

LOCAL GOVERNMENT ADMINISTRATION: ORIGIN, MEANING AND ITS ROLE IN NATIONAL DEVELOPMENT IN NIGERIA

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Abstract

The third tier of government in Nigeria, most times referred to as Local Government, is basically a government structure that provides administration at the local or grass root level. This presupposes the existence of other levels of governance, and in Nigeria, the federal and state governments readily come to mind as the first and second tiers of government respectively. The introduction of this third tier of government was intended to bring government and the benefits of governance closer to the people. The purpose of this paper is to examine the place, function or performance of the local government as the third tier of government in national development, juxtaposing same with what is obtainable in other climes particularly in the United States of America and Britain. The paper does an overview of its strengths and weaknesses, with the intention to recommend a better and improved way forward aimed at making our local governments more relevant in our polity. In doing this, this paper becomes very relevant to governance and performance tracking in governance.

Keywords: Local Government, National Development

Brief History of Local Government Administration In Nigeria

Local Government Administration in Nigeria dates back to the colonial era, particularly in 1861 when the first steps were taken by Britain to establish an administration.³ At inception, the British introduced an administration based on indirect rule. Since then, local government administration in Nigeria has undergone several changes and reforms culminating in the current structure and constitutional provisions of the present 774 local government areas in Nigeria.⁴ The Indirect Rule system (1891-1929) was rule by the British through indigenous kings and chiefs.⁵ While this system gained some success in Western and Northern parts of Nigeria where the local institutions were well established, the system was not that successful in Eastern Nigeria due to absence of well-established local institutions. This gave rise to the Native Authority (1931-1949) System established by Donald Cameron in 1931.⁶ Under this system, Council members were elected for the first time but the system was largely undemocratic due to the dominating role of British District officers coupled with the fact that most of the nationalist flag bearers were excluded from council membership. Consequently, by 1948, John Macpherson, then Governor of Nigeria, initiated reforms aimed at establishing a democratically elected Local Government Council.⁷ Between 1950 and 1955, the first largely elected local government council based on the British Whitehall model emerged in Lagos and the former Eastern and Western regions.⁸ Traditional rulers constituted not more than 25 percent of most councils in Lagos and Western region.⁹ The post-Independence era witnessed a decline in the status of Local Governments in Southern Nigeria. Consequently, the federal government in collaboration with the State Governments

embarked on extensive reforms of local governments in 1976 which gave birth to a uniform system for the whole country. Further reforms to the Local Government were contained in the 1979 Constitution of the Federal Republic of Nigeria, the 1984 Dasuki Report of the Nigerian Local Government, the 1992 Handbook on Local Government Administration, and the 1999 Constitution of the Federal Republic of Nigeria.¹⁰ These subsequent reforms did not deviate in substance and essence from the 1976 Local Government Reforms, but are derivatives from them. Thus, the 1976 Reforms the foundation of modern local government laws and practice in the Federal Republic of Nigeria.

Meaning of Local Government

The ordinary meaning of local government is as the name denotes; a government at the rural area for the rural people who reside at the rural area. However, there have been various definitions given by several scholars and agencies. According to Halim and Adelabu, the concept of local government administration involves a philosophical commitment to democratic participation in the government process at the grassroots level. A local government council is an institution whose operation address the needs and aspiration of the citizenry and also extends the administrative and political control to the community.¹¹

Importance of Local Government

The importance of local government are as follows;

- a) **It is meant to be more democratic.** This is so because it increases the scope for citizenship participation in the government of their locality. Section 7CFRN clearly states that “The system of local government by democratically elected local government councils is under this constitution guaranteed”.
- b) **It should provide valuable political and civic education:** it exposes the citizens to power and authority, power play, its uses, and challenges of power management
- c) It should provide a training ground for future political leaders.
- d) It should be able to **provide local services:** There are certain services for which the local government is the most efficient provider. Like caring for the Community's poor, the aged, handicapped and orphans etc. In John Stuart Mills appreciation of the invaluable contribution of local government in this perspective, he observed that “if local government did not exist, it would have been created”
- e) Local knowledge is brought to bear on local government
- f) **It is more sensitive and responsive to local opinion:** The councillors and representatives are closer to the people and respond much easily to their demands or to be voted out. Without local government, there is no public safety dispatching.
- g) **Promotion of political integration and national unity:** Local government has a way of promoting national unity through the opportunity it affords for popular political participation.
- h) **Promotion of local freedom/autonomy:** local government is the closest tier of government to the people, if the system of local government is truly local, it provides special opportunities for people to complain about the quality of services

it renders and about the conduct of council official.

