



ASSESSMENT OF THE PERFORMANCE OF LOCAL GOVERNMENT ADMINISTRATION IN NIGERIA: A THREAT TO DEMOCRACY**

Abstract

Local government in Nigeria, as the third tier of government, serves as the grassroots level of governance, aiming to bring government closer to the people and foster a sense of belonging among citizens. However, despite its intended role, local government faces various challenges that undermine its effectiveness and threaten democracy in the country. This paper critically assesses the administration of local government in Nigeria, focusing on issues such as the qualification and tenure of chairmen and councilors, arbitrary removal of local government chairmen, and the operation of the Local Government Service Commission. By examining these challenges, the paper highlights how local government has become a potential threat to democracy in Nigeria. This study underscores the importance of addressing these issues to strengthen democracy and ensure the effective functioning of local government as a vital component of Nigeria's governance structure.

Keywords: Local Government Administration, Grassroots Governance, Democracy, Local Government Service Commission.

1. Introduction

In Nigeria, local government is the third tier and the lowest tier of government. It is government at the grassroots or local level.¹ Local government is subordinate to the central and state government.² Local government was created to bring government closer to the grassroots and give people sense of belonging. Local government represent government at the grassroots. It helps Nigerians to see the workings of the government and also help to harness the glut of resources of Nigeria rural sector to develop a sound basis for overall development.

Local government as grass root government has become a necessity because there are certain needs which are of direct concern to a particular locality and are best dealt with locally. Robert Ola³ opined that the existence of local government is the presumed capacity of local people to understand and conduct their local affairs. There is no doubt that local government has become permanent phenomena as grassroots government in modern governance. However, local government has posed a threat to democracy in Nigeria for instance the failure of the constitution to address the major problems of local government which include; qualification and tenure of chairman and councilors, arbitrary removal and suspension of the local government chairmen and operation of Local Government Service commission. It is against this backdrop that this paper seeks to assess the local government administration in Nigeria and how it has constituted a threat to democracy in Nigeria.

2. History of Local Government Administration in Nigeria before Independence

The institution of local government has long been in existence in Nigeria and any other part of the world, but mode of operation and the nomenclature differ from one political system to the other. Local government system in Nigeria has undergone series of metamorphosis. The system has been restructured and reorganized depending on the regime in power either military or civilian

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¹ AA Isiaq, *Nigeria Government and Politics* (Ibadan: Spectrum, 2008)

² Ibid

³ Robert OF Ola, *Local Administration in Nigeria* (London: Routledge, 2021)



administration. These changes have caused local government to pass through series of uncertainties and peculiar characteristics ⁴

Following the treaty of cession in 1861, a British Colonial Administration was established over the kingdom and Empires in Nigeria. The common law of England, doctrines of Equity in force in England, Statute of General Application, local statutes and those specially enacted for the colony or British dependences were made applicable to areas now known as Nigeria.⁵

Under colonial administration, local government was known as Native Administration or Indirect rule system.⁶ This can be traced to the Native Authority Ordinance of 1916, which was passed by the British colonial government ostensibly to leverage the existing traditional administrative systems in the different regions of the area now known as Nigeria.⁷ The ordinance was the first legal framework to operationalize a system of indirect rule. It was meant to govern the people through the native chief. The idea was to preserve and use the authority of the local rulers, local institutions, traditions and habits rather than attempt to impose totally new unfamiliar ideas from outside.⁸ It has also been argued that it was meant for the British's economies and administrative convenience advantage to save huge personnel costs that might have arisen by employing British officials to govern these local societies.⁹

It is crucial to acknowledge that from its inception, the framework of local government in Nigeria was primarily crafted to cater to colonial interests and expedite the exploitation of the Nigerian populace and resources.¹⁰ Indirect rule, in essence, relied heavily on the authority of the local ruler, typically the chief. The localization policy aimed to strengthen his control over local governance, while adhering to local customs, presumably to maintain harmony. Their primary responsibilities included upholding law and order, preventing crimes, and apprehending offenders. Ensuring law and order was of paramount importance to British administration as it played a crucial role in fostering commercial activities.¹¹ The local governance structure consists of the British Resident Officer, who oversees and manages affairs, the Native Authority typically led by a Chief and often assisted by a council of elders, the Native Treasury, and the Native Court comprising representatives from the Native Administration.¹² However, the system was predominantly founded upon influential chiefs. The authority and power of these chiefs varied significantly, ranging from the highly centralized and autocratic rulers of the Hausa emirates to the partially democratic chiefs of the South-West, and to the leaderless, decentralized, and egalitarian societies of the South-East.¹³

