

## Research Article

# Constitutionalisation of Local Governance in Strengthening Citizen Participation and Good Governance: An Analogy of the African Experience in a Global Perspective

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**Received:** May 5, 2022

**Accepted:** May 19, 2022

**Published:** May 26, 2022

**Abstract:** Local government constitutionalisation is a unique contribution of emerging nations to governance reform and modern public administration theory and practice. Some western and industrialised countries which include Brazil, India, the Philippines, Bolivia, Colombia, and South Korea, to name a few, have constitutionalised their local administrations in order to strengthen their power against intrusive central authority. This elevated their prestige and involvement in policy processes for local level development, service delivery, and public participation, eventually promoting good governance. The extent to which the constitutionalisation of local governance has enhanced public involvement and good governance is examined in this article. The examination is conducted in a comprehensive manner, including a comparison of developed and developing countries. Through the allocation of government authority, openness, efficiency, and responsiveness, constitutionalisation of local administration has clearly enhanced public engagement and good governance in both developed and developing nations. A variety of obstacles have arisen during the process, including local elite capture or corruption, capability, coordination, equity, and stability concerns. When effectively implemented, however, a consistent overall result has been a beneficial influence on citizen involvement, which has resulted in enhanced service delivery, the development of the interface between local government and local governance, and the strengthening of intergovernmental relations. A number of African governments have adopted this worldwide good governance strategy, with variable success. This dissertation examines the experiences of Nigeria, South Africa, Uganda, and Ghana, all of which have constitutionalized local governments, in order to understand why the outcomes differ in each country. The paper makes two main observations: first, decentralisation is political, and its success is determined by the regime and political will; and second, the implementors of local government constitutional provisions in power-whether as senior politicians or administrators-play a critical role in sustaining this innovation in terms of ensuring strengthened citizen participation and good governance.

**Keywords:** Constitutionalisation, Local governance, Citizen Participation, Good Governance.

## Introduction

The majority of African countries based their political structures on colonial rulers' customs (Owolu, 2012). For different reasons, these structures have stayed intact for some years after political independence. The constitutionalisation of municipal governments is one area where things have altered dramatically. Local governments, according to folklore, are products of national legislation (Shah, 2006). The state can amend, control, or even eliminate its creature, the local government, if it so desires. Many emerging countries, on the other hand, have broken away from this tradition for a number of reasons, some of which will be discussed in this paper. Further analysis on whether this policy innovation (constitutionalisation of local governance) has met policymakers' aspirations in

terms of increased public involvement and good governance in these nations will be done. A comparative analysis is indispensable to relate patterns of local government in industrialized and developing nations in order to better comprehend the debate.

### **Local Governance Patterns in Developed Countries**

Local community governance has reawakened interest in recent years for a number of reasons, including political, social, and economic growth (Owolu, 2012). As part of their development promotion mandates, both the World Bank and the United Nations Development Program (UNDP) have given the issue a lot of thought (World Bank, 2004; Millet *et al.*, 2006; UNDP, 2007). Three distinct kinds of local administration have emerged as particularly prevalent, aided by colonial ad-hoc. The continental tradition, Anglo-Saxon patterns, and socialist patterns are the three. Variations of these fundamental patterns exist, resulting in a variety of combinations of the basic three.

Local governments are seen as creations of the national government in these many forms, and they are not a part of the national constitution. Local governments in federal systems are enshrined in state constitutions, founded by national or state legislatures, or based on presidential orders, as in China. Local governments in the United States are controlled by what is known as the "Dillon's rule," which states that local governments can only do what the state legislature has officially delegated to them. This is their own version of the British-inherited idea of *ultra vires*, which demands local governments to abide within the bounds set by the national/state government's severe legal rules. Local governments do, however, have specific-though limited-responsibilities, as well as financial and human resources.

In general, the continental system provides for a much clearer financial and administrative subjection of semi-autonomous local administrations to the central government. They are completely reliant on the government for all of their obligations and financial resources, including the money they generate. Local governments are also managed by state employees, who are either full or partial prefects, who coordinate the operations of all government departments at the local level. In essence, there is no distinction between central and local administration staff, and even national political leaders act as local representatives, just as local elected representatives also serve at national levels (Millet *et al.*, 2006).

