

An Analysis of the Dilemma of Local Government in Nigeria from Colonial Times till Date

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Abstract: *The objective of this paper is to examine the major constitutional constraints facing local governments in Nigeria from the Development school perspective. This is because the failure of the councils to discharge their role well has tended to make them unpopular before the citizens, as council officials are better known for their ability to squander funds meant for service delivery at the local level. The problem of the local governments is even compounded by the unbridled interference of the state governments. In many cases, elected council executives are dissolved by the state governments without due process. Some are suspended for reasons that more often than not border on party politics. Constitutionally, local governments in Nigeria are not autonomous; they are creations of their respective states, which make it difficult for them to exercise financial independence. Analysts have identified this lack of independence as the bane of effective local government operation in the country. The state governments have a stranglehold on the local government system, and this is accentuated by the fact that the election of most council officials is sponsored by the state governors. The governors' control of the grassroots through the elected councils is often seen as a measure of their control of the states' political structures. Buttressing this position on the autonomy of the local councils recently, Eme (2014) revealed that virtually all the corruption cases against former state governors before the Economic and Financial Crimes Commission and the Independent Corrupt Practices and Other Related Offences Commission have their roots in the state/local government joint accounts. This paper examined these issues and concludes by positing that as the debate over local government autonomy intensifies, they may be a major constitutional crisis in the polity if the issue of the fiscal powers and responsibilities of the local governments is not properly addressed.*

Keywords: *Local Government, Inter-governmental Relations, Nigeria, Constitution, Autonomy & Development School Perspective.*

1. INTRODUCTION

There has been growing concern in Nigeria over the deplorable conditions of the rural people. The expediency for the creation of local government anywhere in the world stems from the need to facilitate development at the grassroots. The importance of local government is a function of its ability to generate sense of belongingness, safety and satisfaction among its rural populace. All forms of government, regimes or political systems have so far ensured the attainment of this goal. Such strategy for ensuring national administration development and political efficiency is found in the concept and practice of local government. Whatever is the mode of government local government has been essentially regarded as the path to, and guarantee of national integration, administration and development.

Some forms of local government exist in every country of the world. Although there may be differences in the essential features of local government: constitutional status, historical structure, level of autonomy, etc; local government is generally seen as veritable agent of development and grassroots participation in the democratic process. Since there exist various forms of local government the world over, the concept of local government has also been seen from various viewpoints (Orewa and Adewimi, 1983:22).

In Nigeria's socio-political context, with multiplicity of culture, diversity of languages and differentiated needs and means, the importance of such an organization in fostering the needed national consciousness, unity and relative uniformity as well as preservation of peculiar diversities cannot be over-emphasized. Central to the creation of local government, however, is its ability to facilitate an avenue through which government and the people intermix, relate and more quickly than any other means resolve or dissolve issues that may have heated the system.

Local government has been perceived as a panacea for the diverse problems of the diverse people with diverse culture. As important as this tier of government has been, there seems to be some impediments that have been infringing on its performance and functions in recent time. These impediments range from political and undue interference of the higher levels of government, that is, federal and state governments, bribery and corruption to embezzlement and gross inadequacy of well-trained and qualified personnel to mention a few.

Adedeji (1969:96) asserts that the success or failure and the effectiveness or ineffectiveness of local government depends on the financial resources available to the individuals local authorities and the way the resources are utilized, indeed the problem associated with inadequacy of funding continue to remain quite high among factors most frequently associated to local government to effectively perform their statutory devolved functions. It is the closest to the grassroots. But, in terms of service delivery, it has not sufficiently lived up to its billings as the beacon of hope for rural dwellers. Although local governments are created for the purpose of easy administration at the local area, many of them are always struggling to perform their statutory functions due to financial constraints. As the appendage of the state government, the structure is under-developed. Not only are councils performing below expectation across board, its prospects as an autonomous unit of administration is slim.

2. CONCEPTUALIZING LOCAL GOVERNMENT

There is a need to explore what exactly is meant by 'local government.' It is difficult to find a single comprehensive conceptualization of local government that is acceptable to both the developing and developed countries of the world. A local government is a government at the grassroots level. According to Ojofeitimi (2000), the word "local" suggests that councils are meant for small communities and the word "government" means that they have certain attributes of government. Thus, he defined a local government as "... a political sub-division of a nation (or in a federal system, a state) which is constituted by law and has substantial control of local affairs including the power to impose taxes or to demand labour for prescribed purposes. The governing body of such an entity is elected or otherwise locally selected. Thus, an essential feature of local government is autonomy.

This implies that although local governments are creations of the state or federal government, and therefore, are subject to state or federal government control in certain areas, nevertheless, they enjoy a reasonable degree of independence in administrative and financial affairs (Blair, 1977:13). For example, the local governments enjoy considerable autonomy in the preparation of annual estimates or budgets, the hiring, control and discipline of their own staff subject to a certain upper limit and the execution of certain projects (Ozor, 20003:19). However, it is important to mention that local government autonomy varies from one country to another and even within the same country, from one regime to another as has been the case in Nigeria.

Local governance is a product of decentralized administration. It is a government at a local level that operates through a representative council established by law to exercise specific powers within defined areas. It is responsible for the creation of an appropriate and conducive environment in which all sectors of the economy can perform optimally, and it is this catalytic role of local governments that propelled governments all over the world to search continuously for better ways to deliver their services (Aluko, 2011).

Madidick (1963) defines local government as a sub-unit of government controlled by a local council which is authorized by the central government to pass ordinances having a local application, levy taxes or exact labour and which within limits specified by the central government varies centrally decided policies in applying them locally. Lockard (1970) and Wraith (1972) loosely defined local government as public organization authorized to decide and administer a limited range of public policies within a relatively small territory which is a subdivision of a regional or national government. Local government is at the base of a pyramid of governmental institutions, with the national

government at the top and intermediate governments (states, regions, provinces) occupying the middle range. Normally, local governments of one specific function or service.

Whalen (1970:312) elaborated on the definitions offered above. According to him, each unit of local government in any system is assumed to possess the underlisted characteristics: a given territory and population, an institutional structure for legislative, executive, and administrative purposes, a separate legal identity, a range of power and functions authorized by delegation from the appropriate central or inter-mediate legislature and lastly, within the ambit of such delegation, autonomy, subject always, at least in Anglo-American tradition, to the limitations of common law such as the test of reasonableness.

