

LOCAL GOVERNMENT  
ADMINISTRATIVE SYSTEM  
IN NIGERIA

*Reflections On The Creation Of*

*Enugu East*

*Local Government Area*

**Hon. Chief Joseph Agbo Ugwumba**

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*This is an erudite historical and analytical fact about the evolution of modern Local Government System in Nigeria and events, which culminated in the creation of Enugu East Local Government Council in Enugu State. It is embedded with huge documentary facts, which will serve as reservoir of knowledge and resource materials for future researchers in Nike clan and Nigeria in general.*

***Professor Sam C. Ugwu***

Professor of Political Science,  
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14<sup>th</sup> May 2019

*This book is coming at a time the local governments, which is the third tier of governance in Nigeria is passing through tough times and challenges that could be attributed to bad leadership. Nigeria's local governments system is presently used for political patronage. The advent of this book is auspicious and fundamental since the author, Hon. Chief Joseph Agbo Ugwumba, in his humble capacity as a parliamentarian and community leader told the story of his involvement in changing the lives of people around him and Enugu State in general. The book is timely as it has proffered ways through which our states and local governments can be better administered for national development. I am happy to have worked with my boss, Hon. Ugwumba, a man, I regard as humane, humble, trustworthy, and patriotic. I am also happy to be part of this quintessential masterpiece.*

***Chinedum Iloelunachi***

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ment,  
Enugu State House of Assembly.

## **DEDICATION**

I dedicate this work in loving memory of my dear parents, late Ozor Elder John Nnamuchi Agbo and late Lolo Mary Okpowo Oko Agbo for inculcating in me the virtues that made me what I am now. They toiled and struggled in no small measure to teach me that hard work and diligence have their reward in the life of a man. This is what I am reaping today. Above all, they taught me to be honest and humble.

I also dedicate this book to those who struggled to see to the emancipation and creation of Enugu State and Enugu East Local Government Area of Enugu State.

## ACKNOWLEDGEMENTS

I am so much indebted to GOD ALMIGHTY for giving me the courage and enablement to embark on this work. I am placing this book at the doorstep of critical thinkers so that we can muster some effort in making our society work for our good.

I want to use this golden opportunity to acknowledge His Excellency, Barrister Sullivan Iheanacho Chime, the former Governor of Enugu State for discovering and allowing me to serve under his administration. My prayer is that God will continue to bless him. I most respectfully thank my friend, His Excellency, Rt. Hon. Lawrence Ifeanyi Ugwuanyi, a good shepherd and a humble leader whose understanding of politics is anchored on dialogue of live and let live, peace, security, and service to humanity. Governor Ugwuanyi persuaded me to run for the third tenure for Enugu East Rural Constituency in the Enugu State House of Assembly. An offer, I saw as a mark of goodwill and relationship. I respectfully declined the offer to honour an agreement by my constituency to serve only two tenures.

I want to seize this opportunity to acknowledge those who relentlessly assisted me in making this work a reality. When I began, my first contact was Mr. Okolo Mathew Osita, Chief Supervising Principal, Science Technical Vocational Schools Management Board, Nsukka Educational Zone. My special thanks go to Professor of Political Science, Dan Ossy Okanya who thoroughly read this book, and offered valuable contributions to its publica-

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How can I fail to appreciate my wonderful staff: Mr. Chinedum Iloelunachi, my Clerk, House Committee on Economic Development, Poverty Reduction, NGOs and CSOs; Mr. Abduyusuf Rufa'i, Esq., my Special Assistant on Media; Barrister Collins Onwuzuligbo, my Special Assistant on Legislative Matters; Ms. Anieze Ivy Nwamaka, my Secretary; Mr. Nonso Odoh, and the indefatigable Mr. Ossy Odume. I also appreciate my darling daughter, Akuabata Catherine Agbo, who designed the book cover and my son, Obieze Agbo for his treasured contributions. I also appreciate my other children Mrs. Thelma Nneji, Mrs. Deborah Igiregbe, Mrs. Amaoge Nwahiri, Mrs. Augusta Okoh, and Mrs. Grace Amachere for their inestimable contributions. The kind support of my dear friends is acknowledged. In that regard, I must mention the construction maestros, NELSON & BENJAMIN Limited and Mr. Okwuchukwu Emejulu, Managing Director and Chairman of AKIOTA Works Limited. Their contributions are sterling. For want of space, I cannot mention all others that assisted in the publication of this book. To them I remain grateful. The

sacrifice they made for me to make this impact is highly appreciated.

I thank you all.

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## FOREWORD

**T**here is no doubt that any generation, which finds a place in history does so on the platform of themes and traditions bequeathed to it by a preceding epoch. While the themes must be adequately situated through perception and reflection, the inherited traditions are surmounted through practical activities of men who know how to define reality and give expression to it. This position underlines the belabored citation of Paulo Freire that, *“to speak and write a true word is to change the world.”* Hon. Chief Joseph Agbo Ugwumba may have unwittingly, through this treatise unveiled the vistas for rethinking and interrogating the purpose, role, and impact of creating local governments in Nigeria.

Although much has been written on the subject of Local Government Administration in Nigeria, the current contribution entitled, **Local Government Administrative System in Nigeria: Reflections on the Creation of Enugu East Local Government Area** by Hon. Ugwumba is unique in one respect. It is a product of a key participant in the conception, structuring, and supervision of a local government area. The author served in all delegations and committees leading to the eventual creation of

Enugu East Local Government Area, and currently serves as a Member of Enugu State House of Assembly that oversees the activities of Local Government Councils. The implication of this in terms of insights illuminated here is that substantive conclusions are based on observations, knowledge, and experience and not on conjectures.

From his account, the creation of Enugu East Local Government Area did not come easy. Despite the obvious benefits derivable from the creation of the local government, community leaders worked across purpose, which almost scuttled its creation. It was suffused with all forms of intrigues, which eventually affected the final constituent communities, and headquarters of the local government.

Ample space has been devoted to discussing the performance of various administrations since its inception. Sadly, the author identified the problem of marginalization and lack of inclusiveness as major setbacks in realizing the principal reasons for creating the Local Government Area – which was to bring government closer to the people. In his view, communities are yet to have their basic socio-economic needs particularly in the areas of infrastructure, health, education, and poverty alleviation addressed by the local government administration.

In all, the basic truth embodied in this work is that local government administration is bogged down by issues of funding shortfalls, autonomy, arrogance of power and outright pilfering of funds among several others. In order to overcome all these, the

author listed several measures that supervisory bodies must put in place to ensure optimum performance by local government councils.

***Professor Dan Ossy Okanya***

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Enugu State University of Science and Technology,

Enugu.

May 2019

## PREFACE

### **Creation of Enugu State – My Humble Role**

**I**n the creation of Enugu State of southeastern Nigeria, I Hon. Chief Joseph Agbo Ugwumba by privilege played a prominent role. I was implored to return to Nigeria from United States of America in 1991 by my brother and friend, late Prof. Thomas C. Nwodo, former Vice Chancellor, Enugu State University of Science and Technology (ESUT) who was privy to my relationship with former Head of State of Nigeria, Gen. Abdulsalami Abubakar who until then was the Principal Staff Officer and also as the Army Chief of Planning and Policy with the Defence Headquarters. I led the delegation of a consultative forum to meet with Gen. Abubakar. This forum was headed by late Chief Dr. C. C. Onoh, and inclusive of the following: late Prof. T. C. Nwodo, late Prof. Odenigwe, and Barr. Enechi Onyia (SAN) that spearheaded the creation of WAWA State. Our friend, late Alhaji Usman Sariki of Sariki Super Market, Jos, Plateau State of Nigeria went to Minna, Niger State on our behalf to consult with Gen. Abdulsalami Abubakar to assist us reach the then Head of State, Gen. Ibrahim Babangida and other top military brass. Alhaji Abdulaziz Chibuzor Udeh, the Odum Eje Ogu of Abor sponsored that meeting. We went to Minna, Niger State to meet with the former Military Head

of State, Gen. Abdulsalami Abubakar with only one agenda, and it was to seek his support for the creation of WAWA State.

