

# **Structural Transformation and Polycentric Governance: A Constitutional Gateway towards Nigerian Democratization**

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Visiting Scholar, Workshop in Political Theory and Policy Analysis,  
Indiana University, Bloomington, USA.

Paper Presented at a Working Conference on “Designing  
Constitutional Arrangements for Democratic Governance in Africa:  
Challenges and Possibilities.”

Organized by the Workshop in Political Theory and Policy Analysis,  
African Studies Program, and Office of International Programs,  
Indiana University, Bloomington, USA, 30-31 March, 2006.

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# **STRUCTURAL TRANSFORMATION AND POLYCENTRIC GOVERNANCE: A CONSTITUTIONAL GATEWAY TOWARDS NIGERIAN DEMOCRATIZATION**

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## **INTRODUCTION**

The misfortune of the post-independence development paradigm in Africa is that it is monocratically centralized, separating African leaders from the rest of African people. The state-dominated and state-driven economy has no mechanism and inspiration to rally the large percentage of African citizenry, who are in the informal sector around socio-economic and political projects. The Africans could not use their common sad experiences to solve their problems (Sawyer 1992). Analyses of postcolonial Africa social orders have frequently faltered because the colonial experience has been used as the paradigm and this has not really helped Africa. Individual peculiarities have been set aside.

Scholars have agreed that the postcolonial state is predatory, overbearing and restrictive. The fundamental issue in the crises of African state is the relationship that exists between the state and the civil society. The thinking that the state can solve all the social problems is stretching it beyond its natural capacity. This makes it corrupt, inefficient and highly centralized (Sawyer 1992, Wunsch and Olowu 1995, Edigheji 2004:86). Looking inward has provided the succour socio-economically.

The “disconnect” from the roots is manifested in several sectors of Nigerian landscape – constitutional, administrative, educational, political, economic, social, judiciary and security. Consequently, several reforms adopted by successful governments (military and civilian) in Nigeria had failed woefully to increase the standard of living of the majority of the Nigerian people as the level of poverty is still as high as 57.8% in the country in spite of the excess revenues of ₦641.2

billion from crude oil in the Fourth Republic (Akinola 2005d). While the few leaders and their state institutions (federal, state and local) are characterized by corruption, greed and personal aggrandizement, a large majority of the Nigerian people have learnt not to rely on the government but rather, to look inward and embark on rules-ruler-ruled relationship that could guide the provisions of essential services that government has failed to produce.

In trying to reconstitute Nigerian political order, we should try to get a clear understanding of the dynamic process that exists among the different Nigerian societies. As a Yorubaman, my concerns for studying how the Yoruba people of southwest of Nigeria survive through collective actions at the grassroots started as early as 1998. About four years ago, I decided to extend my research search-light to the crises-ridden oil producing Niger-Delta region to examine how the people in the region are overcoming the problems of daily existence. From the two regions, in-depth studies of these institutions unraveled how Nigerian people are exploring their pre-colonial governance heritage as well as how they are adapting to ecological and environmental changes. Findings showed that the people invested their sovereignty horizontally in one another through collective action, self-governing and self-organizing capabilities and thereby, to an extent, address problems of daily existence. This confirmed that the people also govern and not to presume it is only government that governs. If the people govern, then government governs in a limited sense.

This paper argues that in order to democratize Nigeria's "democracy" it is important that the gaps between Nigeria's leaders and the rest of the society be bridged. One way of achieving this task is through people-oriented constitution that could be fashioned out through the participation of all interest groups right from the community level across all geo-political zones in the country. Although several scholars have identified consultative and participatory process<sup>1</sup> (two ambiguous terms) and the inclusion of communities in constitutional process, the pragmatic way seems to be elusive to these scholars. In the light of this

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<sup>1</sup> Consultation and participation imply mind-set of decision-makers with already pre-conceived ideas which they want the local people to approve. The basis of this ideology is that the local people do not know what they actually need; the idea must come from elite and urban-based group.

intellectual gap, this paper adopts institutional framework and restructuring mechanism through which Nigerian constitution could be crafted and designed. The method this paper adopts provides the A, B, C of constitutional making process. By building on the existing indigenous and endogenous institutions that are self-governing, the effort of the Federal Government is capable of crafting the **first**<sup>2</sup> Nigerian constitution through polycentricity (multiple-centres of decision-making) for the Nigerian people.

To facilitate full discussion of the issues involved, this paper divides into four main sections. After this introduction, the next section discusses “disconnects” in several sectors of Nigerian landscape. The third section discusses self-governing institutions and polycentricity in Nigeria, while the fourth part contains the method of how Nigerian constitution could be crafted.

## **II DISCONNECT FROM THE ROOTS: A FUNDAMENTAL DEFECT IN NIGERIAN DEMOCRATIC GOVERNANCE AND ECONOMIC DEVELOPMENT**

The failure of African governments is not because the operators of these governments are black. It is simply due to the system of administration that was introduced by the British during the colonial period and adopted by successive post-colonial African leaders. The “disconnect” from the roots is manifested in several sectors of Nigerian landscape (constitutional, administrative, educational, political, economic, social, judiciary and security).

