

## HISTORICAL DEVELOPMENT OF THE LOCAL GOVERNMENT SYSTEM IN THE SOUTH – SOUTH NIGERIA: HOW FAR, HOW WELL?

Emmanuel Osewe Akubor, Ph.D

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### Abstract

*The Local Government System of administration is not as new as most literature portrays it in Nigeria. This is because available historical documents have shown that even Data obtained from primary and secondary sources were deployed to carry out the study with an analytical and narrative historical method. Findings indicate that in the pre-colonial period, it was the most effective system deployed by most Kingdoms to reach the grass root and that it was the success of this system that encouraged its application in the colonial and post-colonial period. The paper therefore argues that it proper application in the present day Nigeria will make governance much easier and result oriented.*

**Keywords:** Historical Development, Local Government, South-South, Nigeria.

### Introduction

Historically (in most parts of the world where such is practiced) the local government system of government is the closest tier of government to the people. In the case of Nigeria, after and during the colonial period, the administration, tried to introduce such practice. However, the area of controversy has remained the historical development of this system as well as how this system has fared over time. Most of the available document seems to give a telescopic origin to the system in Nigeria; this is because while some sees it as one of the legacies of the colonial government, others simply assign the Constitution of the 1979 to its origin. Also despite the closeness of this government to the people, the resident population in it is denied the benefits of its existence. The failure of the local governments in the area of service delivery has made the citizens to loose trust in government as an institution. In some areas, council officials are better known for the harassment of citizens than service delivery. Many Nigerians crave for change in the local government system as presently constituted in order to not only bring it in conformity with present day realities but also to make it live up to the expectations of the people who have been yearning for grassroots development. But this will however require a lot of processes like constitutional amendments and inputs from the civil society.

### Conceptual Clarification

Historically, Local Government is one of man's oldest institutions. The earliest form of Local governments existed in the form of clan and village meetings. Early scholars have argued that democracy itself originated and developed along the lines of local governance initiatives in the ancient Greek city states. In other parts of the world, local governance was developed along the people's culture and expectations. Thus a local government is a political and administrative unit that is empowered by law to administer a specified locality, with the aim of providing the dividend of governance at the grass root. It is in line with this that scholars have argued that the Local Government system from inception was a deliberate attempt to inject a decentralized approach towards national integration, efficient and effective governance, creating a sense of belonging at

the grassroots. In the opinion of this group of scholars, the local government system was designed to be a means for ensuring effective democracy at the grassroots level because it is the level of government closest to the people and by implication it is the most critical in engendering good democratic cultures and values, effective participation in the process of development at the grassroots with the possibility of filtering up to the national level (Abbas & Ahmad, 2012: 98)

The above position had earlier been trumpeted by Abbas, I.M (2011) who posited thus;

*The system of local government is considered as a lynchpin for the realisation of grassroots democratic politics and rural transformation. Reforms on local government in Nigeria have featured since formal political independence. But the current situation in local government throughout the country is characteristically chaotic as the envisaged primary activities to be performed by them have almost melted away, thus leaving majority of the people completely disillusioned.*

According to the geopolitical zoning system in Nigeria, South South Nigeria is made up of six states namely, Bayelsa, Rivers, Akwa Ibom, Cross River, Edo and Delta. Most often, BRACED is an acronym for the six states in the south-south region using the first letters of the each of the states (Bayelsa, Rivers, Akwa Ibom, Cross River, Edo and Delta)(South South Economic Summit, 2012). This is completely distinct from the Nigeria Delta, the delta of the Niger River in Nigeria, which Michael Hogan C. (2013) described as a very densely populated region sometimes called the Oil Rivers because it was once a major producer of palm oil. The area was the British Oil Rivers Protectorate from 1885 until 1893, when it was expanded and became the Niger Coast Protectorate. The Niger Delta, as now defined officially by the Nigerian government, extends over about 70,000 km<sup>2</sup> and makes up 7.5% of Nigeria's land mass. Historically and cartographically, it consists of present day Bayelsa, Delta, and Rivers States. In 2000, however, Obasanjo's regime included Abia, Akwa-Ibom, Cross River State, Edo, Imo and Ondo States in the region. Some 31 million people (CRS Report for Congress, 2008) of more than 40 ethnic groups including the Bini, Efik, Ibibio, Annang, Oron, Ijaw, Itsekiri, Isoko, Urhobo, Ukwuani, and Kalabari, are among the inhabitants in the Niger Delta, speaking about 250 different dialects. Thus, the Niger Delta, and the "South South Zone", which includes Akwa Ibom State, Bayelsa State, Cross River State, Delta State, Edo State and Rivers State are two different entities. While the Niger Delta is the oil producing region the South South Zone is a geo-political zone.

It is important to note that although, the focus is on the introduction of Local Government System in South-South Nigeria, and this cannot be discussed in isolation. This is because South-South is located within the larger Nigeria society, and as such reference will be made from time to time to other areas that make up the present day

### **Local Government System of Government in Nigeria: Colonial Introduction or Reformation.**

Prior to the advent of colonial administration in Nigeria, the various principalities, had well organized system which could be likened to the Local Government Administration as practiced today. This was because, the various peoples had structures through which policies and decisions from the highest level got to the grass root, in the same manner, the representatives of the people at that level made sure the voices of their people were heard and that the largess of the government got to even the household, as commensurate with what they contribute to the development of the society

