

NIGERIAN LOCAL GOVERNMENT ADMINISTRATION: A COMPARATIVE ANALYSIS OF THE THIRD AND FOURTH REPUBLICS

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Abstract

Local governments are not independent unlike nation-states, which derives their existence and powers from the law enacted by a higher government. While they are constitutionally provided for as a third tier and independent level of government, like the other two; the Federal and State Governments in Nigeria. Local government in Nigeria is rooted on historical antecedents of reforms. The 1976 Local Government Reform in Nigeria and the subsequent one that followed were geared towards making local governments, the bedrock for socio-economic and political development. Somehow, the 1999 constitution of the fourth republic seems to have overridden the gains and aspirations of this tier of government, this assertion can be verified by looking at how the 1999 constitution undermined the autonomy and aspiration as well as the efficacy of grassroots governance, unlike the 1989 constitution of the third republic that gives more power to local governments. The major findings were that each reform measure was necessitated by the short-comings inherent in the preceding system; some of the reforms were far reaching and had positive impacts, while others were cosmetic in nature and mainly for political expediency. The paper recommends among other things the strengthening of local governments in the country, through granting of considerable autonomy, especially financial, political as well as administrative. Finally, the paper concludes that since the local government today remains the key institution in local governance, there is a need for another constitutional arrangement or reform in order to ensure autonomy of local governments politically and financially.

Key words: Local Government Administration, Constitution

INTRODUCTION

Local government administration is oldest system of administration all over the world and as it applies to Nigeria even before colonial domination 1861-1960 Okoli (2000). In Nigeria, prior to the advent of the British colonial administrators, the various communities, kingdoms and empires had evolved their own unique forms and patterns of native administrations which were able to meet the needs of their various people at their different levels of development Igbuzor (2009). But the British colonial administration in Nigeria changed all these with-it advents in 1861. Because the British colonial administration distorted the existing patterns and forms of local administration, they met by modifying them to suit their philosophy of governance. Thus, the politico social and economic evolution of the country has impacted in no small measure on the fortunes of local government administration in the country. The once vibrant and dominant level of government, is presently seen as an appendage of the higher levels of government namely, state and federal governments Igbuzor (2009). Given the crucial roles local government administration plays in development at all levels of human endeavor, it becomes necessary to access the systems of these administration (local Government) in the aborted third republics as well as the ongoing/ fourth republics in Nigeria.

The Objective of this study is therefore to identify various local government reforms and their provision

especially from 1976 and beyond, compare the provisions of the 1999 constitution of the fourth republic with the 1989 constitution of the abortive third republic and to make adequate recommendations.

LITERATURE REVIEW

The Evolution and Nature of Local Government in Nigeria

Local government in Nigeria has undergone some stages which includes the Pre-colonial the colonial and the Post-colonial stage. In the pre-colonial phase, different traditional systems of government existed which were adequate to satisfy the political needs of the different ethnic groups at that time (Okoli, 2000). These traditional political systems were considered as a form of local government created by ethnic groups - Hausa/Fulani, Ibo, Yoruba, etc for the provision of social services to meet the needs of the people within their domains ((Agba, Akwara, & Idu, 2013). The second phase was the establishment of Native Authority by the colonial government. It was meant to adapt to purposes of local government structures already present in the institutions of the various ethnic groups. The Native Authority was charged with the collection of taxes, maintenance of law and order, road construction and maintenance, and sanitary inspection, especially in township areas (Ukiwo, 2006; Agba, et al 2013; Eboh&Diejomaoh, 2010).

