

Unified Local Government in Nigeria: Beneficial or Detrimental to National Development

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Abstract

The study examines the causal relationship between the unified local government system in Nigeria and National development as envisaged by the 1976 Local Government reforms and guaranteed by the 1979 Constitution of the Federal Republic of Nigeria (CFRN)(as amended). Put in other words, whether or not the unified local government system in Nigeria is beneficially or detrimental to National Development. The theoretical framework adopted for the study was Development School of thought. The utility of this theory to the study is that it highlights that the basic need for the creating of local government is development, this is because the role of enhancing democratic participation and delivery of efficient and effective social services are ultimately development oriented. The findings from the study reveal among other things that it appears the inconsistencies in the constitutional provisions, the overbearing influences of the state governors, corruption and pattern of intergovernmental relations has done mischief against this noble effort and by extension crippled local government as an instrument of fostering national development. The study therefore recommends among other things, amendment in Section 2(2) CFRN, Sections 7 and 8, item 22 of the Exclusive Legislative List in the Second Schedule Part I, paragraph 15(a) of Part I of the third schedule, Section 197(b), item 3 and 4 part II of the third schedule, Section 162(b)(5)(7) and (8) and Section 7(6)(b) of the 1999 Constitution of the Federal Republic of Nigeria.

Keywords: Beneficial or Detrimental, Intergovernmental Relations, National Development, Service delivery and Unified Local Government,

Introduction

Local government like any other concept in the social sciences is nebulous as it is being defined or described in different ways by different authors, despite these divergences, the consensus among scholars is that local government is an extension of government from the centre or an extension of government to the local communities aimed at ensuring efficiency of governance. Thus, it is a government operating at the base level or rudimentary Level of the Society. Local government is an organ of the state put in place to paddle the development activities of a particular place or district with a view to making the impact of governance being felt at the grassroot level (Piate and Ukere, 2024). This position is corroborated by Laski (1982) when he posits that “we cannot realise the full benefit of democratic government unless we begin by admitting that all problems are not central problems, and that the result of problems not central in their incidence requires decision at the place and by the person, where and whom the incidence is most deeply felt”.

The indispensability of local government can be inferred from the various constitutional provisions relating to local government in Nigeria under the 1999 Constitution (as amended). The Local government system in Nigeria was created by the combined Sections of 7,8 and the Fourth Schedule to the 1999 Constitution of the Federal Republic of Nigeria (as Amended). Section 7(1) of the Constitution provides thus:

The system of Local Government by democratically elected local government councils is under this constitution guaranteed; and accordingly, the Government of every state shall subject to Section 8 of the Constitution, ensure their existence, under a Law which provides for the establishment, structures, composition, finance and functions of such council.

By community readings of Paragraph 1(a-vi), Paragraph 2 (a-c) and Paragraph 2 item D of the Fourth Schedule to the 199 Constitution of the Federal Republic of Nigeria (as amended), the Constitution provides for three functions, namely, the main functions of the Local Government Council, functions to be exercised in conjunction with the state and additional functions as may be conferred by the House of Assembly of the State. On Revenue Allocation, Section 162(6) 1999 Constitution of the Federal Republic of Nigeria (as amended) provides that: "Each state shall maintain special account to be called "State Joint Local Government Account" into which shall be paid all allocations to the local Government Councils of the state from the Federation and from the Government of the State". Section 162(7) and (8) provides that state shall pay to the Local Government Councils in its area such proportion of its total revenue on such terms and in such manner as maybe prescribed by the National Assembly and that any amount standing to the credit of the local councils shall be distributed among the councils of that state on such terms as prescribed by the State House of Assembly.

Section 197(1)(b) of the Constitution provides thus: there shall be established for each state of the Federation the following bodies, namely ... (b) state independent Electoral Commission... corollary to the above provisions are the contents of items 3 and 4 of Part II of the Third Schedule to the Constitution which deals with State Executive Bodies. These items provide for the creation of State Independent Electoral Commission, its membership, power and functions. Importantly, Section 8(3) and (4) empowered the State House of Assembly to create Local Government Councils if it complies with the condition precedent contained therein as well as embark on boundary adjustment in any existing Local government within the framework of the exercise of the creation of the said Local Government Council. When the conditions prescribed by the constitution are met and Local Government Council is created, the Act of the National Assembly passed in accordance with the Section shall make consequential provisions with respect to the names and headquarters of the Local Government Areas as provided for in Sections and Parts I and II of the First Schedule to the Constitution. However, for the purpose of enabling the National Assembly to exercise the power conferred upon it by Subsection (5), each House of Assembly shall after the creation of the Local Government Areas, pursuant to Subsection (3) make adequate returns to each House of the National Assembly (see Section 8(5) and (6) of the 199 Constitution).