However, when the issue of Local Government Administration is mentioned today, a glance through available literature and some academic documents on local government system in Nigeria,

gives one the impression that the system is a sort of introduction of the colonial government. For example, Agagu (2004) posits that the local government system has been a major feature of the Nigerian government and politics since colonial rule though, over the years, and since then there have been changes in name, structure, and composition, while the system was operated differently all over the country. This idea has been trumpeted by even among those of us in the academic circle as the closest to the people. In this regard, we tend to relegate to the background the system practiced in the area before the incursion of colonial rule. For instance Adeyemi L.O (2011) posited thus:

*By their nature, local governments are the closest to the people at the grassroots. This was actual true in the Western Nigerian days of vibrant politics, based on the party pivots of disbanded Action Group and the National Council of Nigeria and the Cameroon. Their essential services of supply of potable water, maintenance of local health institutions like dispensaries and maternity centres, cleanliness of the locality, supervised by health or sanitary inspectors; provision of health gadgets like incinerators, public latrines, supervision and control of markets and abattoirs; maintenance of local roads and courts, the latter for dispensation of justice under customary laws; including the meeting of an array of many other items of local needs which these institutions were set up to cater for; and so as to ensure the stability of the nation; and by the same contingency, to provide the training of local statesmen, some of whom would graduate into the State, Federal and National Service – all of which form the ultimate in the development of Nigerian political culture, democracy, upgrading of people who would graduate into national limelight to lead the country at the dizzy height of its political apex.*

In his analysis of what could be described as one of the earliest forms of local government system in part of what today constitute the Federal Republic of Nigeria, Johnson S (1897:75-7), wrote:

*Every town, village or hamlet is under a responsible head, either a provincial "king" or a Bale (mayor). In every case the title is hereditary (excepting at Ibadan) as such heads are invariably the founder or descendants of the founder of their town. The provincial kings are styled the lords of their town or district, and from it they take their title, e.g. :— The Onikoyi, lord of Ikoyi ; Aseyin, lord of Iseyin ; Alake, lord or Ake ; Olowu, lord of Owu ; Oluiwo, lord of Iwo ; Alakija, lord of Ikija, etc. There are a few exceptions to this rule, where the first ruler had a distinctive name or title before he became the head of the town or district, e.g. : — Timi of Ede, Atawoja of Osogbo, Awujadg of Ijebu, Okere of Saki, Onibode of Igboho, etc., in which case the distinctive name becomes the hereditary title of the chief ruler. A provincial king is, of course, higher than a Bale as a duke or an earl is higher than a mayor. They are privileged to build kobis to their palaces, and to create Ilaris which Bales are not entitled to do. They are also allowed an Akoro (coronet) which Bales are not allowed to have; but few of them indulge in large state umbrellas. They are invested originally with power from Oyo whither they usually prepare to obtain their titles, the sword of justice being given them by the AlAfin at their installation. Every one of them as well as every important Bale has an official at Oyo through whom they can communicate with the crown. They are also invested with a Qpaga by which they are empowered to make and keep an Ilari. The Qpaga is an iron instrument the shape of an Osain, but taller and is surmounted with the figure of a bird. This is the Qsain worshipped b)' Ilaris. To be deprived of it is equivalent to being deprived of one's rank. To dethrone a kingling, he is publicly divested of his robe and sandals and the*

announcement is made that XYZ having forfeited his title, he is deprived of it by AB his suzerain or feudal lord. The following are the kinglings in the Oyo provinces: In the Ekun Osi or Metropohtan province :— The Onikoyi of Ikoyi ; Olugbon of Igbon ; Aresa of Iresa ; the Ompetu of Ijeru ; Olofa of Ofa. In the Ekun Otun province :— Sabigana of Igana ; Oniwere of Iwere ; Alasia of Asia ; Onjo of Oke'ho ; Bagijan of Igijan ; Okere of Saki ; Alapata of Ibode ; Ona Onibode of Igboho ; Elerinpo of Ipapo ; Ikihihi ol Kihisi ; Asgyin of Isgyin ; Alado of Ado ; Eleruwa of Eruwa ; Qloje of Qje. In the Ibolg province: — The Akirun of Ikirun; Olobu of Ilobu; Timi of Ede; The Atawoja of Osogbo;and Adimula of Ife Odan. In the Epo province: The Oluwo of Iwo; Ondese of Idese. Of these vassal kings the Onikoyi, Olugbon, the Aresa and the Timi are the most ancient... The affairs of the town are then left to be administered by the Bale Agbe, i.e. the chief of the farmers. The duties of the Bale Agbe on ordinary occasions are to superintend the tax collectors, and to assist the Jagun who superintends the cleaning of the roads. The Iyalode, i.e. the queen of the ladies is a title bestowed upon the most distinguished lady in the town. She has also her lieutenants Otun, Osi, Ekcrin, etc., as any of the other principal chiefs of the town. Some of these lyalodes command a force of powerful warriors, and have a voice in the council of the chiefs. Through the lyalode, the women of the town can make their voices heard in municipal and other affairs. The King's civil officer's judge all minor cases, but all important matters are transferred to the Alafin of Oyo whose decision and laws were as unalterable as those of the ancient Medes and Persians.

Akinjogbin, A.I (1967) captured this more graphically when he argued that the system that formed (what for lack of better expression could be called) the Ebi Commonwealth under what he described as the Ebi social theory of some parts of Nigeria and Dahomey is a good example of grass root government in the area in the era pre dating colonial domination. The thesis of his argument is that there existed an overall father/king, who regards other lesser fathers (who constitute the village/clan and household heads) as sons and representatives of the various constituent among which the commonwealth is share according the contribution and demands. In the opinion of the scholar, it was a form of political organization with advantages, especially as it simplified local administration in an age when transport was difficult and devolved social service commitment on small unit. This was said to have brought political stability to the people and government as early as the 16<sup>th</sup> century.

