

## **LOCAL GOVERNMENT ADMINISTRATION: COMPARATIVE PERSPECTIVE IN NIGERIA**

**MOHAMMED IDRIS DANJUMA ♦**

Department of Politics and Governance,  
College of Humanities, Management and Social Sciences,  
Kwara State University, Malete

**ADAMU SULEIMAN YAKUBU**

Department of Public Administration  
Abubakar Tatari Ali Polytechnic,  
Bauchi, Bauchi State. Nigeria.

**PROFESSOR ABDULRAUF AMBALI**

Department of Politics and Governance  
College of Humanities, Management and Social Sciences,  
Kwara State University, Malete

### **ABSTRACT**

Local government is not sovereign unlike independent nation-states. It is a subordinate government, which derives its existence and power from law enacted by the National Assembly. The nature and structure of transactions or interactions between the three tiers of government determine the degree of autonomy. Local government system is constitutionally provided for as a third tier and autonomous of the state government in Nigeria. It is on historical antecedents of reforms a recognized level of government. The 1976 Local Government Reform and the subsequent one in 1989 were geared towards making local government the bedrock for socio-economic and political development. Somehow, the 1999 Constitution of the fourth republic did not take cognizance of this expectation. This paper discusses the local government administration under the third republic as well as the fourth republic with a view to examining the problems that occurred due to the introduction of presidential system government at local government level. The paper relied on desk top publications as well as review of secondary sources. The findings revealed that each reform measure was necessitated by the short-comings of the preceding system; while some of the reforms had positive and far reaching impacts, others were cosmetic in nature and mainly for political expediency. The 1999 Constitution compounded the problems. The paper

---

♦**Address of Corresponding Author:** Mohammed Idris Danjuma, Department of Politics and Governance, College of Humanities, Management and Social Sciences, Kwara State University, Malete. Phone: 08031963854, 08056004532  
E-mail: Mohammed.idris@kwasu.edu.ng; hujjatallah2003@gmail.com

recommended among other things, the strengthening of local governments in the country through the granting of autonomy, especially financial, and political, as well as administrative autonomy. Finally, the paper concluded that since the local government remains the key institution in local governance, there is an urgent need for Constitutional reform by the National Assembly to back up the expected autonomy by law.

**Key words:** Constitution, Local Government, National Assembly

### **ABSTRAIT**

Le gouvernement local n'est pas souverain contrairement aux États-nations indépendants. Il s'agit d'un gouvernement subordonné, qui tire son existence et son pouvoir de la loi promulguée par l'Assemblée nationale. La nature et la structure des transactions ou des interactions entre les trois niveaux de gouvernement déterminent le degré d'autonomie. Le système de gouvernement local est constitutionnellement prévu comme troisième niveau et autonome du gouvernement de l'État au Nigéria. C'est sur les antécédents historiques des réformes un palier de gouvernement reconnu. La réforme du gouvernement local de 1976 et la suivante en 1989 visaient à faire du gouvernement local le fondement du développement socio-économique et politique. D'une certaine manière, la Constitution de 1999 de la quatrième république n'a pas tenu compte de cette attente. Cet article examine l'administration du gouvernement local sous la troisième république ainsi que la quatrième république n'vise pas à examiner les problèmes qui sont survenus en raison de l'introduction du gouvernement du système présidentiel au niveau du gouvernement local. Le document s'appuyait sur des publications de bureau ainsi que sur l'examen de sources secondaires. Les résultats ont révélé que chaque mesure de réforme était rendue nécessaire par les lacunes du système précédent; si certaines des réformes ont eu des effets positifs et de grande portée, d'autres étaient de nature cosmétique et principalement pour des raisons politiques. La Constitution de 1999 a aggravé les problèmes. Le document recommandait, entre autres, le renforcement des gouvernements locaux dans le pays par l'octroi d'une autonomie, notamment financière, politique et administrative. Enfin, le document conclut que le gouvernement local restant l'institution clé de la gouvernance locale, il est urgent que la réforme constitutionnelle de l'Assemblée nationale renforce l'autonomie prévue par la loi.

**Mots-clés:** Constitution, gouvernement local, Assemblée nationale

### **INTRODUCTION**

Local government administration is perhaps the oldest form of administration in human history. In Nigeria, prior to the advent of the British colonial administrators, the various communities, kingdoms, and empires had evolved their own unique forms and patterns of native administrations, which were able to meet the needs of their various peoples at their different levels of development. But the British colonial administration in Nigeria changed all these. They came with their own system of administration. There is a sense in which the point can be made that if the colonial administration in Nigeria had not halted the natural evolution of the peoples' unique system of native (now local government) administrations, greater socio-economic and political development would have by now been realized in different parts of the country. In this context, the British

colonial administration distorted the existing patterns and forms of local administration they met by modifying them to suit their philosophy of governance.

The local government administration in Nigeria has witnessed several political, administrative, structural, and financial reforms since colonial era for the purpose of effective democratic governance and political participation of the rural people. This is because of the zeal for democratic governance at the grass root (Wilson, 2011). However, it appears the reforms are not giving the local governments the desired capability as a democratic institution to achieve effective democratic governance and participation of the rural people in the politics of the area. Despite the introduction of various reforms, the 1999 Constitution made no effort to strengthen and address the problems of the local government, but rather compounding it. The once vibrant and dominant level of government, is presently seen as an appendage of the higher levels of government namely, state and federal governments.