⁴Oluwatobi Adeyemi, 'Local Government Administration in Nigeria: A Historical Perspective' *Journal of Public Administration and Governance* (2019) 9(2):161

⁵ Robert OF Ola and DA Tonwe, *Local Administration and Local Government in Nigeria* (Lagos: Amfit Top Books, 2009)

⁶Etebom John Monday and Junior Hendri Wijaya, 'The Historical Development Of Local Government Administration And Its Contemporary Realities In Nigeria' *The Journalish: Social and Government* (2022) 3(1) 43-54

⁷Adetomiwa Fowowe, *Local Governments in Nigeria: An Undermined Tool For Development* available at <https://ssrn.com/abstract=3839158> accessed on 27 March, 2024

⁸ AA Agagu, 'Continuity and Change in Local Government Administration and the Politics of Underdevelopment.' In AA Agagu and Ola R Robert (eds.), *Development Agenda of Nigeria State* (Ibadan: Fiag Publishers, 2004).

⁹ David Olayinka Ajayi, 'British Colonial Policies and the Challenge of National Unity in Nigeria, 1914-2014' *Southern Journal for Contemporary History* (2022) 47(1) 27-50

¹⁰ Toyin Adetiba, 'Existentiality of Local Government in Nigeria an Answer to Grassroots Development, but for Unsolicited Socio-Political Factors' *Acta Universitatis Danubius Administration* (2017) 9(2) 25-46

¹¹ Emmanuel Ibiam Amah, 'Devolution of Power to Local Government: Appraising Local Government Autonomy under Nigerian Federation' *Beijing Law Review* (2018) 9(2) 275-293

¹² Ota N Ejitu and Ecoma S Chinyere, 'Traditional Rulers and Local Government Administration in Nigeria: A Historicisation' *International Journal Advances in Social Science and Humanities* (2016) 4(5) 66-76

¹³ DO Alao, KO Osakede, and TY Owolabi, 'Challenges of Local Government in Nigeria: Lessons from Comparative Analysis' *International Journal of Development and Economic Sustainability* (2015) 3(4), European Centre for Research Training and Development.



On the whole, three types of native authorities could be distinguished during indirect rule era: The Chief; the Chief-in-Council and the chief and council.

However, this attempt to unify the system of local government met informed resistance from the East and West regions, both because of its anti-democratic thrust and because the system did not fit well with the existing traditional administrative systems in those regions.¹⁴ There were numerous deficiencies in the indirect rule system, primarily because it focused on regulatory rather than executive functions. It lacked the mandate to provide social welfare services, resulting in minimal staffing for basic administrative tasks. Additionally, communities affected by this system often lacked a strong sense of ownership or participation in local governance. Despite these shortcomings, the system persisted until 1946 when the Richards Constitution introduced new regional assemblies. By 1949, the Eastern House of Assembly facilitated debates that ultimately led to the Local Government Ordinance of 1950, laying the foundation for a democratic framework of local governance.¹⁵

By 1954, democratic principles had become ingrained within the local government structures across East, West, and Northern Nigeria. Each region exercised full authority over the design, organization, and operations of its local governance. Nevertheless, the inception of the 1950 ordinance, while ushering in democratic ideals, also signaled the onset of federal and regional supremacy over local government administration. This trend, established during colonial rule, has persisted into Nigeria's post-colonial era and continues to shape contemporary governance dynamics.