This was also applicable to the pre-colonial Esan area, where the *Enogie* (Kings), *Edion* (elders) and members of the other Age Group saw to the day to day affairs of the community. It was the duty of these groups to build and maintain market square, public play ground as well as cemeteries. They also dug and maintained the public source of water supply as well as road maintenance. All these were done with utmost diligence and dedication. The punishment for fraud in the discharge of these duties ranged from simple fine to excommunication (Okodua, 1997, Akubor, 2010).

### **Colonial Rule and Modification of the System**

Once the Nigeria area was conquered by the colonialist, the need to modify some of the earlier established system of governance became paramount. This was basically to give justification to the argument that the basic reason for colonial conquest was to savage a barbarous tribe, to bring her into the mainstream civilization of the West. Thus, from about 1910 various

policies as would favour the colonial government including administration of the natives were beginning to take shape.

It was in line with the above, the importance of the representative government, its effectiveness and less cost of running it, that made the colonial administration to retain it some aspects, with modifications. This to the colonial administration was very necessary if the indirect rule system was to succeed. In line with this modification, Adeyemi L.O (2011), opined that as a major prop for the local government under the Indirect Rule, the most lasting ordinances were the Native Authority Ordinance of 1914, the monarchs (Obas, Alafins, Onis and other monarchs) were empowered to make laws on matters, subject to the approval of the British political officer. It was therefore not surprising that to retain the system (with modification), Elections into local councils was introduced and were first organized in the late colonial period. Scholars opined that among other things, the colonial government had to conduct the elections in a bid to contain the growing tide of anti-colonial nationalism after the Second World War. This was even more popular among the educated elites who argued that there was the need to democratize the system of Native Authority (as the system was known then), to possibly free it from colonial manipulation and produce a generally acceptable system in conformity with the growing wave in the international system. It was this that forced the colonial administration in both the Eastern and Western regions to begin steps which were to lead to a representative system in the early 1950s.

To actualize the above objective, a number of commissions were established by the colonial administration, specifically to effect reforms that will increase local community representation in the overall administration of local affairs. It was this that led to the 1948 constitution of a Select Committee of the members of the Eastern Regional House of Assembly to study a memorandum on the subject prepared by Brigadier E.J. Gibbons, a Senior Resident in the Eastern Provinces, which resulted in the promulgation of the Local Government Law of 1950. In his analysis, Gboyega Alex (1987) posited thus:

*In the colonial government's view, the Local Government Law of 1950 was intended to remedy a major defect of native administration, namely, that the local councils were not sufficiently representative, especially of the educated elites. Therefore, a significant feature of this Law was the legal requirement that the Instrument establishing a council should specify the time of election to the council and the size of the elective seats. The reform made it legally obligatory that elections be the means of selecting councillors. It provided for three basic types of authority- county, district and local councils, each autonomous of one another. The first five years of the reform however, did not produce any change in terms of representativeness. It was not until after 1955 that the Premier of the Eastern Region, Dr. Azikiwe, could promise the introduction of universal adult suffrage in one urban district as a pilot scheme*

In the case of the Western region, Omar M (2012) writes:

*Local government reform in the Western Region followed the example set by the Eastern Region. The Local Government Law of 1952 provided for three basic types of council, the divisional, district and local councils. The Councils had three year tenure, and the instrument establishing each Council specified its composition, and fixed the time for its election. The divisional council was headed by a President who was the paramount chief of the area, or where there was none, the office was filled in rotation by the recognized traditional rulers within the locality. The councils also had among their membership*

*other traditional members, some of whom were permanent, and others elected for a three year period. It became clear five years after the introduction of this reform, i.e. by 1957, that the expectations of operating a liberal representative local government system was not being realized due to political interference by the regional government controlled by the Action Group (AG).*

For the Northern Region, the scholar continued:

*Similarly, the Native Authority Law of 1954 introduced in the Northern Region did not produce any major change in the system of local administration. Traditional rulers became even more prominent in the exercise of authority in local councils. The dominant party in the region, the Northern People's Congress (NPC) was essentially made up of the nobility, and the Executive Council of the regional government included a powerful group of traditional rulers. The Native Authority Law of 1954 therefore did not attempt to make sweeping re-organisation of local administration based on popular participation. Thus, by the time the military took over power in January 1966, local governments in Nigeria were anything but representative.*

It is a summation of the above, that the paper argues that Local government administration in Nigeria has undergone many changes since the pre-colonial period and that what is often termed the introduction of Local government administration under the colonial system was the beginning of the bastardization of the administration, which was further embellished by the 1976 Reforms and the Constitutions of 1979 and 1999. We are therefore right in arguing that before 1976, local government administration in Nigeria had passed through many changing environments and this has in no small measure influenced its development negatively and positively. We can also safely argue that, in term of its modernizing it, before 1976, there was no uniform system of local government administration in Nigeria. Although, there were spirited attempts made to carry out some reforms in the local government system, these attempts were uncoordinated and haphazard.