Given the crucial role local government administration plays in development at all levels of human endeavour, it is imperative to interrogate how to mitigate the challenges facing local government administration in Nigeria. In pursuance of this goal, the paper is divided into five sections. Following this introduction is section one, which analyses the conceptual and theoretical issues of the paper. Section two presents the methodology and research questions that guided the study, and trace the evolution of local government administration in the country. The third section examines the justification for local government administration, while the fourth discusses the issues and challenges of local government administration in Nigeria. The fifth proffers the way forward for local government administration.

## **CONCEPTUAL AND THEORETICAL CLARIFICATION**

Local government as a concept has attracted several definitions. But unlike other concepts, it has not generated much controversy. A sketch of some of these definitions could be helpful. Local government can be defined as that level of government closest to the grass root (Mohammed, 2018). Another definition referred to local government as the substructure upon which the superstructures of state and federal governments are erected. But local government when viewed from the angle of administration can be seen as "that unit of administration with defined territory and powers as well as administrative authority with relative autonomy" (Bello-Imam, 1996, p.8). The essence of local government administration therefore, is to provide for the needs of the people at the grassroots.

No system of government has been able to ensure the widest possible participation of the people in the affairs of government than democracy. This is why democracy is important to local government administration as a mechanism for meeting the people's need for popular participation and material well-being, as well as and community development. It is against this backdrop that Held (1982, p.2) defined democracy as:

a system where individuals should be free and equal in the determination of the conditions of their own lives, that is, they should enjoy rights and accordingly equal obligation in the specification of the framework which generates and limits the opportunities available to them, so long as they do not display this framework to negate the rights of others.

The ability of the people of the grassroots to use their potentials to participate in the administration of their communities is immensely facilitated under a democratic system of

government. It is one thing to have the framework that actualizes these rights and another to take advantage of them by putting them into use. It is in the latter case that local government administration has faltered in Nigeria. Local government administration has not been able to bring about modernization of the grassroots in the country.

Two theoretical perspectives have been put forward in this regard. The first perspective argues that in a democratic local government system, people's participation in governmental affairs brings about better politics which impact positively on the lives of the people. Thus, where democracy is practiced in local government system, it opens up the political space for different individuals and groups to contribute to community development and human self-fulfilment (Gboyega, 1987). The second perspective argues that there cannot be "an inevitable tie of reciprocal dependence between democracy and local government". According to this perspective, while democracy attempts to create a social whole, a universal norm and pattern that applies to all, "local government is by definition a phenomenon of differentiation of individualization of aspiration..." (Gboyega, 1987, p.3). But scholars like Mackenzie and Mill (cited in Gboyega, 1987) are of the view that there is need to emphasis healthy grass root government.

By and large, it would be seen from empirical facts that there is a nexus between local government and democracy which is aimed at achieving the goal of egalitarianism in society. However, local government administration in Nigeria is still evolving towards the stage where we can safely talk about a reciprocal dependence between local government and democracy. Thus, local government administration is still in the process of becoming a democracy as we shall see in the next section.

## **RESEARCH METHODOLOGY**

Methodology is the procedure for seeking an in-depth, insight and deeper exposition of problems under study. It involves a careful enquiry to discover new relation and information to expand an existing knowledge. In this study, secondary method through the extraction of relevant information from public documents, Journals, Newspapers, Magazines, Conference Papers, Books, Radio and Television commentaries was used. Thus, the research design adopted is exploratory research design. This is because it satisfies the researchers' curiosity and desire for better understanding of the subject matter. Thus, this enables the researchers to obtain background information on the subject matter.

Three research questions were formulated to guide the study:

- What are the various local government reforms experienced in Nigeria particularly from 1976 and beyond?
- What are the basic provisions of the 1989 and 1999 Constitution with particular reference to Local Government?
- What are the problems encountered as a result of introduction of presidential system of Government at local government level?

## **Evolutionary Trends of Local Government in Nigeria**

Local government system has undergone three phases in Nigeria. These are: pre-colonial, colonial and postcolonial phases. In the pre-colonial phase, different traditional systems of government existed which were adequate to satisfy the political needs of the different ethnic groups at that time (Okoli, 2000). These traditional political systems were considered as a form of local government

created by ethnic groups – Hausa/Fulani, Ibo, Yoruba, etc for the provision of social services to meet the needs of the people within their domains (Agba, Akwara, &Idu, 2013). The second phase was the establishment of Native Authority by the colonial government. It was meant to adapt to purposes of local government structures already present in the institutions of the various ethnic groups. The Native Authority was charged with the collection of taxes, maintenance of law and order, road construction and maintenance, and sanitary inspection, especially in township areas (Ukiwo, 2006; Agba, Akwara, &Idu, 2013; Eboh&Diejomaoh, 2010).

The third phase took effect from the Nigeria's independence of 1960. This phase was characterized by a multi-tiered local government structure in the Eastern and Western regions where both elected and traditional elements were accommodated (Agagu, 2004; Ukiwo, 2006; Agba, Akwara, &Idu, 2013). At this period different regions operated different systems of local government. However, local government administration took a new dimension after the 1976 Local Government Reforms initiated by the Murtala/Obasanjo led Military Government. The reforms introduced a uniform system of local government administration throughout the country; recognized local government as third tier of government and granted financial and functional autonomy to local government administration in Nigeria.