In that meeting, Gen. Abubakar cautioned Chief C. C. Onoh for restraint in his unguarded utterances that were capable of creating hostility and insecurity in the state and constituting an obstacle to the creation of Wawa State. Gen. Abubakar assured us of his support and promised to see Gen. Ibrahim Babangida, on behalf of the people of ENUGU. It would be recalled that Gen. Abdulsalami Abubakar has also served in various military formations in Nigeria including the General Officer Commanding (GOC), 82 Division of the Nigerian Army, Enugu State and so he understood the politics and feelings of the people of Enugu whom he described as “Good people of the Ibos of WAWA extraction.” He said that Enugu State could have been created earlier if Chief Onoh had dropped his unguarded utterances against his people and accept to consult and assist in the creation of Enugu State.

## INTRODUCTION

**I**t is with a deep sense of humility and sincerity that I embarked on this historic inquiry and documentation. The inspiration and indeed the justification for this book is anchored on the need to correct the unjust muddling of history, particularly as it relates to the emergence of Enugu East Local Government Area. I have traversed the length and breadth of the world and found out that NIKE communities have no space in history and if I do not hasten to bridge that gap, perhaps posterity will not pardon me.

This particular book was developed out of my burning desire to highlight to the world that my community is richly endowed with human and material, tapped and untapped resources. We have distinguished ourselves in different endeavours that made us super unique and best among equals. I chronicled this work based on experiences, works of other notable indigenes of our communities, some alive, and others dead. I also collated documents, agreements, manuscripts, treaties, and resolutions made in respect of the creation of Enugu East Local Government Area.

This treatise started by extrapolating the evolution of local government administration in Nigeria. On that premise, I critically x-rayed how the colonial administrators convoked the idea of

Native Administration, which is to bring government to the doorstep of the people. Moving a step further, I explored how states were created that later devolved into local governments down to my local government area, which is Enugu East. This excellent opportunity has permitted me to advance on an empirical enquiry on the historical existence and status of communities that make up NIKE LAND, their close historical cum geographical contiguity and cultural heritage. I also examined the contributions of prominent indigenes of Nike land to community and national development.

This particular work tends to serve as a springboard and reference material for the present generation and generations to come. I challenge erudite scholars and well-meaning individuals of my community to ensure that they leave an indelible footprint on the sands of time by joining me in highlighting our rich and endowed socio-cultural and political heritage to the world. This way, it shall be known that there exists a great nation that was, perhaps unknown but have positively affected the lives of people in an immeasurable way. I also wholeheartedly offer myself to assist any individual, organizations, or groups that will venture into such project.

Practically, this book will dwell extensively on how local governments in Nigeria should be administered, plug visible loopholes created by mediocre elements who see it as a means of political patronage and proffer ways through which it can be best administered or managed. This book will be of great importance to

researchers and students of Strategic Studies and Public Administration, Public Administrators, Historians, Policy Formulators and Analysts.

I want to use this medium to thank GOD and those who have assisted me in my research and development and in making this vision a reality. GOD bless you all.

## MY JOURNEY TO POLITICS

**A**ccording to the words of the late sage, Dr. Nnamdi Azikiwe, *“Our aptitude in the construction of a state is the greatest happiness in the world of any council.”* My journey into politics was not a smooth one, as what I perceived would be pleasant, turned to be full of thorns and thistles. Since GOD has already destined me to succeed, in spite of the challenges I faced, I was able to excel. From my childhood as a rural boy, I spent a great part of my life in the rural community of Ugwogo Nike. My closeness to my late parents imbibed in me qualities I am passing on as legacies to the present generation. I count myself worthy to be a servant of my people. My entry into politics came as a result of my presentation and defence I put up for the creation of Enugu East Local Government Council in the hallowed chambers of the Enugu State House of Assembly on the 26 February, 1996. This was the venue for the submission of Memoranda on the creation of Local Governments, States, and Boundary Adjustments, for communities in the South East. It was a large turnout, as representatives of various communities from the southeastern states were there to witness the event. Notable individuals there were: His Excellency, Dr. Okwesilieze Nwodo, former Governor of Enugu State; His Excellency, late Dr. Christian Chukwuma Onoh, former Governor of old Anambra State; former Senate President, Senator Ken Nna-

mani; Hon. Chief Dubem Onyia, former Minister for Foreign Affairs, and astute politician, Chief Gbazueagu Nweke Gbazueagu; late Chief Bernard Eze; Hon. G. B. Onoh, former Chairman, Enugu North Local Government Area and others.

They applauded my presentation and said that our cause was germane. At that time, Chief Gbazueagu Nweke Gbazueagu was the Secretary of the United Nigeria Peoples Party (UNPP). Due to the thunderous ovation my submission elicited, Dr. Okwesilieze Nwodo and late Chief Bernard Eze invited me for a meeting at Chief Gbazueagu Nweke Gbazueagu's house. Present at the meeting were party stalwarts in Enugu State. I was offered a free ticket to vie in the primary election for the Council Chairman position for Enugu East Local Government Council in 1997. In my usual manner, I sought to discuss the offer with my constituency and to seek their opinion. In the constituency meeting, they approved for me to represent them under the platform of United Nigeria Peoples Party (UNPP). By my popularity and positions held, I contested and won the election landslide. My victory was short-lived, as it was taken away through the influences of His Royal Highness, late Igwe Edward Nnaji. He truncated the much celebrated victory by organizing and conniving with some traditional rulers in Nike and Nkanu land to protest my victory in the primaries to the then Military Governor of Enugu State, late Col. Sule Ahman. His demand was that his son who by the provision of the Nigerian Constitution, was under aged at that time be awarded the victory. To me, this was unfair, as it implied that the poor on his own and by dint

of hard work, courage and determination cannot rise to greatness. And so, Gilbert Nnaji, son of Igwe Edward Nnaji, and now a Senator, even though he was under aged was awarded the victory. Those who lack leadership and administrative skills have occupied the political space in our nation's history; this has made our democracy to be burdened by mediocrity. I held my peace, as I comforted myself with the words of a clergyman that, "*However dark the night might be, it must break into day.*" The party opened another door of opportunity for me again as the leadership of United Nigeria Peoples Party requested that I contest for the State House of Assembly. This time, His Royal Highness, Igwe Edward Nnaji (Odezuligbo II) gave his approval at the meeting conveyed in his palace.

The entire leadership and people of Nike land generally accepted me, as they implored me to contest and go to the House of Assembly as a mark of honour and for my modest contribution for the creation of Enugu East Local Government Area. I want to state clearly that I have won several elections to the State House of Assembly in 1997, 2011 and 2015. This enviable record of accomplishment was not my own making but by the special grace of GOD. I have served my rural constituency, which is made up of 24 communities in Nike, as the longest serving member of Enugu State House of Assembly from Enugu East Local Government Area. I am already preparing to take a bow from the hectic time consuming legislative duties to recline in my rural constituency where I will groom and nurture future leaders. My sojourn in Enugu

State House of Assembly as a parliamentarian is a memorable one. It was peaceful and progressive. I seized the golden opportunity offered to me by my constituency to attract the dividends of democracy and infrastructural development. The records are there for posterity.

***Hon. Chief Joseph Agbo Ugwumba***

Enugu.

2019

## *Chapter 1*



# **EVOLUTION OF LOCAL GOVERNMENT ADMINISTRATION IN NIGERIA**

## **Local Government: Meaning and Characteristics**

**L**ocal government as a tier of governance has been long recognized in Nigeria as a veritable agent of local service delivery, mobilization of community-based human and material resources, and the organization of local initiative in responding to a wide variety of local needs and aspirations (Abubakar, 1993). According to Ezeani (2009:11), as the tier of government closest to the people at grassroots level, local government is in a better position to create wealth for the rural poor through initiation of various programmes to increase local incomes, thereby expanding local revenue base. Olisa et al (1990:93) posit that local government is a unit of government below the central, regional, or state government established by law to exercise political authority, through a representative council in a defined area. The definition of local government as contained in “Guidelines for a reform of Local Government in Nigeria” (1976L 1) is apt and germane. According to the guideline:

“Local government is government at the local level exercised through representative council established by law to exercise specific powers within defined areas. These powers should give the councils substantial control over local affairs as well as the staff and institutional and financial powers to initiate and direct the provision of services and to determine and implement projects so as to complement the activities of the state and federal government in their areas, and to ensure, through active participation of the people and their traditional institutions that local initiatives and response to local needs are maximized.”

