



### Revitalising the Local Government System for Development in Nigeria. By: 'Fisayo Alo\*

- *State governments should be deprived of the constitutional powers to unilaterally dissolve elected council officials, divert council revenues and/or illegally deduct funds meant for local councils.*
- *Implement a 3-tier governance model that is properly backed with unambiguous laws to ensure non-interference but cooperation and collaboration between the various levels.*
- *Explore the earlier practiced regional system, perhaps with a little tweak in its structure and operations, and make it relevant to the current context.*
- *Frame local government actions in terms of the public choice theory to stimulate more experimentation, true competition, innovation and better citizens' participation and inclusion.*
- *Make the conditions of service for local councils employees more attractive and at par with those at the state level so that councils can attract top professionals and not be seen as mere administrative out-posts of the state civil service.*
- *Replicate the anti-corruption bodies that exist at the federal and state levels within local governments to entrench accountability and strengthen anti-graft efforts at the local levels.*

Nigeria has six geopolitical zones with a total of 774 local government areas (LGAs). Contrary to what obtains in most federal system, Nigeria's 774 LGAs are listed in the Nigerian 1999 constitution. This renders the state governments powerless to abolish or create new ones without recourse to the National Assembly. The local government in a majority of contexts exists as the lowest tier of governments that act within powers delegated to it constitutionally or by directives of a higher level of government. It is meant to set the agenda and direction for growth and development in its municipality through the long-term planning and effective use of resources to benefit citizens. The LGAs are constitutionally responsible for deciding the needs of the community and providing services

such as primary health care, waste disposal, creation and maintenance of markets, park lands and other recreational sites, etc.

Whereas the lines of authority and roles for the three tiers of government are clear, in practice, the local government has over the years been dominated by the state government. This has rendered it ineffective in discharging its constitutional roles. As far back as 1966, following the first military coup, all local government councils were abolished and sole administrators were appointed. This laid the foundation for the perennial interference in the affairs of local government by higher levels of government. The autocratic position of sole administratorship, which was introduced to local governance by the military, did not allow for participation by the people. Consultations and the building of consensus were jettisoned and local autonomy was systematically eroded.

#### Protracted Reform

The local government system has witnessed various "reforms" under the four civilian republics: First republic (1960-66), Second Republic (1979-83), Third Republic (1990-92) and the Fourth republic (1999 till date). After the Nigerian civil war (1967-70), major reforms of the local government system in Nigeria were carried out and mostly in an undemocratic fashion. For example, according to one of the military-imposed guidelines, 25 percent of members of the council were to be nominated by the state military governor. In addition, the election of the chairman of the council was subject to ratification by the state military governor. In spite of the aforesaid, the 1976 reforms remained arguably the most impactful in the history of local government reforms. The federal military government saw the need to stabilize and rationalize local governance and developed a uniform local government model for the whole country.

Decentralization was inevitable in the wake of the reforms as some significant functions of state governments were devolved to local councils to harness local resources for development. As the third tier of government, the local administrations received statutory grants from federal and state governments, and is expected to serve as



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development agent especially in rural areas. The federal and state governments made efforts at other reforms targeted at making development planning and service delivery more responsive to local needs. Such reforms improved participation of citizens at the grass-roots and the cultivation of local leadership. This also enabled a two-way channel of communication between local communities and government at both state and federal levels.

### Constitutional albatross

With the passage of time, successive governments have continued to introduce other reforms with wide-reaching impact on the local government system. Some of the tweaks served to weaken the system. For example, section 7 of the 1979 constitution provided for a democratically elected local government councils, but this constitutional provision was neglected by the Shehu Shagari regime (1979-1983). Elections were not held, with sole administrators instead being appointed.

Likewise, between 1983 and 1984, the Muhammadu Buhari military regime continued with the system of appointing sole administrators. For the Ibrahim Babangida regime (1985-1993), enhancing the autonomy of the local government took centre-stage. The Ministry of Local Government was abolished and the executive and legislative arms were established in local councils. Federal allocations were also paid directly to local government without passing through the state governments. The regime also increased local government statutory allocation from 15 percent to 20 percent.