3. Nigeria Local Government Administration after Independence

Another major change in the operation of Local Government in Eastern Region came in 1960 when a new Local Government Law was enacted. One of the reasons which prompted this change was the proliferation of local government councils. The 1960 Local Government Law¹⁶ replaced the indirect and restricted method of election with full adult suffrage. Additionally, it implemented the committee system within council management, focusing on areas such as finance, medical services, and health. The business of the council was to be presided over by an elected chairman. Through numerous challenges and experimental phases, the initial endeavor to establish modern local government administration in the Eastern Region endured until the collapse of the First Republic.¹⁷

As far back as 1958, it was obvious that the experiment in the western region had run short of expectation, just like that of the eastern region. The political crisis in the region between 1962 and 1965, which emanated from the split in the leadership of the Action group, also contributed immensely to the problems of the operation of local government in the region.¹⁸

In the northern regions, the Emirs remained at the helm but were required to function through the chief in council or chief and council structures.¹⁹ While in the chief-and-council setup, the traditional ruler maintained complete autonomy, in the chief-and-council arrangement, the

¹⁴ Goddey Wilson, *The Politics of Local Government Reforms and Democratic Governance in Nigerian Local Governments* *Developing Country Studies* (2013) 3(1) 136-143

¹⁵ Ozohu-Suleiman Abdulhamid and Paul Chima, 'Local government administration in Nigeria: the search for relevance' *Commonwealth Journal of Local Governance* (2016) 18, 181-195

¹⁶ The Local Government Amendment Law, 1960

¹⁷ Kehinde John Adegbite, 'Local Government Administration in Nigeria: A Critical Evaluation' *KIU Journal of Humanities* (2019) 4(3) 7-17

¹⁸ Emmanuel Oladipo Ojo, 'Leadership Crisis and Political Instability in Nigeria, 1964-1966: The Personalities, the Parties and the Policies' *Global Advanced Research Journal of History, Political Science and International Relation* (2012) 1(1) 6-17

¹⁹ Daniel Adetoritse Tonwe and Osa Osemwota, 'Traditional Rulers and Local Government in Nigeria: a Pathway to Resolving the Challenge' *Commonwealth Journal of Local Governance* (2013) 13, 128-140



traditional leader had to acknowledge the shared aspirations of the chiefs. These reforms persisted with slight modifications until the military assumed control in 1966.

Following the 1966 military coup and ensuing civil unrest, various forms of local government administrative systems were implemented.²⁰ Due to military interference in politics, the emphasis at the local level shifted from expanding political participation to administrative restructuring and consolidation.²¹ Taking a decisive step in this direction, military Governors appointed Divisional Officers as Sole Administrators. The creation of 12 states in 1967, along with further administrative adjustments, resulted in the local councils losing nearly all skilled personnel to the states, which were better equipped to provide favorable conditions of service. The Eastern region of Nigeria, being the epicenter of conflict, experienced significant turmoil in local administration, hindering any substantial development or progress. Different systems were adopted in the Eastern States following the civil war.

In war-torn areas, the fundamental principle of local government revolved around a centralized system that delegated powers and functions to headquarters from the state center. This approach, known as development administration, was notably implemented in the South-Eastern and Bendel States. Meanwhile, the Mid-West and Western regions became stages for dramatic local administration scenarios.²² For example, the Western State adopted the Sole Administrator system, which relied on force and the exigencies of the period. This system was primarily geared towards mobilizing support for wartime efforts rather than fulfilling substantial duties. This arrangement was later replaced with one tier system of local government under a system known as the Council Manager system. This development led to Agbekoya Riots in Western State in 1968 and 1969.²³

In the Northern Region, structural and administrative changes occurred with the creation of states in 1967.²⁴ The divisional administration and Native Authority system were abolished. In their place were, two-tiered pyramidal structure consisting of a local authority and subordinate district authorities.²⁵ The Emir's towering image was reduced in the new dispensation.

Between 1966 and 1976, a wave of experimentation unfolded in Nigeria, introducing new philosophies, structures, innovations, and changes nationwide. Despite these endeavors, disparities persisted in the functioning of local governments across the country. Despite the innovative approaches and experiments, local administration continued to lack a unified national focus and the esteemed value system necessary to fully realize its potential role in national development.