Implicitly, we need to dissect the distinguishing features of local government from the triad contributions of the scholarly works of the 19<sup>th</sup> century philosophers DeTocqueville (1969), Whalen (1969) and Mawhood (1983). To them the striking features of local government include:

- Local government is government at the local level.
- Local government is endowed with a legal status.
- There is emphasis on representativeness.
- Specific powers are reserved for local governments and they operate within defined boundaries.

As well as the contributions of Olowu, Ayo, Ezeani, and Ozor:

- Local government is seen as a distinct tier of government (Olowu and Ayo 1983:13); and
- It enjoys substantial autonomy (Ezeani, 2005; Ozor 2003:19).

Let me compare in a tabular form the defining characteristics of local government by DeTocqueville, Whalen, and Mawhood:

### **Defining Characteristics of Local Governments**

<b>DeTocqueville</b>	<b>Whalen</b>	<b>Mawhood</b>
Localness.	Given territory and population.	Representative of locality.
Participative.	Institutional structure for administrative and legislative purposes.	Authority to allocate substantial resources.
Relative Independence.	Autonomy, subject to the limitations of common law and test of reasonableness.	Authority to administer a range of functions.
Authority – especially effectively influence community affairs to raise resources.	Separate legal identity.	Separate legal existence.

*Source: Olowu D (1988:13) African Local Government as Instruments of Economic and Socio Development, IULA. The Hague, Netherlands.*

Taking a perfunctory look at the table above, the philosophers were of the belief that local government must have the reci-

pe of localness that must be visible in a given territory. Scholars like Dudley (1978:66) aligning with Mawhood was of the opinion that it must possess the elements of representation so that the voice of the people will be heard and the impact of the government felt; and so the issue of participation is very vital and the institution of actualizing it must be enhanced. For Whalen, the institutions are electoral body, judiciary, and law enforcement agencies. These agencies through their actions ensure that justice prevails and the rule of law upheld. Anchoring on the tenets of the principles of separation of powers as enunciated by A. V. Dicey, these scholars were of the view that those institutions visible at the local level must enjoy some varying degree of independence and autonomy to avoid being compromised, thereby using their authority to bring sanity in the system.

### **The Imperative of Autonomy and the Nigerian Experience**

Juxtaposing the above submissions with the Nigerian experience of Local Government Administration, it is nothing but gross abuse. Sadly, Local Government as a tier of governance has been an appendage of the states and though some state governors claim that the local governments enjoy some degree of autonomy and independence, yet they interfere in their affairs, thus eroding the mandate of the electorate that voted them. That notwithstanding, a situation where the governors do not allow the wish of the electorate to prevail by the imposition of candidates, as Mayors, who are prepared from the onset to do their bidding, constitutes a

grave danger. If this scenario continues, it will make mockery of governance at the local level and the vision of setting up local councils a fluke.

Now, it is vital that we look at the possible contributions of local government in the development process as captured in Ezeani (2008) in the table below:

**Possible Contributions of Local Governments to the Development Process**

<b>Political Integration/Nation Building</b>	<b>Social Development</b>	<b>Economic Growth</b>
Unity through opportunity for political participation.	Better access to and use of information in respect to services location and effective maintenance capabilities.	Local institutions in a bottom-up strategy.
Training in citizenship and political leadership.	Easier to tap people's knowledge, initiatives and enthusiasm for service delivery.	Local institutions historically played a critical role in the agricultural and overall transformation of today's developed countries.

**Political Integra-  
tion/Nation Building**

**Social Devel-  
opment**

**Economic Growth**

Promotion of account-  
able governance.

Integration of  
the develop-  
ment activities  
of central and  
local govern-  
ments at plan-  
ning and exe-  
cution stages  
made more  
feasible by  
responsible  
local govern-  
ments.

Local governments are to-  
day still playing very im-  
portant roles in the eco-  
nomic development of both  
socialist and capitalist coun-  
tries.

Promotion claim –  
making on central gov-  
ernment.

Enable indi-  
viduals and  
communities  
to make choic-  
es about social  
services they  
are willing to  
pay for.

Local government have a  
great potential in raising  
agricultural and industrial  
productivity in LDC in the  
following areas:

Collective action in manag-  
ing scarce resources – land,  
oil, water, etc.

Assisting cooperatives in the  
rural areas and in the infor-  
mal sector in the urban are-  
as to organize themselves

for effective economic and political action.

Reduction of waste by central government-dominated projects.

Presenting a wide opportunity for experimentation/innovation with diverse project/management possibilities.

Promoting healthy competition for cooperation among communities.

Reduce social discrimination through the empowerment of minorities.

*Sources: Leemans (1970); Esman and Uphoff (1984); Olowu (1988:18).*

## **Evolution of Local Government Tier of Governance in Nigeria**

The genesis of local governments in Nigeria dates back to the pre-colonial era and the formative period of large-scale kingdoms and powerful empires in the country and by constitution a product of decentralized administration. According to Ugwu (2000:5), the existence of provincial systems, which operated in Borno and Oyo

empires, as well as the emirate system of Sokoto Caliphate “*exhibited rudimentary conception of local government administration.*” Comparatively, Nyerere (1972), Conveyers (1971) adduced that in Tanzania, local administration involves transfer of significant powers and functions to the regions and districts. In Tanzania, the essence of the exercise was to strengthen ‘*Ujamaa*’ village programme in which the widely dispersed rural population was concentrated in communal production and settlement units and given responsibility to plan and carry out programmes for self-reliant development (Rondinelli, 1981:134). For Kenya, decentralization programme started in 1970, which entailed the establishment of provincial and district advisory committees. For Ezeani (2008), the fundamental aim was to “*coordinate and stimulate development at the local level by involving in the planning process not only government officials but also the people through their representatives.*” Since 1960 after the attainment of independence, Nigeria has experimented various forms of decentralization and most notably among them is the local government system. The precursor of local government was the native administration established by the colonial administration. As one of its principal authors, Cameron (Cameron, 1934) posited, Native Administration was:

“Designed to adapt to purposes of local government the tribal institutions which the native people have evolved for themselves so that the latter may develop in a constitutional manner from their own past, guided and restrained by the traditions and sanctions which they have inherited, molded or modified as they may be on the advice of the British officers. It is an essential feature of the system, within the limitations, the British Government rules through these native institutions which are regarded as an integral part of the machinery of Government with well-defined powers and functions recognized by Government and by law and not dependent on the caprice of an Executive Officer.”

The Native Administration was charged with the collection of taxes, maintenance of law and order, road construction and maintenance, and sanitary inspection, especially in township areas. This system of government, which was modelled after the *Millsian* ideal of local representation, generated two types of conflicts among the fledgling ethnic groups in Nigeria. The first arose in cases where two or more ethnic groups were *lumped together* in one native administration. Given what Post and Vickers (1973) have aptly called the *‘differential incorporation’* of Nigerian peoples into Nigeria, some groups who had earlier access to the British and had acquired some education tended to dominate the Native Administration. If such domination could be justified, as the Brit-

ish did, on the grounds of the opportunity it afforded the privileged group to groom others in the art of governance.