Awolowo (1952) cited in Adeyeye (2003) referred to local government as “a system of government where local councils make, accept responsibility for, and implement their own decision subject only to such control as may be exercised by the people through their own regional government” (Adeyeye, 2003:30). Adrain (1960), writing in the International Encyclopedic of the social science sub verbo “Local Policies” defines local government as:

A political submission of a national or regional government which performs functions that are culturally defined as “Local” in character, which in nearly all cases receives its legal powers from the national or regional government but possesses some degree of discretion in the making of decisions and which normally has some taxing powers (Adrain, 1960:149).

Hickey (1960:159-168) referred to local government as the management of services and regulatory functions by locally elected councils and officials responsible to them, under statutory and inspectorial supervision of central legislature and executive, but with enough financial and other independence to admit of a fair degree of local initiative and policy making. . .

Monthue (1968), on the other hand, defines local government as government by local bodies, freely elected which while subject to the supremacy of the national or state government out endowed in some respect with power, discretion and responsibility which they can exercise without control over their decisions by the higher authority. The New Columbia Encyclopedia (1975) defines local government as the political administration of the smallest sub-division of a country’s territory and population.

The concept of local government, as observed by Dumadu (2008), involves a philosophical commitment to democratic participation in the governing process at the grassroots level. This implies legal and administrative decentralization of authority, power and personnel by a higher level of government to a community with a will of its own and performing specific functions as within the wider national framework. Lawal (2000) also defined the local government as that tier of government closest to the people that is vested with certain powers to exercise control over the affairs of the people in its domain.

Agbakoba and Ogbonna (2004) define the local government from a legal perspective. They see it as a political administrative unit that is empowered by law to administer a specific locality. To Akpan (1967), the local government implies the breaking down of a country into small units or localities for the purpose of administration in which the inhabitants of the different units or localities concerned play a direct and full part through their elected representatives. The local government is the lowest in the governmental hierarchy within the concept of federalism.

It exists within a defined territory. Local government is a political sub-division of a nation or state and it exists within a geographical and political territory which has well defined boundaries (Ozor, 2003:18). The federal government is the sovereign national, the state government, a quasi-sovereign and the local government, the infra-sovereign. It is infra-sovereign, subordinate and subject to the control of the state government; yet it is a separate legal unit being a body corporate having a common seal, with powers to sue and to be sued, and mainly providing obligatory municipal services (Samihah and Salihu, 2011).

Usman (2010) sees the local government as a system of public administration at a local level, charged with the responsibility of bringing the people at the grassroots closer to the government. He, however, regrets that a critical survey of local governments in Nigeria today shows that they live in the shadow of the federal government, that a situation has resulted in the abysmal failure of the system. Agagu (1970) defines the local government as a government at the grassroots level of administration meant

for meeting peculiar grassroots needs of the people. Appadorai (1975) defines it as a government by the popular elected bodies charged with administrative and executive duties in matters concerning the inhabitants of a particular district or place.

On his part, Emezi (1984) perceives the local government as a system of local administration under local communities that are organized to maintain law and order, provide some limited range of social amenities, and encourage cooperation and participation of inhabitants towards the improvement of their conditions of living. It provides the community with a formal organizational framework that enables them to conduct their affairs effectively for the general good. From the Anglo-Saxon standpoint, the concept of local government connotes "local-self government," which most people support. As Ola posited,

Local self-government is not reconcilable with the running of local affairs by local men nominated for the purpose by the central government (Ola, 1984:8)

This contrary opinion is that, since local governments are not independent bodies and derive their powers and functions from the higher authorities, they cannot be considered self and autonomous bodies (Ekpe, 2006). According to him, the Anglo-Saxon assertion of a right of local self-government is a presumption based on a principle of spirit and not law, for it is a fundamental fact that, despite the age-long history of the local government in England, it is a creation of parliament, and in the USA it is a creation of the state legislature and statutes. Both in the United States and in England, a local government may not do anything not specifically authorized by a higher authority. It exists for purposes defined by the national and state government in England, and by the states of the union in the United States. Irrespective of the perspective, Ugoh and Ukpere (2009) observed that the following points are certain about local governments. First, a local government is a level of government with assigned legislative and executive powers to make and execute policies covering a particular local government area. Second, the constitution provides for its establishment, defines its structures, functions, power and sources of revenue. Third, the relationship between the local government and the central or state government is clearly stated in the constitution. Fourth, in a federal state like the USA or Nigeria, the local government is constitutionally recognized as the third tier of government while in a unitary state like Britain.

As inculcated already, each of this definition as a variation on a common there, and arising from it all we can be reasonably sure of what we are dealing with local government.

- Is a sub-system playing its part with the
- Large national political system (Oni, 1984:18)
- Is the lowest level of government in a uniting political system and lowest level government in a federal, con-federal three level government?
- It is usually elected / selected and representative
- It is established by law and has certain responsibilities.
- It includes an certain population living within the confines of a defined territory and
- It is a legal entity of its own, and so can sue or be sued (Ola, 1988; 59).

This simple range of definitions obscure wide variations in local government systems and operational patterns, and it should be supplemented by a system of classification for both description and analysis. This is because in the past, local government has been classified largely in terms of their formal structures. Thus, in the United States, great stress was laid on the question of whether a local government had a mayor with broad executive powers or a mayor who was little more than a presiding officer of the city councils; whether the council members divided among themselves administrative responsibility for the several aspects of local government (the commission type); or whether the council employed a professional executive agent to administer the city's affairs and be accountable to the council (the city-manager plan). Similar emphasis was placed on form and structure by authors attempting cross-national comparisons of local governmental systems. Ezeani (2004) summarized certain characteristics of local government to include:

- Localness;

- It has a legal existence enshrined in the constitution;
- It engage substantial autonomy;
- It exists within a defined territory;
- Local government exercises its authority over a given population;
- It exercises specific powers and performs specific functions allowed by the constitution.
- The council is composed of elected representatives of the local people;
- Local government is bureaucratized into departments divisions and units.