²⁰ Chidi A Odinkalu, 'The Management of Transition to Civil Rule by the Military in Nigeria (1966-1996)' in Kunle Amuwo, Daniel C Bach, Yann Lebeau (eds) *Nigeria during the Abacha Years (1993-1998): The Domestic and International Politics of Democratization* (Ibadan: IFRA-Nigeria, 2001) 57-99

²¹ Bernard Nnamdi Emenyeonu, 'Military Intervention In Nigerian Politics What Has The Press Got To Do With It?' (Ph.D Thesis, Centre for Mass Communication Research, University of Leicester, 1997)

²² Etebom John Monday and Junior Hendri Wijaya, 'The Historical Development Of Local Government Administration And Its Contemporary Realities In Nigeria' *The Journalish: Social and Government* (2022) 3(1) 43-54

²³ The Agbekoya Parapo Revolt of 1968–1969, popularly known as Agbekoya or the Egbe Agbekoya Revolt, was a peasant revolt in Nigeria's former Western region, home to the majority of the country's Yoruba population. The revolt was predominantly aimed at agitating for a reduction in taxes

²⁴ Decree No. 8 of 1967. In a move to check the influence of Ojukwu's government in the East, Gowon announced on 5 May 1967 the division of the three Nigerian regions into 12 states: North-Western State, North-Eastern state, Kano State, North-Central State, Benue-Plateau State, Kwara State, Western State, Lagos State, Mid-Western State, and, from Ojukwu's Eastern Region, a Rivers State, a South-Eastern State, and an East-Central State.

²⁵ Edward Baum, 'Recent Administrative Reform in Local Government in Northern Nigeria' *The Journal of Developing Areas* (1972) 7(1) 75–88



Despite this colonial history and the military coup, Nigeria's modern local government system started with the reform of local government in 1976.²⁶ The objective of this reform was to overhaul and modernize local government administration, aspiring to elevate it to a standard comparable to the best in Africa. The 1976 reform was driven by noble intentions, including the aspiration to decentralize governance by bringing it closer to the grassroots, and to establish a consistent framework for local government administration nationwide. This reform marked a pivotal moment, as it achieved a unified system of local government for the first time in Nigeria's history.

The 1976 Guidelines for Local Government is the most important document in the local government. Although, after the adoption of that document, eight more have been signed; The 1979 Constitution of the Federal Republic of Nigeria; The 1984 Dasuki Report on the Nigerian Local Government system; The 1988 Civil Service Reforms in the Local Government system; The 1989 Constitution of the Federal Republic of Nigeria; The 1992 Handbook on Local Government Administration; The 1989 Constitution of the Federal Republic of Nigeria; The 1999 Constitution of the Federal Republic of Nigeria and The 2003 Review of Local Government Councils in Nigeria.

4. Constitutional Function of Local Government in Nigeria

The Constitution of the Federal Republic of Nigeria has a history and is in various stages. A number of the Constitutions were silent on the Local Government whereas the others highlighted the relevance of the Local Governments. The Constitutions of 1979 and 1999 significantly discussed the Local Government provisions, particularly with the Local Government Reform. The 1976 Local Government Reform is the most notable reform in the history and development of the local government in the constitutional platform of Nigeria.

Section 7 of the 1999 Constitution of Federal Republic of Nigeria provides for the establishment of local government and their duty. This section provides that:

- 7.-1. 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.
2. The person authorised by law to prescribe the area over which a local government council may exercise authority shall-
 - a. define such area as clearly as practicable; and
 - b. ensure, to the extent to which it may be reasonably justifiable that in defining such area regard is paid to-
 - i. the common interest of the community in the area;
 - ii. traditional association of the community; and
 - iii. administrative convenience.
3. It shall be the duty of a local government council within the State to participate in economic planning and development of the area referred to in subsection (2) of this section and to this end an economic planning board shall be established by a Law enacted by the House of Assembly of the State.
4. The Government of a State shall ensure that every person who is entitled to vote or be voted for at an election to House of Assembly shall have the right to vote or be voted for at an election to a local government council.

²⁶ The 1976 local government reform, carried out by the military administration of General Obasanjo, brought about uniformity in the administrative structure of the system. The reform introduced a multi-purpose, single-tier local government system for the whole country.