The communist model, which is most firmly represented by China, is both the most integrated into the national system and the most extensive in terms of local government obligations. Local governments are, for all intents and purposes, part of "the government" in this system, and are responsible for a wide range of economic and social services. These local governments represent the national government on a local level, and they collect taxes on behalf of all other levels (Owolu, 2012).

In general, models that emphasize local autonomy limit local authorities' areas of competence to property-related services, such as town planning, roads, and water, as well as certain limited human services, such as education, health, and water and sanitation. Local governments rely significantly on national power transfers and property taxes to fund their operations. Those countries that treat local governments as delegated organs not only give them more responsibilities (both in terms of property and human services, as well as economic and security concerns), but they also provide them with extensive resource bases, such as own income-based resources in addition to property taxes. This is the trend observed in China and strong social welfare nations such as those found in Scandinavia.

None of these systems, on the other hand, provide for the constitutionalisation of local governments. Switzerland is the only nation that has local government constitutions for a long period prior to the present. Regardless of these differences, an examination of governance institutions in industrialized nations reveals one striking pattern. The convergence of multiple systems has been aided by regionalization, particularly the European Union, which has a strong sense of administrative space, a

practice that has recently been adopted by other countries. This viewpoint emphasizes the importance of local government as the first and fundamental level of government, serving as both a type of community self-government and a representative of the national government. In some ways, these fundamental governance institutions certainly offer the essential infrastructures for development through increasing public engagement, which encourages good governance, which appears to be the precise thing that is holding back numerous developing nations.

### **Local Governance Patterns in Developing Countries**

Unfortunately, because their growth was strongly linked to colonial history and the excessive centralist tendency of the first group of post-independence leaders, local authority systems in emerging nations included the worst characteristics of the systems outlined above. They lacked duties and resources, and they were legally subject to the national government. It was simple for state officials to exploit local governments and keep them weak so that they could enjoy the benefits of absolute power rather than restricted governance. According to Owolu (2012), changes labelled decentralization within this context simply gave much needed opportunities to further undermine local administrations and, in a few cases, permanently suspend them, like in Tanzania under the Mwalimu (Nyerere) in the 1970s as part of the *ujamaization* agenda (Owolu, 2012).

As a preliminary step, several developing nations began to see that their political and economic issues were not unrelated to their disconnection from the rest of society, and they began to examine their approaches to development and governance through decentralist lenses. Decentralization has become an essential component of governance and public sector reforms. According to one close observer, decentralization and local government accounted for 40% of all public sector changes implemented in developing nations between 1980 and 1999 (Grindle, 2002). New components of governance reform have emerged. One of the most significant improvements has been the constitutionalisation of municipal government, which has been met with a curious response from emerging nations. Local authorities were given constitutional status as part of what has been described as the "third wave of democratic reform" that swept the world from the 1970s onward, which meant that state legislatures could not easily suspend them and their responsibilities and resources at will, as they used to (Shah, 2006). It also meant that they became essential participants in economic and political growth since they controlled significant national resources and expenditure categories.

They attracted more prominent political and administrative figures in their own communities as they gained greater duties and resources. In several of these nations, the state was effectively decentralized. Constitutionalisation occurred in some cases as a consequence of battle from below, as in some Latin American nations, such as Colombia and Bolivia, while in others it occurred as a result of elite compromises from the top, such as Brazil, India, and the Philippines (Shah, 2006; Owolu, 2012). As they embarked on governance and broader constitutional changes, some African countries began to take an interest in these developments. Nigeria was the first African country to implement such a reform program as part of the military's endeavour to return to barracks and return the country to civilian rule. They saw local government as a guaranteed means to rehabilitate democracy, which had been damaged by post-independence upheavals that had wreaked havoc on the body politic. According to these rulers, it was also a chance to guarantee that the newly discovered oil money was divided fairly through better basic infrastructure (Owolu and Wunch, 2004; Owolu, 2009). Other nations, including Ghana, the Republic of South Africa, and Uganda, quickly followed suit. The following section provides a synopsis of these experiences.

### **Constitutionalisation of Local Governance: Lessons from Western Experience**

Brazil was one of the western nations that advocated for the constitutionalization of municipal governments in the developing world (Olowu, 2009). Politicians in that nation had utilized local authorities as a political ploy, and presidents had appointed mayors of cities and states, as in most Latin American countries (Olowu, 2012). Brazil embarked on a comprehensive overhaul of its local

governance system in 1946, which included certain crucial features. It defined a municipality (município in Portuguese, or local government) based on population and land area. It bestowed upon them duties as well as independent financial and personnel resources, all of which were defined in the constitution. Finally, municipal governments were elevated to the third layer of government, joining the federal and state governments (Shah, 2006).