### **Historical Sketch of Constitutions in Nigeria**

Nigeria has never had a truly and people-oriented constitution in spite of several documents produced from the so-called fourteen (in number) “constitutional conferences”. According to Ihonvbere (2004:257), “the country has had *legal* constitutions; but they have hardly been legitimate”. This is because all the approaches used so far have been outward looking, disconnected from

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<sup>2</sup> Nigerians are yet to have the constitution of their own as previous constitutions designed for Nigeria are documents prepared by the British Government and Nigerian elites who are already alienated in all ramifications from Nigerian people. Both the process and language (English) that produced those documents glaringly excluded the large majority (70.0%) of Nigerians who are illiterate (FRN, 2004:14).

cultural and ecological tendencies of the Nigerian people. An examination of the title and the membership of all the constitution conferences show that the interest groups at community level were excluded from the constitutions that were produced. At a glance, they were: The Order-in-Council (1914), The Clifford Constitution (1922), The Richard's Constitution (1946), The Macpherson's Constitution (1951), The Lyttleton Constitution (1954), The Constitutional Conference (1958), The Independence Constitution (1960), The 1963 Constitution, The Study Groups (1966), Decree No. 34 (1966), The 1979 Constitution, The 1989 Constitution, The 1994/95 Constitution, The 1999 Constitution and The 2005 Confab. Unlike the United States of America which comprises 50 states with 51 constitutions (each state and the Federal Government has its own constitution), Nigeria with 30 states has only one constitution, which had been modified and "panel-beated" several times within the last 50 years, yet the constitution has no legitimacy and not people-oriented.

The hope of Nigerians on the resolution of the country's socio-economic and political crises by the National Political Reform Conference has been dashed as the peoples of the South-South (Niger-Delta) boycotted the conference as long as their demand for the control of 25 percent (now) and 50 percent (in the future) of revenue from oil and gas is not met (Nigerian Tribune, Monday, 27 June, 2005, p. 3). Thus the conference ended without delegates' signatures on the final report. Besides, the critical question is who are those that have been going to all these constitutional conferences? They were foreigners and the Nigerian elite, who are alienated from the Nigerian masses. The process of constitutional making, no doubt, has left deep gaps in the democratic process and consolidation. The argument is that as long as there are gaps between the elite who crafted the constitutions and the Nigerian people, the constitutions can not reflect the wishes and aspirations of the Nigerian masses.

## **Administrative System**

There is a wide gap between the state (foreign institution) and the society. This wide gap is manifested in different cultural values prevailing within the bureaucracy as against the society. In the majority of African governments, widespread ethical violations and weak accountability only help to further destroy the effectiveness and image of government (Rasheed and Olowu, 1993:3). The crisis of governance currently afflicting a majority of African nations has variously been ascribed to the failure of the centralized state (Wunch and Olowu, 1990, 1995), the failure of the monocratic model adopted by African elites for the constitution of order in their societies, the incursion of the military in government with their centralizing tendencies (Olowu, 1996), super-imposition of exotic models of governmental administration and the stifling of indigenous governance modes (Davidson, 1992, Landell-Mills, 1992). Consequently, there is a wide gap between government officials and the rest of the society.

## **Political System**

In the realm of politics, the Yoruba, for instance, have developed intricate methods of limiting the powers of their rulers through democratic process despite the absence of the ballot box (Olusanya, 1990:37). In Yoruba tradition, generally, there has always been a delicate balance of power between the *Obas* (the paramount rulers) and the chiefs. And these leaders, at town or village level were in turn held in check by *Oro* societies, who could express the people's displeasure with their rulers in ritually sanctioned ceremonies. The political administrative structure/institution among the Yoruba has been effective and stable as it contained bureaucratic structure of checks and balances.

It needs be pointed out that the self-regulatory system with checks and balances among the Yoruba is an important factor the people could have developed to design home-grown democracy. Other tribes in Nigeria must have had similar pre-colonial self-governing experiences. However, all these democratic principles, which observers have described as robust, could have

constituted the foundation for a modern society. Unfortunately, they were eroded first by the British colonial intervention and second by the post-independence leaders.

### **Educational System**

The British colonial government did not encourage any enterprise that was people oriented as revealed by the type of opposition that David Oyerinde, a Yoruba man (born around 1893 in Ogbomoso), who studied in United States of America, faced with the British colonial administration in the southwest of Nigeria. Oyerinde advocated for a system of education based on learning of crafts, agriculture, literacy subjects and the dignity of labor. The inspiration of Oyerinde and Eyo Ita<sup>3</sup> led several other Nigerian students (such as Herbert Macaulay, Nnamdi Azikwe and Alvan Ikoku among others) to follow their footsteps and all of them had a vision for proper and adaptive education that could have elevated and harnessed the potentials of the citizenry (Eleazu, 1977:117). The British also influenced the society's choice of educational carrier as the local populace preferred British certificates and white-collar jobs to an educational system that incorporated dignity of labor.

Consequently, Nigerian elite are alienated in terms of educational curriculum adopted by the British Government which Nigerian leaders continue till date. The curriculum did not pay much attention to the study of Nigerian culture, its roots and adaptive education that can help the society to release the potentials and capabilities of the Nigerian people. This problem still persists till today as higher institutions in the country only train students for white collar jobs instead of creating jobs using local resources. At the same time, our governments are not challenging Nigerian scholars to resolve local problems. Instead, the government depends on ideologies and innovations from developed countries, which are in most cases at variance with Nigeria's ecological conditions.

English, the official language of communication excludes majority of Nigerian populace. In spite of the fact that majority of Nigerians are not literate in

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<sup>3</sup> Eyo Ita was born at Creek town in Calabar in January 1903.

English language as evident by low literacy rate of 30.0% (38.3% for those without education; 22.7% for some primary education; and 9.0% for primary education) (FRN, 2004:14), Nigerian leaders use English language in addressing their people before the message is translated to indigenous languages. This initial mistake opened the way for importation of foreign ideologies – political, agricultural, technological, industrial, security spheres etc.

