

## **An Exposition of The Relevance of Local Governments in the Administration of Grassroot in Nigeria**

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### **Abstract**

*The focus of this paper is to reiterate the need for the existence and not scrapping of Local Governments as the third tier of Government in Nigeria. There are presently three levels of governance in the country today. Due to the way Local Governments are being handled by the politicians, especially, the State Chief Executive, Governors and the leadership of political parties, which has made this third tier of Government to be almost irrelevant, a lot of debate is going on concerning whether to scrap the Local Government systems completely and concentrate on the remaining two tiers viz; Federal and State or not.*

*This paper looks into the origin of the local governments as a constitutional creation and examined its sources of funding as well as brought out the special duties statutorily allocated to this third tier, in comparison with the three arms of government – Executive, Legislature and the Judiciary – each working without disturbing the others. Problems with the local government system as currently ran in Nigeria and why they are seemingly ineffective was also expensed. The piece finally submits that since the Local Governments as the statutory third tier of Government in Nigeria is the closest to the people at the grass root, and democracy has been defined*

*as government of the people, by the people and for the people, the arm must rather be strengthened instead of being scrapped.*

### **Introduction**

Just as there are three arms of government in Nigeria, namely the Executive, the Judiciary, and the Legislature, so also do we have three levels of governance in the country. These three levels of governance are the Federal, the States and the Local Governments. The Executive could be described as the embodiment of government; it is the arm or organ of government that executes or implements the policies made by the legislature and enforces laws as well as fulfills government promises. In a Presidential system of government, the executive is made up of the President, assisted by Ministers who are appointed by him. In the Parliamentary system however, the Executive is made up of the Prime Minister, and the Ministers. This arm of government is responsible for formulating and implementing government policies, law enforcement, control of the Armed Forces, provision of political leadership to the country among other functions.

The Legislature is the law making body of government. It is made up of duly elected representatives of the people. The Legislature is saddled with the responsibility of debating executive policies (also known as bills) as well as initiating its own policies which, once approved, become laws. The Legislature could be described as the organ that supervises the Executive arm of government. It approves Executive appointments, including those of the Ministers and also approves the nation's budget after adequate debate and scrutiny.

The Judiciary is the third arm or organ of government whose sole responsibility is the interpretation of the law of the land. This arm mediates and passes judgement wherever and whenever there are disputes, even among the various other arms and agencies of government. It is supposed to operate with absolute independence and impartiality.

Without these three arms of government, a state may not be complete. Even during the military era, when the Legislature may not be in operation fully as an arm of government, the Supreme Military

Council which forms the Executive arm of the government combines the work of the legislature with its executive functions. The only sacred arm that cannot be taken over in most cases is the judiciary.

The pertinence of the above description is in the fact that just as these three organs of government perform their distinct functions in the running and formation of a state, so also are the three tiers of government available needed to carry out their constitutional duties. These three levels of government are the Federal, the State, and the Local Governments. Each has its statutory functions derived from the nation's Constitution; the grundnorm.

The Federal is the apex level of governance with an overriding enabling power and facility to oversee all other levels as well as allocate resources to them for the performance of their functions. The Federal controls the nation's wealth and gets the responsibilities of the three levels divided into exclusive, concurrent and residual lists.

The exclusive list contains elements like the security of the nation, internal and external aggression, foreign relations and air or rail travels as items whose authority cannot be shared, while the concurrent list is with items for which both the Federal and State levels can both handle. These include education, road construction and health matters, among others. The residual list has items over which any level or organ of government can have a say, represented by health care, education and other related items.

Just as we have each level or organ of government saddled with specific constitutional powers and functions, so do we have the Local Governments as a creation of the Constitution of Federal Republic of Nigeria as the arm or level of governance which is closest to the grassroots and given specific functions. So why must it be looked at as a non relevant level of governance? What makes it to be less effective than expected? What are its statutory functions?

A sojourn into finding answers to these and other related questions will confirm that the Local Governments must be. This is the focus of this paper.

### **The Need for Local Governments**

The argument whether or not the Local Governments should continue to exist in the running of affairs of the Nigerian state has been on for some time now. Globally, various strategies and approaches have been adopted by governments for the purpose of good governance as well as in their efforts to distribute state resources up to the doorsteps of individuals at the grass root levels. There has however not been a general agreement on which strategy to employ as the most appropriate in the administration of the rural communities. Currently, the only available solution to this all important need for decentralization is the Local Government system because decentralization forms the basic and principal reason for the establishment of the Local Governments. Manhood, a renowned International scholar of Local Government, was quoted in Dalhatu (2006) as having observed that “too much concentration of political and economic power at one level would ultimately and inevitably lead to “managerial constipation”. He stated that the need for Local Government is inextricably woven around the principle of decentralisation. According to Wright (1978), the Local Government is strategically located to fulfill special functions due to its physical and psychological distance between officials of other tiers of government. Also, Ukertor (2009) observes that Local Government, in relation to other levels of or tiers of government manifest itself in three criteria areas:

- a) **Authority Relationship:** The authority relationship among the national, state and local governments is very crucial. It is the pattern of relationship that will determine whether what obtains is local government or local administration in the first place. Where the local unit enjoys a grant of authority over specific area and wide range of functions, then what obtains is a devolved local government. But where, on the other hand, the unit enjoys a grant of authority just enough for execution of specified functions and services then what obtains is a deconcentrated local government or indeed a local administration.
- b) **Finance:** This is another crucial element of autonomy. Where the local unit has adequate and independent sources of revenue for the

initiation and execution of its specified functions and services, then local government obtains. On the other hand where the local unit is not financially independent, then independent action is not possible, and what obtains is local unit of the state or source of revenue. He who pays the piper; says the adage, dictates the tune.