The 1976 reforms introduced a uniform system of local government administration throughout the country. The reform was a major departure from the previous practice of local government administration in Nigeria. The philosophical basis of the reform lies in the conviction that a strong local authority with clearly defined functional responsibilities in a power-sharing relationship with the states is an institutional safeguard against tyranny. Following the 1976 reforms, local government became recognized as a tier of government entitled to a share of national revenue consequent on its constitutionally allocated functions (Imuetinyan, F. O, 2002, P. O. Oviasuyi, P.O, Idada W and Isiraojie L (2010). It is however, important to note that the reforms, counter reforms and changes has further watered down to power of the functioning and operation of the Local government administration in Nigeria, thereby giving the state some powers over it that has made it even prone to some illegalities and practices. This is clearly contained in the position of both Iyoha, F.E (1997) and P. O. Oviasuyi, P.O, Idada W and Isiraojie L (2010),

*The provisions of the 1976 reform document were incorporated into the 1979 Constitution of the Federal Republic of Nigeria. Section 7(1) of the constitution provides that "the government of every state shall ensure their existence under a law which provides for the establishment, structure, composition, finance and functions of such councils" Constitution of the Federal Republic of Nigeria (1979). This showed that local authorities were creatures of the state and their relevance, strength and degree of autonomy were*

*subject to the state government's control. The power of the state government over local authorities has been wrongly applied to undermine elected and participatory governance and responsibility at the grassroots, and this has made operation of the constitution questionable. The situation of local government administration under the 1999 constitution is also very confusing and complex. Although, the 1999 constitution also guarantees the existence of a democratically elected local government system, it however, like the 1979 constitution gives the states the responsibility to handle issues of organization and structure. The constitutional confusion and complexity led to a prolonged disagreement between the Federal Government of Nigeria and Lagos State Government of Nigeria over the creation of local governments. The issues in contention are yet to be fully resolved and these are negatively affecting the development principle of local government administration.*

The above came out more graphically in the position of Obasanjo (2003):

*What we have witnessed is the abysmal failure of the Local Government system. It is on record that at no time in the history of the country has there been the current level of funding accruing to the Local Governments from the Federation Account, yet the hope for rapid and sustained development has been a mirage as successive Councils have grossly under-performed in almost all the areas of their mandate. The number of Local Government Areas (LGAs) had also risen steadily from 301 in 1976 to 774 currently listed in the First Schedule, Part I of the Constitution of the Federal Republic of Nigeria, 1999, yet the clamour for the creation of more LGAs has not abated. Indeed, as of date, a total of over 500 new LGAs are in the process of being created by various State Governments. At the same time, the number of States has tripled from twelve to thirty-six since January 1976 without addition of land area to Nigeria*

It was probably in line with the above that the Nation's senate argued that although the local government system is designed to bring development to the people living in the rural areas, the farmers and those in the rural areas. However, (all things being equal ( if these local governments had been living up to their constitutional responsibilities and expectations, the rural communities would have been experiencing rapid socio-economic transformation, as it is today, the reverse has been the case (*Nigerian Pilot*, June 29, 2013).

### **The 1999 Constitution and the Functions of the Local Government**

Apart from the constitutional responsibility of the Local Government, scholars have tried to give a graphical and analytical picture of this function. For example both Essien E.S (nd), P. O. Oviasuyi, P, Idada W and Isiraojie L (2010), Ladan. M.T (2012), all agreed that the Local Government system by democratically elected Local Government Councils is guaranteed under the 1999 Nigerian Constitution, section 7. In his analysis of the system Ladan, M.T (2012), argued thus:

*In most countries there is a strong tendency for local authorities to become little more than decentralized administrative agencies of the central government, particularly in respect of the nationally-important services (such as public health, public housing, water supplies, sewerage, public utilities and, in some countries, police and fire) which they may be called upon to provide. This is partly due to their need of central subventions to meet the cost of*

*these 'mandatory' services, but even more so to a demand for national uniformity and to the determination of central governments to keep all forms of public expenditure firmly under their control, as a means of regulating the economy and of enforcing certain priorities. This tendency, it should be noted, appears to be largely independent of the constitutional status which local authorities have been given. It is quite as evident in Britain, where they are regarded as 'powers in their own right', as in continental countries, where they are subject to administrative title. The main countervailing force is that somewhat intangible thing, the 'spirit of local independence'. It is this, among other factors, which make local government in say, Turkey so very different from the French Local Government on which it was modelled. Whereas in France the desire among the people of a locality to administer their own affairs is strong, in Turkey it is comparatively weak. It is ironic that State Governors who are fighting for more powers to be devolved to states from the Nigerian Federation are the ones centralizing power, wanting to control everything in their States, thereby stultifying the emergence and growth of democratic participation and governance as well as control by the grassroots populace over their lives and resources through autonomous and functional local government administration. The State's Legislative Houses of Assembly are also engaged in the struggle to control local government administration. As a result of this, most State Legislatures have clashed with their Governors and local government councils in the past decade.*

However, on a specific note section 7 of the 1999 Nigerian Constitution provides for the functions of a Local Government Council under its Fourth Schedule. This schedule tends to derive mainly from the Basic and Constitutional Transition Provisions (Decree 15 of 1987). Thus, functions of Local Governments are categorised into two viz: The Executive List and The Concurrent List

A further breakdown of the above lists and functions contained in them shows that under the exclusive list of function are functions that are solely performed by Local Governments, while the concurrent list of functions are those that the Local Government performs in collaboration with State and federal Governments. The State and/or Federal Government can also perform these functions on behalf of local Governments until Local Governments are in a position to perform such functions. According to the Fourth Schedule 1 of the 1999 Nigeria Constitution, The main functions of a Local Government Council are as follows: 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. Others includes collection of rates, radio and television licenses; Establishment and maintenance of cemeteries, burial grounds and homes for the destitute or infirm; Licensing of bicycles, trucks (other than mechanically propelled trucks), canoes, wheel barrows and carts; Establishment, maintenance of and regulation of slaughter houses, slaughter slabs, markets, motor parks and public conveniences; 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; Naming of roads and streets and numbering of houses; Provision and maintenance of public conveniences, sewage and refuse disposal; Registration of all births, deaths and marriages; Assessment of privately owned houses or tenements for the purpose of levying such rates as may be prescribed by the House of Assembly of a State; and Control and regulation of Out-door advertising and hoarding; Movement and keeping of pets of all description,



Shops and kiosks, Restaurants, bakeries and other places for sale, laundries, and Licensing, regulation and control of the sale of liquor

Under section 2 of the Fourth Schedule, the functions of a Local Government Council shall include participation of such council in the Government of a State as respects the following matters: The Provision and maintenance of primary, adult and vocational education; The development of agriculture and natural resources, other than the exploitation of minerals; The provision and maintenance of health services; and such others functions as may be conferred on a Local Government Council by the House of Assembly of the State.