### **Agricultural Development**

Agriculture which has been the mainstay of Nigerian economy and dominated by peasants contributed 68% of gross domestic product (GDP) in 1958. However, it has consistently declined since 1970 (Okigbo, 1993:178). In the north, peasant farmers produced cereals, sorghum, rice, groundnuts, cotton, millet and some wheat. Their southern counterparts, however, cultivated tubers and tree crops like yams, cassava, citrus fruits, palm produce, kolanuts, cocoa and rubber. Despite their reliance on traditional methods of shifting cultivation and use of traditional implements, peasant farmers produced 70% of Nigeria's exports and 95% of food requirements (Adeboye, 1989:6). However, in order to finance the growing bureaucracy, since the government is the sole employer of labor, National Plans became an effective instrument to exploit peasants' surplus produce (Badru, 1996:50).

In the 1960s, for instance, lack of a shared community of understanding between the government and the farmers, *Agbegidi* (real farmers), led to a peasant farmers' movement of 1968 in Yorubaland. The *Agbekoya* (farmers renounce oppression) crisis, which spread across Yorubaland like harmattan fire, was precipitated by the insensitivity of the government to the conditions of farmers, who were in the majority (77.0%) (World Resources, 1997 – *for the statistics*) are mostly the producers of food and raw materials for urban and industrial sectors. A reaction to a foreign system that neglected the people and their institutions was the stiff resistance adopted by the *Agbekoya*.

The second decade after independence, crude oil had, however, superseded cocoa as the principal foreign exchange earner. The change from agrarian to



rentier economy stagnated agricultural and industrial-manufacturing sectors and the swelling of the service sector. Consequently, Nigeria remained a major food importer to feed its teeming population. As Ruth First (1980:120) suggests: “The usual development process is reversed. Instead of the progression from agriculture to industrial to services, oil provokes the growth of only the third sector (the civil service). Incidentally, the service sector cannot induce agricultural and industrial sectors. Since there has been little production, there is little to tax and hence, low accountability. Taxation legitimizes accountability. Low accountability in turn has further reinforced the level of pillage and plundering of oil money.

### **Nigerian Food Crisis and Poverty**

Despite the driving force of globalization and the positive responses of several countries in transforming the production and storage of food, the movement and trading in food, and access to and consumption of food, the converse is the case for Nigeria. Nigeria has become a dumping ground for imported food. In spite of the long history of universities in Nigeria and abundant natural resources, the country is still a little more than a non-starter, especially in food security and technological development. There are over 56 (24 federal- and 32 state-owned) universities in the country, including 9 (5 Federal- and 4 State-owned) Universities of Technology, 3 Universities of Agriculture and 1 Military University (CBN 1997:18) and some private ones. With over 56 universities, Nigeria is one of the poorest countries in the world that constantly relies on food importation (The Comet, 06/11/2002, pp. 1, 2 & 4). “...between 1999 and 2001, not less than \$15 billion have been expended on food importation by the Federal Government” (Asagodogbo 2002:7).

Nigeria as a rentier state depends largely on oil, a situation that places agricultural development at a particularly disadvantaged position. After 44 years of independence, with several universities and many polytechnics, there is a fundamental question that has to do with how to make Nigerian higher institutions problem solving through effective synergistic interactions between these ivory towers, the governments, the industrialists, and peasant farmers in

the area of food security. The bane of Nigerian agriculture is that the stakeholders in food security – universities, governments, industrialists, and peasant farmers – are not interacting; rather, they operate more or less along parallel lines (Akinola 2002).

### **Judiciary and Security**

Several examples demonstrate the inappropriateness of certain western practices in Nigeria's cultural context. For instance, because of inherent problems in our judicial system, most people prefer taking their cases to open air conflict resolution (radio/television) such as *Majiyagbe and Aiye re e* (Osun State Broadcasting Corporation Television and Radio respectively, Osogbo, Osun State), *Agborandun* (Nigerian Television Authority, Ibadan, Oyo state), *So da a be* (Broadcasting Corporation of Oyo State, Ibadan), *Olowogbogboro* (Ogun State Television) etc. in Yorubaland. As at 2004, these fora that assume the role of conflicts resolution have resolved 58,801 of 63,621 (92.4%) cases that were brought before them between 1986 and 2004 (Akinola 2005d). Similarly, the problems with the Nigerian Police have led several communities to delve into their history to initiate and develop community-based security institutions – hunters associations, vigilante groups, Oodua People Congress (OPC) in the Southwest, Egbesu and Bakassi Boys in the East and Arewa Youth Congress in the North – to address recurring security problems (Akinola 2005d).

### **Election and Voter Turnout**

The generality of Nigerian people, because of the plundering of public resources by elected officials, have developed electoral apathy since they have learnt by experience that their (masses) interests are secondary to politicians. This has been demonstrated by an average low turnout of voters (51.4%) on election days across the country from 1959 till 1999 (IDEA, 2002).

Right from the eve of independence in 1959, the percentage of voters with respect to those that registered for Parliamentary Elections was 79.5%. The figure decreased by less than one-half (32.3%) in 1979; 38.9% in 1983 while the figure

rose sharply to 84.8% in 1999. This high proportion of voter rate was probably due to prolonged military rule and its attendant repression of citizens. In effect, people turned out in large number. However, the figures for Presidential Elections in 1979 and 1999 were 35.3% and 52.3% with an average of 43.8%. Taking all the elections together, an average of 51.4% voting rate was too low for a country that obtained her independence over 44 years ago. Although the low turnout of voters never posed any problem for the do or die politicians and their followers as the results of elections are always in their favour.