Many years later, numerous more western countries followed suit. Brazil reinforced its commitment to constitutional decentralization in October 1988, when the constituent assembly developed and approved a new constitution that offered states and municipalities greater power (local governments). After 20 years of military control, this established the foundation for re-democratization. Municipal governments were named third tier of government of the Brazilian federation through constitutional amendments (Article 18 of the present Brazilian constitution) and enjoy the same status as state governments (Owolu, 2009). These municipalities now have autonomy in terms of elite recruiting, and direct elections for the local mayor and council are held.

Furthermore, they have considerable discretion in levying taxes and other types of income, authorizing spending, recruiting personnel, and even incurring debts. Municipal governments received 7.4 percent of GDP in revenue and 15 percent of total national expenditures in 2004 since they also received considerable transfers from national and state governments. Because the majority of these funds are spent on elementary or basic education (24%) and health (22%) as well as general public services (19%) and urban and community services (12%), the impact on service delivery has been significant (UNDP, 2007). This has also increased public engagement, despite the fact that the constitution included explicit provisions for more citizen participation through community councils and participatory budgeting (Owolu, 2012).

Other nations have attempted to constitutionalize municipal administration, but none has been as extensive or impactful as the Brazilian instance. For example, in Chile, local governments were recognized in the national constitution and given certain tasks and finances, but they are nevertheless subject to the governor's (or state's) discretion. Similarly, in another Latin American federation, Shah (2006) claims that Argentina's new constitution of 1994 provided municipal autonomy, but only on the conditions of provincial constitutions. He further believes that in any of the two nations named, local autonomy is not as complete as it is in Brazil (Shah, 2006).

Similarly, across the Asian continent, with the enactment of the 74<sup>th</sup> amendment to the constitution in 1992, India embarked on a comprehensive reform of its local administration. This amendment provided long-delayed constitutional legitimacy to local governments and essentially standardized local government forms, finance, and composition. While this safeguarded the institution, it did not provide it with specific obligations or a tax jurisdiction (Shah, 2006; Olowu, 2012). Many other developing nations' experiences show that these sectors are encroached upon by intermediary entities, which is why constitutionalisation is desired in the first place. At this point, it is only reasonable to provide a balanced examination of the African experience.

### **Constitutionalisation of Local Governance: Lessons from the African Experience**

Nigeria, one of Africa's only two federations (the other being Ethiopia), with a diverse population and customs, was one of the first few African countries to constitutionalize its local governments. In many ways, the Nigerian experience parallels that of Brazil, where local governments were used to drive re-democratization and the reforms articulated in the 1976 reforms were incorporated into the post-military constitution of 1979 and have remained a constant feature of subsequent constitutions (notably those of 1992 and 1999) (Olowu, 2012).

According to Kerstings *et al.*, (2002), the Nigerian constitution elaborately recognized local governments in the national constitution, designated their exclusive and concurrent functions, and empowered them to have their own personnel, albeit through local government service commissions

that were controlled by state authorities. The foundations of Nigerian change were critical. Local governments' influence and resources have been eroded by state governments, and it is critical that they be restructured and empowered so that they can serve as the foundational institutions of democracy and development (Kersting *et al.*, 2002). State election bodies arrange elections to these bodies. States, like the federal government, are required to provide budgetary transfers to local governments, despite the fact that the latter have been designated distinct revenue sources as well (Olowu, 2012).

According to Awortwi (2011), Uganda's corrective administration, which waged a guerilla war against the preceding government and succeeded in 1992, considered devolution as a crucial component of its development and democracy program. In order to do this, it enacted a new constitution in 1995. Local government was incorporated in this constitution as an active instrument of democratization and development. A local government legislation passed in 1997 refined the authority of local governments even more. Local governments' democratic legitimacy and accountability have been maintained since councils and council chairpersons are directly elected through a competitive (but non-partisan) system (Awortwi, 2011).

There is a quota in place for women, adolescents, and those with impairments. The obligations of local governments are clearly specified, as are the tax procedures, despite the fact that they have grown more reliant on discretionary payments from the national government. Local governments have responsibility over their workers through district staff councils, while there has been significant re-centralization of these personnel and financial authorities in recent years (Kersting *et al.*, 2009; Awortwi, 2011).