However, Abutudu M (2011), argued that despite what seems to be a well outlined modus operandi for the Local government unit in Nigeria, governance at the grassroots in Nigeria is in a state of crisis. This crisis stems from what increasingly looks like deliberate efforts to stem the advance of democratic governance at the local government level in the country. As a unit, the local government retains its outward appearance. It even goes through the motions of performing its functions. However, the crisis into which it is enmeshed has undermined its essence as a local government whose authority is directly derived and anchored in the Constitution.

The above thinking becomes even clearer when seen in the light of the manipulation by some state chief executives on the operations of the L.G. It is light of this that Nkwocha, J.(2009). Abutudu M (2011) and Anyanwu G and Okara, V (2011) all argued thus:

*The democratically elected local council is clearly what is envisaged by section 7 of the Constitution. Yet, the local government council has practically turned into a caretaker council imposed by state governments. As at 2009, Anambra state had not held any local council elections since the return to civil rule in 1999. Three years into the administration of Governor Silva in Bayelsa, there was no elected Local Government in place. In others, as soon as a new governor comes into office, one of the first actions is to dissolve the existing local councils, whether elected or care taker. This, as the recent case of Imo State demonstrates, can degenerate into anarchy, with claims of legitimacy between rival appointees or elected officials. The staff of the councils invariably find themselves caught in the middle. In many cases, caretakership is perpetuated through promises of elections which are invariably postponed. This has been the case in Edo, Delta and others. If the outright denial of democratically elected local councils through caretaker committees demonstrates the increasing authoritarian holds of the councils by state governors, the case of those were elections manage to hold does not give cause for cheers.*

Abutudu M (2011) concluded thus:

*When elections have been held at the local level, the general picture that emerges is one of a huge mockery of the concept of elections. In the first place there is the general feeling that the infrastructure emplaced for the election is not right. This starts from the State Independent Electoral Commission which is seen as a handpicked body bent on doing the bidding of the state governments. The manner the SIECs are dissolved and reconstituted irrespective of tenure provisions whenever a new Governor takes office attest to the inability of these bodies to live up to nor are they expected to live up to the 'independence' in their appellation. The deliberate emasculation of SIECs is furthered entrenched through deliberate under-funding. Following this is what has become the bane of Nigerian politics, but even made worse at the*

*local areas. This is the imposition of candidates by governors and godfathers. In other words, those who become elected as councilors and chairmen hardly emerge from the people who they are meant to govern. They owe their loyalty to, and are responsible to those who put them in the office. Given all these, the results that emerge from the elections conducted by the SIEC across the country always, and invariably produce 100% victory for the ruling party in the state, at least in the chairmanship election.*

As at April, 2013, the administration in Delta state revealed that Elections into the local government councils have not been conducted in the state since 2008 (the state does not even have state Independent Electoral Commission, DSIEC). In the case of Anambra state, it is on record that as at 2010, the last Local Government elections in Anambra were conducted in 1998 In the case of Edo, the administration of Adams Oshiomhole worked without local government chairmen throughout his first term in office (before the recent election, Edo State held its last council polls in December 6, 2007 during the Oserhiemen Osunbor administration that was annulled). The lackadaisical attitude of most states to issues relating to Local Government and its day to day running has been summarized thus;

*A ... survey ( as at 8/12/2012) has revealed that of the 36 states of the federation with 774 local government areas, only 17 states and the Federal Capital Territory have elected persons running the affairs as enshrined in the 1999 Constitution. That leaves 19 states using interim and caretaker committees to oversee the affairs of that tier of government. Apart from states like Enugu, Ebonyi, Lagos, Sokoto, Niger, Kwara, Akwa Ibom, Benue, Jigawa, Adamawa, Kaduna, Cross River and Rivers, most of the other states have one interim arrangement or the other with the governors more or less dictating the way things are run...The apparent reluctance of some governors to conduct council elections is somewhat consistent with their opposition to calls that local government autonomy should be included in the constitution. The governors have premised their opposition on the grounds that development and harmonisation of programmes would be more difficult with such autonomy...This anomalous state of affairs prompted the threat by the Nigerian Bar Association that it would take legal action against states where councils are being run by caretaker committees. NBA had issued the threat at its annual conference held last month in Abuja. Along with the strangle- hold of the third tier by the state governors is the alleged meddling with the funds allocated to the councils by the governors, some through the Local Government Joint Accounts while at the other extreme, governors withhold allocations to councils for one reason or the other.*

It continued:

*In Abia State, the last council elections was held in January 2008 and when their tenures expired in 2010, the governor appointed caretaker committees and has on several occasions created a timeline for council polls which never held. Even the next elections Governor Theodore Orji has scheduled for January 2013 is being opposed by the state's legislators. Bayelsa held its last council polls on April 3, 2010. When Seriake Dickson stepped in as governor, he dissolved the council administrations and appointed interim administrators. He plans to hold the next elections there in 2013. Edo State held its last council polls in December 6, 2007 during the Oserhiemen Osunbor administration that*