5. The functions to be conferred by Law upon local government council shall include those set out in the Fourth Schedule to this Constitution.
6. Subject to the provisions of this Constitution-
 - a. the National Assembly shall make provisions for statutory allocation of public revenue to local government councils in the Federation; and
 - b. the House of Assembly of a State shall make provisions for statutory allocation of public revenue to local government councils within the State.²⁷

Flowing from the provisions of this section, the chairman of a local government is supposed to be elected through election. In *Akpan v Attorney General Cross Rivers State*,²⁸ In this case, the plaintiffs contested the governor's authority to appoint a caretaker committee for the Oron local government council in the high court. The defendants argued that the Dissolution of Local Government Council Law No.4 of 1979 was valid. However, the court ruled that this law conflicted with and violated section 7(1) of the 1979 Constitution, which is similar to section 7(1) of the 1999 Constitution. The court declared the Dissolution of Local Government Councils Law No.4 of 1979 unconstitutional, null, and void, granting the plaintiffs their requested reliefs. Consequently, any process, such as appointment, for constituting local government authorities' component units, will be deemed unconstitutional by the courts.

Local government, as Nigeria's third tier of government, is the closest to the people, operating at the grassroots level. The functions of local government administration are clearly outlined in the fourth schedule of the 1999 Constitution, emphasizing its crucial role. These responsibilities include: -

- a. The consideration and the making of recommendations to a State Commission on Economic Planning or any similar body on:
 - a. The economic development of the State, particularly in so far as the areas of authority of the Council of the State are affected, and
 - b. Proposal made by the said Commission;
- 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 and regulation of slaughter houses, slaughter slabs, markets, motor parks and public conveniences;
- f. Construction and maintenance of roads, streets, streets 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 birth, death 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

²⁷See also Local Government Council Law No. 4 of 1979 which is in pari material with Section 7, CFRN e 1979 Constitution, section 7

The 1999 Constitution of Federal Republic of Nigeria (as amended), section 7

²⁸(1982) 3 NCLR 881



- k. Control and regulation of movement and keeping of pets of all descriptions, out-door advertising and hoarding, shops kiosks, restaurants, bakeries and other places for the sale of food to the public, laundries and licensing for the sale liquor.²⁹

2. The function of the local government shall include participation of such council in the government of a state as respects of the following matters:

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

It is important to acknowledge that the functions listed are exclusively carried out by the Local Government as mandated by the country's Constitution. However, certain roles are shared concurrently with the State Government, such as primary education, agriculture, health, and other functions designated by the State House of Assembly. This highlights the significant and demanding responsibilities of Local Government. Unfortunately, Local Governments face challenges due to their limited and restricted revenue sources, hindering their ability to effectively fulfill their assigned functions and responsibilities.³⁰

5. Assessment of Recent Performance of Local Government in Nigeria

Nigeria has 774 local governments with an average of 21 local governments per state. Localities through their chairpersons, have promoted education by eliminating fees and levies in the public-school sector; thereby investing more public funds per student. With these measures, chairpersons seek to increase per-pupil funding in their localities. In Nigeria, the Federal Government is not best placed to respond to every issue faced by local communities. For this reason, local governments need greater freedom and capacity to tackle local issues locally, working on its own initiative and in partnership with other local and State agencies.³¹

Local governments are responsible for providing infrastructure and essential services, which are crucial for economic development. Infrastructure, both social and economic, is vital for facilitating productive activities and enhancing competitiveness. Although certain aspects of infrastructure development fall under the purview of the Federal Government, local governments play a significant role, especially in areas like rural road networks. They carry out their constitutional duties in ensuring the provision and improvement of infrastructure and services.³²

Primary Health Care, operating at the local government level, is fundamental to Nigeria's social and economic progress. Serving as the initial point of contact for individuals and communities within the national health system, it ensures healthcare is easily accessible where people reside and work, initiating a continuous healthcare process. A robust healthcare system begins locally, maximizing its reach and effectiveness. Recent initiatives in Nigeria, such as those by the Health Department of the Abuja Municipal Area Council (AMAC), demonstrate this approach by

²⁹ 4th Schedule of CFRN, 1999 (as amended)

³⁰ David Heald, *Public Expenditure: Its Defence and Reform* (Oxford: Martin Robertson, 1983)

³¹Ito Diejomaoh, and Eric Eboh, 'Local Governments in Nigeria: Relevance and Effectiveness in Poverty Reduction and Economic Development' *African Institute for Applied Economics* (2012). Available at <https://ssrn.com/abstract=2045439> or <http://dx.doi.org/10.2139/ssrn.2045439> accessed on 20 March, 2024