Any type of government that emerges under this arrangement can never be democratic in its dealing with citizenry and hence the use of force to coerce citizens to comply with government wishes. As George Washington put it a century before Weber: “Government<sup>4</sup> is not reason, it is not eloquence – it is force (Henning 1992:91; Fiorina and Peterson 2001:9). This also buttresses Dewey’s observation that “political parties rule but they do not govern.” (Dewey 1954:21).

### **Nigerian Local Government System and the Problem of Disconnect**

The origin, growth and failure of local government administration in Nigeria can not be divorced from the foundation laid by colonial administration upon which subsequent administrations (military and civilian) built their decision-making apparatus. Home (1976) points out that:

the failure of local government in Nigeria to meet the demands which are made of it originated in the colonial period, and the philosophy of indirect rule (p. 74).

The colonial administration separated the *Obas* from their chiefs and subjects, thus making them autocratic in the conduct of community affairs. For instance, the colonial clerks and police who were aliens to the communities of their primary assignments were brought into the main stream of tax collection and security respectively. They abandoned indigenous structures that were very effective before the introduction of indirect rule. The result was that a gulf was

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<sup>4</sup> Gerth and Mills (1946:78) translated from Max Weber: Government is that institution in society that has a “monopoly of the legitimate use of physical force”

created between leaders and other members of the society. By and large, Nigerian state, with rentier economy, is predatory as it has little capacity of transforming the economy and social structure over which it presides. This reinforces Edigheji's observation on African continent when he states that the state structure of governance in Africa is "suspended in the mid-air over society" (Edigheji, 2004:86). For instance, Nigerian local government system has no interactive links with the community for which it was designed and created. Though the government is located at the local level, it is run by elites who are alienated from the culture of the people.

Thus far, the Local Government and the communities that ought to be partners in progress have been operating on parallel lines. As discussed elsewhere, findings from case studies in Ogun and Oyo States confirmed that the Community Development Associations contributed 96.0%, while Local Governments assisted with 4.0% of total money spent on socio-economic facilities and services in 1998 and 2001 respectively. In spite of the fact that the Local Governments are very close to the grassroots people, they have confined material goods to the exclusive preserve of a class of people who have access to public resources but spend less on community welfare (Akinola 2004).

### **Corruption in Nigeria**

Information from the Economic and Financial Crimes Commission (EFCC) has traced the root cause of Nigeria's socio-economic crises and poverty to the Alhaji Shehu Shagari led civilian administration (1979-1983) as the most corrupt government that has ever ruled the country. During Shagari's administration, \$15 billion was stolen and transferred to foreign banks while the regime also incurred a debt of \$18 billion. Following Shagari's regime in the plundering of national resources were the regimes of General Ibrahim Babangida and Late General Sanni Abacha (*New Age*, Wednesday June 30, 2004, p. 1).

The Federal Government of Nigeria earned, within four years (1999-2002), a total of N357.507 billion as excess revenue from crude oil proceeds (*Vanguard*,

Tuesday, August 12, 2003, p. 1). Extra oil money hits ₦641.2 billion (*The Comet*, Vol. 6, No. 1928, Monday, November 22, 2004, p.1). Despite this excess crude oil proceeds, the same government has run its affairs on deficit during these years by borrowing huge sums of money from the money market to finance its expenditure at very high cost. In fact, the IMF and World Bank had described Nigeria as a country where oil wealth has not benefited its populace. As a result, relative poverty was 57.8% in 2004, using 130 million as the base population, translating into 75.14 million Nigerians (*Nigerian Tribune*, Monday, December 20, 2004, p. 40).

Another fallout of democratic contradiction in Nigeria is the problem of political “parasites”. It is now a norm and daily practice for politicians at all levels to disburse public money to party supporters and loyalists described as “gatekeepers” for purchase of goat for naming ceremony, school fees for children, burial ceremony etc. Is this dividend of democracy? How do we address this problem?

In particular, the vice of corruption among the government officials in the Niger-Delta is emblematic of the bigger corruption that pervades the Nigerian political and bureaucratic terrain. Money meant for redressing the problems created by oil exploration is misappropriated by government officials and some saboteurs, who are indigenes. For instance, the percentage deduction from the federation account to the development of Niger-Delta region has been on the increase from 3 per cent in 1992 to the present 13 per cent. Under the 13 per cent Derivation principle, the Federal Government budgeted ₦284 billion and ₦304 billion to all the oil producing states in 2004 and 2005 respectively (*The Punch*, Wednesday, October 27, 2004, p. 56). Oil money is allegedly stolen and plundered by Nigerian leaders at all levels of government or their agencies. For instance, the European Union (EU) representative, Mr. Richard Gozney, who was part of the EU fact-finding mission to Rivers State, stated that:

...circumstances surrounding the spending attitudes of government at all levels in the country (Nigeria), especially in the Niger-Delta states, and the recent windfall in the global oil market indicated that the country

was rich enough to take care of the debt (*Nigerian Tribune*, Tuesday, 26 October, 2004, p. 3).

According to a 2002 report in *Human Rights Watch*, “Nigeria: No Democratic Dividend for Oil Delta”. “Much greater sums of money are flowing from the Federal Government to the Delta region but ordinary people living in the Delta see little if any benefit from these funds.” (*The Punch*, June 19, 2003, p. 37). This is a clear demonstration of neglect of the oil communities.