The reforms also introduced population criterion under which a local government could be created. Consequently, a population of between 150,000 to 800,000 was considered feasible for a local government. This was done to avoid the creation of non-viable local council and for easy accessibility. There was provision for elective positions having the chairmen as executive head of local government with supervisory councilors constituting the cabinet (Eboh&Diejomaoh, 2010).

The 1976 reform was a major departure from the previous practice of local government administration in Nigeria (Oviasuyi, Idada&Isiraojie, 2010). It formed the foundation of the present-day local government system in Nigeria in terms of structure, composition, functions, finance and democratic existence. Thus the reform equipped local governments with political, administrative and fiscal capabilities for service delivery to rural communities (Imuetinyan, 2002; Ukiwo, 2006; Oviasuyi, Idada&Isiraojie, 2010). Subsequently, the main tenets of the 1976 reform were incorporated in the 1979 Constitution and 301 local government areas were listed in the Constitution (Eboh&Diejomaoh, 2010; Agba, Akwara, &Idu, 2013).

The period 1976-1979, in which the military administration of Murtala/Obasanjo lasted, is usually regarded as a period of watershed in the annals of local government administration in Nigeria. As stated earlier, it was the first time a concerted effort would be made by the federal government to brighten the future of local government. The Local Government was not only accorded its place of pride in the socio-economic well-being of the country, it was also seen as a way of bringing government closer to the people. Consequently, a uniform system known as single tier, structure was adopted throughout the country. This uniformity can be conceptualized in terms of:

- (a) The functions of local governments;
- (b) The structure of the local governments;
- (c) The financial resources of the local governments;
- (d) The place of traditional institutions in the local governments;
- (e) Relationships with state government; and
- (f) Law enforcement.

In terms of functions, there were uniformity of function and responsibilities for all the local governments throughout the federation. These functions and responsibilities were later to be enshrined in the 1979 Constitution of Nigeria. The political and administrative structures were also uniform in all the local governments in Nigeria. Every local government council was headed by an elected chairman. The administrative wing was headed by career administrator styled secretary to the local governments. In addition all local governments were departmentalized.

In order to ensure that every local government has a successful take-off, the then federal government made available a sum of one hundred million (N100 million) during the 1976/77 financial year to all the local governments in the federation. It must be stressed that, that was the first time a substantial amount of money would be disbursed to local government in Nigeria. According to Ola(1984, p. 90), this sum (N100 million) can easily be compared with a grant of N1million and N1.5million made to each state of the then existing twelve states in the federation during the 1973/ 74 and 1974/75 fiscal years respectively for distribution to their local government. Similarly in 1977/78 the N250 million was earmarked; and the sum of N300 million was appropriated while in 1980, N278 million was allocated. The authors of 1976 Local Government Reform also conceived that for the reforms to have appreciable impact at the grassroots, the local government's officers as well as political functionaries must be given free hand to operate effectively with little or no interference in their daily affairs.

In order to ensure the autonomy of the local government, the State Ministries for Local Governments were only charged with the responsibilities to advice, assist and guide rather than controlling the local governments under their jurisdiction. In order to foster peaceful co-existence among the inhabitants of every local government, a unit of Nigerian Police was dispatched to all the local government headquarters. In addition, Police Committees comprising members of police force, the local populace and local government workers were set up. This forum was used to enlighten the people about the operation of police and the need for all and sundry to cooperate with them (Police) by reporting the activities of miscreants within their midst.

In the 1976 reforms, the traditional rulers were insulated from partisan politics. Hitherto, many of them had engaged in partisan politics with disastrous consequence. It was thought that such exemption would restore the much necessary respect and honour which the office is expected to engender among their subjects. The above were the situations prevalent all the local governments in Nigeria until the country witnessed a second attempt at a constitutional government, otherwise known as Nigeria's Second Republic, in 1979-1983.

The Babangida military government had increased the number of local governments from 301 in 1976 to 453 in 1989, and 589 in 1991. The Abacha regime also increased the number to 774 local government areas in 1996 (Ajayi, 2000) quoted in (Agba, Akwara, &Idu, 2013).The 1976 local government reform was also modified and enshrined in the 1999 Constitution. The Constitution ensures that the local government consolidates the tripartite system of government (made up of executive, legislature and judiciary) at grassroots level (Eboh&Diejomaoh, 2010) Executive powers are vested in the chairman, vice chairman, supervisor or supervisory councilors, as well as the structure of local government bureaucracy. The legislative functions were meant to be performed by the councilors, who represent the wards which make up the Local Government Area. The judiciary on the other hand, was streamlined with the federal and state, such that the local government can avail itself of the judicial process available to it(Eboh&Diejomaoh, 2010)

At present Nigeria is a federation comprising three tiers of government -the federal government, 36 state governments, federal capital territory (FCT) and 774 local governments (Eboh&Diejomaoh, 2010). As such, the local government system in Nigeria operates within the “presidential model”. The Chairman of the local government area is directly elected by electorates in the local government area, and governs in collaboration with the legislative arm of the local government. Local council members are also elected from single member wards (i.e. districts). The term of both the chairman and council of the local government areas is currently three years, but varies from state to state, depending on what has been legislated by the State House of Assembly (Eboh&Diejomaoh, 2010). Funding, although allocated by the federal government, is controlled at the state level, as the state government determines how much should reach the local government council.