Closely related to Local government is the concept of development. The concept development is a victim of definitional pluralism. However, the consensus among scholars is that it is that improvement in material wellbeing of all citizens in a sustainable way, such that today's consumption does not imperil the future, reduction in the rate of poverty and inequality and improve personal physical security. National development refers to nation-wide development in a nation – state (Piate and Ukere, 2004).

By the combine reading of the 1976 local government reforms, Section 7(1) 1999 CFRN (as amended), Section 3(6) 1999 CFRN (as amended), Section 8(3) and (5) and Part I and II of the First Schedule to the 1999 CFRN (as amended), the Fourth Schedule to the 1999 CFRN and judicial decision in *Yantaba v. Governor of Katsina State and Knight Frank and Rutley Nigeria Ltd v. A.G. Kano State*, the uniformity of the Local Government in the country is constitutionally guaranteed. Local Government was created in Nigeria with the sole aim of bringing development to the grassroot and by extension to compliment the efforts of the State and Federal Government in fostering development in rural areas. Positioned as a conceptual construct, Local Government and National development are seemingly irreconcilable, this is because local government suggests localism while national Development suggest an extensive developmental spread. As empirical processes however, local government and national development are fully interrelated. Again, from the stand point of the Democratic – participatory and the Efficiency – Service delivery schools, Local government are seemingly strictly about Local issues. However, the empirical linkage between Local government and National development is more critically highlighted by the development school. The general objective here is to look at the relationship between local government and National Development. The specific objective is to examine the extent to which Local government has promoted the course of National Development and by extension, make recommendations on how Local government in Nigeria could aid the course of National Development.

Theoretical Explication of the Discourse

The theoretical framework adopted in the analysis of the subject matter is the **Development School of Thought**. The Development School of Thought is a combination of the two schools (Democratic- participatory and Efficiency Service delivery school). This because Development entails provision of essential services effectively and as well actively engaging the local population in democratic participation. The thrust of this school is that local government serves as the agent of development to the Local populace most especially in the developing countries. Put in another way, the position of the school is that Local government particularly in the developing world, are effective agent for improving the means of living socially, and economically (Adeyomo, 2011). As well, Local government constitute reliable basis for the local or grassroot people to get a better share in the national wealth. Specifically, the development functions of the local government include nation building, social, economic and manpower resource development. The local government transform centrally generated revenue allocated to them into infrastructural development. Such infrastructure will inturn to do more for themselves and for their communities. Thus local government serve as veritable partners with the stats and the Federal Government in National development issues as unit of development by which national development efforts, resource and benefits percolate to the grassroot.

Again, Decentralization or devolution of governmental powers to the local government affords the opportunity of participation in the development process to the grassroot or local people. With decentralization, the creative energy of the people can be harnessed. Decentralisation also offers the opportunity for innovation and experimentation to the sub national units (NICO, 2008). Innovative policies and practices in one local government may be modified and replicated in others as well as adopted by the state or national government. The utility of the theory to the study is that it highlight that the basic need for the creation of the Local government is development, this is because the role of enhancing democratic participation and delivery of efficient and effective social

services are ultimately development oriented (Tony, 2011). They all, indeed, are targeted at improving the social or economic lives of the grassroots or local people.

Unified Local Government: Beneficial or Detrimental

Before the British intrusion into the Affairs of the people, there existed a number of political and administrative institutions through which they conducted and regulated their own affairs. This traditional politico-administrative systems and institutions varied from one part of the country to another; both in terms of the organisational framework as well as the rulership and philosophy underlying each. For instance, in the North, the Emirate Constituted the most important political and administrative unit. In the Western part of Nigeria, the supreme head was the Oba assisted by the senior chiefs. The political-cum-administrative structure differs from that of the North. It was semi-centralised in that the Supreme Leader which is the Oba didn't wield or exercise the kind of power the Emir had. In the Eastern part was reputed for segmentary, egalitarian and republican in nature. The highest level of political and administrative institution was the village, each composed of families with the Opara (ie head) of the oldest family in the village presiding in the village meetings.