3. THEORETICAL FRAMEWORK OF ANALYSIS: THE DEVELOPMENT SCHOOL PERSPECTIVE

This perspective differs from the democratic-participation and efficient-service schools of thought over its ethnocentric bias in favour of the developed Western democracies. It argues that from Alex-De-Tocqueville and J.S. Mill to James Bryce and to contemporary theorist such as James Sharpe, William Mackenzie and Hugh Whalen there was a lot of emphasis on Western Europe and Northern American. This school essentially seeks to make the local government a tool for the promotion of national consciousness and national integration (Ola, 1984: 14). Its emphasis is political development which modernization theorists see as the breaking down of primordial loyalties and the transfer of such loyalties to the central and national government. The local government becomes a tool of nation building and national unity. It decongests the activities of the centre by locating such to the locality but in doing this, it brings the influence of the centre to the locality. It creates an awareness of life beyond the locality and in this way, serves as an instrument for the breakdown of dysfunctional parochialisms that tend to interfere with the development of a national consciousness. Local government can also complement this in another way. It can act as a means of dispersing and localizing political tension, and in that way, neutralizing its impact.

As Ola puts it, by allowing local government to emphasize local interests and argue sectionally for parochial needs, a means is created for politically letting off steam. A build-up of strong local feelings and sentiments without such a safety valves this can mean an unwitting build-up of local tension which when it explodes, might hurt not only the local system but the national as well (Ola, 1984: 15). Also, by harnessing developmental resources from the local level and applying same at that level to provide basic needs, the developmental school opines that the local government becomes a potent instrument of self-reliant development.

The emphasis of the exponents of development theory of local government is that local government is an agent of national integration, political integration, nation-building, social development, economic development, grassroots development, and in general, national development in the developing states (Ezeani, 2004:42-44). According to Ola (1984:14) “local government in developing countries is seen as a veritable instrument for national development, national integration, national evolution and national consciousness”. While, for Ezeani (2004) local government in developing areas are mainly concerned with the following functions; (i) decongesting government at the centre, by so doing, freeing national leaders from onerous details and unnecessary involvement in local issues (ii) enhancing people’s understanding of governance or public issues and facilitating economic development (iii) fostering an enduring and practical economic betterment at the local level (iv) training people in the art of government and (v) strengthening national unity. The developmental school really emphasized how local governments in the developing world can be an effective agent of a better life, an improved means of living, socially and economically, and a means to a better share in the national wealth

One of the major interests of developing nations is how to achieve a reasonable level of economic development and political integration in societies that are culturally plural, and in many cases, culturally diffused. The proponents of this school contend that far more than in developed Western countries, the local government in developing nations can and should have the function of helping to reduce the congestion at the centre. This it can do at the local level by being involved in implementing socio-economic programmes that attempt to reconstruct the infrastructure necessary for an improved way of life. It is argued that if the local government is well empowered to stimulate initiatives, inculcate a feeling of national consciousness in and encourage a patriotic drive and experimentation in

the people, can more easily identify available local skills, interests, and capitalize on developing them (Eme & Egwuma, 2013).

Developing countries have come to appreciate the fact that the only meaningful and sustainable form of development is that which is endogenous, that is, development which emanates from the will and desire of the people rather than the one imposed from outside (exogenous development), and that the more superior developmental approach is the “bottom-up” rather than the “top-down” or “directive” approach (Eme, et.al, 2009 & 2013).

According to Buhari elsewhere, relations between Abuja and the states have to be clarified if Nigerians are to serve the country better. Constitutionally, there are limits to powers of each of the three tiers of government but that should not mean the Federal Government should fold its arms and close its eyes to what is going on in the states and local governments. Not least the operations of the Local Government Joint Account. While the Federal Government cannot interfere in the details of its operations, it will ensure that the gross corruption at the local level is checked. He adds that far as the constitution allows him, he will try to ensure that there is responsible and accountable governance at all levels of government in the country.

For him, he will not have kept his own trust with the Nigerian people if he allow others abuse theirs under his watch. The excerpt above was part of President Muhammadu Buhari’s inaugural speech on his swearing in day. If the speech is anything to go by, it indicates one thing, good times probably at sight for suffocating challenges facing local government governance in Nigeria. Presumably, the president’s point on the local governments operations might have been stimulated by the myriad of problems and difficulties confronting local government administration in discharging effective service to the people at the grassroots. This, therefore, brought to the fore, once more, the debate on the local government autonomy. As the third tier of government, it is desirably expected for local governments to assume and exercise freedom and independence, in all ramifications, within the dictates of the laws of the federation. But that is not the case, as the local governments across the country are tied to the apron strings of the state governments. Hence, they have not been impressive. While the president acknowledged corruption as the bane of local government administration, he made reference to the issue of “operations of the Local Government Joint Account”. This is what the states have perpetrated to hold the local governments to ransom. The low provision and maintenance of infrastructure have, amidst the denial of autonomy to run its affairs, been blamed on the insufficiency of statutory allocations from the federation accounts. Local government administrators are quick to refer to the status quo as what is responsible for their abysmal performances.

4. THE DILEMMA OF LOCAL GOVERNMENT IN NIGERIA FROM COLONIAL TIMES TILL DATE

The structure of modern local governance is often in competition with the traditional institutions of governance for the support of the people. While most people desire to obtain services from the local government they do not feel it is their duty to support it by paying their rates and taxes. Instead they willingly give such support to their town unions and age grades. Of course most people accord more reverence to their traditional rulers than the chairman of their local council. This behaviour, which is quite widespread in Nigeria, arises from the fact that the structures of local government are viewed as alien while the traditional institutions are considered more accessible and caring.