- c) Personnel: Any local government must be able to recruit and maintain its staff. The authority to “hire” and “fire” is one of the determinants of organizational autonomy and maturity.

It is the opinion of this paper that the Local Governments should continue to exist. This view is based on the following reasons which will be expatiated to give more insight into them and probably rest the argument against the Local Governments:

1. Local Governments are a creation of the Constitution of the Federal Republic of Nigeria.
2. Local Governments are the only major level of government that has very high proximity to the people at the grassroot. This is a major item and reason for governance – nearness to the people.
3. Local Governments are very convenient instruments for handling grassroot affairs due to the fact that it is he, who wears the shoe that knows where it pinches. The grassroot people know their terrain and their needs more than anyone coming from outside the community to do a guess-work on such items.
4. Local Governments are means of generating income for government through various means ranging from rural natural and human resources, to settlement.
5. Local Governments are very reliable instruments of political convenience and good governance.

As a constitutional creation, Parts I and II, First Schedule of the Constitution of the Federal Republic of Nigeria, 1999, as amended in its 2011 edition states that “there shall be seven hundred and sixty-eight Local Government areas in Nigeria as shown in the second column of Part I of the First Schedule to this Constitution, and six area councils as shown in Part II of that Schedule”. These when added, give the popular 774 as number of Local Governments available in Nigeria.

Furthermore, in the Part II of Chapter I of the nation's Constitution, under item 4, where "Powers of the Federal Republic of Nigeria" were stated, there is a special provision for not only the existence but the preservation of the existence of Local Governments by State Governors as a duty.

This Section states specifically in Part II item 7(I) 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."

Also concerning the sources of revenue of Local Governments, Part II, Section 7(6) (a) and (b) of the Constitution of Federal Republic of Nigeria, 1999 as amended in the 2011 edition makes provision for this. It states that:

- "(6) Subject to the provisions of this Constitution;
- (a) the National Assembly shall make provisions for *statutory allocation* of public revenue to Local Government Councils in the Federation; and
  - (b) the House of Assembly of a state shall make provisions for statutory allocation of public revenue to Local Government Councils within the state."

With the above stated provisions, the Local Government Councils must, if fully implemented, never lack funds to carry out its functions since added to these is the Internally Generated Revenue (IGR).

To give a further explanation on the other items earlier listed under the need for Local Governments, aside from its being a creation of the Constitution which was not just a favour, but provided for in the sense of revenue as we have seen above, a sojourn into the statutory functions of Local Government Councils as provided by the Nigerian Constitution will confirm this position taken.

### **Statutory Functions of Local Government Councils**

The functions of Local Government Councils are stated statutorily in the 4<sup>th</sup> Schedule, Section 7 of the Constitution of the Federal Republic of Nigeria as follows:

#### **Functions of a Local Government Council**

- I. The main functions of a local government council are as follows-
  - (a) the consideration and the making of recommendations to a state commission on economic planning or any similar body on
    - (i) the economic development of the State, particularly in so far as the areas of authority of the council and of the State are affected, and
    - (ii) proposals made by the said commission or body;
  - (b) collection of rates, radio and television licenses;
  - (c) establishment and maintenance of cemeteries, burial ground and homes for the destitute or infirm;
  - (d) licensing of bicycles, trucks (other than mechanically propelled trucks), canoes, wheel barrows and carts;
  - (e) establishment, maintenance and regulation of slaughter houses, slaughter slabs, markets, motor parks and public conveniences;
  - (f) construction and maintenance of roads streets, street, lightings, drains and other public highways, parks, gardens, open spaces, or such public facilities as may be prescribed from time to time by the House of Assembly of a State;
  - (g) naming of roads and streets and numbering of houses;
  - (h) provision and maintenance of public conveniences, sewage and refuse disposal;
  - (i) registration of all births, death and marriages;
  - (j) assessment of privately owned houses or tenements for the purpose of levying such rates as may be prescribed by the Houses of Assembly of a State; and
  - (k) control and regulation of
    - (i) out-door advertising and hoarding.
    - (ii) movement and keeping of pets of all description.
    - (iii) shops and kiosks,

- (iv) restaurants, bakeries and other places for sale of food to the public,
- (v) Laundries, and
- (v) Licensing, regulation and control of the sale of liquor.