It is, however, unfortunate that what is important to Nigerian leaders (both in political and administrative offices) at all levels of government is how to “share” the money, instead of investing such oil windfall. In a recent discovery, about \$170 billion (₦2.448 trillion) of Nigeria’s wealth has been stolen by corrupt public officers in the country and stashed in foreign banks (*Daily Trust*, November 11, 2003). Similarly, six top officials of NDDC were accused of ₦880 million contract fraud by the Economic and Financial Crimes Commission (EFCC) (*The Punch*, Sunday, August 10, 2003, p. 1, 15). Corruption is no more a new thing in Nigeria as several cases of stolen public funds appear on Nigerian dailies regularly. For instance, of recent, the EFCC reported that Nigerian past rulers stole or misused £220 billion since independence in 1960 (*The Punch*, Monday, June 27, 2005, p. 72). Corruption reached its climax in Nigeria when the Inspector General (IG) of Police was retired on the allegation of corrupt practices in March 2005. Consequently, he faced over 70-count charge including several billions of Naira allegedly stolen from the Police and money laundering. As at the time of preparing this paper, about ₦17.7 billion has been recovered from him by the EFCC (*The Punch*, Tuesday, July 5, 2005, p. 1).

All these monies are derived from oil as oil contributes about 85 per cent of total government revenue in Nigeria. Ironically, the residents of oil communities are not benefiting from oil proceeds; rather they suffer deprivation and neglect. The question is what is the lot of the residents of oil communities of the Niger-Delta in Nigeria?

## **The Niger-Delta Crises**

The politics of exclusion in the region breeds resentment and aggression especially when the positive impact of oil transcends the place it is exploited and when the people have suffered government neglect over the years. As a result, in the absence of democracy, we have crises; instead of citizens' welfare, we have poverty, sickness and diseases. The region has become a zone of violence where lives and property are inherently endangered. Taking advantage of the lingering crises, several illegal businesses such as petroleum pipelines vandalization, oil smuggling and bunkering have emerged and have been occurring at alarming rates in the region. The number of pipelines vandalization has increased from 57 cases in 1998 to a total of 2,892 cases in 2003. It is on record that the federal government lost N7 billion to pipeline vandalization in 2002. Oil smuggling and bunkering have cost the nation about 300,000 barrels of crude oil on a daily basis and the Federal Government loses \$78.76 million weekly. The common man in the Niger-Delta wallows in abject poverty.

These crises, within the last six years, had resulted into loss of over 10,000 lives, over 40 communities burnt, and destruction of property estimated at several billion of dollars. The crises in the region are signaling national disintegration and disunity. The hope of Nigerians on the resolution of the country's socio-economic and political crises by the National Political Reform Conference has been dashed as the peoples of the South-South (Niger-Delta) have vowed not to return to the plenary session of the conference until their demand for the control of 25 percent (now) and 50 percent (in the future) of revenue from oil and gas is met (Nigerian Tribune, Monday, 27 June, 2005, p. 3). As at the time of preparing this paper, the Confab has ended in stalemate (*The Comet*, Wednesday, July 13, 2005, pp. 1 and 4). It seems the country is sitting on a keg of gun powder. In order to avert bigger national crises, it high time alternative solution to the country's crises is sought. I believe strongly that polycentric governance, which is inward looking and capable of bridging the gaps between Nigerian leaders and the Nigerian people needs to be adopted.

### **III SELF-GOVERNING INSTITUTIONS (SGIS) AND POLYCENTRICITY IN NIGERIA**

#### **Self-Governing institutions (SGIs)**

Self-governing institutions (SGIs) otherwise known as community-based institutions, on the basis of their origin, can be classified into two broad categories in Yorubaland and Niger-Delta region viz:- indigenous and endogenous. While indigenous SGIs are direct legacy of pre-colonial experience, the endogenous SGIs are post-independence phenomenon, more or less products of western influence (education and religion) on the culture of the people.

In the first group (indigenous institutions) are: traditional institution, community development association (CDA) or town union, age grade society, fishermen association, women association, blacksmiths association etc. The second category (endogenous institutions) comprises the local branches of Nigeria Union of Road Transport Workers (NURTW), Commercial Motor-cycle Operators' Associations, social groups like Lion, Rotary, Alfa Clubs, Carpenters Associations, Bricklayers Associations etc.

The contributions of these institutions towards grassroots development are tremendous especially in areas of information dissemination, resources mobilization, sanctions, public accountability and delivery of public goods and services. Over the years, my research activities have covered a total of 51 community-based institutions (CBIs) across Yorubaland. Yorubaland comprises six of 30 states in Nigeria. In sum, on the average, the contributions of community-based institutions towards the provision and production of public goods and services accounted for 86.7%, while the figure for Local Governments was 13.9%. Similarly, my work has covered a total of 21 community-based institutions in the Niger-Delta region. Niger-Delta region consists of nine states in Nigeria. Analysis shows that the selected institutions, over the years, have contributed 77.4% of the total cost of the projects, while Local Governments' efforts accounted for 22.6% of the total money spent on the same projects (Akinola, 1992, 2000, 2003a,b, 2004, 2005a,c,d).



From the above analyses, it is clear that mass mobilization strategy provided answers to most local development questions which the state has been dodging over the years. The critical question is, in spite of allocations received by Nigerian LGs from the federation account, where is the impact on the grassroots development? The Nigerian local government is a centralized institution within a decentralized system, hence, the institution is fraught with predation of public resources (Akinola 2004). Though the state institutions have not fare well in responding to the aspirations of the people, the people have decided to invest their sovereignty horizontally in one another through collective action and self-organizing capabilities and thereby, to an extent, addressing problems of daily existence. This confirms that the people also govern and not to presume it is only government that governs. If the people govern, then government governs in a limited sense.