South Africa transitioned from a racially defined local government structure, resulting in three key phases centered on the explicit provisions on local government in the 1994 constitution. The South African constitution of 1997 takes this a step further by emphasizing the importance of municipal governance. To begin, the constitution recognizes and articulates three areas of institutional action, so establishing national, provincial, and municipal governments as equal, independent, and autonomous entities operating within the framework of a unified system. Second, the connection is cooperative rather than hierarchical, and third, the idea of subsidiarity is established (Kathyola and Job, 2011). National and provincial governments were to transfer functions and revenues to local governments in addition to the functions of local government, which primarily involve public infrastructure such as streets, refuse, and street lights, and those requiring user fees such as electricity, water, and sanitation. Local governments have money and control their own employees (Okoth-Ogendo, 2000).

It is noteworthy that, unlike in Brazil and Nigeria, two nations with broad decentralist constitutions, fiscal flows from the South African national government do not pass through provincial administrations. The South African constitution enables organized local government entities, recognizes the South African Local Government Association (SALGA), and their province representatives are appointed to the National Council of Provinces in the national parliament. SALGA can also appoint two members to the Financial and Fiscal Commission, which advises the Ministry of Finance on budget problems. There are also a number of intergovernmental forums that aid in the facilitation of intergovernmental interactions, the majority of which are based in the President's office (Olowu *et al.*, 2010).

In the instance of Ghana, the 1992 constitution simply integrated all of the essential components of the Provisional National Defence Councils (PNDC) Law 207 of 1988 enacted by Military President Rawlings. It delegated power, duties, and financial resources to newly established district authorities and sub-district entities. A distinct fiscal decentralization system was also created, which allocated some tax resources to local authorities, as well as a consolidated district assembly account, and even determined the proportion of the national account (not less than 5 percent). This constitution

stipulated that: "Parliament shall enact laws and take steps necessary for further decentralization of the administrative functions and projects of the central government but shall not exercise any control over the District Assemblies (DAs) that is incompatible with their decentralized status (Ghanaian Constitution of 1992)." Despite achieving such a milestone in the legislature in terms of Constitutionalisation of local governance, Ayee (1996) contends that the DAs have become important players in national life, the laws have been structured in such a way that these decentralized institutions operate more as appendages of the national government than agents of local economic development (Ayee, 1996).

Another counter-progressive factor identified by Kathyola and Job (2011) is the passage of a number of statute amendments that essentially invalidate the wide constitutional mandate. These include the appointment (rather than election) of the DA's executive heads, the national government's continued control of senior personnel, which resulted in large sackings of local government employees when the national government changed hands from the ruling party to the opposition. Finally, administrative and budgetary measures controlled by the national government have been effectively used to erode the DA's autonomy. Although the constitution required that 5% of national money be allocated to local governments, only 3%- 4% was transmitted between 1994 and 2000. When the opposition party was elected in 2000, it vowed to boost payments from 5% to 7.5 percent. Six years later, this promise has not been fulfilled (Kathyola and Job, 2011). An examination of the constitutionalisation of local governance is provided below.

### **Local Governance and Citizen Participation Paradigm**

The transition from local government to local governance created new opportunities for participatory governance, which envisioned bringing decision-making processes closer to the people. Local governance is a democratic process that encourages community stakeholders to gather to discuss issues that impact them, and it also positions residents as essential participants. According to Kalandides (2018), as referenced in Mapfumo and Mutereko (2020), public institutions should embrace and respect people's right to engage in the public domain. It creates room for residents to participate in development programs and public service delivery by localizing governance processes. However, from the late 1970s, the practice of participation emerged as a means of enhancing social and economic development programs, particularly in the field of local governance, where choices affect people's priorities (Mapuva, 2014). This article's convictions include enhancing democracy, promoting openness and accountability, and improving service delivery.

Participation, according to academics, is a technique that leads to efficiency, effectiveness, accountability, poverty reduction, and citizen empowerment (Mansuri and Rao, 2013; Chikerema, 2013). According to Arnstein (1969), citizen engagement opens the door to shifting authority from the government to the governed community.