*was annulled. The next is slated for February 2013. Anambra State features perhaps the most notorious scenario. The last local government election in Anambra State was conducted in 1999 and due to what politicians say is court-related reason, the third tier in that state has been under unelected structures since then and there is no specific date to conduct another election. In Oyo State, the councils are run by caretaker committees, given that the last election was held in the state on December 15, 2008. And with the appointment of new caretaker committees, elections into the third tier in the state are not expected till 2013. Osun State last held local government election in 2007. So the councils have been under one form of interim administration or the other. The permutation is that it may hold again in 2014.*

### **Massive Increases in Revenue, No Development: Local Government Administration since 1999**

Available documents have indicated that before the return to civil rule in 1999, (the period under military rule), state and local governments were often starved of the resources they needed to govern. However, the situation became more promising as their financial situation dramatically improved upon return to civilian rule in 1999. In this way and under the new situation, Nigeria's 36 state governments received more than \$35.6 billion (over N4.6 trillion) in federal allocations between May 1999 and August 2006, while the 774 Local Government Councils (LGCs), were allocated an additional \$23.4 billion (more than N3 trillion) by the federal government over the same period. Average federal monthly allocations to both state and local governments have been steadily increasing, and sub-national government spending was four times higher in real terms in 2005 than it was in 1999. These vast increases in state and local revenues have not led to progress in combating poverty or to successful government efforts to provide for the progressive realization of Nigerians' rights to an acceptable level of basic health and education services.

In a more graphical analysis of the situation as described above, Usman Y.B.(2002) analyzing the situation in the first three years after the return to civil rule in 1999, described the situation as a blow struck against democracy. The seriousness of this statement becomes clearer when seen in the light of Abba Alkassum (2002), analysis of the recklessness of the public office holders during this period. This has been summarized thus:

*From January to May 1999, the average monthly statutory allocation to all the 774 local governments was about N4billion. On average, therefore, each local government was receiving from the Federation Account a statutory allocation of N5.2 million. But no sooner had the elected local government chairmen and councilors settled down, than the revenue from the statutory allocation went up to N10.3 billion in August, N11 billion in September and more than N13 billion in November and December 1999. Thus by 1999, the average monthly revenue of the Local Government Councils from the Federation Account had risen from N5.2 million to N16.8 million. This was a rise of more than 300% within six months....In the year 2000, the gross monthly allocation started with N14.7 billion in January, rose to N15.7 billion in March, then to N22.5 billion in June and peaked at N24.8 billion in November. Thus by the end of the year, the Local Government councils received from the Federation Account, a whooping sum of N244 billion. This was more than 100% increase from 1999. This means that on the average each local government received from the Federation Account about N315.2 million in contrast with 1998, when they received only N85.3 million .in other words, on the average, in the year 2000, each local government council received*

*almost 400% more money than in 1998...The rise continued in 2001. For in a period of nine month that is between January and September the local government councils received a record N248.6 billion. By this figure, each Local government council received on average, the sum of N320.4 million, translating into an average monthly allocation of N35.6 million. This amounts to a 700% rise above the above the average monthly allocations for the months of January and May 1999!but even if we compare this figure with the improved allocation in the period June to December 1999, the average increase in 2001 is still more than 100% above the first six months of the civilian democratic government.*

This situation has continued till date (even as we speak, it has not stopped), yet we are yet to enjoy the fruit of this development, except in cases where some of the Local Governments are gracious enough to plant flowers and provide pipe borne water, telling us that they are working hard. The flagrant abuse of office has been described as the single most important reason large proportion of these revenues continues to be lost to corruption. According to the Economic and Financial Crimes Commission (2006), Nigeria's state governments have produced a constant stream of corruption-related scandals in recent years that 31 of Nigeria's 36 governors face possible charges of corruption after leaving office. It continued thus:

*The picture is even worse at the local government level. ...corruption at the local government level is "rampant."...the conduct of many local government officials in Nigeria "is not even corruption. It's gangsterism. It's organized crime."*

Bringing the situation closer home, the Report of The Human Rights Impact of Local Government Corruption and Mismanagement, seems not to have spared Local Government Administration and administrators of this problem. Part of the report under the caption "The Decentralization of Corruption in Nigeria since 1999" read continued thus:

*State governments in the Niger Delta already control a far larger proportion of Nigeria's national income than they did in 1999 because they are now entitled to a share of the oil resources they produce. At the end of military rule, the oil-producing states of the Delta were seeing no more benefit from Nigeria's oil revenues than states that had no oil at all. However, since 1999 the federal government has returned 13 percent of its oil revenues to the governments of the states that generate them. High oil prices in recent years have translated this seemingly modest percentage into an extraordinary windfall that has made the major oil producing states far richer than their counterparts across the rest of Nigeria. In 2004, Nigeria's 36 states received a combined total of just under \$6 billion in transfers from the federal government; nearly one-third of that total went to the country's four major oil-producing states of Akwa Ibom, Bayelsa, Delta and Rivers. These four states, all in the Niger Delta, make up less than 11 percent of Nigeria's total estimated population. State governments in the Niger Delta have generally failed to translate their newfound wealth into any real effort to combat poverty, improve health care and education, or otherwise meet their human rights obligations to their constituents. The loss of increasing state and local government allocations to corruption and mismanagement has made government's betrayal of the Niger Delta's people an increasingly localized affair.*

On what the author described as Security or Insecurity Vote; the Report read;