Still, numerous studies of the African experience and those of others that have to do with how resources are pooled together to solve a variety of problems are helpful. Many of these studies have shown that far from remaining slaves to customs and traditions, African societies continue to invent and adapt innovations and use their institutions to cope with change rather than being stereotyped. Several studies have examined the rich diversity at the microconstitutional level and confirmed the robustness and resilience of these institutions (Smock, 1971; Barkan, McNulty, and Ayeni 1991; Olowu, Ayo, and Akande 1991; McGaffey 1992; Barkan, 1994; Dia, 1996; Olowu and Erero, 1997; Okotoni and Akinola 1996; Adedeji, 1997; Coulibally, 1999; Ribot, 2000; IDS 2001; Akinola 1997b, 2000, 2003a, 2004; 2005b; Olowu and Wunsch 2004).

It is important at this juncture to refer to the works of Alexis de Tocqueville and Vincent Ostrom. In 1831, Frenchman Alexis de Toqueville toured America and subsequently published astute observations about this strange, new country of free people. He noted that, unlike in Europe, businessmen in America voluntarily joined together to help others, from building roads for the community to constructing “poor houses” for the destitute. This tradition of community service

continues to be the theme of every Chamber of Commerce, trade group, and service club in the nation (Hickel, 2002:250).

The foundation upon which American democracy rests is the people at the local level, and the picture is captured in the words of Alexis de Tocqueville:

The township is the only association so well rooted in nature that whenever men assemble it forms itself ...the community is the basic unit of collective organization...the people through experience of living together through successive generations work out arrangements among themselves for meeting the requirement of life (Tocqueville, 1966).

He further declares: “In democratic countries the science of association is the mother of science; the progress of all the rest depends upon the progress it has made” (Tocqueville, 1966).

Vincent Ostrom, using Tocquevillian analytics, draws some similarities between American federalism and pre-colonial African governance structures. According to him, American federalism could be viewed as a system of government in which a serious effort has been made to come to terms with the possibility that people might, in some significant sense, “govern” and to avoid presuming that “the government” governs. Government “governs” in a limited sense. But in this configuration of relationships, people have a decisive place in governing affairs. People coordinate complex patterns of interaction with one another while taking account of diverse communities of relationships. Reminiscent of African experience, Vincent Ostrom argues that:

If Africans were to concern themselves more with covenanting with one another to form civil bodies politic, they would appreciate that African peoples draw upon diverse ways of conceptualizing patterns of order in their societies. There is as much to be learned from stateless societies as from those that merged as “kingdoms” and “empires” before the intrusion of European empires. Modern democratic societies cannot be imposed from the top. They emerge as people learn to cope with the problems of collective organization associated with their shared interdependencies (1991:18)

In view of the foregoing, there is the need to design institutional arrangement that can enable these institutions (indigenous and endogenous) to play complementary roles with the formal local government in Nigeria.

Studies of microconstitutional processes provide a better understanding of the self-organizing capabilities of individuals acting together in communities. However, Olowu and Wunsch (2004:248) noted that though these community institutions and social capital exist in many African countries, only few countries succeeded in connecting them to the local government system. This aspect of “lack of connection” is what I consider missing in Nigerian governance structure. If these institutions are viable and robust (though not perfect), the question then is how do we connect them to the local government structure?

The challenge facing Nigerians now is how to replace instruments of dominance with institutions of self-governance. This is not to disregard the central authority. The centralized institutions have an important role to play in the process of governance but the challenge is that there should be room for self-governance and centralized authority should not become autocratic.

### **Polycentricity and Local Self-Governance**

Findings so far suggest that a way out of this present African predicament is self-governance and the means of getting there is through polycentricity. Polycentricity is a means of achieving bottom-up governance for poverty reduction in developing countries. According to Vincent and Elinor Ostrom (2003:12), polycentricity simply means a system where citizens are able to organize not just one but multiple governing authorities, as well as private arrangements, at different scales. Each unit may exercise considerable independence **to make and enforce rules** within a circumscribed scope of authority for a specified geographical area. In a polycentric system, some units are general-purpose governments, whereas others may be highly specialized. In self-organized resource governance systems, may be special districts, private associations, or part of local government. These are nested in several levels of general-purpose governments that also provide civil equity as well as criminal courts where graduated sanctions are applied.

In polycentric system, each centre acts in ways that take account of others and such a system relies on the self-capabilities of each unit and funds unity in

their interdependence. The direction and control of the affairs of the local community by the people themselves is central to the concept of local self-governance. It is thus possible for decentralization structures to accommodate the self-governing principle. This has a democratic character in that all are equal before the law and the power of the ruler are limited. Decentralization is an offshoot of a centralized administration and it provides direct channels of control for centralized authority.

The conception, design and implementation of democratic orders based on polycentric theory of constitutional choice require considerable understanding of cultural patterns. African scholars should understand their societies deeply so that autocracy is replaced with self-governance. It is always difficult for despots to divest themselves of power; they are always ready to pay the price for holding power. The challenge is to devise a way of making such a venture a costly one (Sawyer 1992).

This paper contends that the present form of governance structure in Nigeria is inappropriate. There is then the need for restructuring. “If the foundation is destroyed what will the righteous do?” This paper, therefore, argues that as long as the institutional framework that should connect the Nigerian leaders with the rest of the society is lacking, any reform agenda will invariably worsen the poverty conditions of the Nigerian people. What is needed is structural transformation which is consequent upon restructuring. Such restructuring would require the Nigerian people in various cultural and ecological environments to craft constitutions that are peculiar to the environment where providence has placed them.