The third phase took effect from the Nigeria's independence of 1960. This phase was characterized by a multi-tiered local government structure in the Eastern and Western regions where both elected and traditional elements were accommodated (Agagu, 2004; Ukiwo, 2006; Agba, et al (2013). At this period different states operated different systems of local government. However, local government administration took a new dimension with the 1976 local government reforms initiated by the Muritala/Obasanjo led military government. The 1976 local government reforms introduced a uniform system of local government administration throughout the country, recognized local government as third tier of government and granted financial and functional autonomy to local government administration in Nigeria. The reforms also introduced population criterion under which a local government could be created. Consequently, a population of between 150,000 to 800,000 was considered feasible for a local government. This was done to avoid the creation of non-viable local council and for easy accessibility. There was provision for elective positions having the chairmen as executive head of local government with supervisory councilors constituting the cabinet (Eboh et al, 2010). The reform was a major departure from the previous practice of local government administration in Nigeria (Oviasuyi, Idada&Isiraojie, 2010). It formed the foundation of the present-day local government system in Nigeria in terms of structure, composition, functions, finance and democratic existence. Thus the reform equipped local governments with political, administrative and fiscal capabilities for service delivery to rural communities (Imuetinyan, 2002; Ukiwo, 2006; Oviasuyi, et al 2010). Subsequently, the main tenets of the 1976 reform were incorporated in the 1979 Constitution and 301 local government areas were listed in the Constitution (Boh et al, 2010; Agba, et al, 2013). The period 1976-1979, in which the military administration of MurtalalObasanjo lasted, is usually regarded as a period of watershed in the annals of local government administration in, Nigeria.

Local Government Reforms since 1976 and Beyond

The arrangements of the 1976 reform were incorporated into the 1979 Constitution with the presentation of presidential arrangement of Government. The 1976 reform defined local governments and changed their direction from field administrations of the state governments to being simultaneous local government structures that were responsible to the electorate (Adeyemo, 2005). The reform introduced a most innovative and rather radical departure from the existing structured pattern of local government in

the country. High-lights of the reform are:

- Eradication of divisional Administrative system Previously in activity in some parts of the Country,
- Provision of federal grants to be disbursed to local governments through the states;
- Introduction of Supervisory Councillorship particularly in the Southern States. Each of the Supervisors was to be in charge of one or more related departments in the local council.

The progress made in local government reforms in 1976 was virtually eclipsed in the early 1980s, when the authority vested by the 1979 constitution in the states to create local government led to proliferation of local governments (Abutudu 2010). This had the perverse effects of both stressing the limited capacity for governance at the local government level and of intensifying the problem of sharing the limited resources among a vastly increased number of local governments. Moreover, the reform failed to address the issue of power separation between the arms of government as is typically the case in a Presidential system of government. However, all the provisions of, the 1976 reforms were incorporated into the 1979 Constitution with the introduction of presidential system of government Odion-Akhaine (2009)

Dasuki Local Government Review Committee of 1984

Because of these recognizable insufficiencies, it was felt that the 1976 nation-wide local government reforms were not sufficiently able to generate the desired impact. This led to the Dasuki Local Government Review Committee in 1984. In 1986, Alhaji Ibrahim Dasuki Report made improvement on the state of local councils. The exercise ended up in worsening the problem of local government Ukiwo, 2006; The government white paper subordinated the local government to the States. External revenues to local governments were drastically reduced. State governments were now to make available only 10 per cent of their internal revenues to the local government, which they failed to do. The subjection of the local governments to the States was finished with the presentation of Sole-Administrators, who became specialists of the State governments and the addition of 1976 change was lost (Eboh and Diejomaoh, 2010). The proposals likewise prompted the rejecting of the state ministries of local council in 1988 and the approach of direct dispensing of statutory designations was presented.

