

The Interface between Customary Law and Local Government Legislation in Nigeria: A Retrospect and Prospect

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ABSTRACT An evolutionary examination of democratic governance in Nigeria throws up a lot of gap, which metaphorically are in need of surgical operations. Not only are the existing statute almost a near departure from what obtains in practice, politicians and technocrats carry on as if all the grey areas that have constituted a cog in the operation of a just, equitable, accountable and democratic system, are immutable to change. While customary law is recognized as the organic living law of the people at the grassroots level, the local government legislature do not have anything to do with this important lifeblood of the society. It is the state government; that is very distant from the people that exercise the oversight functions over customary laws. Even in areas where local government and their legislature are bequeathed with oversight functions, the state governments still wields the big stick. Where then is the autonomy which each unit of government is supposed to exercise under a democratic system of government? This paper concludes with the fact that the legislature at the local government level should be strengthened, so that their by-laws would become enforceable. In the same light, it is being advocated that there should be a harmonization of customary law with other laws in the states, so that these laws would be seen to be working at the two different levels of government.