#### **IV CRAFTING/DESIGNING NIGERIAN CONSTITUTION**

The paper posits that for constitutional governance to benefit the people, having regard to Tocqueville, it has to originate from the people, directed and guided by the people, and they should be able to modify the constitution and governing institutions as their situations change. In this context, there is the need to design constitution that would restructure Nigerian political economy into a

polycentric order (multiple-centers of decision making) – connect the people with their leaders through rules-ruler-ruled configuration and empower the people socio-economically and politically.

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In order to design constitution that would bridge the existing gap between Nigerian leadership and the society, critical attention should be directed towards self-governing institutions (indigenous and endogenous institutions) that the people have evolved, over the years, in coping with the problems of daily existence within their locality. Without mincing words, these institutions constituted the bedrock and socio-economic drivers of our society as has been discussed earlier. It then follows that, in order to design constitution for our society, these institutions should form the foundation upon which the constitutional making process would rest.

In this regard, microconstitution formulation by all the interest groups at the community level is an indispensable task. The number of the existing interest groups varies from state to state. In Osun state for instance, at least 20 of them have already been identified across the 30 local governments, meaning (20 x 30) 600 (Akinola 2005b). They are: Traditional council, Religious groups, Community Development Associations, Co-operative Societies, Women Groups, Youth Wing, Civil Servant in various grades – bureaucrats and technocrats,

professionals – Lawyers, Accountants, Planners, Builders, Architects etc., Nigeria Union of Teachers (NUT), Nigeria Union of Journalists (NUJ), Farmers Associations, Traders Unions, Carpenters Associations, Bricklayers Associations, Local branches of Nigeria Union of Road Transport Workers (NURTW), Commercial Motor-cycle Operators’ Associations, Ethnic Militia (OPC in the West, Bakassi/Egbesu Boys in the East and Arewa in the North), other Social Groups like Lion, Rotary, Alfa Clubs etc., Students’ Unions, Unemployed groups. However, in the case of Niger-Delta, factional groups would be part of the microconstitutional process. Interestingly, all these institutions have their working rules already. This means that the application of the concept of polycentricity has a foundation upon which it can be implemented.

World wide, constitutions originate from the people, while laws derive inspirations from government. When the people in a particular community collectively craft and compact a constitution, they are able to monitor, enforce compliance and apply sanctions on rule infractions. It would also enable the people to build adaptive error-correcting procedures into their microconstitution. The people can then be free to specify and modify rules of association or collective-choice arenas. We do not need to emphasize uniformity in pattern of governance; rather, diversity in governance should be our pre-occupation as no two communities are ever the same.

In essence, what the Federal Government should do is to identify specific areas for all interest groups to discuss at the community level. All the interest groups that attend the constitution forum and others that may be identified later should come together at the community level to discuss, dialogue and agree on specific issues that concerned socio-economic and political affairs of their community. A step higher, all the representatives of the interest groups from the various communities would converge at the local government level to fashion out their constitution. From the local government level, representatives will meet at the state level and this exercise would continue to the federal level. All along, what government should do is to monitor the exercise to ensure fairness and justice in constitutional making process. In this manner, all interest groups that

constitute the fulcrum and fabric of the Nigerian society would be represented and the constitution that would emerge in the end would, invariably, reflect the wishes and aspirations of the generality of Nigerian masses.

On economic dimension, in order to break the oil dependency syndrome of Nigerian Local Governments, the constitution designed should make the third tier of government assume entrepreneurial roles so that they can generate substantial revenues internally. In this regard, Local Economic Development strategy should be implemented in each local government and/or state of the federation whether in oil or non-oil region. In implementing this strategy, each local government and/or state should organize a program tagged, “Local Economic Revival Forum” which would bring together the representatives of all the existing interest groups. Here the application of economic polycentricity becomes relevant. Economic polycentricity would stimulate local economic development that will be inward-looking for harnessing and utilizing local resources to the utmost capacity, and that, in turn would generate employment for youths at the grassroots level.

On Local Economic Development the full proposal would be presented and unfolded to the representatives of all interest groups (see Akinola 2005d). Inputs from the participants will be added into the proposal. The **official language** of the proposed program will be the mother tongue of the people – **Yoruba** in the southwest, **Ibo** in the east, **Hausa** in the north and language that is applicable in other geo-political zones. The focus of the second stage would be on decision on pilot projects, which should be established in three communities from each of the three senatorial districts in each state. In each community, with inputs from the experts and government officials, representatives will decide on the type of industry they want to establish, the organizational structure and ownership formula of their proposed enterprise. In this respect, much might be made of community-level government and social capital, both to enhance “voice” and to improve local governance. In addition, this idea would also take care of privatization programme and invariably, the local people would be economically empowered. Otherwise, the government’s privatization programme would privatize the Nigerian masses.

In as much as we can not do without government, there is need to design vertical and horizontal polycentric governance to complement the formal structure of governance (see fig. 1). There is need for networking, information sharing and collaboration amongst the shareholders. In the final analysis, the interactions between the government and self-governing institutions will eventually produce a new constitution that will be people-oriented. A formula for financial allocation between the two groups will be designed, and positive sum game will emerge between the two groups. Detailed implementation strategies for both the Niger-Delta and other parts of the country are well discussed elsewhere (see Akinola 2003b; 2005b). The interactions between the governments and self-governing institutions will eventually produce new working relations that will be people-oriented.