Local Government Reform of 1988

Following the suggestions of another Local Government Review Commission in 1988, the Federal government received various measures to reinforce local government Olaleye (2001). The new measures were:

- Abrogating State Ministries of local government, which had broad survey and supervisory authority over local governments and its substitution by a division of Local Government in the Governor's office;
 - Direct payments of Federal Allocation to the Local Government;
 - Ensuring local government are able to prepare and approve their own budgets and taxes independently of State Governments;
 - Transferring primary education and primary healthcare and all related personnel and facilities to local government;
 - Establishment of the office of Director of Local Government Audit as well as the creation of setting up local government Alarm Committee and
 - Also the inclusion of Traditional rulers in the Local Government affairs

Additional Government Reforms

- 149 councils were created in 1989 and new allocation formula was drafted

- Primary Health care programme was also transferred to the local council in 1990.
- Primary school administration followed in 1991. There was separation of power and appointment of political secretaries.
- Local Council Service Commission was abolished in 1992 and later reinstated. The revenue allocation formula was raised to 20 per cent. Later the councils were increased to 774, with administration and financial autonomy granted.
- Gains in Council reforms appeared harmed by the 1999 Constitution, which introduced ambiguity and contradictions in the control and running of the local councils. For example, Section 7 (1) States: "The system of Local Government by democratically elected local councils is under this constitution guaranteed; and accordingly, the government of every state shall subject to Section 8 of this constitution, ensure their existence under a law which provide for the establishment structure, composition, finance and functions of such councils."

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

The Local Governments Administration under 1989 abortive third republic and 1999 constitution of fourth republic (comparative perspective) .

The 1989 Constitution and Local Government Administration

The constitution of the Third Republic was drafted in 1989. General Ibrahim Badamasi Babangida (IBB), the military head of state, promised to end military rule by 1990. The federal government had made numerous reformations in 1989 constitution, which are designed to remove the inadequacies of local government system in its preparation for the Third Republic. By virtue of these provisions the local government system is increasingly becoming independent and recognized as third tiers of government (Adeyemo, 2005). In the aborted third republic, the federal government in obedience to ensuring a meaningful grassroots democracy took further steps to guarantee local autonomy, so as to facilitate the development of democratic culture at the grassroots. In December 1990 there were elections into the councils. According to the guidelines on Application of the Presidential System and its Logic to Local Government 1991 and in accordance with the Implementation of its Basic Constitutional and Transitional Provision (Amendment) Decree 1992, the local government council which constitute the legislative and the executive arms were charged with some functions(Adeyemo,2005).

According to this context, some principles are implied, such as separateness and independence. This means that the autonomy of each federating unit must be respected and preserved. Autonomy in this sense presupposes that each government must exist, not as an appendage of another government, but as an autonomous entity in the sense of being able to exercise its own will in the conduct of its affairs, free from direction by another government, The 1989 constitution recognized and accept the autonomy of each unit of government also implies mutual trust and respect such that no unit of government can impose, confer functions or duties on the other without a mutual agreement. In his budget speech, the

president Ibrahim Babangida made the following comments in favour of local government system in Nigeria: Local government councils will be accorded full administrative autonomy and allowed to operate in accordance to spirit and letter of the constitution. The councils will not be subject to the control and direction by the state or federal government in the discharge of constitutional responsibility of providing the basic needs, including primary education for their communities, local government councils will also enjoy their financial autonomy. In this regard, all forms of control, overt or covert, which have hitherto been exercised by state government must ceased forthwith. Olayikin, (1994). The 1989 constitution, which was meant to usher in the third republic was not in full operation, owing to what is popularly being referred to as annulment of June 12, 1993 election, which was meant to usher in the President of the Federal Republic of Nigeria. But many scholars agreed that 1989 constitution recognized, accept and respected local government as a third tier of government with it full administrative and financial control. Direct remittance of local government allocation to each local government is one of the evidence to ascertain the above assertion Maduabum, (2008).