- i) Power is more widely dispersed which is a safeguard against tyranny. The local government system protects against this.
- j) Local variations and needs in service provision can better be handled by local government since it understands the needs of its own locality.

Types of Local Government Systems

A local government system is usually organized either as:

- (I) A single-tier local government, or
- (ii) A multi-tier local government¹²

The Constitutional Provisions Relating To Local Government In Nigeria Under The 1999 Constitution

The local government system in Nigeria was created by the combined reading of *Sections 7, 8* and the Fourth Schedule to the 1999 Constitution of the Federal Republic of Nigeria (as Amended). The Constitution provides thus: 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.¹³ On the other hand, the Fourth Schedule to the Constitution provides for three functions, namely, the main functions of local government council,¹⁴ functions to be exercised in conjunction with the state¹⁵ and additional functions as may be conferred by the House of Assembly of the state.¹⁶ The Court of Appeal interpreted the above provisions in paragraph 2, item D above in the case of *UAC of Nigeria PLC v. Att. Gen. of Lagos State*.¹⁷ The existence of local government has always been defended on the basis that it is a crucial aspect of the process of democratization and intensification of mass participation in the decision-making process. No political system is considered complete and democratic if it does not have a system of local government. Local government serves a two-fold purpose. The first purpose is the administrative purpose of supplying goods and services; the other purpose is to represent and involve citizens in determining specific local public needs and how these local needs can be met. Local representative government is a process that spans and connects representation and administration at local levels within local government structures.

The Characteristics of Local Government

Some of its important characteristics are as follows:

- (I) **Local Areas:** A Local Government unit as far as its jurisdiction is concerned has a well-defined area which is fixed by the concerned state government. This area can be termed as a city, a town or a village. The territorial limits of a local body unit are fixed by the state government subject to changes from time to time through legislation.¹⁸
- (ii) **Local Authority:** The administration of a particular locality is run by an authority or body of persons who are elected directly by the people residing in that particular area.

The authority which includes the elected representatives of the people is responsible for management of local affairs in that area.¹⁹

- (iii) **Civil Amenities For Local Inhabitants:** The primary objective of local government is to provide certain civic amenities to the people at their door-steps. The provision of these civic amenities ensures the healthy living of local community. These services are specifically means for those inhabitants who are living in that restricted area for which the local government unit has been created. It has been rightly pointed out that all these amenities which make living better, physically, economically, socially and culturally should be assigned to the local inhabitants.²⁰
- (iv) **Local Finance:** In order to perform its functions effectively, it is necessary that every local government unit be provided with adequate finances.²¹ The services provided to the local inhabitants are largely financed out of finances raised locally. The local inhabitants are required to pay taxes imposed by the concerned local authority, it is the authority of local government. However, unlike other levels of government that accords it a unique position among corporate bodies, this authority has legal and constitutional basis. In fact, the local government possesses revenue raising and spending authority only to the extent that the State/Central government grants it to them.²²
- (v) **Local Autonomy:** Local Autonomy means the freedom of the local government to decide and act in the sphere of activities and functions allotted to them by the statute under which they are created. Among other things, it implies the legal right of the inhabitants of a local area to choose their representatives to govern the locally concerned, according to the laws framed by the local council and to adopt the budget. It is however, to be understood that the authorities which have been given the responsibility to run the local government are neither sovereign nor self-created entities and they will have to depend upon the higher levels of government for their creation, rank, powers and functions.
- (vi) **Local Participation:** The success or failure of developmental plans at the local level depends upon the active participation of local people for whom these plans are made. It is a local government which provides an opportunity to the local people to participate in administration. If the goals of development have to be achieved, people's participation is a prerequisite for it.
- (vii) **Local Leadership:** The people who come under the purview of local government, especially those living in rural areas, are generally illiterate, inexperienced, non-professional and unaware about the functioning of local bodies. Strong leadership therefore needs to be provided to those people. This leadership is provided to the people from the local area in the shape of elected representatives and elected bearers of the elected councils in regard to the policies and programmes of the government.
- (viii) **Local Accountability:** Local Government units which are created to provide civic amenities to the people are accountable to the local people. The residents of a local area keep a watch on local authorities to ensure effective performance of their functions. If a local body becomes inefficient and is not in a position to provide satisfactory services to the people, it faces severe criticism of local