According to Cullen and Coryn (2011), successful engagement of people in any aspect of public life can be complex since it needs additional resources such as adequate planning and advocacy, time and financial resources, and so on. This means that if cash resources and time are limited, participation may be constrained to the point of not allowing individuals to express their views on their development requirements. The resulting decisions will be null and void. Similarly, Kelly (2004) criticizes the practice of participation for legitimizing the socioeconomic development plans developed by governments and development agencies, rather than providing that participation directly or indirectly involves the public in making and influencing decisions to improve citizens' lives and well-being (Arnstein, 1969).

### **Constitutionalisation of Local Governance versus Citizen Participation and Good Governance**

Around the world, there are noticeable trends of public engagement and features of good governance that have been promoted by the constitutionalisation of municipal governance. This arose from the realization that by boosting the profile and calibre of those who engage in local government, the

quality of involvement in community governance is reinvigorated. There is also a steady stream of fresh political players getting their teeth cut at the local level, guaranteeing accountability and openness. Constitutionalisation not only establishes legal mechanisms of engagement for citizens, but it may also stimulate informal structures of participation (Olowu, 2012; Piper, 2015). However, a study of experience suggests that the level of involvement and effective governance is significantly dependent on how political and administrative authorities implement the constitutionalisation of local government (Olowu, 2012). When constitutional provisions are applied nationwide in federations, the impact is often significant. When implemented at the state level (as in Chile or India) or by administrative officials who are opposed to devolution (as in Ghana), the outcomes have been negligible.

Participatory changes in the election of local government leaders are among the remarkable characteristics of local governments in nations that have explored codification or constitutionalisation of local administration. Direct election of mayors, for example, is frequently viewed as a means of increasing community participation, responsiveness to local government, and even voter turnout. Although voter turnout could not be increased in most situations, the election of a political leader had a significant impact on the local political system. Mayors in multiparty systems have to garner support from a variety of parties.

The direct election of the mayor was frequently accompanied by a restructure of local government that featured a stronger executive and a stronger mayoral post. Direct election of mayors was already popular in various states in the United States. It was adopted in Italy, several Austrian areas, all German states (two of which previously had it), and other Eastern European nations such as Hungary in the 1990s. Although there were some attempts with direct election of mayors in Norway, the other Scandinavian nations resisted this tendency. Some cities in the United Kingdom, such as London, have chosen to use this instrument (Kersting *et al.*, 2009).

Some election reforms have also been undertaken at the local level. In line with national growth, hybrid electoral systems and proportional electoral systems have grown in popularity. At the municipal level, in particular, there is a clear tendency toward personal voting. In terms of electoral systems, the local level frequently appears to be a type of testing ground for new election procedures and infrastructure. The majority of new democracies in Eastern Europe use a proportional system. Personal votes, such as panache and cumulative voting in several German states, are used in older democracies. New electoral infrastructure based on voting machines, postal voting, and electronic voting has been tried in pilot projects in the United States and other countries such as Switzerland, Estonia, and England (Kersting *et al.*, 2009; Piper, 2015).

Local reforms also emphasized a new role for civil society, with an emphasis on volunteer NGOs and self-help. In the former communist republics, as well as in the majority of OECD countries, neighbourhood groups and councils are formed as a sort of advisory committee, sometimes-in a do-it-yourself approach-taking over formerly municipal duties and facilities such as swimming pools, etc. It is also worth noting that specific minorities and special interest groups are becoming more fully integrated into the municipal structure. Special advisory boards have been established for younger persons, older age groups, citizens with disabilities, and foreigners. Certain minorities, such as Sinti and Roma, must be included and politically represented in most Eastern European nations through advisory bodies. These changes and trends are currently being witnessed in a number of African nations, including Ghana, South Africa, Nigeria, Zambia, and Zimbabwe (Mukushwa *et al.*, 2020) among others.

According to Olowu (2005), each state of the federation in Nigeria is divided into three senatorial districts comprised of multiple local governments for the purpose of election into political posts. Each local government is divided into wards. Each political party has an executive committee at the ward level. Prospective candidates seeking election to political posts are evaluated at this stage, and

members vote to elect them. At the ward level, this is referred to as a "primary election." The ward results are compiled at the local government committee level to identify the winners. This structure allows community residents to vote for persons they choose to represent them on the local council and higher levels of government. Because of the effect of corruption and money politics, the success described here is low. Finally, the highest bidder is declared the winner (Olowu, 2005).