### **Overview of Local Government Reforms in Nigeria**

The Local Government Administration in Nigeria started experiencing transformation since 1914; from the Natives Authority system introduced by British under the Indirect Rule, to the representatives or Democratic system of Local Government of 1951-1966, to Local Government reforms under Military of 1966-1975 and Local Government Reforms of 1976.

### **Local Government Reforms since 1976 and Beyond**

In 1976, a uniform structure was introduced for local councils all over the federation. Traditional rulers were denied of roles in the running of the councils. The council was made a third-tier of government with a population of not less than 150,000 people or more than 800,000. Specific functions were defined for the council.

All the provisions of the 1976 reforms were incorporated into the 1979 Constitution with the introduction of presidential system of government. The 1976 reform re-defined local governments and changed their orientation from field administrations of the state governments to local government structures that were responsible to the electorate. The reform introduced a most innovative and rather radical departure from the existing structured pattern of local government in the country. High-lights of the reform included:

- Abolition of the old divisional administration system previously in operation in several parts of the country,
- Provision of a multi-purpose, single-tier local authority, tagged local government with chief executive system of management;
- Provision of federal grants to be disbursed to local governments through the states;
- Introduction of Supervisory Councillorship particularly in the Southern States. Each of the Supervisors was to be in charge of one or more related departments in the local council.

The progress made in local government reforms in 1976 was virtually eclipsed in the early 1980s, when the authority vested by the 1979 Constitution in the states to create local government led to proliferation of local governments. This had the perverse effects of both stressing the limited capacity for governance at the local government level and of intensifying the problem of sharing the limited resources among a vastly increased number of local governments. Moreover, the reform failed to address the issue of power separation between the arms of government as is typically the case in a Presidential system of government.

### **Dasuki Local Government Review Committee of 1984**

As a result of these noticeable inadequacies, it was felt that the 1976 nation-wide local government reforms were not sufficiently able to generate the desired impact. This led to the setting up of the Dasuki Local Government Review Committee in 1984. However, the government White Paper released as a result of the report submitted ended up in worsening the problem of local government. The Government White Paper subordinated the local government to the States. External revenues to local governments were drastically reduced. State governments were now to make available only 10 per cent of their internal revenues to the local government, which they failed to do. The subordination of the local governments to the States was completed with the introduction of Sole-Administrators, who became agents of the State governments and the gain of 1976 reform was lost. The recommendations also led to the scrapping of the state ministries of local council in 1988 and the policy of direct disbursement of statutory allocations was introduced.

### **Local Government Reform of 1988**

Following the recommendations of another Local Government Review Commission in 1988, the Federal government adopted a number of measures to strengthen local government. The new measures were:

- Abolishing State Ministries of local government, which had extensive review and supervisory authority over local governments and its replacement by a Department of Local Government in the Governor's office;
- Paying federal allocations to local governments directly;
- By-passing State government in Statutory allocations, which have moved from 10 per cent to 23 per cent;
- Strengthening local governments financial administration by granting local government's authority to prepare and approve their own budgets and taxes independently of State governments;
- Rationalizing local government organizations;
- Transferring primary education and primary healthcare and all related personnel and facilities to local government;
- Creating the office of Director of Local government Audit as well as setting up local government Alarm Committee and
- Involving traditional rulers in local government affairs

### **Additional Government Reforms**

- Additional 149 councils were created in 1989 and new allocation formula gave 15 per cent to the councils.
- Primary Health care programme was transferred to the local council in 1990.
- Primary school administration followed in 1991. There was separation of power and appointment of political secretaries.
- Local Council Service Commission was abolished in 1992 and later reinstated. The revenue allocation formula was raised to 20 per cent. Later the councils were increased to 774, with administration and financial autonomy granted.



- Gains in Council reforms appeared harmed by the 1999 Constitution, which introduced ambiguity and contradictions in the control and running of the local councils. For example, Section 7 (I) States: "The system of Local Government by democratically elected local councils is under this constitution guaranteed; and accordingly, the government of every state shall subject to Section 8 of this constitution, ensure their existence under a law which provide for the establishment structure, composition, finance and functions of such councils."

Section 7(6a) Of 1999 Constitution provides that "the National Assembly shall make provisions for statutory allocation of public revenue to local councils in the federation." And Section 7(6b) compounds the confusion by stating that "House of Assembly of a State shall make provisions for statutory allocation of public revenue to local councils, within the state." In addition, Section 8 (5 and 6) empowers the National Assembly to legislate on new councils before they can become legal. With the state government, state House of Assembly and the National Assembly all having roles to play in the affairs of the local council, it is not a surprise that confusion, intrigues and non-performance has been the lot of governance at the grassroots levels, hence the need for reforms.

#### **Local Government Review of 2004**

This review took place under the chairmanship of the Late Etsu Nupe, Alhaji Umaru Sanda Ndayako who was later replaced by Alhaji Liman Ciroma. The Federal Government issued White Paper on the Report and the National Council of States endorsed the report. The contents of the report were:

- Retain the existing 774 local government councils;
- All local government councils must submit their annual budgets to their State Houses of Assembly for approval;
- Ensure that whatever is due to local governments is made available to them, including 10 per cent of the monthly generated revenue or whatever portion of money that comes from the federal to the States that is meant for the local government;
- That local government should fund their various services and Agencies, including paying salaries of paramount Traditional Rulers and primary school teachers
- Administration of local government is purely the responsibility of State House of Assembly, which will make appropriate legislation, and
- Establishment of inspectorate department to enforce compliance with the local government budget as approved by the planning and legal units in the local government councils.