³²Adedire Solomon Adebayo, 'Local Government and the Challenges of Rural Development in Nigeria (1999 to date)' *IOSR Journal Of Humanities And Social Science* (2014) 19(4) 21-32



implementing health policies and services across its wards, overseeing primary healthcare facilities and serving its staff.³³

In Nigeria, education falls under the jurisdiction of three government branches. Local governments primarily oversee primary education. Local governments in Nigeria have various responsibilities, including tax collection, transportation provision, regulation of public spaces like parks and markets, official registration of vital events such as births and deaths, advertising control, vehicle licensing, road construction, and assessment of private properties.

6. Challenges of Local Government in Nigeria as a Threat to Democracy

Democracy is a system of governance where power resides with the people, as famously articulated by Abraham Lincoln. Local government, often referred to as grassroots government, represents the lowest level of public administration and fosters grassroots political participation. While local government is vital for delivering democratic dividends and promoting community development, the Nigerian experience has been marred by challenges. Despite numerous democratization efforts, Nigeria still struggles to establish a robust and stable democracy, even at the local level. This has hindered the effective delivery of democratic governance and its associated benefits, such as social welfare, justice, infrastructure development and equal access to national resources.

The most fundamental weaknesses of local governance in Nigeria are non-delivery, lack of accountability and corruption. Also is the failure of the institution of local government to enhance its capacity, to engage and mobilize the people and respond to their needs, and to administer effectively and responsibly the various local services. This paper shall examine major challenges facing local government administration in Nigeria which include poor political process, lack of local government election, electoral fraud, autonomy of local government and lack of fixed tenure by the Constitution.

Poor political Process: The lack of robust and inclusive political engagement at the local government level poses a significant challenge and undermines democracy in Nigeria. While often overlooked, a functional political process is essential for effective local democracy. Its absence contributes to other obstacles, as democracy inherently relies on political participation from the populace. Consequently, the lack of engaged local communities and strong connections between officials and citizens can account for many of the issues observed in local government performance in Nigeria. Additionally, the establishment of a reliable local electoral system, characterized by participation and accountability to the constitution, political parties, and the electorate, is crucial for improving representation.³⁴

Lack of Local Government Election: The primary objective of democracy is to facilitate elections, wherein individuals vote for representatives to govern on their behalf. In Nigeria, a significant challenge to local government administration, posing a threat to democracy, is the absence of local government elections. Initially, the federal government hindered local democracy by failing to hold general elections for the third tier of government, despite the constitutional mandate for unified local government. Consequently, local governments were left at the mercy of state governments. Since 1999, all 774 local government chairmen have never been democratically elected simultaneously.

³³ Charity Warigon, 'Closing access gaps, rural populace solicit for more functional primary healthcare centres, World Health Organization, Nigeria' available at <https://www.afro.who.int/countries/nigeria/news/closing-access-gaps-rural-populace-solicit-more-functional-primary-healthcare-centres> accessed on 31 March, 2022.

³⁴ David K Adejuwon and Akanni R Okewale, 'Challenges of Democracy and Development in Nigeria' *International Journal of Social and Policy Issues* (2018) 7(1) 1-17



An illustrative example of this neglect is seen in Anambra state, where governors did not conduct local government elections for over a decade.³⁵

Electoral fraud: In the instances where the elections are conducted, the process is crowded by electoral malpractices ranging from intimidation to other forms of violence to facilitate rigging and the ruling party's domination. According to reports, electoral crises involving killings and other types of violent clashes were recorded by election observers, journalists and other sources by the end of March 2004 in at least 22 out of Nigeria's 36 states of the federation. In 2004 local government elections were cancelled in Delta state out of the fear that elections would aggravate ongoing violence.³⁶

Since 2007, a notable instance of electoral violence occurred during the 2008 local government elections, particularly in Jos-Plateau State. The clashes ensued between the predominantly Muslim Hausa-Fulani "settlers" and the predominantly Christian indigenes following the election of a Muslim Hausa Chairman. Remarkably, such electoral violence is widespread across various states of the federation, including the Federal Capital Territory (FCT), as evidenced by incidents like the 2015 APC primary election crises which resulted in numerous party members sustaining injuries. Electoral fraud is a challenge facing local government in Nigeria which is a threat to democracy. This phenomenon hinders the purpose of democracy.