residents.²³

(ix) **Local Development:** Local Government is concerned with the overall development of the people living within its area.²⁴ Every activity of local government is therefore aimed at development. It can be pointed out that in spite of the legal authority given to the local governments; the impoverished state of the finances of most authorities in the developing countries like Nigeria is a severe handicap to responsible local government because the backbone of local government is financial autonomy which Nigeria local governments are lacking.

(x) **Reduce The Burden of Work of State/Central Government:**

A large number of functions are performed by local government which otherwise would have been performed by central/state government. This, local government not only provides certain essential services to the people, but also reduces the burden of central/state government as well.²⁵ If the central/state government is overloaded with work, it becomes incompetent, incapable and inefficient to perform its duties. Therefore, local government is necessary for the development of initiative and interest of local masses in government and responsibility.²⁶ Local government is an invaluable socio-political laboratory for trying and testing on a small scale, various new proposals for government organization and socio-economic policies.²⁷ It is the perseverance of local colours in the national life.

(xi) **Serves As A Channel Of Communication Between The State Government And The Community Local Government**

Local government serves as a channel of communication between state government and the community. The demands made by the local community are on the one hand transmitted to the state government, the creator of local government and on the other hand, people living in far flung areas come to know about the government policies and programmes through local bodies. This, local government, ensures close relationship between the people and the higher level of governments through the device of communication.²⁸

Functions Of Local Government Council.

Under paragraph 1 of the Fourth Schedule to the 1999 Nigerian Constitution, the main functions of a Local Government Council are as follows:

- (a). The Consideration and the making of recommendations to a State commission on economic planning or any similar body on- (i). The economic development of the State, particularly in so far as the areas of authority of the council and of the State are affected, and (ii) proposals made by the said commission or body;
- (b). collection of rates, radio and television licenses;
- (c). establishment and maintenance of cemeteries, burial grounds and homes for the destitute or infirm;
- (d). licensing of bicycles, trucks (other than mechanically propelled trucks), canoes, wheel barrows and carts;
- (e). establishment, maintenance of and regulation of slaughter houses, slaughter slabs, markets, motor parks and public conveniences;
- (f). construction and maintenance of roads, streets, street lightings, drains and other

- public highways, parks, gardens, open spaces, or such public facilities as may be prescribed from time to time by the House of Assembly of a State;
- (g). naming of roads and streets and numbering of houses;
 - (h). provision and maintenance of public conveniences, sewage and refuse disposal;
 - (i). registration of all births, deaths and marriages;
 - (j). assessment of privately owned houses or tenements for the purpose of levying such rates as may be prescribed by the House of Assembly of a State; and
 - (k). Control and regulation of-
 - (i). out-door advertising and hoarding;
 - (ii). movement and keeping of pets of all description,
 - (iii). shops and kiosks,
 - (iv). restaurants, bakeries and other places for sale of food to the public
 - (v). laundries, and
 - (vi). licensing, regulation and control of the sale of liquor.

Under section 2 of the Fourth Schedule, the functions of a Local Government Council shall include participation of such council in the government of a state as respects the following matters-

- (a). the provision and maintenance of primary, adult and vocational education;
- (b). the development of agriculture and natural resources, other than the exploitation of minerals;
- (c). The provision and maintenance of health services; and
- (d). such others functions as may be conferred on a local government council by the House of Assembly of the State.