### **Challenges of Constitutionalisation-Global and African Perspective**

Almost every country that has attempted to constitutionalize local governance has encountered difficulties (Shah, 2006; Olowu, 2012). The following are the most severe, as noted by Kersting *et al.*, (2009) and Olowu (2009):

**Adjustment difficulties:** Once the contents of the constitution are agreed upon, it is difficult to effect change caused by social dynamics over time without going through constitutional revisions. Even minor adjustments are costly to implement.

There are also the standard counter-arguments against devolution. They include capacity challenges, elite capture, and, most crucially, coordination issues amongst the many institutional players operating inside the same country space. The most significant expression of the latter is in terms of stability, which has impeded public involvement, putting good governance at risk.

Two other difficulties have also hampered the smooth implementation of the constitution. The first are equality concerns, which need much thinking and knowledge to guarantee that vertical and horizontal equity concerns are balanced and do not lead to significant opposition from particularly impoverished regions of the country. The second difficulty is addressing subnational loans and stabilizing the economy. The experiences of countries that have constitutionalized show that this problem can be addressed through effective intergovernmental mechanisms, such as the Brazilian Fiscal Responsibility Law of 2000, which established a general framework for budgetary planning, execution, and reporting by all three levels of government. The law sets provisions for limiting public indebtedness and supporting systemic public finance adjustment. It does this through three sorts of rules: general objectives and limitations for chosen fiscal indicators; corrective institutional processes in the event of noncompliance; and institutional punishments in the event of noncompliance. The scope of the study covers not just financial expenditures but also personnel expenditures by all levels of government (Kersting *et al.*, 2009; Olowu, 2009).

Countries that have opted for constitutionalisation have proven tremendous skill in dealing with the aforementioned difficulties through very sophisticated systems. For example, all of the successful cases-Brazil and RSA-have sophisticated fiscal and participatory systems. Brazilian participatory budgeting have received a great deal of worldwide attention, but far less is known about that country's Fiscal Responsibility Law of 2000, which was stated above. This imposed severe restrictions on the fiscal debt of local (and state) governments, controlling it as a percentage of available cash. Similarly, staff expenditures cannot exceed 60% of net municipal income.

Act used to rein in local (and state) governments' imprudent borrowing and negligence in dealing with finance and personnel issues. In contrast, for several Sub-Saharan African (SSA) nations, such as Ghana and Uganda, these issues have resulted in recentralization and de facto reassertion of central authority. The Nigerian situation receives special attention since, in comparison to others, it appears to have done the most to institutionalize local governments through constitutional action. It is also one of Africa's early examples of constitutionalisation, but it has yet to reap some of the benefits connected with this governance development technique (Olowu, 2012). Where did things go wrong?

Olowu (2012) attempts to address the previous issue by revealing that in 1976, the concepts of devolutionary decentralization were established and implemented as a common system and structure



of local government. These reforms, which included the transfer of clearly articulated responsibilities, own resources, massive transfers of oil-based central government transfers to local governments (which grew rapidly from 3% to 20% of total national revenues), human resources, and accountability structures with local government wide elections for chairs and council members, were incorporated into the 1979 constitution and subsequent constitutions since that time.

While all administrations have adhered to the language of these values, state governments have been able to completely re-assert their independence from the Nigerian federal government and implemented harsh controls on the local government system since the restoration to civilian democracy in 1999. The three-tier federation appears to have been superseded by a two-tier federation of federal and state governments. State powers have expanded in comparison to municipal and federal powers, nearly reverting to the status quo before the 1976 changes began. Many fear that if current tendencies continue, the pre-1976 condition will be fully restored, along with state government abuses of local governance (Olowu, 2012).

Kersting *et al.*, (2009) claim that salient facts in the Nigerian federal system that have further aggravated matters include:

**The lopsided financing of the local government system:** All governments rely on oil rents, but it is especially aggravating for a local government system because it hinders the development of a tradition of fiduciary contract between citizens and the local government, and thus of democracy, whether in terms of responsiveness, representativeness, or accountability. Furthermore, because the State Joint Local Governments Accounts Committee (SJLGAC) is led and dominated by state officials, this disproportionate reliance on transfers has eased the imposition of state restrictions on local governments.

The federal government's inability to defend local governments and the three-tier federalism idea. The federal government appears to lack the capacity to persuade state governments to cooperate on local government issues, or even to persuade the national assembly to pass legislation that would allow it to ensure that funds sent from the federation account are used wisely by all branches of government.