Local government reforms was considered necessary due to the fact that the local government system introduced during the colonial era was still unable to promote grassroots development and since the local government was basically the creation of the various regions, their operations were usually a reflection of the basic peculiarities of the divergent localities, so it was the need to mobilise the people at the local level so as to harness their energies and resources towards national development that inform the 1976 local government reforms. Before the 1976 reforms, the following was the characteristics/Feature of Local government system in Nigeria. Local government were not constitutionally recognised as a third tier of government, there was no unified or standardise structure of operation as each region operated the system of administration that was suitable to its nature, local government were not unified single tier of government and as such had different functions and purpose, local government was not entitled to revenue from the Federation account and were only able to generate money through the collection of taxes and levies, local government were not self-democratic as administrators were appointed and not elected. It was the 1976 local reforms which was regarded as the *magna carta* of the local government that elevate the status of the local government system generally as a third tier of government with steady sources of funding (that is guarantees direct funding on this tier by Federal/State Government) and expanded the operational scope and responsibilities of the local government. That is, it established a uniform of local government as regards their functions, structure and financing nationwide and by extension made them third tier of government of the Federation.

The purport of the above reform is that local government as a third tier of government in Nigeria, was created to promote the democratic ideals of the society and to co-ordinate other socio-economic development programmes at the local level in line with the overall national development plan. In deed the various reforms carried out by government was ostensibly meant to bring government closer to the people, enhance grassroots development and by extension national development. But as observed over the years, local government has not significantly perform the development functions that underscore their creation. This has casts doubt on its relevance as a tier of government in Nigeria. Several factors have accounted for this abysmal performance by the Local government and it includes but not limited to the following. One of the factor that has not

allow local government to function optionally as an agent of grass root development and by extension foster national development despite the series of reforms can be gleaned from the constitution-cum-the prevailing relationship between the local government and other theirs of government particularly the state. This can be discerned from the provision of the 1999 CFRN (as amended).

The first injustice stunned on the local government by the constitution, which have persistently functioned as a cancer and typhoid it from fostering development at the grassroots level and by extension national development is the provisions in Section 2(2) of 1999 CFRN (as amended) that provides that "Nigeria shall be a Federation consisting of states and a Federal Capital Territory". The import of this Section is that the component unit in Nigeria is simply two; the Federal and State Governments without the inclusion of the local government areas. That is the reason for not specifically mentioning the name "local government" in this section. The constitution expressly demarcates the functions and powers of the Federal Republic of Nigeria between the Federal government and the States.

Section 4(1)(2)(4)(5)(6) and (7) 1999 CFRN (as amended) did not donate to the local government the legislative powers to tax and a borrow for the financing of its services by itself without relying on the other. Taxation is the primary and the most ancient source of government revenue and plays an important and established role in any economy. There is no government today that does not rely on taxation measures to provide the much needed revenue for socio-economic development. It appears that the makers of the constitution from the beginning set out to sabotage the local government system by denying it the power to enact its tax laws (Piate and Ukere, 2024). It therefore follows that the number of taxes that are collected by the local government are prescribed by the various state law. In most cases the state government use their agencies to collect taxes meant for the local government and do not remit such money to the local government councils. By this, the local government councils are starved of important finds needed for the development of the rural communities.

Section 7(1) 1999 CFRN (as amended) provide for a democratically elected Local Government Council. The same section paradoxically states that the State House of Assembly shall make laws for the establishment. The import of this provisions is that even though Local Government is seen as the third tier level of government, the council have no relevance concerning issues of local government structure, creation, finance and control since the power to create and direct the working of the council rest on the shoulder of the State House of Assembly. section 162(6) 1999 CFRN stipulates that each state of the Federation shall maintain a special account called "State Joint Local Government Account" in which all the allocation due to local government of the state on the Federation Account and from the State Government shall be paid. Suffice it to say that the local government chairman is not one of the signatories to the Account. Section 197(1) 1999 CFRN provides for State Independent Electoral Commission (SIEC) , an agency of the state charged with the task of conducting elections into local government council. This mean that principal officers like chairman/vice and councillors because of how election are conducted, are mere appointee of the State and not elected by the people at the grassroots. The Ministry of Local Government and Chieftaincy Affairs charged with the task of supervising local government within the state and the local government service commission charged with the task of recruiting, training, posting, promotion and discipline of the local government staff are agencies directly control by the state government. This mean that the chairman is

being made accountable to both the commissioner for local government-cum-chairman of the commission and not the grassroots that elected him.