*One area that the flagrant waste of public fund under the LG System has been noticed is in the area of what is commonly referred to as Security Votes. Analysts have opined that this security voted is the most notoriously murky form of discretionary spending under the LG system. This is based on the fact that "security vote," consumes a substantial proportion of many local governments' revenues in the South-South States. In theory, the security vote is a pool of funds that are meant to be used by the chair for the purpose of maintaining peace and security in the LGA. However, in practice, the chair has complete discretion in his use of these funds and does not have to account for or even report the manner in which he uses them. The security vote is one of the most opaque items in any local government budget, and it is also typically one of the largest single allocations. Recent findings by the Human Right Commission of Inquiry (2006) in some L G's in the South-south zone revealed that even in the absence of war, a particular local government's chair has received an average of N60 million (\$461,000) annually for his security vote. Within the same state, another local government's chair had a security vote of N40 million (\$300,000) within the same period. In another, the security vote was N36 million (\$280,000) in 2006. In each of these cases, the security votes exceeded the total capital budgets for either health or education.*

### **Godfathers' Allocation**

As it is today, the corrupt practices in the Local government system has gone as far as junior government employees making "returns" to their superiors and colleagues at all levels of government in Nigeria. This seems to be the accepted norms in the system as many state- and local-level politicians throughout Nigeria are bound up in complex relationships that mirror such arrangements, where the superior colleagues (often the chairman, Deputy and/or councillors) pay allegiance to their sponsors popularly known as political "godfathers" with local government fund. These are powerful and wealthy individuals who help arrange for their protégées to be placed in office through their political connections, through financing their campaigns and through their ability to mobilize both violence and corruption to subvert the democratic process. In return, they claim the right to influence government policy and also lay claim to a substantial share of local government revenues for their own personal enrichment. Several LGC chairmen all over the country are allegedly entangled in such relationships with "godfathers" who are themselves prominent state-level politicians. Other state-level officials have also developed ways of laying claim to revenues meant for local governments. On Manipulation of the LG's, the House of Representative argued:

*It is well too known that the state governors rule the local government system in the country. They have practically decimated the administration of the local government through illegal state/local governments' joint accounts, through which they arm-twist and divert funds meant for the development of the rural areas in the country. The issue of the underdevelopment, nay, and outright negligence of the local government administration in Nigeria is a running story, a very sad situation....From all indications, state governors are a major snag in rural development in the country. The State Houses of Assemblies are all squeezed into their pockets; likewise the local governments. We, therefore, welcome the efforts being made by the Federal Government and the National Assembly to free our local government from the criminal grip of state governors in the on-going constitution amendment. If this is achieved, the present administration would*

*have scored a big goal for the ordinary Nigerians who are living far away from the comfort of city life (Nigerian Pilot*

The above has been amply captured by Ukiwo thus:

*Consequently, local government chairmanship has become one of the most attractive and lucrative elective positions, after the presidency and governorship, prompting most state governors to intervene to preside over the unbridled decentralised primitive accumulation. The state governors anxious to checkmate the emergence of countervailing local politicians have used both legal and political strategies to domesticate local governments. Most of the governors have exploited the constitutional provision for the establishment of Joint State and Local Government Account (JSLGA) to control local government funds. Moreover, most state governors orchestrate the nomination and subsequent election of their acolytes as local government chairmen. Aspirants who emerge victorious after the tortuous electioneering process are usually those who had pledged allegiance to the governor, including accepting whatever deductions the governor may make from the JSLGA.*

It is therefore not surprising in any way that despite, the much emphasis on representative democracy, which the local government system is supposed to represent, local communities and people who dwell in them, have been denied the largess that come with such form of governance. Apart from this, the godfathers and other political gladiators in the various states have denied the people true representation, as they are denied free and fair elections into local councils since 1999. It is important to note that this is not limited to the South South state, as it is fast becoming a national phenomenon. For instance in Osun State in the South West, local councils have functioned for only four years since the return to civil rule in 1999. Similarly, local communities in Oyo State (also in the South West) have not had up to four years of elected councils. In Anambra State in the South East, the state governor, Peter Obi has refused to conduct local government elections since he assumed office. In Imo state also in the South East, successive governors have preferred using appointees to run local governments as against constitutional provision for elected officers (Omar, M (2012). A general picture of manipulation of the system especially in area of not conducting election for effective running of Local Government since 1976

**TABLE I: Local Government Election/Appointment since 1976**

No	Year	Type of Government / Mode of Election	Administration	Remarks
1	1976-1977	Elected Local Government Council on non-party basis	Military	Tool in the hand of the Military
2	Oct 1979-Dec. 1983	Selected Chairmen and Councillors	Democratic	Serving the whims and caprices of state government
3	Jan 1984- Aug1985	Sole Administrators/Management Committees	Military	
4	Aug1985-Dec 1987	Sole Administrators	Military	
5	Jan 1988-July 1989	Elected Chairmen and Councilors	Military	

6	Aug1989-Dec1990	Management Committees with Sole Administrators	Military	Recognized as important tier of government
7	Jan1991-Nov 1993	Elected councils on two party basis	Military	„
8	Nov1993-Apr 1994	Management Committees	Military	„
9	Apr 1994-1997	Appointed Chairmen with 4 Supervisors	Military	
10	1997-June 1998	Elected Councils	Military	
11	July 1998-May 1999	Sole Administrators with 4 supervisors	Military	Unlike the case of Brazil, Canada and Indonesia, the 1999 Constitution provides no legislative list for the government apart from Section 4. It legislative powers are derived from the laws enacted by the state government.
12	June 1999-June 2002	Elected Council on political party basis	Democratic	„
13	June 2002-June 2003	Selected Councils/Transition Committees	Democratic	„
14	June 2003-Mar 2004	Transition Committees	Democratic	„
15	Mar 2004-Mar 2007	Elected Councils elected on party basis	Democratic	„
16	Apr 2007-Mar. 2008	Elected local councils in about half of the states	Democratic	„
17	2008 – Aug 2014	Elected local councils in about half of the states	Democratic	„