The superimposition of the paramount ruler of one group as permanent Native Authority even when there was no pre-colonial history of dependent relations, encouraged local separatism. Most of the groups joined in such '*non-consensual matrimony*' agitated for separation and independence. The agitation was borne out of fear of cultural assimilation and political domination. If the objective of native administration was to administer the natives through their own culture, the agitators for separate native administration wondered why the colonial officers whose '*Intelligence Reports*' had sometimes documented stark cultural and physical differences between them and the other group yet decided to put them under the leadership of a separate customary authority. Thus, in seeking divorce from such unions, the marginal groups harped on their cultural differences, the distance it took them to get to the native courts and the fact that they did not understand the language of the neighbouring group, usually used for meetings and court sessions, and that their taxes were being used to sustain other communities (Ikime, 1969). The dilemma the colonial administration faced was how to reconcile the need for recognition of local autonomy with the criterion of administrative efficiency and economic viability. Thus, it made local autonomy contingent on guarantees of administrative efficiency. Any request for separate native administration that did not meet the criteria of viability and efficiency was dismissed as '*uneconomical and retrogressive.*' This

emphasis on the price the agitating community was willing to pay as a precondition for decentralization served both the colonial administration and the communities who were so separated from *'bondage.'*

For example, my position on this issue is this: Why should NKANU nation be forced to go to UDI Division for administrative and leadership purposes, and to take instructions from the Native Authority when it is evidently clear that they have no cultural affinity with Udi people? I believe that for political administrative convenience the colonial masters intentionally carried out this anomaly. This unholy union and lopsided distribution of positions and sidetracking of the Nkanu people continued unabated. The Nkanu people, a separate entity were brought under the rulership of Udi Division created by the British Colonial Authority. The inherent marginalization, contributed to the struggle for the creation of Enugu East Local Government Area, which was before then under the severe clutches of Ngwo Hilltop politicians. I may be justified to say that the creation of Enugu East Local Government Area was not obtained on a platter of gold. The second type of conflict that challenged the basis of native administration emanated from urbanization. It derived from the attempt of the British colonial officers to reconcile the demands of taxation with representation in emerging towns, which had attracted hardworking *'natives'* from other parts of the colony. This is because there was a conflict between the expectation amongst resident taxpayers to be represented on the native administration and the expectation that sons of the soil should not be excluded from the native admin-

istration. In response to this conflict, colonial officers, who were already fed up with the senile chiefs who snored at meetings and saw the native administration as '*mutual benefits societies*,' and were also facing pressures from educated nationalists, established urban and municipal authorities where resident taxpayers were eligible for elections to the Councils.

While this did not pose any problem in most urban areas, the establishment of municipal authorities generated controversies in towns such as Calabar, Port Harcourt, and Warri, where stranger elements outnumbered the natives. This was because the natives in these towns were afraid of external domination (Lloyd, 1974; Wolpe, 1974; Nwaka, 1990). These two types of conflicts influenced reform measures that were welcomed by both the colonial officers and the emergent nationalists, especially in southern Nigeria, where indirect rule was generally controversial because of the republican nature of the Ibos but successful in the north because of their feudal system. The Eastern and Western Regions adopted a multi-tier local government structure to accommodate both elected and traditional elements. There were no major reforms in the Northern Region where the system of indirect rule was more successful. For instance, the Northern Region retained the nomenclature of Native Authority and powers of traditional rulers, which were progressively removed in the East and the West. This notwithstanding, in all the regions with the advent of multi-party politics in the 1950s, dominant parties in each region used the local governments as instruments for political control at the grass-

roots. The native or customary courts, the local government treasury, the local government or native authority police, and the local government sanitation inspectors were deployed to oppress and exploit opposition party members. Even in the southern regions where the local government reforms of the 1950s were partly driven by the need to promote democracy at the grassroots; ruling parties often abolished elected councils, which they replaced with '*interim*' management committees made up of loyal party members. It is hardly surprising therefore, that the military officers that took over power in 1966 said they were actuated by the need to stop the desecration of the national and regional political landscape and terminate political terrorism at the grassroots.

However, while the short-lived first military regime of Gen. J. T. Aguiyi-Ironsi might have contemplated a national solution, the uproar, and dissent its decision to introduce unitary system of government generated, made the succeeding regime to eschew a national reform of local governments (Gboyega, 1987). Thus, during the Gen. Gowon regime that lasted from 1967 to 1975, the different states operated different systems of local government. In the Northern states, the Emirs retained some of their powers and influence because the Councilors appointed by the military governors were traditionally and spiritually expected to defer to the authority of the Emir. The Eastern States and in the Midwest States abandoned the Conciliar system adopted in the 1950s for development administration, modelled after the French system of deconcentration. Local government became a de-facto agent of ad-

ministering state government projects and programmes at the locality. In the West, state governors who had initially posted Sole Administrators to local government areas were forced by the tax revolts of the late 1960s to reintroduce local participation. The military officers who toppled Gen. Gowon in the bloodless palace coup did not think that the existing state of local government would be amenable to the kind of democratic order they envisaged for the country and for which they reportedly took over power. It is against this background that the Murtala/Obasanjo regime carried out the local government reform of 1976. The reform was revolutionary in the sense that it was the first time a uniform local government system was initiated for the entire country. The reform in one stroke equipped local governments with political, administrative, and fiscal capacities.

Local Government became a third tier of government with constitutional functions and responsibilities. They would be constituted through elections for a fixed term. Revenue was guaranteed because federal and state governments were statutorily mandated to devote a specific percentage of revenue to the local government councils. Traditional rulers could only serve the councils in advisory capacities. Local government service boards or commissions were constituted at the state level for the recruitment, promotion, and discipline of staff. Above all, the 301 local government areas were listed in the 1979 Constitution to guarantee their perpetual existence. In creating these local government areas, the military government emphasized the need for viability and

administrative efficiency. The minimum population for an area to qualify for local government area was 150, 000 while the maximum was 800, 000. Elections on non-party basis were conducted into the councils, which were subsequently required to elect a delegate to the Constituent Assembly that deliberated on the proposed 1979 Constitution. The litmus test for the local government reforms was the reintroduction of partisan politics in the Second Republic. Local government as a tier of government became a victim of the vicissitudes of party politics and competition for power. The problems were constitutional because there were loopholes in the 1979 Constitution, which the politicians were keen to exploit for political advantage. The constitutional provisions for the self-controlled Local Government Service Board (LGSB), a Joint State Local Government Account (JSLGA) and state oversight functions undermined the autonomy of local governments. Moreover, there was confusion in the allocation of functions between the federal, state, and local government councils. Many state governments took advantage of this ambivalence to take over either local government functions or funds to finance responsibilities they were supposed to share with the councils. It also became common for state governors to withhold funds meant for the local governments. This prompted one federal legislator to assert that the *'distributable pool was no longer re-distributable,'* (Ogan, 1980) to remind the governors that:

“Local government is not creatures of state governments but one of the tiers of government of this country. Every effort should be made to allow local government councils to operate with prestige and not as beggars of a state ministry of finance begging for money.”

These abuses arose partly from the incorporation of the local government in the evolving federal character principle and electoral systems of the presidential systems chosen for the Second Republic. The composition of the council was to be consonant with the federal character principle, which required every part to be represented. Local governments were also to form the basis for composition of the State Executive Council and representation in the National Assembly. Just as the electoral policy introduced to encourage parties to seek support from all parts of the country, required a presidential aspirant to secure electoral votes from a certain number of states, the 1979 Constitution also stipulated that the gubernatorial candidate should reach out to the local councils for votes. Therefore, local government tier of administration or governance that was originally intended for grassroots development and empowerment was drawn into the vortex of high politics. Local patrons and fledgling elites embarked upon cacophonous allegations of *“discrimination in distribution of amenities or in appointments, especially to positions of Chairman or Supervisory Councilors, in the local government council concerned as the main reason of their discontent”* (Gboyega, 1998:403-4).