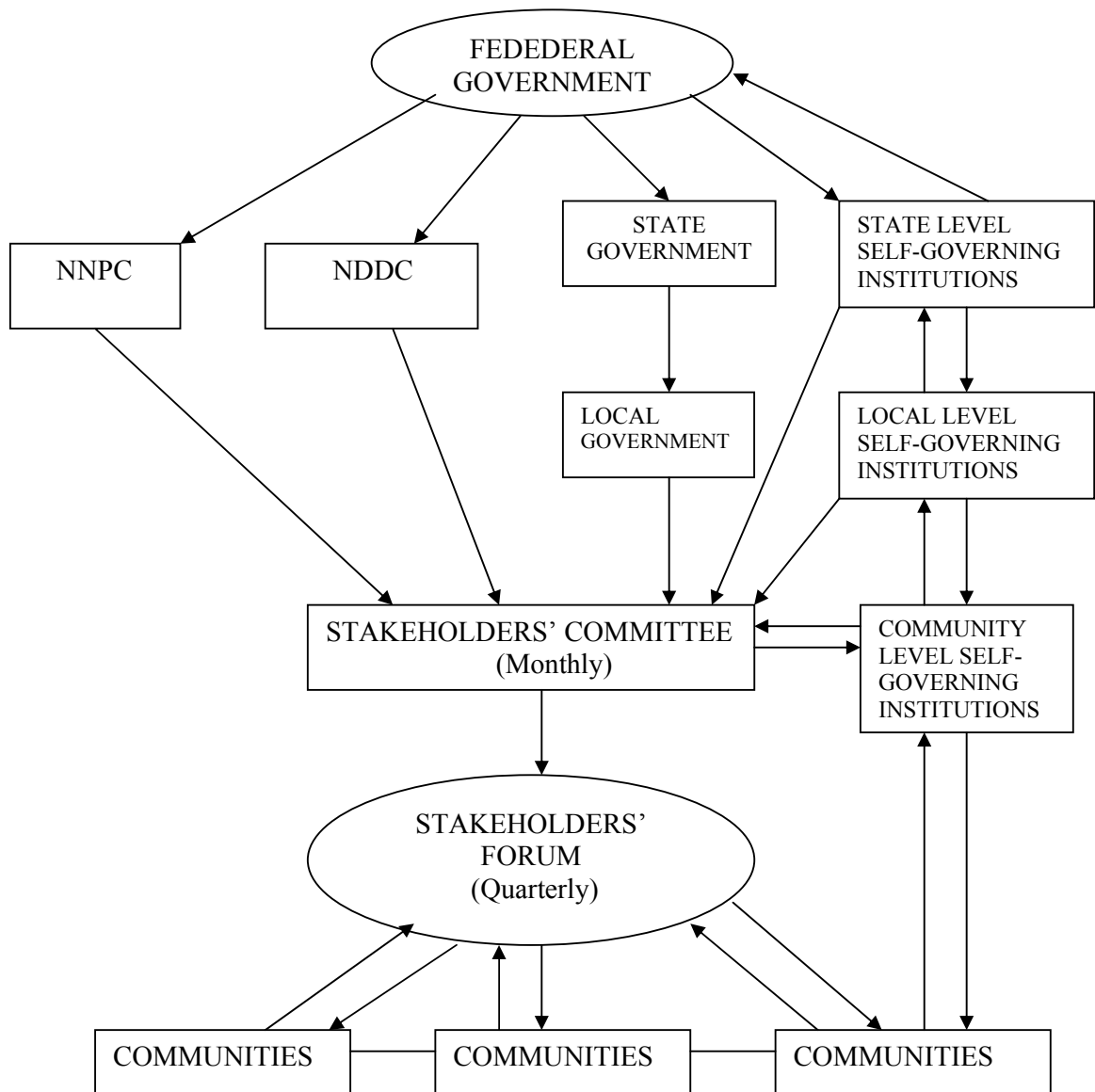


Fig. 1: Proposed Network of Interactions between the Three Tiers of Governments and Self-governing Institutions in both Oil and Non-oil Communities.

The argument is that if Nigeria, as a developing nation wants to address the problem of poverty, socio-economic and political crises as well as unemployment, she needs to learn how to make efficient use of her physical, human, and institutional resources. Experiences of community-based institutions in all the geo-political zones through self-organizing and self-governing capabilities in

meeting common challenges in the delivery of common goods and social services need to be taken into consideration in constitutional making and socio-economic and political decisions.

## **CONCLUSIONS**

The paper traces the persistent socio-economic and political crises pervading Nigerian society to the problem of ‘disconnect’ between Nigerian leaders and the rest of Nigerian society. This disconnect is consequent upon lack of people-oriented constitution. The paper, however, confirmed that the inability of state institutions to respond to the yearning and aspirations of the citizenry has led the people to explore pre-colonial self-governing heritage by forming associations and through collective actions have been able to address problems of daily existence in both Yorubaland and Niger-Delta. Patriotism, selfless leadership and adaptive governance, which are glaringly missing in the modern state institutions, are discovered to be the hallmarks of successful community-based and self-governing institutions in the two regions.

In order to address socio-economic and political crises in Nigeria, the paper advocates a restructuring which would emanate from Nigerian constitution. The Nigerian people in various cultural and ecological settings should design constitutions of their own, i.e. Nigerian constitution. The present Nigeria’s constitution should be replaced with people-oriented and polycentric (multiple centers/layers of decision making) constitution. The existing self-governing institutions would form the “cerebrums” of decision-making. These institutions would also monitor financial and material resources allocated to their communities and resolve issues through self-governing capabilities.

Furthermore, the application of the concept of economic polycentricity would enhance transition from monocentric and state-driven economic development, which has failed to yield economic emancipation to the citizens, to a people-centered system that would avail the masses not only the opportunities to be partners but also constitute the drivers of economic forces at various economic centers.

The paper concludes that in the absence of polycentric constitution, societal structural dislocation and tyranny of the majority, which some people call 'democracy' will continue to be the order of the day, while masses suffer.

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