Since 1914 when the Southern and Northern protectorates were amalgamated to 1967, Nigeria was ruled without regard for its diversities. For 53 years (1914-1967), the citizens of the minority groups in Nigeria were made to feel that their languages, culture instructions and traditions could not be safeguarded and protected in the Nigerian polity. Even after subsequent creation of states by the military in 1967 and 1976, the fire of separatism was not doused. The state creation fuelled the emergence on the political turf of centripetal and centrifugal tendencies, Nigeria in its 100 years of existence has gone through ten (10) Constitutions in 1914, 1922, 1946, 1952, 1954, 1958, 1963, 1979, 1989 and 1999. The Constitutions had nine major weaknesses which include: lack of structural balances, replacement of federalism of coordinate government by federalism of subordinate government since 1966, centralisation of power and persistent lack of respect for the principle of subsidiarity: inadequate attention of the need for economy in governance, lack of adequate measures to protect the rights of ethnic minorities, monopoly of the power to control natural and human resources, persistent breach of principles of fiscal federalism and the pursuit of short-term political

expediencies. In 1954 when the Lytteton Constitution was formed, a federal system of government was adopted by consensus (See Nwabueze, 1982 and Yahaya, 1989 and Elasi, 1967).

The 1954 Constitution among other things, guaranteed the sharing of power between the centre and the federating regions. It also recognised each set of authorities as coordinate (with the centre) and not subordinate as it is today, outside that, each government was granted the power to exercise control over human and natural resources within its territorial area, while also exercising fiscal federalism, which guarantees independent sources of revenues and formulas for revenue sharing. The involvement of military in governance and power over the years has destroyed these noble ideas.

The creation of more states and local government by the military benefited certain groups. Local government is the one that provides the greatest scope for grassroots development. Not only do local governments touch the lives of the people most intimately, it is also at their level that the practice of democracy has the greatest possibilities. In a country as large and as populous and diverse as Nigeria with tremendous varieties in local customs, traditions and general ways of life of the people and with different modes of social organisation, the need to ensure that various local governments are firmly in tune with all these becomes imperative. In other words, local systems of governance must adapt to their social, political, economic and cultural environments (Nwabueze, 1982).

This means that the imposition of a uniform local government system through the length and breadth of the country is a breach of these principles of subsidiary and local solidarity. Since the 1950s, local governments of a few countries including those stated above have undergone so many transitions, the Nigeria's systems of local governance moved from the colonial inheritance of indirect rule through national authorities to elected councils. A fundamental feature of this period was that each region or state carried out the reorganisation of its local governance system in the way it deemed fit since under the Nigeria Federal System, local government is a state subject. Thus, several system of local government existed (Emezi, 1984).

In 1976, the Federal government entered directly and introduced the most pervasive land sweeping reforms. And, second, a uniform system of local governments system for the whole country was promulgated. Different local government areas were created that paid no respect to history, tradition, culture and community solidarity (Okoli, 1989). Thus, today Nigeria has 774 local governments. During the inauguration of His Royal Majesty Late Dr. Sanda Ndayako, Etsu Nupe led Technical Committee on council reform former President Obasanjo said among other things that the present structure and operation of the local government negate the noble intentions of the 1976 local government reforms. The Technical Committee is to diagnose the crisis of the local government system in the country, the problem of inefficiency and high cost of governance with a view of reducing costs and wastage at the three tiers of government (Iwilade, 2012).

In effect, former President Obasanjo added that the function of the committee incorporates other 'weighty issues that impact, an equal measure, on the arrangements at the federal and state levels. What then President Obasanjo did in the formation of the Technical Committee cannot be equated to backdoor constitution amendment. The National Assembly under the leadership of the then Senate Anyim Pius Anyim and Hon. Ghali Na'Abba had set the motion rolling on local government reforms. It was agreed upon by the law makers then, that the local governments should be removed as a beneficiary of federation allocation. Immediately this was made known to the public, the agitation for creation of more local governments went down (Igbuzor, 2009).

Put differently in the last 65 years, councils have operated under various nomenclatures as rural governments, urban councils, local authorities, district councils, town councils, local governments, municipal councils or local council development areas. Either under the military regime or civilian dispensation, local governments have always been relegated to the background.

A political scientist, Boniface Ayodele, described the local government as a victim of the lopsided federal arrangement. He recalled that while councils were grappling with challenges of growth in the First Republic under the regional arrangement, their challenges multiplied under the military rule, despite the reforms introduced by successive administrations. The 1999 Constitution has not specified that the council is a third tier, unlike what we have in India and other countries. Here, it appears that they mere local agencies of the state administration for the purpose of interface with the countryside (Eme, 2011).

Under the military regime, local governments were created by the Federal Government. In 1999, the existing 774 councils were listed in the 1999 Constitution. Since then, it has been difficult for the state government to create additional councils. When new councils were created by the Lagos State Government through the instrumentality of the House of Assembly, they were not listed in the 1999 Constitution. The Supreme Court did not condemn the process. But, it pointed out that they were inchoate (Oladesun, 2014a).

Currently, the allocation of money is allocated to the councils by the federal government from the Federation Account. This is irksome to the states, which is vested with the power to create or dissolve the councils under the constitution. Last year, the Deputy Senate President, Ike Ekweremadu, called for the upgrading of the council into the third tier, based on the clamour for council autonomy by some stakeholders. But, pro-federalism crusaders opposed the suggestion, saying that only two tiers, a central government and states, which are coordinate with the central government as component units, constitute the making of a true federation (Oladesun, 2014b).

There was future over the reduction of the tenure of the elected local government from three to two years by some governors. In some states, governors even indicated that they would appoint supervisors, advisers and other aides for new council chairmen. The channels for disbursing council funds have also become a bone of contention. The money is allocated to the councils; it does not go directly to the councils. It is deposited in the State/Local Government Joint Accounts (JAC). At the JAC Committee meeting, the council is a junior partner. There are allegations by local government workers that governors indulge in diverting council allocation through controversial deductions. The illegal deduction compelled President Goodluck Jonathan to suggest the separation of the State and Local Government Accounts. But, the move was criticized by the governors and their commissioners (Eme and Izueke, 2013).

According to experts on local government studies such as (Oyeleye & Gboyega, 1979, Olowu, 1988, Orewa, Adewumi, 1992, & Adamolekun, 1983, Ola 1984 and Ezeani 2004), the modern local government system is engendered specie. Unlike the councils of pre and independence eras, local governments have grossly failed to generate employment. It has not stemmed the rural/urban migration by youths due to the absence of economic, social and recreational facilities. Also, the council has become an avenue for private accumulation by elected chairmen and councilors.