The 1999 constitution limited the tenure of political office holders at federal and state levels to four years. It did not make provisions for the tenure of local government office holders. The constitution's concurrent legislative list gave the National Assembly the power to make laws "with respect to the registration of voters and the procedure regulating elections to a local government council." The same constitution empowered the State Houses of Assembly to make "laws with respect to election to a local government council". These contradictions are often exploited at will to circumscribe the local government system.

The 1999 Constitution of the Federal Republic of Nigeria does not in any section provide for reform

procedures in the local government structure. The implication of this is that any move toward reform must proceed in the form of a National Assembly bill. In his book, *Politics and Administration in Nigeria*, Prof Ladipo Adamolekun, observed that "the intergovernmental relations between the Federal, state and local government has been characterized by both co-operation and conflict; but it is conflict that has predominated State-local Government relation". He averred further that: "some state governments have been known to hijack and divert Federal government's allocation to local governments. This conflictual relationship often put (sic) a seal on development at the local level as the councils become a battle ground for political gladiators".

### The States vs LGAs

In 2003, the forum of the 36 state governors in order to gain total control of the local councils in their respective states sought a constitutional amendment empowering governors to appoint council chairmen and councillors. This desire later led to the setting up of a technical committee on the review of the structure of local government councils in Nigeria. A traditional ruler, Alhaji Umaru Sanda Ndayako (the Etsu of Nupe), was appointed chairman of the committee. Other members of the committee were drawn from the six geopolitical zones, the Senate, the House of Representatives and women and youth groups. The committee was mandated to examine the problem of inefficiency and high cost of governance with a view to reducing the costs and waste at the three tiers of government. It also reviewed the performance of local governments between the year 1999 and 2002 and considered the desirability or otherwise of retaining the local government as the third tier of government. It was also mandated to consider, among other options, the adoption of a modified version of the pre-1976 local government system; examine the high cost of electioneering campaign in the country and consider among other options, whether political parties, rather than individual office seekers, should canvass for votes in elections. It was to consider also other matters which in the opinion of the technical committee are germane to the goal of efficient governance structure in Nigeria. Reform was undoubtedly needed in the areas identified. However, it was not the big issue at the



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local level. In the analysis of the terms of reference given to the committee, the problems were not unique to local government. In simple terms, the conquering of the third tier of government by the governors was the ultimate aim. Curiously, a traditional ruler headed the committee which was deemed a potential conflict of interest. Unrestrained exercise of powers by traditional rulers and the appointment of officials were the main features of the pre-1976 model being canvassed for by the governors. This runs contrary to the promotion of participation of ordinary citizens in local governance.

The challenges of poor financing and limited revenue, limited autonomy, poor political leadership, lack of basic social amenities such as electricity, transport and telecommunication facilities have hobbled governance at the grassroots. In addition to these is the inexperienced and unqualified personnel, corruption and misappropriation of funds, lack of accountability and transparency, lack of local plans and weak programming capacity. Also, political instability and deficient good governance models have all compounded the effective running of local governments. These are challenges holding down the system, which need to be resolved in order to revitalize it for effective service delivery.

### **Respite on the way?**

The most recent attempt at local government reform was made by the 8<sup>th</sup> National Assembly. The Fourth Alteration Bill, No. 6, 2017, aimed at strengthening local government administration in Nigeria by guaranteeing its democratic existence, funding, and tenure of local councils. The reform moves by the 8<sup>th</sup> assembly is not unconnected with the failure to observe the principle of separation of powers between the state and the local government. The role of the National Assembly in this matter is clearly stated in section 7 (6) (a) of the constitution which urges the National Assembly to "make provisions for statutory allocation of public revenue to local councils of the federation". This perhaps is the most audacious attempt to revive and make relevant the local governments. The bill, once passed into law and effectively implemented, will allow the local government to live up to its roles as enshrined in the amended 1999 constitution. It becomes mandatory that the federal and state

governments abide by the constitutional provision for the political and economic autonomy of the local government.