Consequently, by the time the military intervened in 1983, the number of local councils in the country had more than doubled from 301 to 703. Many of the new Local Government Areas did not effectively take off because one of the first decisions of the Gen. Buhari regime was to abolish the local government areas, that is, those that the politicians had created. While reverting to the 1976 LGAs, the regime set up a Panel to look into the issue of LGAs. However, before the panel could submit its report, the Gen. Buhari regime was toppled in a palace coup, which brought in Gen. Ibrahim Babangida. The new regime introduced the Structural Adjustment Programme (SAP), which was, among other objectives, intended to terminate the development model that expropriated the surpluses of the rural peasantry to appease the volatile urban working class. Decentralization was pursued vigorously, not only through local government areas but also through several federal government agencies such as the Directorate for Food, Roads and Rural Infrastructure (DFRFRI); Better Life for Rural Women; Peoples Bank of Nigeria; National Directorate for Employment etc. that were established to cushion the harsh effects of the Structural Adjustment Programme (SAP). The agencies were expected to have field offices and projects in all local government areas. However, there is little evidence that these agencies helped to build capacity in the communities. Most of the projects were designed and executed by contractors unknown to the host communities. Many of them were abandoned and communities could not hold any one to account. The Gen. Babangida administration also made local government tier part of his elaborate democratiza-

tion programme. Elections were phased to begin at the local councils, through which delegates would be selected to the state and federal levels. The federal government built secretariats for the two *'test tube'* parties in all LGA headquarters. After the June 12 debacle, it became evident that these programmes, as well as the creation of more states and local government areas were legitimization structures for the civilianization of the military rulers. They allowed Generals Babangida and Abacha to buy support from certain interest groups. For instance, the isolated Gen. Abacha directed local government areas to devote between 5 and 10 percent of their revenues to traditional rulers within the local governments. This triggered off communal conflicts as subordinate chiefs sought paramount ruler status in order to access the *'maintenance allowance'* (Mustapha and Jones, 2003).

Local government areas also became the conduit pipe for looting of national treasury. For instance, the elite club of LGA Chairmen called the Association of Local Governments of Nigeria (ALGON) reportedly mandated the maximum military leader to deduct local government funds for the purchase of two Toyota land-cruiser sport utility vehicles (SUV) for all LGAs. One of the SUV was allocated to the LGA Chairperson, while the other belonged to the police to facilitate effective policing and combat of armed robbery. In a context where multiplication of LGAs had become a lucrative business for military dictators, it was not surprising that by the time the military handed over power in 1999,

there were 774 LGAs in the country. Again, former President Olusegun Obasanjo's (2003) diagnosis is apt:

“We also notice that proliferation of State Governments has been matched by proliferation of Local Governments without adequate consideration for viability. In fact, there is clear evidence that the creation of Local Governments has been for reasons that not only negate the objectives and principles of the 1976 Reform, but also, in some cases, are clear expressions of patronage by revenue distribution to favoured areas or interest groups.”

The transformation of local governments into patronage resources for favoured groups alienated other groups who felt they were not favoured. In other words, local government creation became a metaphor for power and powerlessness.

### **Creation of Local Government Areas in Nigeria**

The creation of local government tier in Nigeria passed through a lot of reforms and reports. The 1950s to 1966 local government reforms patterned Nigeria's system of local government to reflect the British template which includes the County (Divisional Council), District Council and Local Council. Though the approach has its misgivings since people were not accommodated, the 1952 and 1955 amended act accommodated and brought in traditional councils to be part of governance (Minna, 1993). The 1976 local government reform marked a watershed in the local government

reforms in Nigeria. The blueprint of local government that was developed by the Udoji Commission was aimed at finding solution to problems facing the local governments. According to Orewa and Adewumi (1985), the reforms were meant to entrust responsibility where it was most crucial and beneficial, that is, to the people. It was also aimed at the social and economic development of, and the effective delivery of service to the local populations scattered all over the country. The reforms allowed for the creation of 307 local government areas. Following the Udoji reform, was the Dasuki reform committee set up by the Gen. Buhari administration in 1984. The Political Bureau (1987) headed by Dr. Samuel Cookey and set up by the regime of Gen. Ibrahim Babangida increased the number of local governments from 307 to 350 in 1988 and 400 in 1991. However, the military administrations, especially those of Babangida and Abacha made local government tier of governance a political game between themselves on the one hand and their acolytes on the other.

The regime of General Babangida, in May 1989, created 149 new local government areas and between August and September 1991, he announced the creation of additional 140 local government areas, bringing the total number of local government councils, as at that time, to 589. Under General Abacha, more local government councils were further created numbering 185, and these brought the total number of local government councils in the country to 774 (Olasupo, 2006:310; Oyediran, 1997:212). Local government councils according to Natufe (2006) have been estab-

lished arbitrarily across the country. The military bequeathed the Fourth Republic with 774 local government councils, most of which were established to satisfy parochial political interests without regard to their economic viability. Commenting on this phenomenon, Ayo Opadokun quoted in (Natufe, 2006) rightly observed thus:

“Lagos State at the close of the First Republic had four political divisions, while old Kano State had two political divisions. Lagos today has 20 Councils in the constitution. Jigawa State was created out of old Kano. The new Kano has 44 Councils while Jigawa State has 27. In the First Republic, Lagos doubles that of old Kano, which now has 71 Councils while Lagos has 20. Similarly, we recall that while Bendel State had 19 Local Government Councils in the second republic, the military created 25 in Delta State and 19 in Edo State when these states were created out of the defunct Bendel State in 1991. This is replicated across the country by the Nigerian government.”

According to him, state creation has become an albatross squeezing the life of the Nigerian polity. Initially, it was a demand of the minority ethnic groups to extricate themselves from the oppressive rule of the majority ethnic groups in the old Eastern, Northern, and Western regions; but has now become a political instrument of self-balkanization by majority ethnic groups in their

quest for balance of power. For instance, Natufe (2006) rightly reported:

“In the creation of States in Nigeria, the Ibos have been marginalized. Up till today, the South East geo-political zone is the only zone with five States, while others have six apiece in a zone; North West has seven States. Ibos are also short-changed in the distribution of Local Government Areas. Since the inception of the fourth republic, the Ibos have been agitating for an additional State on the grounds of fairness and equity vis-à-vis the other groups.”

The Lagos case has been raised by Southern elites who have since 1990s agitated against so-called northern domination. It is alleged that successive ‘*northern*’ military rulers favoured the North in the creation of states and local government areas (Ukiwo, 2007). The Southern elites therefore, insisted that central to the resolution of the National Question is the restructuring of the ‘*im-balance*’ federation. The North West zone has a quarter (24%) of the LGAs in the country while other five zones have between 12% and 18%. For Enugu East Local Government Area, the defunct military government in 1997, out of the erstwhile Enugu North Local Government Area, created it, and all these came about by dint of the concerted effort of a committee of the Mbului-yiukwu/Mbulunjodo People’s Assembly headed by Hon. Chief Joseph Agbo Ugwumba.

## **Conceptual Clarifications of Local Governments in Nigeria**

It is precisely difficult to find a single and comprehensive conceptualization of local government acceptable to both the developing and developed countries of the world. This is confirmed by the variegated views of scholars on the subject matter. The precise definition or meaning of concepts has varied among many scholars, particularly in the social sciences. It was against this backdrop that it attracted the intellectual concerns of many renowned and internationally acclaimed scholars who have analyzed and defined it. Ola (1984) in his contribution defined local government as a political sub-division of a nation, which is constituted by law and has substantial control of local affairs including the powers to impose taxes or to exact labour for prescribed purpose. According to Blair (1977), local government is rather a resident population occupying a defined area that has a locally authorized and governing body, a separate legal entity, the power to provide certain public or governmental services, and a substantial degree of autonomy adding legal or actual power to raise part of its revenue. Local government is a government at the grassroots level. According to Ojofeitimi (2010) and in Ojo (2009), the word 'local' connotes that councils are meant for small communities and the word 'government' means that they have certain attributes of government. Thus, local government can therefore be defined as:

“A political sub-division of a nation (or in a federal system, a state) which is constituted by law and has substantial control of local affairs including the power to impose taxes or to demand labour for prescribed purposes.”