Crisis between state and local governments permeate the inter-governmental relationship. Across the federation, between 2006 and 2007, council chairmen and governors were at loggerheads over illegal deduction of council funds by the states, with governors threatening to sack chairmen who raised serious objection. For example, former Ekiti central local government chairman, Hon. Aye Fasubaa, cried out that he was being victimized for objecting to the diversion of council funds and illegal deductions by the governor. In 2012, when President Jonathan suggested that the Joint State/Council Account (JAC) should be abrogated and local governments should receive its allocations directly from the federal purse without recourse to the governors, the suggestion did not go down well with the councils. In recent times, chairmen whose names have appeared in the black book of the governors forfeited their offices through the dissolution of the councils, in active connivance with the Houses of Assembly (Oladesu, 2014a).

In Ibarapa local government, former Governor Rashidi Ladoja delayed the swearing-in of the Alliance for Democracy (AD) council chairman, who defeated the candidate of his party, the Peoples Democratic Party (PDP), at the poll. In fact, in some states in the South-east, South-south, South-west, and North-central, governors have resisted attempts to hold council elections, to the consternation of anxious aspirants (Eme, 2011). Local governments are also oppressed by the federal government. This suppression preceded the current democratic dispensation. In consonance with its centrist approach, the Abacha Administration dazed the country when he appointed a minister of local government.

The 1999 Constitution, which is the legacy of Abdulsalami Administration, also created friction between the federal and state governments over the control of the local governments. The federal government insisted that states lacked the power to create more councils belong to it, claiming that all the councils have already been listed in the constitution. Former Katsina State Governor Umaru Yar'Adua, who later became President of Nigeria, had to retrace his steps by axing the newly created councils in the state, out of fear. Actually, the power to create councils in section 8(3) is vested in the House of Assembly. But section 8(6) gives the power to ratify the creation and list newly created

councils to the National Assembly. Many are clamouring for the review of the constitution to clear this area of friction (Ukertor, 2009).

In Lagos State, Tinubu Administration created additional 37 local councils. Despite the fact that they were created by legitimate state authorities, the Federal Government disagreed. The allocations due to the pre-existing 20 local governments were seized by the Obasanjo Administration. Also, the Senate refused to list the new councils in the constitution, despite the referendum that gave their creation the nod (Eme, 2011).

In fact, in a memo to the late President Umaru Yar'Adua, who had earlier directed that the withheld allocations should be released, the Ministry of Justice advised him to terminate the newly created councils, saying that they were undermining the judiciary and challenging the authority of the federal government. Irked by the incessant Harassment, House of Representatives member, James Faleke, former chairman of one of the councils not listed; Ojodu Local Council Development Area (LCDA); said: *"The victimization of Lagos councils by the federal government undermines the right of logicians to development"* (Oladesu, 2014a).

How have the existing councils fared nationwide? Have they justified the people's confidence? In Lagos, the House of Assembly members are still inundated with complaints during the town hall meetings that many chairmen showcased cosmetic achievements.

One of the banes of the councils is the bloated bureaucracy. Many experts think that the councils should trim down so that money spent on maintaining gigantic structures could be deployed to capital expenditure. For example, it has been pointed out that the council cabinet is too large and burdensome. Council chairmen maintain extensive political structures. They appoint too numerous supervisory councilors, special advisers, special assistants, and personal assistants like the President and governors, making the recurrent expenditure to soar. This is at the expense of capital expenditure (Oladesun, 2014b). There is also the need for reforms in other areas of council administration, particularly in making sure that the trio of chairman, council manager and treasurer are closely monitored to prevent outright embezzlement and misappropriation of council funds.

It is ironic that State Governors who are fighting for more powers to be developed to states from the Nigeria federation are to ones centralizing power, wanting to control everything in their States, thereby stultifying the emergence and growth of democratic participation and governance as well as control by the grassroot populace over their lives and resources through autonomous and functional local government administration. The State Legislative Houses of Assembly are also engaged in the struggle to control local government administration. As a result of this, most State Legislatures have clashed with their Governors and local government councils in the past decade. The local Government (LG) system in Nigeria holds a critical role in the consolidation of democracy in the country. But because of the ambiguities in its status and responsibilities as enshrined in the 1999 Constitution, and the hue and cry that attended the generally poor performance of operators of the local government system between 1999 to date, it has continued to dominate the centre-stage of national discourses and certainly has been a serious source of concern to policy makers and analysts alike.

The 1999 Constitution contains several centrist features that raise questions in regard to its federal nature. Apart from the genuine fears that the tendency for power to concentrate in the hands of some ethno-regional elites could lead to the exclusion of people who are out of power, it was believed that the desperate struggle to capture power at the centre was in order to control the benefits that come from these enormous powers and resources. And the support, in some quarters, for a return to a regional arrangement on the basis of a modification of the existing zoning system derives largely from the conviction that the present federal structure does not conduce to true federalism because each federating unit is too politically and financially weak to withstand the overbearing power of the centre. However, there is a growing popular demand for the reconfiguration of the Nigerian federal state in a manner that substantially ensures the decentralization of power and resources to the states and local governments. Hence there is a widespread support for decentralization of power, which should reduce the very long and inexhaustible exclusive legislative items. The Constitutional Exclusive Legislative List, with articles numbering about 70, goes beyond the traditional spheres of federal concerns such as foreign policy, defence, currency and monetary matters, customs and excise, to include items such as education, agriculture, commerce, stamp duties, marriages, weights and measures etc, all of which can be competently handled by the states and local governments.

On the status and role of local governments, the 1999 Constitution is not only a move backward to 1979 Constitution but also a total regression from the gains made by the local government system between 1989 and 1999. In the 1989 Babangida Constitution, the local governments were given power as a group of independent third tier of government in the Federation. The presidential system of governance in the same Third Republic was extended to the local governance. This progressive development of local governance was supported by and retained in the 1995 Abacha aborted Constitution.