An analysis of the table indicates that with a period of thirty two years, only seven out of 16 different forms of local government administration were based on elections. Within the same period only two out of the seven - the elections of 1976 held on zero party basis and that of January 1988 also held on zero party basis (both periods were during the era of military rule) were adjudged to have any semblance of being free and fair. All the other elections- January 1991, June 1997, June 1999, March 2004 and April 2007- have all been tainted by allegations of widespread irregularities which include inflated voter returns, ballot box stuffing, altered results and disenfranchisement of voters, violence, intimidation of voters and electoral officers by hired political thugs (Omar, M, 2012). Adediran M.O (2003), had earlier argued that the only time the

local government witnessed a ray of hope was between 1989 and 1993 when the 1989 Constitution recognized it as an important tier of government for development. The presidential system was introduced into it. Only the federal legislature could create it, while federal funds to it were allocated and disbursed directly to it and through the state government. The situation in the present dispensation is one in which the local government has been muzzled by the state government and manipulated to the extent of not delivering to the people. Even with the much noise of some state executives claiming to be liberal democrats, the situation is not changing, especially in the area of non-performance and abuse of office. Adediji, B.O (2003), summarized it thus;

*As of today, Local Government is more or less treated as a servant that should have no say on what functions it is legally competent to perform, such decisions are more or less the dictates of the state governments. This problem is most often extended to the very area of how much to spend and on what matters to spend grants and statutory allocations. Reports have it that sometimes, this paternalistic complex of superiority is exaggerated to the extent that purchase of books, furniture etc. are made without consultation for and on behalf of the Local Government Councils and the cost of such items most often inflated are deducted at source by the State Government from the fund of the Local Government. Also some programmes of higher levels of government are imposed on Local Government Councils and such councils are obliged to meet the cost of such expenses from its meagre resources, and inadvertently increasing the financial subordination of such Local Government Councils to the higher level of Government.*

All these activities of making the Local Government Councils play the servant according to analysts and political commentators, was one characterized by massive embezzlement, non-accountability and non-representation (Usman, 2002, Adediran, 2003).

The picture as painted above of the modus operandi of the Local Government system under the Nigerian setting is really worrisome. This has even been expressed by those who had a better picture in mind, when they supported the establishment of the system in the post-colonial Nigeria. This reflected in the address of Obasanjo, presented at the inauguration of the Technical Committee on the Review of the Structure of Local Government Councils in Abuja, 2003. In this address, Obasanjo as one of the architects of the Local Government Reforms of 1976 was bewailed that local governments have produced exactly the opposite of their original objectives. This is because, instead of bringing government and development closer to the people, local governments have produced absentee local government chairmen, who are only seen at council headquarters when the monthly 'Abuja Allocation' arrives and vamoose with their standby jeeps and mobile police escorts after superintending over the sharing of the local government's share of the national cake among the relevant stakeholders (Obasanjo, O. 2003). In the northern part of the country, what is applied is the *Araba (Kill and Divide) System*, in which the monthly 'Abuja Allocation' is collected and shared within the bank premises, and then everyone disappear, till the arrival of the next allocation.

### **Conclusion and the Way Forward**

From the discourse so far, it is clear that, the country has not fare well in the issue of LG especially as it has been alleged to be the bed of corruption and ineffectiveness. In order to restore the promise of local governance as the closest government to the people, a number of recommendations are put forward.



- There is the urgent need to take another look at the Constitution of the Country especially as it affects the constitution and operations of the LG. This is to say in clear terms that there is need for Constitutional Amendment to reinforce the provisions of section 7. This is to emphasize the fact that elections must be the sole basis of constituting local government Councils, as against handpicking of friends and cronies to constitute what has become popular as caretaker committees, which records have shown that in some cases stays even more than what the elected council would have stayed in office.
- There is a need to reform the SIEC in order to make them truly independent and far away from the manipulative tendencies of the state chief executive. This has already been well spelt out by the Justice Uwais panel, which specifically advocated for an independent body in the case of INEC. The reliance of the SIEC on the state came up clearly in the last LG election in Edo state in which the deputy governor claimed that he used his vehicle to convey electoral materials, a situation which ought not to be.
- Local government Council should be given the desired financial autonomy. However, this is not without a standard monitoring/regulatory body. The State Joint Local Government account should be abolished. As it is today, State Governors who are fighting for more powers to be devolved to states from the Nigerian Federation are the ones centralizing power, wanting to control everything in their States, thereby stultifying the emergence and growth of democratic participation and governance as well as control by the grassroots populace over their lives and resources through autonomous and functional local government administration. The State's Legislative Houses of Assembly are also engaged in the struggle to control local government administration. As a result of this, most State Legislatures have clashed with their Governors and local government councils in the past decade. Unfortunately, the news from the Constitution Amendment committee from the National Assembly indicates that this idea of autonomy has already suffered another setback as those who voted against it (we are told) are in the majority.
- There is the need to allow the people to be represented by those who genuinely know the problems and prospects of the people. The situation the country has experience over the years, is one in which someone who has spent most of his life oversea is forced on the people. Since he/she has never been with the people, there is the tendency of zero performance and sit-tight syndrome.
- Finally, there is the need to train and retrain local government administrators and staff on the effective delivery of the local government system. This will enhance the workability of the system and prevent a situation where mediocre rules the day.

Conclusively, it is clear that while the idea behind the development of the Local Government System in the South – South Nigeria as well as other parts of the country, has been steady. We must however admit that in term of the question; How well? The country and local governments have not in any way fare well. There is the urgent need to take a look at this system with the aim of giving it that meaning it requires to make positive impact in the lives of our people.

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