In 2005 another provision was enacted into law by the National Assembly, empowering Local Government Allocation to be paid directly to them, instead of the previous arrangement of having State-Local Joint Account. Statutory allocation meant for local government was increased to 23 per cent. The idea of paying the statutory allocation direct to local government was to forestall the possibility of State Governments' manipulation of the Joint Account to their favour. This latest provision has received criticism from the Conference of Assembly of Speakers, who looked at such provision as unconstitutional and encouraging corruptions in Local Government Administration. Though, the Assembly of Speakers criticize this provision, majority of Nigerians welcome this development, in view of clever manipulations of State Governments to State-Local

Government Joint Accounts. It was believed that the reform would enable the Local Government Councils fulfil their primary functions of grass-root development.

Another important innovation arising from the reform was the policy decision to provide training at all levels for all categories of local government officials. Before then, the local government positions were filled by unskilled functionaries, most of them with a maximum of primary or secondary school education. The reform initiated training programmes for senior local government officials in three centers -- the Universities of Ife, Zaria and Nsukka. These reforms led to a considerable change of Nigerian administrative system and especially of political institutions as well as administrative echelons of the Local governments.

### **Local Governments Administration: 1989 Third Republic Vs 1999 Fourth Republic**

#### **The 1989 Constitution and Local Government Administration**

The Federal Government had made numerous reformatations in 1989 constitution, which are designed to remove the inadequacies of local government system in its preparation for the Third Republic. By virtue of these provisions, the local government system was increasingly becoming autonomous and recognized as third tiers of government (Adeyemo, 2005). For instance in December 1990, there were elections into the councils. According to the guidelines on Application of the Presidential System and its Logic to Local Government 1991 and in accordance with the Implementation of its Basic Constitutional and Transitional Provision (Amendment) Decree 1992, the local government councils were able to constitute the legislative and the executive arms which, were charged with some functions(Adeyemo, 2005). In this context, the principles of separation and independence were applied to the local government administrations. This means that the autonomy of each federating unit must be respected and preserved. Autonomy in this sense presupposes that each government must exist, not as an appendage of another government, but as an autonomous entity in the sense of being able to exercise its own will in the conduct of its affairs, free from direction by another government.

The 1989 constitution recognised and accept the autonomy of each unit of government, which also implies mutual trust and respect, such that no unit of government can impose, confer functions or duties on the other without a mutual agreement. In his budget speech, the then President Ibrahim Babangida (cited in Olayikin, 1994, p. 5) made the following comments in favour of local government system in Nigeria

Local government councils will be accorded full administrative autonomy and allowed to operate in accordance to spirit and letter of the Constitution. The councils will not be subject to the control and direction by the state or federal government in the discharge of constitutional responsibility of providing the basic need; including primary education for their communities.....local government councils will also enjoy their financial autonomy. In this regard, all forms of control, overt or covert, which have hitherto been exercised by state government must cease forthwith.

However, the 1989 constitution, which was meant to usher in the third republic was not in full operation, owing to the annulment of June 12, 1993 presidential election, which should have ushered the President of the Federal Republic of Nigeria. But it can be pointed out that the 1989 Constitution recognises, accepts and presented Local Government as a third tier of government

with it full administrative and financial control. Direct remittance of local government allocation to each local government was one of the evidence to ascertain the above assertion.

### **The 1999 Constitution and Local Government Administration**

Like the previous Constitutions, i.e. 1979, and 1989, the 1999 Constitution was purely military in term of its conception. It was not a people's inspired constitution and that was a point which its detractors nursed against it. The 1999 Constitution in Section 7(1) placed the local government councils firmly under the state "control". This entails the establishment of two arms at the local level i.e. the executive and the legislative arms with their different functions. This system has been on for the past 19 years, but it would appear that like the previous reforms, the new system is due for a thorough review in view of its many inadequacies. From all indications, it would appear that the problems with the various reforms have to do more with the operators of the systems and not the systems per se.

There is one important thing to note from the onset, that is, local government as a political institution has come to stay in the political landscape of Nigeria. This is because the 1999 constitution has recognized its existence. The constitution states inter alia in section 7 (1) that

the system of local government by democratically elected government councils is under this constitution guaranteed, and accordingly, the government of every state shall, subject to the Section 8 of this constitution, ensure their existence under a law which provides for the establishment, structure, composition, finance and functions of such councils.

The import of this is the obligation of the Local government to the State. Apart from this, there must be periodic elections into the councils of these local governments as is the case with the federal and states' political institutions. This becomes imperative as the local governments are seen as training grounds for higher level of political responsibilities in the federation.

The 1999 constitution takes almost the same position on local government as the 1979 constitution, with some modifications. In its fourth schedule, Section 7(2), the 1999 constitution sets out the functions of local government in Nigeria. In theory, therefore, local government is a unit of government with defined powers and authority, and relative autonomy. The functional areas for local government included in the constitution are: provision and maintenance of health services; agricultural and national resource development; provision and maintenance of primary, adult and vocational education; and other functions as may be conferred on it by the state house of assembly. Section 7(1) also guarantees democratically elected local governments in Nigeria. On the strength of these provisions, the 1999 constitution acknowledged the powers of local government councils as articulated in the 1976 local government reform.