British Local Government Administration: An Overview

The system of local government is different in each of the counties of Britain and the United Kingdom. In total there are 426 local authorities in the UK. 346 of these are in England, 26 in Northern Ireland, 32 in Scotland and 22 are in Wales.²⁹ However, the most complex system is in England, the result of numerous reforms and reorganizations over the centuries.³⁰ The top level of sub-national administration within England until the end of March 2012 consists of the nine regions. The regions were used by central government for various statistical purposes and Government Offices and assorted other institutions including Regional Development Agencies.

The layers of elected local government vary. In different areas the highest tier of elected local government are;

Counties, this may be single tier unitary authorities, or divided into district also known as Boroughs in some areas, especially in London.³¹

Districts, which are separate Unitary Authorities in some areas.³²

Metropolitan Districts (also called Metropolitan Boroughs) in some areas which are similar to Unitary Authorities but have joint boards with other districts in the same Metropolitan County; examples include Manchester, Birmingham, Liverpool, and Greater London, which is divided into 32 London Boroughs and the City of London. In most areas, there is a lower tier of government, civil parish, with limited functions. Most civil parishes are in rural areas, but if the parish is a town, the parish council may be called a town council. In a few cases the parish is a city, and the parish council is called a city

council. Metropolitan counties, and a few non-metropolitan counties, no longer have elected councils or administrative functions, and their former functions are performed by districts. Such counties remain ceremonial counties.³³ In England, local authorities are given full discretion to exercise the functions allocated to them. This does not mean they are completely self-governing. They are established by and subject to government. They cannot therefore be regarded as second tier in a system of unitary government. The sole reason is that their powers are derived from the government that set them up and not from the Constitution.³⁴ Government allows these authorities to discharge their functions without interference as long as they do so efficiently and justly. Interference therefore becomes a resort only when local government becomes inefficient or resort to illegality. In the British system, most controls come through inspections, approvals, returns, audit and grants.³⁵

Local governments in Britain are principally referred to as Local Authorities.³⁶ They are created by an Act of parliament. Even though there are various forms of control, the idea of democratic self-government is a serious form in the power of these authorities. The government however hesitates to give appreciable autonomy or independence to these units because such may act as distraction in the face of the social, economic and political unity needed by Britain as it forges integration democratically and related to the rest of Europe.³⁷

United States of America Local Government: Overview

The American government system began after their independence in 1776, based on the principles of liberty and democracy, but United States is more accurately defined as a constitutional federal republic. The government in the United States is based on a Constitution which is the supreme law of the country. The USA is the federal country with 50 states having their own governments which are again run by the elective representatives, being a republic nation. The Constitution defines the structure and powers of the federal government, and also contains the provisions regarding state government. Each state, in turn, has its own constitution which contains provisions for local governments within the state. Local governments may include cities, counties, towns, school districts, and special-purpose districts, which govern such matters as local natural resources or transportation networks. Local governments in the USA generally include two tiers: Counties, also known as Boroughs. In some states, counties are divided into Townships, and the other, Municipalities, can be structured in many ways, as defined by state constitutions, and are called, variously, Townships, Villages, Boroughs, Cities, or Towns. While discussing the structure of the local government, the classifications developed by the U.S. Census Bureau can be referred. The Census Bureau designates two categories of local government, General Purpose and Special Purpose.³⁸

Municipalities

The number of Municipalities may vary widely across the 50 states in the USA. ³⁹They may be called Cities, Towns, Boroughs, Districts or Villages. They generally have similar powers and perform similar functions.⁴⁰ They derive their authority as granted by the States. Geographically, Municipalities lie within Counties, although they may cross County boundaries.

Townships

These are established to govern areas without a minimum population concentration. They do not exist in all States, but have different responsibilities in those that have them. A township is a town or city, or a subdivision of a county. In some areas, townships enjoy broad authority and perform functions similar to municipalities.