Though the 1989 and 1995 Constitutions were remarkable progress over the 1979 Constitution as far as local governments are concerned, compared to the 1st Republic Nigeria they did not even go far enough. In the First Republic, the native Authorities (our today's local governments equivalent), were truly autonomous. They had control of their resources and even security. They controlled the judiciary (Native Authority Courts), the Police and the Prisons. It is argued that these powers were abused by the then local administrators/traditional chieftaincy/emirate institutions. That the Native Authorities were regarded as corrupt, oppressive, abusive of their powers and politically manipulated by political parties and governments in power. This may be true. But is there no rampancy of corruption, abuse of power and political oppression in today's centralized system? Problems exist at all levels of governance in the Federation, and indeed in our larger society. We need to provide strategic responses to such problems. Hence the various efforts embarked upon by successive administrations at reforming the local government system in Nigeria. The underlying philosophy of the 1976 Local Government Reforms was the need for a uniform administrative system throughout the federation. The system was designed to be a multi-purpose administrative unit with clearly defined functions shared between the state and local governments and statutory provisions for the local governments. As a result of the reforms, 301 local government areas were created all over the country. Subsequently, the number was increased to 559 in 1991 and to the present 774 under the 1999 Constitution.

The main goals and objectives of the 1976 Local Government Reforms were stated in the guidelines, as the following:

- To make appropriate services and development activities responsive to local wishes and initiative by devolution, or delegating them to local representative bodies.
- To take the exercise of democratic self-government close to the local levels of our society and to encourage initiative and leadership potential.
- To mobilize human and material resources through the involvement of members of the public in their local development.
- To provide a two-way channel or communication between local communities and government (both state and federal).

Since the 1976 Local Government Reforms there has seemingly been different opinions with respect to the desirability or otherwise of local governments as an independent tier of government. This issue has taken different approaches by proponents and opponents from all over the country, depending on the nature of the pre-colonial social formation and the manner in which the colonial state interacted with the people at the local level. Successive governments since independence have realized the importance of effective administration of local councils. This could be seen from the long history of reforms that the local government system has undergone since 1945 (shortly after World War II). The initial effort by the British government was to democratize the system as a basis for social and economic development. The British realized that local governments not only has an important role to play in developing the communities but also has social responsibility in providing the platform for mobilization and political education. This move by the British colonial government indicated a shift of the rationale for the existence of local governments as being primarily a "law and order" instrument, to one actively involved in the local economy and in social development. This is the premise on which local governments came to be defined as "the government that is closest to the people", and involving people at the grassroots, in the context of the overall development of the entire society.

After the experience of the colonial state, various regional governments in Nigeria made further improvements towards attaining the earlier stated objective, from the decade of the 1950s through the 1960s. For example, the Northern regional government enacted the Native Authority Law of 1954

while the Eastern and Western regional governments enacted the Local Government Laws of 1950 and 1952, respectively. These laws were concerned with the structural changes of local governments, and definition of the functions of powers and responsibilities, and the democratization of the membership of local government councils, but much attention was, however, paid to their developmental responsibilities. Even with the creation of the 12 states in 1967, and the adoption of the “development administration” policy of the federal government, not all states effected a uniform implementation of the policy. For example, the Western State created administrative divisions and appointed sole administrators to operate them. The aim was essentially to aid the process of democratization, decentralization, and deconcentration. By 1973, however this arrangement was replaced by the council manager system, a type of city government generally being practiced in the United States (Okafor, 1986). The local government system, however, continued to be plagued by the problems of funding, staffing and popular participation as well as the more crucial role of social and economic development, thus providing the basis for the several reforms that have been undertaken for the local government system. As Oyediran (1987) observes,

All attempts at reforms have always been focused essentially on the powerlessness, poverty, parochialism, patronage-ridden personnel practices and the paucity of development oriented administrators in the local government councils. Indeed, even after the 1976 Local Government Reforms, these problems seemed to have persisted resulting in further reform efforts up to the present. The immediate impact of the 1976 Local Government Reforms was the increase in local governments’ share of the revenue of the nation. There was a quantum leap in the revenue of many local governments which were then able to embark on large-scale projects in the economic sector, especially agriculture, health, cottage industries, water schemes, rural road development, etc. The fact was, however, that whereas the tempo of economic activities increased in scale, there was not a commensurate growth in scope. The expenditures of most local governments increased significantly in favour of recurrent expenditure, mainly salaries and wages and other overheads, rather than capital development. However, where capital expenditure was witnessed, it was often more in favour of the economic sector which had the potential of making the provision of economic goods and services available for all Nigerians at the grassroots level. A sad development that needs to be noted here were the many grandiose projects embarked upon which had little relevance to the needs of the local communities. It was such that when the oil revenues started to dwindle, the projects were abandoned, leading to colossal waste of resources.

The desire of the federal government was to create local government councils which would be democratic, and would readily respond to the yearnings of the peoples at the grassroot. Regrettably, however, Oyediran (1987) has documented that apart from the 1976 exercises in which direct elections were held into local government councils in ten states, the last time elections of any kind were held into offices of this tier of government was in 1964/1965...

To this observation, we could add a few other times, like in December 1979, when there were elections into local government council positions and unsuccessfully in 1984, until again in December 1998. In effect, therefore, “Local Government councils have been led by people who cannot in the more appropriate sense of the word, claim to have the mandate of the citizens to be their elected representatives.” Indeed, this trend has virtually continued even into the Fourth Republic, when from June 2002 to March 2004, local government councils were governed by caretaker committees or by such other underdemocratic appointees of the state governors. The next major tinkering with the local government structure and its functioning was the review of local government administration in 1985, otherwise known as the Dasuki Review Committee. It is important to recount the terms of references of the Committee, which were the following:

- To evolve the most suitable mode of managing local governments within the context of the present military administration.
- To examine the existing structures, functions and financial resources available to local governments for the performance of those functions.
- To look into the accounts/management (staff) problem of local governments, including the standardization of the various departments of the councils.
- To evolve a proper place for traditional authorities in local governments.

- To propose how best to manage intergovernmental relations between federal, state, and local governments and also between local governments and ministries for Local Government Service Boards/Commissions, etc.
- To work out manpower development schemes for all local government staff.
- To deliberate and recommend on the matters the Committee considers relevant for the improvement of local government administration in the country,

Following the acceptance of the Dasuki Committee report by the federal government, another committee was set up to design an appropriate scheme of service for local government employees in the country. The result is that local government employees enjoy the same salaries, allowances as well as other conditions that obtain in the civil service either at the state or federal level.

