

engineering towards engendering democratisation is not a potent risk management mechanism to drastically curtail the outcome of de-democratisation. Obviously, such scenario has resulted in every reformist programmes for electoral credibility to enhance national democratisation to produce policy mistakes, failures and increase the certainty of de-democratisation as the unintended consequences on the Nigerian society. The aforesaid point underlines the nexus between local elections and society-wide consolidation of democracy from a reform policymaking perspective. That is, in the Nigerian context under review, policymakers at the federal level that engage the subject of enhancing the country's democratic credentials rarely show interest in how local elections continue to undermine Nigeria's democratisation. Since the commencement of the country's Fourth Republic in 1999, there has hardly been any constitutional amendment clause specifically focused on addressing local elections by the Nigeria Senate and House of Representatives. The calls over local autonomy by elected officials at the federal level in Nigeria is mostly of interest about fiscal autonomy and not the democratic-political autonomy of the local governments.

This paper makes bold to assert that political practices *a la* local elections in Nigeria within the understudied period have proven to be a predicate of the deepening of de-democratisation outcome rather than democratic consolidation in the polity. Indeed, the prevalent state-based elites' political practices inclined towards local-grassroots democracy in general in Nigeria rather provided grounds for the de-democratisation outcome to extend to the detriment of democratising the entire country. The consequences of this outcome include the prevalence of holding sporadic local elections based on the whims and caprices of the ruling state party that often produce results that contradicts the *ex-ante indeterminacy* principle. Thereby promoting the negative practice of using non-elected persons as local leaders and thus frustrating orderly succession of elected leaders and pluralism of political party representation as local governors. Such outcomes further negate adherence to rule of law, constitutionalism and political accountability of elected leaders to the electorates which are necessary features for democratisation to foster.

In many respect, the persistence of incredible local elections in Nigeria during the studied period did disable the promotion of an appropriate political system that supports democratisation and democratic culture to be grounded. This state of affairs implies that Nigerian local elections are not open, free and fair; not competitive; and enable unpopular candidates to be declared winners in the poll. Also, the local elections hardly guarantee the free-will choice of the electorates since vote buying is pervasive within the operation of mass incredible local polls, hence their secret ballot potential is questionable. Equally true is that the problem of instituting biased SIECs and post-local election litigation tribunal structure sustains the inherent illegitimacy of local elections in the country. All the above pointers frustrate citizens from imbibing democratic cultural practices necessary for local-grassroots democracy to blossome and thereby cause widespread diffusion of de-democratisation features from the bottom to up layers of the Nigerian state.

Conclusion

By the paper's reasoning, the problem of consolidation of democratisation via electoral democracy in Nigeria is reducible to the espousal of undesirable political practices from bottom-up that enable de-democratisation to flourish. By implication of the aforesaid assertion, there is validity in our theoretic conceptual framework of de-democratisation from bottom-up to generally explain Nigeria's viz. African nations' worsening de-democratisation outcome as well as the probable collapse of grassroots democracy (Okudolo, 2018b). This means that the prevalent character of politics connected to local-grassroots democracy and political practices associated with local elections and local electoral democracy in general do enable or otherwise the persistence of the de-democratisation outcome. Therefore, promoting capacity of local elections to be credible and organised in line with the cultural principles, features and practices and acknowledged ethos of the theory of electoral democracy is a necessary condition to reverse the deepening de-democratisation outcome in Nigeria to promote democratisation consolidation.

Consequently, the paper strongly recommends an amendment exercise to be effectuated on the 1999 Constitution of Nigeria with regards to guaranteeing and entrenching legitimate and credible democratically elected local government councils. Special focus must be invested in ensuring the letters and language of the amended constitutional provisions for administration, organisation, management, litigation and generally governance of local elections do not enable state-based governments to fester their hegemonic tendencies in local-grassroots democracy and encourage the diminishment of the *ex-ante indeterminacy* code in the organised local polls. The amended provisions should be so learned to promote local government political autonomy and functional political decentralization policies. Implementation of the revised constitutional provisions for local election should be so-constitutionally designed to grant oversight functions to the Federal Government (i.e. a created federal agency charged with local election monitoring) to affirm if the local polls comply with the embraced ethos of electoral democracy or not. In addition, it is suggested that the revised 1999 Constitution of Nigeria should back a Federal Government agency's involvement in the appointment of post-local election litigation tribunal judges and not by the state government. Also, the amendment should provide for the strengthening of civil society credible-election advocacy groups in monitoring political practices related to local elections before, during and after local polls. As a matter of expediency, Nigeria's Federal Government needs to reinforce its exercise of oversight in local elections to curtail how they impart de-democratisation outcome of the federal republic. It is hoped that this paper's analysis constitute a lesson pointer for other countries with similar local electoral democratic propensities like Nigeria's, especially in Africa.

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