The concept of Local Government may be seen as a segment of a constituent state or region of a nation state, established by law to provide public services and regulate public affairs within its area of jurisdiction (Ikelegbe, 2005). As King (1988) observes, *“the local government is universally found in modern politics, although it goes by various appellations. Its legitimacy lies in its official tasks to represent the interests or wishes of the local inhabitants and to administer to their needs.”* Founded on democratic ideals, it is required that they be given an opportunity to control their affairs at this level, that is, unhindered autonomy, especially since this is the point at which their interests and welfare are most likely to be directly affected. Local government is a government at the grassroots level of administration, meant for meeting peculiar grassroots need of the people (Agagu, 1997). Lawal (2000) defines local government as that tier of government closest to the people, which is vested with certain powers to exercise control over the affairs of the people in its domain. Local government as a system of public administration at a local level is charged with the responsibility of bringing the people at the grassroots closer to the government. He however, regretted that a critical survey of local governments in Nigeria today shows that they are existing in the shadow of the federal government, and this has resulted in the abysmal failure of the system,

making the essence of its creation a caricature (Usman, 2010). Local government is a politico-administrative arrangement that entails the devolution of authority to plan, make decisions, and manage public functions from the central government to subordinate organizations, agencies or units of government, either geographically or structurally (Anyanwu, 1999). Emezi (1984) on the other hand perceived local government as a *“system of local administration under local communities that are organized to maintain law and order, provide some limited range of social amenities, and encourage cooperation and participation of inhabitants in the improvement of their conditions of living. It provides the community with formal organizational framework, which enables them to conduct their affairs effectively for the general good.”* Ola (1984) identifies three schools of thought in the functional conceptualization of the local government as a governmental unit. These include democratic-participatory school, developmental school, and efficient service delivery school.

This particular work will dwell extensively on two specific models, namely democratic participatory school and efficient service delivery school since both are geared towards development. Local government can be defined as the substructure upon which the superstructures of state and federal governments are erected. Yet, Bello Iman (in Akhakpe, 2011) defines local government as *“that unit of administration with defined territory and powers as well as administrative authority with relative autonomy.”* According to Federal Republic of Nigeria 1976 Local Government Reforms, local government could be defined as:

“Government at local level exercised through representative council established by law to exercise specific powers within defined areas. These powers should give the council substantial control over local affairs as well as the staff and institutional and financial powers to initiate and direct the provision of services and to determine and implement projects so as to compliment the activities of the state and federal government in their areas and to ensure, through devolution of functions to their councils and through the active participation of the people and traditional institutions, but that local initiative and response to local needs and condition are maximized.”

The essence of local government administration therefore, is to provide for the needs of the people at the grassroots or rural areas. According to Ekong (in Akhakpe, Fatile and Igbokwe-Ibeto, 2012), rural areas refer to small, inward looking, and idyllic communities held together by kinship relations and supporting basic agricultural occupations. The difference between rural and urban areas can be seen in terms of: size; population density; homogeneity; presence of few social classes; low standard of living; presence of few or no social amenities such as electricity; pipe-borne water; mainly agrarian in nature; rural-urban migration of young ablemen and women in search of greener pastures; domestic labour; poverty; high death rate; high birth rate; illiteracy; high health risks; inadequate access to productive resources; and lack of cred-

it/market access, among others. Ajayi (2000), Kolawole (1997), and Adewale (1990) argued that among other reasons for the existence of local government is the need to be in line with modern administrative practices. This position finds expression in the need for decentralization, democratic participation, and speedy socio-economic development at the grassroots, bridging of communication gap and serving as a platform for training of future leaders. There is a consensus that the local government is an important and inevitable unit seen as the grassroots level of government whether in a federal or unitary arrangement and should not be an appendage of the state or federal government.

The form or structure or the tiers within the systems vary. Nigeria operates a single tier, while in Britain, USA, France and India there are multiple tiers. The United Nations Division of Public Administration cited in Ola and Tonwe (2009) views local government as a political division of a nation which is constituted by law and that has substantial control of local affairs, including the powers to impose taxes or exact labour for prescribed purposes. Chukwuemeka et al (2014), Otinche (2014), Ezeani (2012), Tumini (2011) as well as Whalen (1970) note that local government has the following characteristics, a given territory, population, and an institutional structure. It is a separate legal identity, has a range of powers and functions authorized by delegation from the appropriate central or intermediate legislature. Lastly, within the ambit of such delegation, autonomy is accorded within its sphere of jurisdiction and competence.

The concept of local government, particularly in a federal arrangement like in the USA and Nigeria, is rooted in decentralized authority and power from the central/regional government to the lower or grassroots level with some level of independence or autonomy as specified by the countries that operate it (Youm and Feiock 2015).

This in effect is to facilitate efficiency and administrative conveniences. According to Osaghae (1990: 84), it means “*a system of dispersal of power from a central government to other units or agencies of government.*” Decentralization could take either the form of de-concentration or devolution of authority. De-concentration is the delegation of authority adequate for the discharge of specified functions to staff of central departments who are situated outside the headquarters as was found in the French arrangement. Deconcentration literally means reduction of enormous powers at the federal or central level to allow people participate in the art of governance. Alderman (1967) opines that it involves the transfer of powers to subordinate authorities, whether offices, individuals or field units. Devolution in line with Amarasekera (2012) is more of the constitutional or legal instrument of conferring or transferring powers to discharge specified or residual power upon formally constituted local authorities. This explains why Local Government administration can rightly be viewed as a de-concentration or a devolution arrangement as the case may be. Mills (1964) work on Utilitarianism, liberty and representative government that serves as an impetus for renewed commitment to this school of thought, re-emphasized that local government is the starting point

of '*democratic participation*' regardless of other intrinsic and extrinsic functions it performs.

The tenets of the school is that local governments are created in order to encourage participatory democracy and serve as training ground for recruitment of leaders, provide channel of self-government and political education at grassroots levels. This was demonstrated in the works of Chukwuemeka et al (2014), Ani et al (2013), and Adeyemo (2011) that the idea of local government is intricately connected to a philosophical commitment to democratic participation in the politics and self-governing at the grassroots level. For instance, David Butler in his study of British politics in 1964 revealed that 53% of Labour members of parliament and 45% of defeated Labour Party parliamentary candidates were once local government politicians and political office holders. Mackenzie (1954) also illustrated this with data showing that more than half of the Deputies and about the same proportion of Senators in Italy had had political education in the local government. In Nigeria, President Shehu Shagari, Umaru Dikko, Ali Mongonu among others, started their political careers at the local government level as demonstrated by (Tony, 2011; Ajayi, 2000:6 and Ademolekun, Olowu and Laleye, 1988). Aragono and Sanchez-Pages (2008) in the city of Porto Alegre, Brazil, in his examination of how the system of '*participatory budgeting*' was implemented, demonstrated the empirical relevance of this model in the study.

However, Fischer (1993) argued that representative democracy is not generally considered participatory since citizens may lack

the time, knowledge or will to contribute to policy-making. In addition, in spite of the constitutional provision for local government in Nigeria and the 1996 local government reform, it is however sad that the manner in which the local government is run clearly and unambiguously deviates from the stated objectives. The overbearing posture of the state governors in Nigeria, especially since 2003 has strangled local government from serving truly as the third tiers of government. In most states, caretaker systems were adopted to ensure that the governors have total control over the operations of local government areas. In a situation where elections were claimed to have been conducted, the process deviated from any civilized democratic norms as the governors imposed candidates and the elections conducted by the State Electoral Commission only returned candidates contesting the elections on the same political platforms as the governors. In effect, though Local Government is expected to serve, as an avenue for political socialization; recruitment and participation has not been fully realized. The system should not be polarized but be improved so that the fundamental reason for its establishment will be realized.

Even if the above stated goals are not achieved as expected in some systems like Nigeria due to institutional and attitudinal factors, it does not diminish the relevance of the theory as noted by Aragone and Sanchez-Pages (2008) that a participatory system at the local level is indeed possible and can be successful, but not without problems as it helps to govern large communities. Decen-

tralization constitutes the basic and principal objective of the establishment of local government. A renowned international scholar of Local Government, Mawhood, quoted in Dalhatu (2006) said, *“Too much concentration of political and economic power at one level would ultimately and inevitably lead to managerial constipation.”* According to him, the basis of local government is inextricably woven around the principle of decentralization. Local government is the product of decentralized administration. He further defined decentralization as:

“An arrangement by which the management of the public affairs of a country is shared by the central / state / province and local government in a manner that the Local government is given reasonable scope to raise funds and to use its resources to provide a range of socio-economic services and establish programmes to enhance the welfare of those resident in its area of authority.”