**State government excessive powers:** Under the face of weakening federal and local governments, state governments emerge as extremely influential and relatively well-resourced in the Nigerian federal system. Unfortunately, these capabilities do not convert into the ability to properly manage intergovernmental relations between state and municipal governments, allowing the latter to exercise their autonomy. Rather, the states sought and obtained direct control of local governments through resources and party apparatus levers. This is an essential topic because states have the potential to assist develop and sustain a responsible system of local governance if they are willing. For example, in the month of June 2010, 25 LGAs in Delta state (south west) got a net allocation of Naira 1.520 billion, or slightly more than half (54 percent) of a gross allocation of Naira 2.810 billion (Owolu, 2012, World Bank, 2004; UNDP, 2007; Shah, 2006).

**Nigerian democracy and party system:** Things would have been lot better if there had been internal democracy within Nigerian parties, if the parties concentrated on ideology that linked them to programs, and if elections were truly contested and won on the basis of performance. While incumbent performance influences party nominations, the major concerns are ascriptive rather than meritocratic. For example, a person's state or municipal government of origin is significantly more important than performance, as is the existence or quality of one's "godfathers," or political sponsors. These difficulties are especially pressing since, prior to the dramatic reforms that led to the last national elections in 2011, elections were won and lost not through the vote box (which is flagrantly manipulated by incumbents), but through party nominations. This might explain why, in most states, the ruling party fills practically all local governance elected seats (Ostrome, 1999; Owolu, 2012).

**Weak citizen accountability by LGAs:** Despite the fact that LGAs are obligated to SGs and are entirely accountable, if not dependent on them, none of this translates into effective citizen accountability and responsiveness. Most local government chairpersons criticize their inability to deliver on the promises they made to the people, owing to the system of incentives they faced when they were elected at the party and state government levels (Olowu *et al.*, 2010).

Unfortunately, the Nigerian scenario is not unique. Despite constitutionalisation, the development of decentralization, as seen in Ghana and Uganda, has been severely hampered in recent years. It is considerably worse in other nations where the local government structure is not as well protected. In Kenya and Tanzania, the central government has replaced local governments with non-elected commissioners, a practice prevalent prior to democratic decentralisation reforms. Even now, only 18 of the 27 nations for which data is available have the authority to determine their own local tax rates, only 12 have borrowing authority, and only 9 have the authority to choose their own contractors, all with the agreement of the central government. And this is in nations where devolutionary decentralization strategies are in place (Owolu, 2012).

### **Conclusion**

When comparing the RSA case to the Nigerian case, it is clear that much depends on the quality of implementation and the commitment of political leaders and the broader political community to constitutional principles in order to achieve the much-needed outcome of constitutionalizing local governance. This disparity is also evident when we compare the various international experiences examined in this research, such as Brazil against Chile or India. To begin, it is possible to infer that decentralization is actually political. Where pressures for decentralization emanate from the people (from below), as in the RSA and Latin American instances, the process is more likely to be sustained. Where, on the other hand, devolution is a generosity offered by central governments to either please donors who play a dominating role in policy and funding processes or deflect emerging democratic challenges, like in numerous Sub-Saharan African (SSA) nations, the process has been less maintained.

Second, the presence of a constitutionalism culture is a crucial aspect. Local government constitutionalism has a tremendous influence in developing public engagement and good governance where constitutions are viewed as basic laws that must be observed by all those in power as well as those outside of it. Where this is not the case, as it is in most of SSA and North Africa, such improvements may be dismissed as mere window dressing (Olowu, 2012). In the latter instance, it would imply that the fundamental principles represented by the constitution have not been internalized by the people themselves (Okoth-Ogendo, 2000). Finally, as previously argued, the implementors of local government constitutional provisions, whether as senior politicians and administrators in power, have a vital role in preserving this innovation in terms of promoting public engagement to ensure effective governance. As the impetus for further democracy grows across Africa, the subject of local government constitutionalisation is expected to become more prominent. There are already rustlings in the north, east, west, and south of the continent. This research goes beyond the boundaries of the inquiry to provide ways to analyse and assist that process.

### **Conflicts of interest**

There is no conflict of interest of any kind.

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**Citation:** Christopher Namilonga, Anesu Mironga and Luxon Mutsakani. 2022. Constitutionalisation of Local Governance in Strengthening Citizen Participation and Good Governance: An Analogy of the African Experience in a Global Perspective. *International Journal of Recent Innovations in Academic Research*, 6(5): 20-31.

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