Another factor that has typhoid the Local government as an instrument of rural development is corruption. The consensus among scholars about the definition of corruption is that corruption involves the giving and taking of bribe, or illegal acquisition of wealth using the resources of public office, including the exercise of discretion. Official taking advantage of their offices to acquire wealth or other personal benefit. A public official is corrupt if he accepts money or money worth for doing something that he is under a duty to do or not to do or exercise a legitimate discretion for improper reasons. So corruption takes place when a public officer embezzle public fund kept in his trust, does unauthorised spending or exceeds approved limits for dubious ends or over value a contract so that he could earn a kick-back.

Corruption in the local government refers to the misuse of public office and resources by individuals in position of power at the local government level for personal gain or for the benefit of selected groups. Corruption at the local government level presents a critical obstacle to development, exacerbating existing socio-economic challenges. Pervasive corruption undermines the equitable distribution of resources allocated for rural development projects, leading to inefficiencies and mismanagement. Funds earmarked for essential infrastructures, agricultural initiatives and social services are often diverted through fraudulent means, depriving rural communities of much needed support and perpetuating cycles of poverty and underdevelopment. The detrimental effect of corruption extend beyond financial misappropriation, impacting on the quality and sustainability of rural development initiatives. Projects tainted by corruption are often characterised by substandard construction, inflated costs and incomplete implementation, diminishing their longterm impact on rural livelihoods. The erosion of public trust in local government institutions due to corruption hampers citizens engagement and participation in development process.

Another factor responsible for development impotency of the local government is traceable to the structure and pattern of intergovernmental relations in Nigeria. The objective of intergovernmental relations can be summarised to include, to promote peace and harmony among the levels of government, to enhanced the emergency of co-operation rather than competitive federalism, to ensure effective and efficient utilization of available human and material resource among the various levels of government, accelerate the achievement of self-reliant economy, minimise inter-jurisdictional conflicts among the various level of government, solve the problem of rural-urban poverty and to foster greater national integration through the activities of the level of government. In intergovernmental relations, two types of relationship can be distinguished, superior-subordinate which is more pronounced in developing countries and bargaining-cum-negotiating relationship which feature in countries with rich democratic tradition.

Intergovernmental relations in Nigeria is usually associated with various forms of control such as personal, finance, guidelines for administration practices, budgets and projects. Control may be functional but to the extent that it facilitates the business of government in an efficient and effective manner, but control in a lot of cases impede development. For instance, control of finance (revenue) and its disbursement do hampered development. When money are centrally paid into a joint account for local governments, state government tamper with this money thus reducing the volume of funds coming to the local government for development. Again, Local government keep getting circulars and directive from state that amount to extra-budgetary commitment. This is because even

without their knowledge, approval would have been issued by the state government directing them to do certain purchase or contribute to one project or the other which in most cases may not have certain purchase or their budgetary commitment. The implication is that they have to abandon their original budget to take care of such projects. This is not healthy for the idea of development. Sometimes, directives from the state government at the beginning of the budget exercise restricting the expenditure of local government and allocations to certain areas or sectors expenditures is not healthy for local government because development ought to be based on a need assessment of local communities.

State policies on personnel may also end up being detrimental to development in a way. Certain personnel of local government like the Head of Local Government personnel, works officer, internal auditor and local government inspectors are key to development efforts. Some of these personnel may insist on standard before approvals are given and cheques released. Chairmen of Local Government Councils may consider this as an affront and brand such personnel as an enemy of his administration and liaise with local government service commission to effect such officer transfer. When this happens, it marks the end of efficiency and quality project in the local government.

The legislative control exercised through the State House of Assembly of each state that make laws for Local government and other matter related to it, vest on the Governor of the State with the power to order inquiry into the activities of the Local government. It also vests on the Governor the power to suspend or out rightly dissolve any defaulting Local government council. Example of this can be gleaned from Section 23(b)(1) and (11) of the Local government Administration (amended) Law, 2001 of Ekiti State which empowered the Governor of Ekiti State to dissolve democratically elected Local government council and replace them with an unelected caretaker committee as was a subject of litigation in Governor of Ekiti State Volubunmo and Section 81(a) of the Katsina State Local Government Administration Law which states that in the interest of security, peace, order and good governance or for acts of Mismanagement of Public Funds, the governors may at any time before the expiration of tenure of a local government council dissolve any or the 34 Local Government Councils, the Subsection (b) of the same section provides that the House of Assembly may as in Paragraph (a) pass a resolution with the support of two third majority of its members, dissolve any or all the 34 Local Government Councils, subject to the approval by the Governor as was a subject of litigation in *Yantaba v. Governor of Katsina State*. In the both instances, the Supreme Court held that where the provisions of state legislation is inconsistent with the provision of the constitution of the Federal Republic of Nigeria, the provisions of such state law is invalid and the law itself is to that extent invalid. That dissolving Local Government Councils and replacing them with caretaker committees amount to the Governor acting on his whims and fancies unknown to our Laws.