In 1988, the federal government set up another technical committee on the application of civil service reforms in the local government service. This time also the committee was to study the new civil service reforms and make the commendations on how they would apply in the local government service bearing in mind the peculiarities of the service and the need to preserve the gains made in building the service in the recent past. To consolidate on the gains that the efforts on reforms which the federal government had made through the various committees, the 1979 Constitution of the Federal Republic of Nigeria recognized local governments as the third tier of government and assigned concrete functions to the local government in the Constitution.

More changes were introduced into the status of local governments, as contained in Decree 23 of 1991, which introduced the presidential system of government into local government administration. This means that the local government council, which is the highest decision-making organ at that level, shall be a legislative body, and separated from the executive arm of the local government. The executive arm then consisted of the chairman of the council as the chief executive, his deputy and supervisors. Egonmwan and Ibodje (1998:16) have summarized some of the changes and innovations that have taken place in the local government system since the 1976 Reforms to date. These are:

- The professionalization of the local government service.
- The application of the presidential system in the local government system, such that the chairman is chief executive and accounting officer, separate from the council which is the legislative arm, made up of elected councilors.
- The establishment of mandatory departments in local governments.
- The establishment of the position of supervisory councilor's secretaries to the local governments and treasurers, as well as the creation of the office of the auditor-general for local governments.

The current role and status of the local government system in the 1999 Constitution, section 7, subsection (1), 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. It could be seen from the foregoing that there have been a lot of efforts to reform the local government system. It should, however, be noted here some of the issues central to the 1976 Reforms. First is that there should always be elected representatives at the helm of affairs at the local governments. Second is that the local government system should be a distinct tier of government, yet dependent on the other two tiers, namely the federal and the state governments. Third is that the resources of the people which are channeled either through the states or the federal governments should be shared in such a way as to give such resources according to responsibilities of each tier of government.

But we make bold to assert that from 1976 to date, the local government system has suffered so much abuse in the running of its affairs than the other two tiers. For example, between 1966 and 1979, when the military was in power, local governments had appointees over their affairs. Between 1979 and 1983, local governments were also under appointees and not elected representatives. That is why it was unpalatable to us as democrats and as people who believed that we must always have elected representatives at the local governments, when in 2002, under a democratic dispensation, the other two levels decided to shove aside elected representatives and to have appointees over the local government system in Nigeria. The point to note is that whereas the president, state governors and

other elected representatives do not have to be removed from office before their election or reelection, so there should similarly be seamless transition at the local government level so that one set of elected representatives would pass the mantle of leadership to the next elected representatives, rather than have appointees coming and going and thereby truncating democratic regimes at the local government level.

Another issue that relates closely to the development of the local government system has been the provisions of the constitutions. The 1989 Constitution for the first time introduced the issue of the presidential system into the local government system. This provided for an executive arm separate from the legislature. The 1995 Constitution upheld it (although that Constitution was not implemented). Sadly, the 1999 Constitution introduced some major reversals, especially with respect to the status of local government, funding and resource allocation and the tenure of local government elected representatives.

It would be recalled that in 2012, one major contentious issue in the amendment of the 1999 constitution is autonomy to local governments. While the National Assembly saw a greater need to grant financial autonomy to the councils in order to make them more effective in bringing dividends of democracy closer to the people, the state governors argued that the proposed amendment of the 1999 Constitution should contain only the federal and state as tiers of government, while local governments should be regarded as an extension of the ministries in the states. As part of the efforts to address the contentious issue, three bills seeking local government autonomy, sponsored by two members of the House of Representatives and a senator were submitted to the National Assembly. A bill titled: “an Act to amend Section 7,162, of the 1999 Constitution and provision of political and financial independence for local government administration in the country” was sponsored by Hon. Ekwunife Uche Lilian. Another bill entitled: “a bill for an Act to Alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to ensure effective and efficient operations of the local government councils in Nigeria for social, economic and political development and for other matters connected” was sponsored by Hon. Mohammed Shamsidin Ango Abdulahi, and it seeks to amend Section 7, (3) and Sections 162 among others in the 1999 Constitution (amended) and gives political and economic independence to the 774 local councils across the country. The third bill was sponsored by Senator Nurudeen Abatemi Usman with primary aims at correcting the ambiguity in certain sections of the Constitution, and clearly establishing that local government chairmen are the chief executive officers of their councils; and proposing a four-year tenure for local government chairmen.

Although local government system represents the third tier of administration, as stated in the 1999 constitution, it has been reported not to be getting a fair deal in the hands of successive administrations in Nigeria. While governments especially at the state levels have firmly expressed that situation at the council level has not been the same in most of the states. Local governments are largely operated as appendages of the state governments resulting in various setbacks to the development of the grassroots. In fact, so many of them are governed by the caretaker committees appointed by the state governors.

As a result of the above, local government autonomy has remained a controversial issue, since the commencement of the processes for amending the 1999 Constitution. The question of local government autonomy in the country has been a long-running subject. It has elicited animated and almost emotional debate among the political class. The Senate’s position on the matter has never been in doubt right from the onset. While setting up the 47-member to review the Constitution, the Senate President David Mark had posed a number of questions. He asked: “How effective is the Local Government? Should they be made to function independent of the states? Is the joint State/Local Government still necessary?” (Eme, 2012). The questions of local government effectiveness and joint account have been in the front burner for a long time. Many people and institutions such as ALGON (2012) and Momoh (2013) are of the view that anything short of granting administrative and fiscal autonomy to the local government will not be acceptable.

Hitherto, a bill for an Act to alter the provision of the Constitution to provide for financial autonomy for Local Government Councils and for matters connected there to, had scaled the second reading on the floor of the senate. The bill, which was sponsored by Senator Nurudeen Abatemi Usman, was intended to give local councils a lease of life from the strangle hold of states and ensure their financial autonomy. He said through the bill, the delay in states’ release of funds to their respective councils

would be a thing of the past. Besides he averred that it will also eliminate the wanton and arbitrary deductions by the states as well as reduce the utilisation of the provision as a suppressive tool by some governors. He said such financial autonomy will attract better, qualified Nigerians to contest for and serve in the local governments (Eme and Okeke, 2013).