Section 162 (5, 6, 7, 8) also provides for the funding of local councils through the Federation Account. Paragraph 6 specifically provides that "each state shall maintain a special account to be called the State Joint Local Government Account" into which should be paid all allocations made to local government councils from the Federation Account and from the government of the state. This is, of course, a reversal of the reform introduced by the federal government in 1988 (Abutudu 2011).

The 1999 constitution, as noted by Khalil and Adelabu (2011, p. 143) in Section 4 also provides that: "The government of a state shall ensure that every person who is entitled to vote or be voted for at an election to the House of Assembly shall have the right to vote or be voted for at an election

to a local government council.” The 1999 constitution further empowers the Revenue Mobilisation Allocation and Fiscal Commission (RMAFC) to allocate revenue to the three tiers of government. The constitutional basis for this allocation of revenue is set out in Section 160, sub-sections (2) to (8). Thus: “Any amount standing to the credit of the Federation Account shall be distributed among the federal, state and local government councils in each state, on such terms and on such manner as may be prescribed by the National Assembly of Nigeria.” In addition, the 1999 constitution states that “the government of every state shall, subject to Section 8 of the constitution, (Local Government) ensure their existence under a law which provides for the establishment, structure, composition, finance and functions of such council” It is to be noted that the present federal government, under President Muhammadu Buhari administration has taken some steps in line with the 1999 Constitution, whereby in October, 2019 he (Buhari) ordered for a direct subvention to the Local Government.

### **Current Operational Modalities of Councils**

It is important to remark that the way and the manners of operation of Local Government Councils across Nigeria in the current political dispensation vary from state to state. This to a large extent is determined by the Local Government Law enacted by each State of Assembly While some states tend to favour the fusion of executive and legislature arms, others prefer the separation of powers as espoused by presidential democracy. Those who opted for the Westminster model (fusion of executive and legislature arms) have anchored their argument on paucity of financial resources and the need to preserve the available funds for the betterment of the people at grassroots. The proponents of the presidential system have argued the need to sustain presidential system at local level in order to be in consonance with state and federal governments. This argument to all intents and purposes sounds plausible as local government is regarded as the training grounds for the political class.

The operations of the Local Government Councils in the present dispensation are guided by the 1999 Constitution of the Federal Republic of Nigeria. It recognizes 774 LGAs as defined by First Schedule Part 1. Section 7(1) of the constitution provides that:

The system of Local Government by democratically elected Local Government Councils is under this constitution guaranteed; and accordingly, the Government of every state shall, subject to section 8 of this constitution, ensure their existence under a law which provides for the establishment, structure, composition, finance and functions of such councils.

The implication of this provision is that the local government councils are to be democratically elected but the State Houses of Assembly are invested with the "power" of making laws for the detailed operations of the councils i.e. functions, structure, composition, finance etc, as deemed appropriate for their states. This implies that the unified system of local government in practice since 1976 has ceased to be. Each state is therefore; free to enact its own laws for the administration of the respective local government in their states. Consequent upon this, various State Houses of Assembly in the country introduced the presidential system at the local government level through their enabling laws.

### **Introduction of Presidential System at the Local Government Level: Problem Arising**

There are a number of problems that have arisen from the introduction and practice of the Presidential System at the Local Government level. Some of these problems include the following:

- i. Problem of lack of money to satisfy the members of the Local Council (Executive and Legislature) and to take charge of monetary needs of the people of the respective Local Governments
- ii. Problem of inter-governmental relationship: By the introduction of the presidential system at the local government level, one presupposes the existence of local government autonomy. But under the 1989 and 1999 Constitutions, there is no autonomy for local government because there has been many instances of interference by both the state and federal governments. Also there are possibilities of role conflicts over functions as a result of overlapping responsibilities. The local governments are usually the greatest loser in the equation.
- iii. Conflict between the legislative and executive arms of the local government because of the separation of powers and functions:
- iv. The tendency of the legislative arm to misuse the impeachment clause as a result of many grievances, real or imagined;
- v. The non-participation of elected Councillors in the administration of the local government like contract awards, staff recruitment, postings, etc, are sources of their grievances.
- vi. The Councillors became part-time legislators to “meet at least once in a month” contrary to their expectations. Worst still, there are not much to legislate upon, so they have become redundant most of the time.
- vii. The Secretaries, Supervisors and other aides appointed by the Chairmen took over their places as executors of Local Government Programme with much advantage accruing to them at the detriment of the Councillors.
- viii. Corruption and misapplication of funds as a result of the constant threats of impeachment by the legislators. Very often the chairmen use this opportunity to misappropriate and mismanage local government funds.
- ix. Constant instability in the local government system as a result of wrangle and squabbles between the legislative and executive arms of the local government over the spoils of office.

## **CONCLUSION**

It can be observed that the Nigerian local government system has witnessed significant reforms in the past nearly sixty years. The reforms redefined local governments and changed their orientation from field administrations of the state governments to being semi-autonomous local government structures that were responsible to their electorates. One of the important aspects of the reforms is the policy that local governments are now entitled to a proportion of the funds from the federal account. Increased allocation of resources into local government system has ensured that local governments have access to substantial revenues to enable them to execute the range of responsibilities allocated to them by the reforms and subsequently by the constitution. Another important innovation of the reform is the policy decision to provide training at all levels to all categories of Local Government officials in three Nigerian Universities; Obafemi Awolowo University, Ile-Ife, Ahmadu Bello University, Zaria and University of Nigeria, Nsukka.