The debate on the functionality of our federal system should be on the front burners in the context of which tier of government is closest to the masses to ensure maximum efficiency. Constitutionally, Nigeria has 3 tiers of government but in practise, two – the federal and the state have domineering powers. Working in collaboration, the federal and state governments increasingly take more power and roles in the concurrent list in addition to the federal government's own exclusive list. The two thereby leave little or no breathing space for the local government. At present, many local governments are merely provided funds with which to pay salaries with very little substantive governance at that level.

### **Revitalising the local government system**

The challenges above are cogs in the wheels of the efficient running of local government in Nigeria. Experts have lent their voices to the fact that the local government as a third tier of government should not be scrapped or reduced to a mere state appendage. Rather, it should be strengthened and democratized as envisioned in the constitution. It is pertinent to ensure that its officials are always elected and not appointed or selected. It must be seen as the bedrock of citizens' participation in governance.

While interference from the federal government has been very minimal, the state governments have consistently encroached on the exclusive powers of the local government council. This interference and overbearing attitude of the state government is condoned within the sphere of contradictory rules, financial oversight and supervisory powers granted by the constitution. The lopsided intergovernmental relationships that exist between the states and local government councils is rarely seen in the federal-state relationship except in extreme conflict situations like the stand-off between Lagos State and the Federal government in 2003 over the creation of additional local councils in the state. In order to revitalize the local government system, it is imperative that state governments be deprived of the powers to unilaterally dissolve elected councils, divert their revenues and/or



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The Centre for Positive Analysis on Development and Leadership Perspectives in Nigeria

illegally deduct local council funds. This will boost stability and professionalism in the administration of the councils and enhance service delivery. As with the other levels of government, there is a need to put in place mechanism to promote transparency and accountability at the local level too. Pursuant to this, it will be crucial to strengthen the existing institutions of accountability within the councils and localize other anti-graft bodies that exist at the federal and state levels.

### Time to act

The time may be ripe to try out a modified models that will impact at the local level with more devolution of powers. It may be worthwhile to explore the earlier practiced regional system, perhaps with a little tweak to make it relevant to the current context. This will drastically reduce the clamour to grab power at the centre. If more resources corresponding to the devolved powers are made available to the local councils, it will hopefully attract credible individuals with the right skills to the local level. It is also a way of ensuring that those who go to the centre as representatives have been locally tested, especially with regards to trust and accountability in the management of funds.

The local councils should not be seen as a dumping ground for unqualified and unskilled individuals nor be used as 'reward' to party and political allies. Rather, the training and equipping of the manpower should be taken serious.

There should be a deliberate attempt to introduce fresh and dynamic experts into local administration by providing the enabling environment that will attract such individuals. The conditions of service for local government council employees should be made attractive and at par with those at the state level. This will raise the stakes for the councils as a political institution and service provider at the local level. Being seen heretofore as administrative outposts or appendages of the state civil service has not helped. The bold path to putting life back into the local government system is to follow the public choice theory. This advocates placing governmental actions and expenditures at the lowest possible levels of government. The idea is that the local government would provide more experimentation, true competition and innovation. Citizens at the local level could have better access to appropriate

information with which they could process. For example, they can readily compare the levels of taxation to the quality of services they received. Thus, they could then reject inefficient or unresponsive governments by exercising their voting rights on budgets, voting out wasteful spenders or even moving elsewhere or not moving into the local area at all. In essence this encourages better participation and inclusion of the citizens. Likewise, the citizens must be organized at the local level through civil society actions where they can be empowered to hold elected officials accountable.

### Conclusion

Implementing a new three-tier model properly backed up with unambiguous laws to ensure non-interference but cooperation and collaboration will put governance at the local level back on its feet. With adequate access to resources, local governments can also speed up development across the nation. The various laws from which the federal government draws its powers to control the finances of local governments would need to be reviewed and all the clauses that have hampered local government administrators removed. This will create a breathing space for local councils to function and drive rapid and meaningful development at the grassroots. It must be understood that ineffectiveness and inefficiency at the local level will eventually lead to pressure, economic and political, on the state and federal levels.

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