The Deputy Senate President, Ike Ekweremadu, justified the demand for local government autonomy this way:

In 2002, the state governments brought a suit against the Federal government for deducting first line charges for joint venture investment in oil sector, Nigerian National Petroleum Corporation priority project and external debt service” (Eme and Okeke, 2013:115).

Ekweremadu noted that, while the Supreme Court judgment favoured the state governments, it appears that most states are guilty of the same act as the local governments in many instances have continued to suffer fiscal emasculation in the hands of state governments. Now that we have the opportunity to amend the constitution, let us determine once and for all the uniform policy of local government administration with regard to structure, tenure, administrative independence and fiscal autonomy. This is the only way we can guarantee even development to our communities and spread the dividends of democracy to the people. Beyond that, Nigerians are divided on the issue. While some say autonomy for local government will speed up development in the country others believe it will worsen the corruption.

This discussion is important because the issue of local government autonomy has for many decades now remained a thorny question. The question that is yet to be satisfactorily addressed is whether local governments are actually autonomous. Again, what do us really mean by the word autonomy? Does one, for instance, define the concept of autonomy in absolute or relative terms? It would be recalled that in 2012, one major contentious issue in the amendment of the 1999 constitution is autonomy to local governments. While the National Assembly saw a greater need to grant financial autonomy to the councils in order to make them more effective in bringing dividends of democracy closer to the people, the state governors argued that the proposed amendment of the 1999 Constitution should contain only the federal and state as tiers of government, while local governments should be regarded as an extension of the ministries in the states. As part of the efforts to address the contentious issue, three bills seeking local government autonomy, sponsored by two members of the House of Representatives and a senator were submitted to the National Assembly. A bill titled: “an Act to amend Section 7,162, of the 1999 Constitution and provision of political and financial independence for local government administration in the country” was sponsored by Hon. Ekwunife Uche Lilian. Another bill entitled: “a bill for an Act to Alter the provisions of the Constitution of the Federal Republic of Nigeria, 1999 to ensure effective and efficient operations of the local government councils in Nigeria for social, economic and political development and for other matters connected” was sponsored by Hon. Mohammed Shamsidin Ango Abdulahi, and it seeks to amend Section 7, (3) and Sections 162 among others in the 1999 Constitution (amended) and gives political and economic independence to the 774 local councils across the country. The third bill was sponsored by Senator Nurudeen Abatemi Usman with primary aims at correcting the ambiguity in certain sections of the Constitution, and clearly establishing that local government chairmen are the chief executive officers of their councils; and proposing a four-year tenure for local government chairmen.

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In this context, two assumptions might be important to give greater clarity to the analysis and allow us to continue on the research theme. Firstly, the question about municipal autonomy doesn’t claim for "all-or-nothing" answer, one cannot simply say "yes" or "no." It is a matter of **degree**: between the fully autonomous municipality and the fully subordinated municipality exist an infinite numbers of degrees of autonomy.

Secondly, one of possible distinctions that seems to assume great importance is between political autonomy and administrative autonomy. As seen above, like in the case of Sweden, municipalities may have great administrative autonomy but no political autonomy. It is what can also occur in the United States, depending on the regime established by a particular state. To identify the political autonomy of the municipality in some country, it is necessary to know if the following features are present:

- Municipal autonomy as a principle guaranteed in the Federal Constitution;
- Creation or dissolution of municipalities by decision (or at least consultation with) to the populations concerned;
- Legislative functions exercised directly by the municipality;
- Prohibition to the state (intermediate level) to modify or exercise the powers defined as municipal;
- Guarantee of own revenue to the municipality.

This identification is also a matter of degree, i.e., all features may be present, or only some of them. From these features, one can distinguish countries where municipalities have political autonomy of those that they have merely administrative autonomy. Looking to all examples mentioned in previous section, we note that in all countries there is some degree of administrative autonomy of

municipalities, even in unitary states. However, political autonomy is present only in few countries (all federations), although there is also a variation of intensity.

Given these considerations, it is clear that it is not easy to say when a federal state is a "three-tier federation". Considering only the autonomy of the municipality, in any degree, almost all federations may be considered as "three-tier". Therefore, to be clear, this work will consider "three-tier federation" only one in which the municipalities bear reasonable political autonomy.

5. RECOMMENDATIONS

Based on the above mentioned observations, the paper recommends as follows; that is it may, the Local government commission should be strengthened to coordinate, advise on periodic reviews of structural arrangements. Set standards that would determine policies on local government training programmes. More importantly, the state governments' involvement in local government affairs should be acknowledged and appropriate institutional arrangements made to regularize this involvement. Based on this a National local government commission should be established among other things coordinate the Inter-governmental aspects of local government affairs on a continuous and permanent basis.

Today, the tendency to ignore the political factor in the Management of local government had reduced local government to instruments of regulation and control Local governments which ought to be seen as instrument of mobilization is usually not complex and generally does not really require sophisticated and highly qualified personnel for effective performance. All in all, the nearness of local governments to the people places them in a position where they can easily articulate and aggregate the demands of the people. A government operating at the grassroots level is indeed, more likely to be attached to the needs of the people, Consequent upon this, the National Union of Local Government Employers' (NULGE) and the teacher's should pray and wait patiently for the outcome of this all important resolution(s) from the various House Assembly.

6. CONCLUSION

Local government is widely acknowledged as a viable instrument for rural transformation and for delivery of social services to the people. It is strategically located to fulfill the above functions because of its physical and psychological distant between officials of the other tiers of government responsiveness, and simplicity of operations. However, despite the strategic importance of the local government to the national development process, its contribution has been minimal. Some observers in the past attempted to provide reasons for the ineffectiveness of local government in the development process. While others agree that the ineffectiveness of local government derives primarily from the Constitution and excessive government control. Admittedly, states have undermined the financial viability of local government by diverting statutorily allocated grants for local governments as well as encroaching on their revenue yielding functions like markets, Motor Parks, tenement rates, Liquor licensing. Obviously, the current campaign by the President, the Senate and the National Union of Local Government Employees' (NULGE) and fears shown by teachers against the Local government autonomy are result of behaviour and attitudes of the persons who operated the system, and treated local governments as a super ordinate and subordinate tier of government.

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