The progress made in the local government reforms in the 1970s were virtually eclipsed in the early 1980s when the authority vested by the 1979 Constitution in the states to create local government led to a proliferation of local governments which over-stretched the limited capacity

of governance at the local government level. This situation was halted after the fall of the 1979-1983 civilian administration of Alhaji Shehu Shagari in the 1983 coup d'état led by Buhari/Idiagbon.

The creation of states in Nigeria has always led to the creation of more local governments by the military. The number of local governments rose from 229 in 1970 to 301 in 1979 and to a peak of 781 when state governments were given authority by the constitution to create local governments. After the overthrow of the civilian administration in 1983, the number was again reduced to 301 and later raised to 449 in 1987, 589 in 1991 and 774 since 1996. The urge to create more Local Government Areas has been rejected by the federal government. This issue was a subject of litigation between the states and the federal government, which the latter won. This situation led to the withholding of the funds meant for the local government councils in Lagos State during President Obasanjo's era. However, this action was voided by the Supreme Court. Therefore, all the local government areas created by the state governments then have been reverted to development areas.

During the Babangida era, from 1988, the Federal Government strengthened local government institutions by abolishing the Ministries of Local Governments, paying federal allocations direct to the Local Governments, granting Local Governments authority to prepare and approve their own budgets and taxes independently, transferring primary education and primary healthcare and all related issues and increasing the local government share of federation account.

From 1999 when the civilian administration came into being, the fate of Local Governments has declined. The 1999 Constitution has placed local government directly under the state's control, Ministries of local government have been re-established in many states, and no more direct funding of local governments and the practice of presidential system at the local government level is now in place in many states of the federation. Today, however, local governments remain the key institution in local governance. It is the basic unit of the country's political system, the primary level of grassroots political mobilization, and a major reference point in the distribution by government of certain economic and social goods and services (Otobo, 2002).

## **RECOMMENDATIONS**

As observed by Agagu (2004), the need to catalyze balanced development, maximize citizens' participation, and stimulate government responsive service delivery necessitates the creation of the local government. Local government as the closest unit of government to the people at the grassroots is expected to play significant roles in providing social services. However, as a result of numerous factors enumerated above, local governments have been inhibited to effective and efficient social service delivery to grassroots. Consequently, the paper highlights some measures that would improve social service delivery at the local government in the paragraphs below.

**1. Constitutional Reforms to Ensure Total Autonomy of Local Government:** Reforms are needed to increase the fiscal and spending autonomy of local governments and minimise the interference and control of state governments (Eboh&Diejomaoh, 2010). The undue interference of the state governors should be eliminated to allow the council heads to govern and manage their natural resources using appropriate planning standards; opportunity to design appropriate policies, programmes and project suited to peculiar areas; preservation of cultural heritage of communities; and effectively deliver democratic dividends to the grassroots (Amaechi, 2012; Adeyemi, 2013).

There is need also for constitutional reforms to provide unique guarantees for the autonomy and powers of the local government. Alongside, institutional reforms are important to clarify and align local governments' roles and responsibilities in a manner that earns public confidence, intergovernmental credibility and unequivocal accountability. To ensure responsive governance, local government executive must be elected by the people and not superimposed by the ruling party or state governor. Elections at specific intervals should be conducted into the local government.

**2. Curtailing Corrupt Practice in Local Government Administration:** To stem corruption and embezzlement, all financial transaction of the council must be audited and publicized. There should be monitoring and evaluation unit aim at measuring efficiency and effectiveness (Ibok, 2014). To ensure accountability and transparency in local government administration, the civil society organizations should also monitor the performance of local government officials and report any found wanting to anti-corruption agent. The anti-corrupt agencies like the Independent Corrupt Practices Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC) should intensify their efforts at tackling the problem of pervasive corruption in the local government system. Government could further assist in this direction by introducing more effective anti-corruption clauses and fraud detecting mechanisms as well as ensuring the conduct of free and fair elections through which people could only get into power on the basis of their perceived honesty and ability to deliver democracy dividends to the rural and grassroots people (Chukwuemeka et al., 2014).

**3. Adequate Financial Allocation to the Local Governments:** The Lower levels of government must have legal authority to generate needed revenue to support its expenditure requirements. Thus, the fiscal relationship between the center and lower - levels of government must be clearly worked out on the basis of equality, fairness and justice (Ekpo, 2008). Local governments should have direct and unfettered access to the statutory allocations from the Federation account and their share of the internally generated revenue. The State government should be compelled to relinquish their 10% internally generated revenue to the local council to avoid their overdependence on statutory allocation. Thus, the provision for the State Local Government Joint Account should be expunged from the constitution and also the statutory allocation from the federation account should be increased from the present 20 to 30 percent. On the other hand, the internal revenue generation sources of the local government should be enhanced by way of investment in profitable ventures. The internal revenue base can also be enhanced, if rural inhabitants are properly educated on their civic responsibilities to support their local governments financially, by paying their taxes and rates promptly (Adeyemi, 2013).

**4. Capacity Building – Institutional and Human Resources:** There should be capacity building for local councils to take advantage of modern tools of local governance that are being developed world wide. This must combine the political and administrative cadre of the councils (Abutudu, 2011). Building institutional and system capacity that produces the human capital that is committed to the principles of good governance briefly summarized as transparency, accountability, honesty, foresightedness, equity, justice, prudent management of public funds,

strong leadership inspired by vision and direction that is beneficial to the masses (Agba, Akwara, &Idu, 2013), should be enhanced.