But on decentralization and de-concentration, Amanoh (1985:56) argued that, one still finds countries in which local leaders are appointed by the central government or the cycle of local elections is often interrupted for many years.

However, decentralization is strengthened by the logic of disengagement of the state and central administration, although this trend has proved problematic and even counterproductive in the absence of any real transfer of powers and financial resources and because in virtually all cases, the central government retains con-

trol of local funds and taxation, as well as its monopoly of foreign aid and financing. This fundamentally is the bane of local government administration in Nigeria and Africa. On '*efficiency theory/model*,' it premises on the existence of local government as an efficient agent of government for providing services that are local in character. Mackenzie (1954:14) cited in Adeyemo (2010) and Chukwuemeka et al (2014) noted that one of the notable proponents of the existence of Local Government is that "*local government exists to provide services and it must be judged by its success in providing services up to a standard measured by national inspectorate.*" This same line of thought was found in the works of Sharpe (1970:168) that given that, there is no local government; a functionally similar body must be in existence to provide services that are local in nature. This explains why Eboh and Diejomaoh (2010) add that local governments worldwide are considered as strategic institutions for the provision, among others, basic socio-economic needs.

This could be understood from the perspective that the size and spread of a nation, particularly those that are large and heterogeneous in composition may not be able to rely on the central and regional government to effectively meet the needs that are local in nature. In effect, the local government may effectively and efficiently respond to local need. This theory, therefore notes that local government may not justify its existence if it effectively fails to provide needed services within its scope of competence. Initiators of this theory believed that the core mandate of local government is service delivery.

Sharpe (1970:168) has criticized the model in the sense that the value of local government as a bulwark of liberty, or at least as a handmaiden of democracy, has been recognized, its role as an agency for providing services has evoked no comparable enthusiasm. This is particularly relevant to the Nigerian situation in which the local government has failed to justify its existence. The nexus between the two theories in respect of challenges of Local Government in Nigeria and lessons that could be learnt from a comparative study is anchored on assessing the extent to which it has been able to serve as a change agent in *democratic participation* and how *efficient* it has been in order to be able to cope with developmental challenges with specific reference to socio-economic needs that are local in nature and service delivery.

### **Historical Context of Local Governments in Nigeria**

Local Government is literally seen as the government at the local level. Some scholars (Olowu, 1988; Adeyeye, 2000) have distinguished local government, depending on the political arrangement of the nation, that is, unitary or federal system. Adeyeye (2000) defines local government in the unitary state as “*non-sovereign community possessing the legal right but which are essentially administrative agents of the central government.*” On the other hand, the United Nations Office for Public Administration sees Local Government as:

“A political subdivision of a nation (in a federal system) state, which is constituted by law and has substantial control of local affairs including the powers to impose taxes or to exact labour for prescribed purposes. The governing body of such an entity is elected.”

Similarly, the Guidelines for Local Government Reform (FGN, 1976) define local government as:

“Government at local level exercised through representative councils established by law to exercise specific powers in defined areas. These powers should give the council substantial control over local affairs as well as the staff and institutional and financial power to initiate and direct the provision of services and to determine and implement projects so as to complement the activities of the state and federal government in their areas, and to ensure, through devolution of functions to these councils and through the active participation of the people and their traditional Institutes, that local initiative and responses to local head and conditions are maximized.”

The import of the above definitions is in four dimensions; these include:

- Local government must be a legal entity distinct from the state and federal government.

- Democratically elected officials must administer local government.
- Local government must have specific powers to perform a range of functions assigned to it by law.
- Local government must enjoy substantial autonomy to perform an array of functions, plan, formulate and execute its own policies, programmes and projects, and its own rules and regulations as deemed fit for its local needs. This autonomy includes power to control its finance, recruit, and discipline its staff.

Based on these definition and their implications, can it be said that the local government system in Nigeria is enjoying relative autonomy? This book is aimed at addressing this fundamental question. The history of local government system in Nigeria could be traced back to the pre-colonial period when powerful empires and kingdoms existed in Nigeria, such as: Oyo Empire, Borno Empire, Sokoto Empire, Jukun Kingdom, Nupe Kingdom, and Igala Kingdom, among others. These empires and kingdoms had other smaller districts, wards, towns, and villages that were subject to them. The subordinate governments operated their own unique administration suitable for their cultural and religious needs and aspirations. The bulk of the administrative activities of these kingdoms and empires took place at these levels. This form of administration could be referred to as local government.

The advent of British colonial administration in Nigeria brought about a change in local government administration in

which the method of leadership changed from the traditional to the British colonial government. The colonial administration of local government that was established was based on the *Indirect Rule* system. This required that administration at the local level should be carried out through the existing traditional rulers and institutions. In the areas where there were no existing traditional rulers, and/or institutions, like in the South East, new ones were created. This led to the establishment of Native Authority in its most rudimentary forms. The Native Authority Ordinance promulgated in 1910 that gave impetus to the system of indirect rule recognized the traditional rulers as Sole Authority. The main function of the traditional ruler was to maintain law and order.

The Indirect rule system, which imposed the traditional rulers as Sole Authority, met with a strong resistance by the people in the southern part of Nigeria. In the South West where there were existing traditional institutions, the traditional rulers were not recognized as absolute rulers. In the South East, there were no existing traditional institutions. The traditional system in the East was more of republican-consensus in nature. In the Northern part of the country, especially in the Muslim-dominated areas, the Indirect Rule system was highly accepted due to their existing traditional system, which recognized the monarch (Emir) as the absolute Sole Authority. The resistance, various riots, and other political disturbances that followed, necessitated the various reforms in the 1930s and the 1940s, which culminated in the establishment of Chief-in-Council in place of Sole Native Authority. The adoption

of a Federal System of government in 1950 marked another stage of Local government development in Nigeria. The composition of the country into three regions influenced the Local government system. Each region decided to adopt its own type or form of local government system. The regional systems of local government, until the collapse of the first republic in 1966, so prevailed with various refinements. The military takeover of democratic government according to Gboyega (2001) had severe repercussion for local government system that was radically changed to accommodate not only the hierarchical military command structure, but also to redress the abuses that the system had been subjected to. The restructuring was also meant to meet the aspirations of the people for greater political participation and empowerment in the local government areas. Despite the imposition of military rule and command structure, the regions and their successor states, still retained control over local government policy-making and were thus able to carry out reforms that were deemed appropriate to their circumstances.

The period of military rule from 1966 to 1975, therefore witnessed extensive experimentation with different theories and patterns of local government with quite mixed results (Gboyega, 2001). The 1976 Local Government Reform marked a turning point in the historical development of local government administration in Nigeria. As asserted by (Ugwu, 2001), the reform *“form a watershed in the evolution of local government development and administration in Nigeria.”* The 1976 Reform marked the end of a sound experiment or model and gave way to a common national

local government system in Nigeria. The main features of the 1976 local government reforms are as follows:

- Uniform and standardized system of local government throughout the country. The population of a local government should range from 150, 000 to 800, 000.
- The local government became a third tier institution within the federal structure.
- For the first time in the political history of local government in Nigeria, Local Government was entrenched in the 1979 constitution which was intended to reinforce the provisions of the 1976 local government reform.
- A relatively high level of autonomy was granted to the local governments.
- The local governments were given specific functions to perform and enshrined in the fourth schedule of the 1979 constitution.
- The local governments were democratized, through popular or indirect elections.
- Local governments were constitutionally entitled to revenue from the Federation Account and from the state governments.
- Traditional Councils or Emirate Councils were to be constituted in line with the guidelines to the reform.