Special Purpose Governments Special Districts

These are independent governments existing separately with substantial administrative and fiscal independence. They may levy taxes and issue bonds. Unlike general-purpose governments that exercise multiple functions, most special districts are dedicated to a single purpose.⁴¹

School Districts

School districts are public school systems that provide regular, special, and/or vocational education services for children in prekindergarten through 12th grade. Public school systems in the United States are locally administrated, and their geographic structure varies by State and Region.⁴² The US Constitution is silent on the matter of local governments, but, tracing the mandate of reserved powers as provided by the Tenth Amendment in 1791 which stated “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”, it can be said that the organisation and establishment of local governments have been left to the state governments.⁴³ This is the reason that there is a great diversity in state-local relations between and within different states.⁴⁴ Thus, the local governments in the United States reflect different legal and political situations. Since these are created under the state constitution, they are public bodies which are institutionalized in thousands of compacts, charters, special acts, statutes, constitutional provisions, resolutions, ordinances, administrative rulings, and court decisions. But mainly, they are created by the State Constitutions, and they derive their powers from the State General Assemblies, but they are public bodies which functions for the benefit of the people. As such, the powers of the local bodies can be changed, modified or altered by the State legislatures. This point has been confirmed by the Supreme Court of North Carolina in 1929 in the case *Holmes v. City Of Fayetteville*⁴⁵ where the court held that;

[Municipal corporations] are creatures of the Legislature, public in their nature, subject to its control, and have only such powers as it may confer. These powers may be changed, modified, diminished, or enlarged, and, subject to constitutional limitations, conferred at the legislative will. There is no contract between the state and the public that a municipal charter shall not at all time be subject to the direction and control of the body by which it is granted.

Weaknesses And Challenges of Local Government Administration

Though Nigeria has experimented with various models of local administration since 1950's including sole native authority; federated native authority; local government authority; divisional, district and local councils; development administration, and since 1976, the all-purpose single tier local government, there is a frightening consensus among all concerned that local governments have failed, especially as props for people-centered democracy.⁴⁶

First, Section 7(1)(5) of the 1999 constitution in one breath provides for democratically elected local government and in the Fourth Schedule to the constitution provides for its functions, while in another breath it empowers the States to make laws for the establishment, structure, finance and functions of such councils.

Secondly, the constitution in paragraphs 11 and 12 of the concurrent legislative list gave the National Assembly as well as the State Houses of Assembly the powers with respect to the registration of voters and the procedure regulating elections to a local government council. Finally, the Constitution provides for a four-year term for federal and state elected political office holders, but made no provision for tenure of elected local council officers. The confusion created by the constitution has given governors the leeway to manipulate the affairs of local government councils. It is under this law that states are able to interfere in the proper functioning of the councils.

Instability Arising From Adverse Interference By Other Levels Of Government:

While at the National and State levels, the legislature struggles to assert its independence from undue interference from the executive led by an authoritarian leader that may seek to subvert, control and dominate the legislature, the local government council legislature does not just suffer from such horizontal interference but vertical interference from the Federal and State Governments. Rules, traditions and virtues that preserve and promote the independence of the legislature have been totally eroded and subverted. Governors remove council chairmen at will without recourse to the power of council legislature to impeach or remove a chairman of council for gross misconduct. Also, the State Houses of Assembly have assumed the law making powers of council legislatures.

Federalism is principally concerned with the division of powers between a central government and the other federating units, states or regional governments. Consequently, fiscal federalism deals with the division of financial powers between central and other federating units or governments, including the local or municipal governments as are being advocated for herein, to ensure their financial independence, ability to make and implement laws meant to achieve same. In a federation, this division of powers between the federal/central government and the other federating units/governments is usually very well outlined in the Constitution, in such a way that the right to self-governance of the component states and local governments (where applicable, as is advocated in this work) is usually constitutionally entrenched and committedly guaranteed. These component entities will also possess their own constitutions which are a little elevated over the present States' laws and local government Bye-laws currently in operation, and they are at liberty to amend it as they deem fit. In almost all federations, the federal/central government enjoys the powers of foreign affairs/policy, national defense, immigration, currencies, banks, customs, telecommunications and national issues applicable to all the federating units, without which the federation would not be a single sovereign state.