The 1999 Constitution and Local Government Administration

The 1999 constitution is simply military in term of its origination. It was anything but a people's roused constitution and that was one point which its detractors' breast against it (Agba, Akwara, &Idu, 2013). Local Government under current reform came in the wake of the return to democratic rule in 1999. The 1999 Constitution at Section 7(1) placed the local government under the states" control. Therefore, the various state governments have adopted the presidential system of administration in their states. This entails the establishment of two arms at the local level i.e. the executive and the legislative arms with different functions Akhakpe,(2003)o. This system has been on for as far back as 17 years, however doubtlessly like the past changes, the new system is expected for an exhaustive survey taking into account its numerous insufficiencies. From all signs, no doubt the issues with the different changes need to accomplish more with the administrators of the system and not the system as such. In any case, as far as its (1999 Constitution) connection to the Local Government Administration in Nigeria, one can say that the constitution safeguards the tripartite arrangement of government at the grassroots level. The official, the lawmaking body and the legal executive. The official is vested in the executive, bad habit director, administrator or supervisory councilors, and the entire apparatus of neighborhood government organization. The legislative functions are meant to be performed by the councilors, who represent the wards which make up the Local Government Area Adewumi (2005). The legal executive then again is streamlined with the administrative and state and local government can profit itself of the legal procedure accessible to it. There is one significant thing to note from the beginning that is local government as a political organization has come to remain in the political scene of Nigeria (Eboh&Diejomaoh, 2010). This is on the grounds that the 1999 constitution has perceived its reality. The constitution state bury alia. The arrangement of nearby government by justly chose government gatherings is under this constitution ensured, and as needs be, the administration of each state will, subject to the Section 8 of this constitution, guarantee their reality under a law which accommodates the foundation, structure, organization, account and elements of such committees (Federal Republic of Nigeria Constitution 1999). The import of this alliance is compulsory under the constitution Akwara, &Idu, 2013). Aside from this, there must be occasional decisions into the gatherings of these local governments just like the case with the administrative and states' political foundations. This becomes imperative as local governments are seen as training grounds for higher level of political responsibilities in the federation. The 1999 constitution takes almost the same position on local government as the 1979 constitution, with some modifications. In its fourth schedule, Section 7(2), the 1999 constitution sets out the functions of local government in Nigeria. In theory, therefore, local government is a unit of government with defined powers and authority,

and relative autonomy Akaakuma (2008). The functional areas for local government included in the constitution are: provision and maintenance of health services; agricultural and national resource development; provision and maintenance of primary, adult and vocational education; and other functions as may be conferred on it by the state house of assembly. Section 7(1) also guarantees democratically elected governments in Nigeria. On the strength of these provisions, the 1999 constitution acknowledged the powers of local government councils as articulated in the 1976 local government reform.

METHODOLOGY

The secondary method of data collection will be adopted this include extraction of relevant information from public documents, journals, Newspapers, Magazines, Conference Papers, Books, Radio and Television commentaries. Thus, the research design adopted is exploratory research design. This is because it satisfies the researcher curiosity and desire for better understanding of the subject matter. Thus, this enables the researcher to obtain background information on the subject matter. This study focused on the 1989 constitution of third republic and 1999 constitution of the fourth republic and the local government reforms in Nigeria from 1976 and beyond.

DISCUSSIONS

There are a number of problems that have arisen from the introduction and practice of the presidentialism at the local government level. Some of these problems include the following:

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

CONCLUSION

The reforms redefined local governments and changed their orientation from field administrations of the state governments to being semi- autonomous local government structures that were responsible to their electorates. One of the important aspects of the reforms was the policy that local governments are now entitled to a proportion of the funds from the federal account. Increased allocation of resources into local government system has ensured that local governments have access to substantial revenues to enable them to execute the range of responsibilities allocated to them by the reforms and subsequently by the constitution. Another important innovation of the reform was/is the policy decision to provide training at all levels to all categories of local government officials in three Nigerian Universities; Obafemi Awolowo University, Ile-Ife, Ahmadu Bello University, Zaria and University of Nigeria, Nsukka. The progress made in the local government reforms in the 1970s were virtually eclipsed in the early 1980s when the authority vested by the 1979 Constitution in the states to create local government led to a proliferation of local governments which over-stretched the limited capacity of governance at the local government level. This situation was halted after the fall of the 1979- 1983 civilian administration of AlhajiShehuShagari in the 1983 coup d"tat led by the Buhari/Idiagbon. The creation of states in Nigeria has always led to the creation of more local governments by the military. The number of local governments rose from 229 in 1970 to 301 in 1979 and to a peak of 781 when state governments were given authority by the constitution to create local governments. After the overthrow of the civilian administration in 1983, the number was again reduced to 301 and later raised to 449 in 1987, 589 in 1991 and 774 since 1996. The urge to create more Local Government Areas has been rejected by the federal government. This issue was a subject of litigation between the states and the federal government, which the latter won. This situation led to the withholding of the funds meant for the local government councils in Lagos State during President Obasanjo"s era. However, this action was voided by the Supreme Court. Therefore, all the local government areas created by the state governments then have been reverted to development areas. During the Babangida era, from 1988, the federal government strengthened local government institutions by abolishing the Ministries of local governments, paying federal allocations direct to the local governments, granting local governments authority to prepare and approve their own budgets and taxes independently, transferring primary education and primary healthcare and all related issues and increasing the local government share of federation account. From 1999 when the present administration came into being, the fates of local governments have declined. The 1999 Constitution has placed local government directly under the state"s control, Ministries of local government have been re-established in many states, and no more direct funding of local governments and the practice of presidentialism at the local government level is now in place in many states of the federation. Today, however, local governments remain the key institution in local governance. It is the basic unit of the country's political system, the primary level of grassroots political mobilization, and a major reference point in the distribution by government of certain economic and social goods and services (Adamolekun 2002).

RECOMMENDATIONS

Local government as the closest to the people at the grassroots is expected to play significant roles in providing the social services. However, as a result of numerous factors enumerated above, local governments have been inhibited to effective and efficient social service delivery to grassroots. Consequently, the paper would highlight some measures that would improve social service delivery at the local government. These measures include;

1. *Constitutional Reforms to allow for Total Autonomy of Local Government:* Reforms are needed to

free the third tier of government and increase the fiscal and spending autonomy of local governments and minimise the interference and control of state governments To ensure responsive governance, local government executive must be elected by the people and not superimposed by the ruling party or state governor. Elections at specific intervals should be conducted into the local government

2. ***Curtailing corruption in the local Administration:*** To stem corruption and embezzlement, all financial transaction of the council must be audited and publicized. There should be monitoring and evaluation unit aim at measuring efficiency and effectiveness to ensure accountability and transparency in local government administration, the civil society organizations should also monitor the performance of local government officials and report any found wanting to anti- corruption agent. The anti-corrupt agencies like the Independent Corrupt Practices Commission (ICPC) and the Economic and Financial Crimes Commission (EFFCC) should intensify their efforts at tackling the problem of pervasive corruption in the local government system
3. ***Capacity Building for Institutional and Human Resources:*** There should be capacity building for local councils to take advantage of modern tools of local governance that are being developed world wide. This must combine the political and administrative cadre of the councils. Building institutional and system capacity that produces the human capital that is committed to the principles of good governance briefly summarized as transparency, accountability, honesty, foresightedness, equity, justice, prudent management of public funds, strong leadership inspired by vision and direction that is beneficial to the masses. The capacity building programme should be two-dimensional. The first is institutional strengthening - with respect to the various organs, departments, units and relationships and operational matters. This should involve training and orientation in policy development, monitoring and evaluation, public participation, public service delivery, social mobilization and government collaboration with the private sector. The other dimension is human resources upgrading - including training and education of staff to enhance their knowledge, skills and competencies. The working environment should be upgraded to attract higher quality well motivated staff.
4. ***The role of leadership:*** Administration is assuming pivotal job toward the achievement of the arrangement of local government organization specifically and the nation as a rule. The issue with local government framework is absence of positive initiative. There is the urgent need to bring about political and administrative leadership that will serve as sources of accountability, the rule of law, administrative probity and good governance.

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