Local Government Autonomy: The autonomy of local government although crucial for democracy in Nigeria, faces significant challenges. Despite constitutional provisions granting autonomy, local governments often lack actual control over their affairs and finances. States tend to exert control through de-concentration, redistributing central resources to localities with implicit consent from central authorities. This results in local governments acting more as agents of state governments, with limited access to federal allocations and restricted autonomy in resource management and personnel administration. The State and Local Government Joint Allocation Account further undermines local government autonomy by centralizing the receipt of federal allocations.

Lack of Fixed Tenure by the Constitution: The 1999 Constitution established democratically elected local government councils under section 7.³⁷ It provides for a clear four-year tenures for federal and state political office holders, but did not specify the tenure for local government office holders. Instead, the Constitution empowered both the National Assembly and State Assemblies to enact laws concerning voter registration and election procedures for local government councils. This ambiguity led to disputes between the National Assembly and State Governors, resulting in legal battles. The lack of clarity in the Constitution regarding local government tenure is just one of its many flaws, posing a threat to democracy. Consequently, local government chairmen often serve at the discretion of state governors and can be dismissed if they fall out of favor or fail to comply with the governor's wishes. An example of this occurred in 2009 when Governor Isah Yuguda of Bauchi State suspended 20 Local Government Chairmen, citing allegations of misconduct, fraud, and habitual absenteeism as grounds for their suspension.³⁸

³⁵ Vincent Ujumadu, 'Obi, 7 others sued over non-conduct of LG poll in Anambra' Vanguard News, 27 June, 2012 available at <https://www.vanguardngr.com/2012/06/obi-7-others-sued-over-non-conduct-of-lg-poll-in-anambra/> accessed on 27 March, 2024

³⁶ Human Rights Watch, Report on 2003 general elections, available at <https://www.hrw.org/reports/2004/nigeria0604/1.html> accessed on 27 March, 2024

³⁷ Constitution of the Federal Republic of Nigeria, 1999 (as amended).

³⁸ Abubakar Aliyu and Peter H Koehn, 'Local Autonomy and Inter-governmental Relations in Nigeria: The Case of the Northern States in the Immediate Post Local Government Reform Period (1976-79)' (Department of Local Government Studies, Institute of Administration, Ahmadu Bello University, Nigeria, 1982)



7. Conclusion and Recommendations

In Nigeria, the local government constitutes the third tier of governance, functioning as the grassroots level of administration. This level of government is vital due to its direct engagement with local concerns and needs. Over time, the local government system has undergone various transformations, influenced by different regimes, be they military or civilian. The 1979 and 1999 Constitutions, have extensively addressed local government provisions, particularly through reform efforts. Local government administration plays a crucial role in delivering democracy and its benefits to the grassroots population.

However, numerous challenges threaten the effectiveness of local government administration, including failure to engage and mobilize the populace, inadequate response to community needs, and absence of local government elections, electoral irregularities, limited autonomy, and lack of fixed tenure as stipulated by the Constitution. Local government, as a governing body, should embody a strong value system and embrace democratic principles to function effectively as a democratic administrative system. It should serve as genuine service providers, capable decision-makers, and catalysts for grassroots development. In line with the above ideals, the following recommendations are deemed imperative:

1. **Promote political participation:** It is pertinent to enhance mechanisms that encourage active and extensive involvement of local residents not only in elections but also in the initiation and execution of local government projects. Promoting political participation at all levels of government is essential to fulfilling the objectives of democracy, as genuine democracy relies on citizen engagement in political processes.
2. **Combat corruption:** To combat corruption, local government officials must be held accountable to the electorate rather than state governors. A dispassionate fight against corruption at all levels is the only way out of the quagmire it has caused in the society.
3. **Constitutional Amendment:** To curb the challenges of local government administration in Nigeria, the Constitution should be amended to solve the controversy and challenges such as the tenure of office of democratically elected local government office, revenue allocation and provide for the independence and autonomy of local government as the third tier of government.