Wherever there is a practice of true federalism, the central or federal government does not have any business with provision of the following:

1. Health, education, water and agriculture;
2. Matters that concern mineral resources other than those that are related to the production of arms, ammunition and security of the nation generally;

3. Taxation of incomes, profits and capital gains (with the exception of members of the armed forces, officers of the Nigerian Foreign Service, residents of the Federal Capital Territory, Abuja and persons resident outside Nigeria who derive income or profit from Nigeria) which should be left to States and Local Governments.⁴⁷

Lack of Capacity/Incompetence:

Democratic practices are relatively new in Nigerian due to military intervention. Frequent disruption of the democratic process has left the legislature with neither experience nor tradition.⁴⁸ Most legislators know or understand very little about the system of government they are elected to operate. They therefore have no democratic mindset to model their conduct. Some legislators lack the expertise or even the information to engage in meaningful debates and discussions on matters before them. Some legislators do not interact with their constituents as often as they should.

Poor Financial Base and Limited Revenue

Most Local Government Councils rely solely on allocations from federal and state governments. Most of the chairmen complain about lack of funds and high overheads. This is partially true. It is true that the local governments lose, on the average, about half of each monthly allocation to the predatory supervision of state governments. Also, state governments withhold their statutory contribution of 10% of Internally Generated Revenue to Local Government Area. The legislative arm is therefore denied of resources to carry out its activities.

Control Of Local Governments Elections By The State And The State House Of Assembly

The undue control of the local governments by the Governors and the State Houses of Assembly in the federation is very worrisome. In most States, the Governors are administering the local governments indirectly by refusing to conduct elections into the local governments but instead appointed their cronies as Transition Committee Chairmen and Members or as Sole Administrators. Where they manage to conduct elections through the instrumentality of the State Independent Electoral Commissions, members and supporters of their political parties are rigged into offices as either Executive Chairmen or Councilors. This unwelcome development has weakened our democracy as councilors elected into the council legislature cannot assert their independence to make laws or resolutions for the common good of all. Thus elections into local government councils by the various State electoral bodies are as good as the Governors of the states making political appointments.

Recommendation

The first injustice stung on the local government council areas by the 1999 constitution is the provisions in section 2 subsection (2) that "Nigeria shall be a federation consisting of states and a Federal Capital Territory," and Sections 7 and 8 need material alteration in order to delete from their provisions the clause every government of a state, and House of Assembly of a state. The import of this section is that the component unit in Nigeria is simply two; the Federal and State Governments without the inclusion of the local government areas. By the tenor of the constitution, the component states do not play the

role of errand boys to the central government. This position was given judicial nod in *A. G. Abia State v. A. G. Federation*,⁴⁹ Where the court held that:

By the doctrine of federalism which has been adopted by virtue of section 2 (2) of the 1999 constitution, the autonomy of each government which presupposes its separate existence and its independence from the Federal Government, is essential to federal arrangement. Therefore each government exists not as an appendage of another government but as an autonomous entity in the sense of being to exercise its own will in the conduct of its affairs, free from direction by another government. It follows that both the general and regional governments must each have under its own independent control, financial resources sufficient to perform its exclusive functions.

The grant of local government autonomy is *sine qua non* to the growth and development of that tier of government. Consequently the following reforms have been suggested:⁵⁰

1. The abolition of the Ministry of Local government in all the States of the federation.
2. Local Governments should assume all the duties reserved to them by the Constitution of the Federal Republic of Nigeria, 1999.
3. Direct remittance to local governments of their statutory allocations from the Federation Account.
4. State Governments to remit to Local Governments 10% of their internally generated revenue.
5. Re-enforcing checks and balances in the local government system.
6. Elections should be conducted periodically by the Independent National Electoral Commission as the ones conducted by the State electoral bodies only succeed in doing the biddings of the respective Governors.

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