**5. Provision of credible leadership:** Leadership plays crucial role toward the success of system of local government administration in particular and the country in general. The trouble with local government system is lack of positive leadership. There is the urgent need to bring about political and administrative leadership that will serve as sources of accountability, the rule of law, administrative probity and good governance (Aiyede, 2005:300).

**6. To allow for this autonomy, elections to the Local Government councils;** both administrative and legislative bodies should be conducted by the national electoral body, the Independent National Electoral Commission and preferably the same day and time all over the country.

**7. The place of the Ministry of Local Governments and Chieftaincy Affairs** of the respective State governments should be re-examined so as not to make them a stumbling block in the wheels of the respective Local Governments.

**8. Activities of the Local Government Service Commission/Boards** should be directed at assisting the Local Governments to get needed workers in number, strength, and capacity requirement. In this context, streamlining their different policies on staff recruitment, training, placement, remuneration amongst others, becomes necessary.

## REFERENCES

- Adamolekun, L. (1979). "The Idea of a Local Government as a Third Tier of Government", in Adamolekun, L. and Rowland, L. (ed) *The New Local Government System in Nigeria*, Ibadan Heinemann Educational Books (Nig.) Limited.
- Adewumi, J.B. (1988). "The Role of Political Executive under the 1988 Civil Service Reforms", in Ngum (ed). *Evolution of Nigerian Civil Service: The 1988 Reform*, Zaria Gaskya Corporative Ltd.
- Akaakuma, A. (2008). Ethics and Accountability in Administration, MPA/PAD 706 Lecture Notes, Benue State University, Makurdi.
- Akaakuma, A. (2008). Ethics and accountability in administration, MPA/PAD 706 Lecture Notes, Benue State University, Makurdi.
- Akhakpe, I. et al (2003). "Zero Allocation and the Crisis of Governance in South-West Local Government System" Report Submitted to Centre for Development and Democratic Studies (CDDS), Lagos State University.
- Akpan, P.C. (1984). *Modern Local Government Administration in Nigeria*: Kaduna, Baraka Press.
- Aliyu, A.Y. (1980). "Local Government Reform in Nigeria: An overview", Kumo S. and Aliyu, A.Y. (ed) *Local Government Reform in Nigeria*, Department of Research and Consultancy, Institute of Administration, ABU Zaria.
- Bello-Imam, (1996). *Local Government System in Nigeria: Evolving a Third Tier of Government*. Ibadan: Heinemann Educational Books.
- Briggs, B. (1977). "Participation in Self-Help Projects among Rural Inhabitants: A Comparison". *Quarterly Journal of Administration*, July, Volume XI, No. 4.
- Federal Republic of Nigeria (1979). Guidelines for Local Government Reform, Government Printer, Kaduna



- Federal Republic of Nigeria (1989). The 1989 Constitution, Lagos, Government Printer.
- Federal Republic of Nigeria (1999). The 1999 Constitution, Abuja, Government Printer.
- Federal Republic of Nigeria. 1976. *Guidelines on 1976 Local Government Reforms*. Kaduna: Government Printer.
- FGN 1999. Constitution of the Federal Republic of Nigeria. Abuja: Government Printers.
- Gboyega, A. (1987). *Political Values and Local Government in Nigeria*. Lagos: Malt House Press Ltd.
- Guyer, J. (1992). Representation without taxation: An essay on democracy in rural Nigeria: 1952-1990. *African Studies Review*, Volume 39, No. 1.
- Helds, D.(1982). *Models of Democracy*. Cambridge: Polity Press.
- Iweriebor, E.G. (1990). Nigeria nation-building since independence. *Nigerian Journal of Policy and Strategy*, Volume 5, (1 and 2).
- Lugard, F. (1983). The dual mandate in British tropical Africa. G. O. Orewa& J. B. Adewumi (Eds.). *Local government in Nigeria: The changing scene*. Benin City, Ethiope Publishing Corporation.
- Maduabum, C. (2008). *The mechanisms of public administration in Nigeria*. Lagos: Concept Publications.
- Mohammed, I.D. (2018). Local government, as agents of rural development: The case of some selected Local Governments in Kwara State. Unpublished PhD Thesis, Ahmadu Bello University, Zaria.
- Nwabueze, B. O. (1983). *Federalism in Nigeria under presidential constitution*. London: Sweet &Maxwell.
- Odion-Akhaine, S. (2009). Liberal democracy:The democratic method and the Nigerian 2007 elections. *Journal of Asian and African Studies* 44(6).
- Odion-Akhaine, S. (2009). Local Government and nation-building. In S. Odion-Akhaine (Ed). *Local government administration in Nigeria: Old and new vision*. Lagos: Centre for Constitutionalism and Demilitarization.
- Ola R F 1984. *Local administration in Nigeria*. London: Kegan Paul International.
- Oyediran O. (1988). *Essays on local government administration in Nigeria*: Lagos, Project Publishers.
- Oyovbaire, S. E. (1979). The theory of federalism: A critical appraisal. *Nigerian Journal of Political Science*, 1, 78 – 91.
- United Nations (1959). *Public administration: Aspect of community development*. New York.
- Writh R.E. (1964). *Local Government in West Africa*, London>George Allen and Unwin..