The study examined the causal relationship between the unified local government system in Nigeria and National development as envisaged by the 1976 local government reforms and guaranteed by the 1979 Constitution of the Federal Republic of Nigeria (CFRN), it appears that inconsistencies in the constitutional provisions, the overbearing influences of the State governors, corruption and pattern of intergovernmental relations has work mischief against this noble effort and by extension crippled the local government as an instrument of fostering National Development in Nigeria. Even the recent Landmark judgement by the Supreme Court in a suit marked SC/CV/343/2024 aimed at strengthening the autonomy of the Local Government Areas as guaranteed by the constitution and by

extension make them focus on delivery services such health care, education, sanitation, infrastructural development and development project that will lead to better governance and accountability at the grass root level, it is the opinion of the study that efficient governance at the third tier of government will still be hampered by the overbearing influence of the State Government except National Assembly take steps to amend certain sections of the constitution that make the local government councils an appendage of the state government and cripple it as an instrument of fostering National Development.

The way forward is that the study suggests the amendment certain of provisions of the constitution that has typhoid the effective running Local Government Administration in Nigeria. The first is Section 2 Subsection (2) of the Constitution of the Federal Republic of Nigeria (CFRN) (as amended) that provides that "Nigeria shall be a Federation consisting of States and a Federal Capital Territory". The import of this section is that the component unit in Nigeria is simply two; the Federal and State government areas. This explain why Local government was not mention in that section. In order to realise the much desired three tier of government, it is importance that Section 2 Subsection 2 be amended to read that Nigeria shall be a federation consisting of States, Federal Capital Territory and Local Government Council Areas, which shall give the local government well thought out autonomy as was held by the Supreme Court in *AG Abia State v. A.G. Federation* and the recent case filed by the Attorney General of the Federation (AGF) Lateef Fagbemi marked SC/CV/343/2004. By this the local government shall no longer function as appendage of the state and the state Governors shall cease to see it as a private estate to be manipulated at will. Again Sections 7 and 8 of 1999 CFRN (as amended) need alteration deleting from their provisions the clause every government of a State and House of Assembly of a state so that the state stop legislating and overseeing the activities of the Local government. This will enable the local government draw its power directly from the constitution without any from of derivative powers from the state.

On Election, Item 22 of the Exclusive legislative list in the Second Schedule Part I need also to be amended as the Section relates to election where in Independent Electoral Commission (INEC) is empowered to conduct general elections on all the positions enumerated except offices for Local Government Council. The word "including" be added which will mandate INEC to conduct election for Local government. Again paragraph 15(1) of Part 1 of the third schedule should also be amended as it is silent on local government. The amendment should read "the commission shall have power to organize, undertake and supervise all elections to any office in Nigeria. Item 12 of the Second Schedule of Part II of the concurrent legislative list should also be completely deleted from the constitution.

Section 197(b) 1999 CFRN which establishes the State Independent Electoral Commission an Item 3 and 4 of Part II of the Third Schedule to the constitution which provides for the membership, powers and functions of the commission should also be deleted from the constitution. This stems from Governors overbearing influence on such subnational institution which has ignited calls for transferring the responsibility of conducting Local Government Election to Independent National Electoral Commission (INEC).

On the issue of revenue allocation, the study is of the view that Section 162(b) and (7) of the constitution should be deleted. Subsection (5) and (8) should also be amended to remove the word State House of Assembly respectively as what will be left will denote autonomy for the Local government. The implication is that all the revenue belonging to the local government councils will be paid directly into its account without any

intermediary like the state. Section 7(6)(b) which provide that House of Assembly of State shall make provisions for statutory allocation of public revenue to local government councils within the state, should also be deleted from the constitution. Finally, on tenure of elected local government council officers which the constitution is silent, should be amended to include in a clear, precise term four years tenure enjoyed by other political officer holders. It is only when this is done, that the local government will serve as a veritable instrument in fostering National Development.

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