The functions of a Local Government Council shall include participation of such council in the government of the state with respect to the following matters:

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

From this long list of functions of Local Governments as the third tier of government, it could be further argued that the Local Governments are widely acknowledged as viable instruments for rural transformation and for delivery of social services to the people. Local Governments are strategically located to fulfill the above stated functions due to their physical and psychological proximity to the people; faster responsiveness, and simplicity of operations.

### **Problems of Local Governments**

With all these enormous powers as granted by the Constitution, the question that will come to the mind of anyone following political relationship between the states and the Local Governments shall be why do they still have problems that threaten their relevance and hence continued existence? I mean, despite the strategic importance of the Local Governments to the National development process, why has their contribution been so minimal?



A major problem of Local Governments is the inability to perform as expected. Oyelakin (1990) rightly observes that the expenses goal for establishing local governments is to bring government by extension development to the grassroot levels. He recommended that it is incumbent on local government to carry out development projects in its area of authority.

Some of such areas of development recommended by him are

A section of observers have been noted to have agreed that the ineffectiveness of Local Government derives primarily from excessive government control, seizure of its funds (statutory allocation), and the withdrawal of their democratic process of choosing leadership which has been cunningly replaced by the "Care-taker system". There is no gainsaying the fact that states, through their Executive Governors' greediness, have undermined the financial viability of Local Government by diverting their statutorily allocated grants as well as encroaching on their revenue yielding functions including street naming, tenement rates, liquor licensing, markets and motor parks revenues, just to mention a few.

The current various agitations by the National Union of Local Government Employees (NULGE) and fears shown by teachers against the Local Government systems, are as a result of behavior and attitudes of the persons who operated the system, and treated Local Governments as an extension and subordinate tier of government, and not as a full third tier.

Aside from the above picture, the following list reflects some of the major problems facing Local Governments in relation to their eroded autonomy.

1. The ministry of local government as an agency of the state exercises stringent controls on all the activities of local governments.
2. All byelaws of local governments have to be approved by the ministry of local government before they can come into force.
3. Annual estimates of local governments are subject to the approval of the ministry before they are implemented
4. The ministry exercises very powerful control over local governments through its inspectorate division.

5. The Auditor-General for local governments at the state level carries out annual audit of local government accounts and their report are usually sent to the Auditor-General for scrutiny.
6. The state government provide local government with the financial memoranda which guides financial management at the local government level, and
7. The Local Government Service Commission (L.G.S.C) an organ of the state government is charged with the responsibility for the appointment, promotion, training, transfer and discipline of staff of local government on grade level 07 and above. For staff on grade level 06 and below, their matters are handled by the Junior Staff Management Committee (J.S.M.C.) whose composition and functions are spelt out in the 1988 civil service reforms for local government. In handling personnel matters of this category of staff, the J.S.M.C. will have to notify the L.G.S.C. on major decisions affecting staff (Oyelakin, 1990)

With all these controls, coupled with the seizure of allocation by State Chief Executives, the Local Governments' autonomy is threatened and thwarted. It is therefore advised that the underlisted are to be ensured to ensure that the autonomy of Local Governments are guaranteed and their continuity more realistic.

#### **Way Forward on Local Government Autonomy in Nigeria**

- (a) There must be statutory allocation of revenue directly to the Local Governments of the federation from the Federal Government and not through the State Governments.
- (b) Empowerment of Independent National Electoral Commission to organize democratic elections at all levels, including local government elections, and scrapping of State Electoral Commissions.
- (c) Establishing a special section of code of conduct bureau for local government functionaries, for asset declaration.
- (d) Totally preventing State Governors to have access to Local Government funds.

- (e) The Chief Justice of the Federal High Court in the State should administer Oath of allegiance and the Oath of Office on newly elected Chairmen or Local Governments, with State Governor invited just as a ceremonial guest or Chief Host.
- (f) Allocation of at least, 10% of the state's internally generated revenue, to the local governments within the state, should be made compulsory due to areas of overlapping functions and duties.
- (g) Establishment of a joint planning board through a law enacted by the State House of Assembly to require each local government within a particular state to participate in economic planning and development of the local government area should be ensured so that duplication of efforts on projects would be minimised.
- (h) Recruitment of personnel must be carried out by each Local Government on its own. Accordingly, Okoli (2013), any organization that depends on another organization for its personnel, can at best, be described as an extension of that other organization, as the loyalties of the employees will most certainly go to the organization that has control over them.

### **Conclusion**

The need for Local Governments as the closest viable, effective and efficient connecting nexus between the Federal Government and the grassroot cannot be over-emphasized. Once the impediments against their smooth operation as created by the Constitution in the area of relationship with, and supervision by the state executives as well as the artificial ones put in place by the insincere State Chief Executives are removed and the Local Government bosses and their councils are democratically elected by a Federal body and not a state electoral board, the Local Governments should be able to give account of themselves and justify the dream of the proponents of this third tier of government.

The Local Government system must continue to exist, identified problems should only be removed to ensure independence and reliability.

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