The major thrust of the reform in the word of Orewa and Adewumi (1983) *“is to entrust political responsibility to where it is*

*most crucial and beneficial, that is to the people.*” It also aimed at the socio-economic development and the effective delivery of the respective local population scattered all over the country.” Unlike previous reforms that were highly restricted in scope and range, the 1976 reform followed extensive consultations at all the levels of the federating units and among other stakeholders and experts. The reform also conceptualized local government as the third tier of government operating with a common institutional framework with defined functions and responsibilities. As a third tier of government, local government gets its statutory share of allocation direct from the Federation Account and it is empowered to exercise control over its spending. In addition, the reform provided for democratically elected Local Government Councils.

All the provisions of the 1976 Reform were entrenched in the 1979 Constitution, which anchored in the Second Republic. However, the 1976 Reform invariably gave the Federal Government more domineering role. As Gboyega (2001) rightly observes: *“the consequences of Federal intervention and imposition of a common system of local government have been mixed; from a benign role that clearly retained State dominance of local government policy-making, the federal role has gradually widened to the point where the Federal Government can initiate local government policy reform.”* The Second Republic was a turbulent period in the history of local government administration. It was a period in which to put to practice the provision of the 1976 Local Government Reform as contained in the 1979 Constitution. The State and the Federal Government contested the control of Local Government Policy with each other in a test-

ing period. Attempts by the States to re-establish their primacy in local government policy-making not only created conflict with the Federal Government, but also weakened the powers of the local government.

The States, especially, abused some provisions of the 1979 Constitution to suit their selfish desires. State governments neglected or voided aspects of the 1976 Reforms that they were displeased with and distorted those that were merely inconvenient.

For instance, throughout the Second Republic (1979-1983), no election was held into the Local Government Councils, only Sole Administrators were appointed which is still the prevailing anomaly witnessed today. The present crop of governors now appoints Caretaker Chairmen, a position that is unconstitutional. This was at variance with the 1976 Reforms and 1979 Constitution, especially (Section 7) which provides for a democratically elected Local Government Council throughout the Federation. Such attitude portrayed the State as villains and provoked demands for greater federal role in local government policy-making (Miller, 2001). The re-emergence of the military in the political scene brought about a shift of local government control from the State to the Federal Government. The General Babangida administration (1985-1993) initiated some reforms aimed at ensuring local government autonomy. Some of the reforms included the abolition of the Ministry of Local Government, establishment of executive and legislative arms in Local Councils, and direct allocation to local government without passing through the State gov-

ernment. The statutory financial allocation of the Local government was also increased from 15 percent to 20 percent in 1992.

There was agreement among scholars, (Gboyega, 2001; Ig-buzor, 2003) that the reforms of this period were aimed at a radical transformation of the status of local governments in a federal system. Thus, the Federal government's scheme of decentralization was deliberately and consciously focused on transferring greater powers and resources to local governments rather than to state governments. Through the reforms at this period, it could be said that a greater measure of devolution of power was made at the expense of the state. This however, provoked negative reactions from the States and suspicion about federal motives in promoting the reforms.

My take is that if General Babaginda's reform on local government was adopted and improved upon, the perceived and lingering problems witnessed today may have been ultimately addressed. Our inability to sustain policies and empirically validate its viability at the governmental structure of our country is our bane. Nigeria must be insulated from policy somersault in order to make our democracy work, entrench good governance and strong institutions. The General Abacha administration (1993-1998) however, revised some of the reforms. The exit of the military and the enthronement of the democratic government in 1999 brought to the fore, again, the problem of local government autonomy. The provisions regarding local government administration in the 1999 Constitution created a lot of confusion.

The 1999 Constitution by its provisions in sections 7 and 8 recognized the local government as a third tier of government and also guaranteed it, but gave the state the power to lord over the local government. This really portends grave danger on the autonomy of the local government. Section 7 of the 1999 Nigerian Constitution read jointly with Section 8 provides that there shall be:

“The system of local government by democratically elected councils, are by 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.”

Many legal experts contested this issue in Nigerian law courts but to no avail, since the local governments now have become pawns in the hands of ravenous politicians at the state level. Aside the Governors, some political bigwigs in the States saw local government areas as a forum for political patronage, thereby entrenching mediocrity in the institution of meritocracy. The implication of these provisions is that the local government cannot exercise the functions assigned to it in Section 1 schedule 4 of the Constitution until the State House of Assembly had passed a law.

The same Fourth Schedule of the Constitution also provides for the functions of the Local Government Council to also include participation of such Council in the government of a state in re-

spect of the following matters: education, agricultural material resources, healthcare and any other functions assigned to it by the State House of Assembly. In some cases, some State Houses of Assembly were used to dissolve democratically elected Local Government Chairmen at will based on the principle and theory of who pays the piper dictates the tune. The spirit of the law on the establishment of local government and her modus operandi remains sacrosanct; hence, we need strong institutions to liberate the system from ravenous politicians. Another area of confusion is the election of the Local government Council and their tenure. Section 7 (6) of the 1999 Constitution provides for a democratically elected Local Government Council. While the Constitution provides for a four-year term for Federal and State political office holders, it is silent on the tenure of the local government political office holders. The Constitution in the concurrent legislative list gives the National Assembly the power to make laws *“with respect to the registration of voters and the procedures regulating election to a Local Government Council.”* The same Constitution gave the powers to the State House of Assembly to make *“laws with respect of election into a Local Government Council.”* For instance, in preparation for the Fourth Republic in 1999, local government elections were held on 5 December 1998. The elected officers however did not assume office until six months later in May 1999.

The electoral law under which the local government officials were elected (Basic Constitutional and Transitional Provisions Decree No. 36 of 1998) provides for tenure of three years. The local government officials later went to the Supreme Court to ask

for an increase of the tenure to four years. The Supreme Court however ruled that the National Assembly did not have the power to increase or alter the tenure of elected officers of local government. Another quagmire witnessed today is the tussle between the State Independent Electoral Commission (SIEC) and the Independent National Electoral Commission (INEC). Although SIEC was empowered by the Constitution to conduct local government elections, the Independent National Electoral Commission (INEC) has the responsibility of updating the voters' register and making same available to SIEC. From the foregoing, it can be adduced that the controversy over election into local governments was created by the 1999 Constitution. The confusion created by the 1999 Constitution became a subject of controversy between the Federal and State governments on one hand, and the National Assembly and State Houses of Assemblies on the other.

Another dimension of the confusion created by the 1999 Constitution, which affects local government autonomy, was the provision that empowers the states to determine and create new Local Government Areas. Section 8 (13) provides the modalities for the creation of new Local Government Areas and indeed vests the power to do so on State Houses of Assembly. Section 8 (6) of the Constitution however empowers the National Assembly to ratify them. This provision also brought about the tussle for the control of local government administration between the States and the Federal Government. Many States (for example, Kogi, Lagos, Niger, and Oyo, etc.) created more Local Government Areas

in line with the modalities stipulated in the constitution, but the Federal Government refused to recognize them. A state like Lagos, decided to recognize and fund the new Local Government Areas it created. This generated into a rift between Lagos State and the Federal Government in which the Federal Government stopped the statutory allocations for Lagos State. Lagos State went to the Supreme Court to demand for justice. The Supreme Court ruled, *“States have the power to create new Local Government Areas as far as the modalities for its creation as stipulated in the Constitution are followed.”* It also ruled that the Lagos State Local Government statutory allocation withheld by the Federal Government was illegal and unconstitutional. Despite the ruling, it took another 12 months for the Federal Government to release the withheld allocations.

Nwabueze (1983) in Ugwu (2003), had observed that the constitutional power to establish local government, define its structure, composition and functions, belongs to the State governments. To them, as far as it is so, the local government is a mere State agency or a creation of the State government. It would therefore be erroneous to see it as an independent third tier of government. As such, the issue of autonomy of the local government becomes a myth and not a reality. This presently is where we are.

Another area of local government autonomy has to do with finance. The constitution empowers states to scrutinize and approve local government budgets, and expenditure through the

State Houses of Assembly. States thereby exercise arbitrary and undue control over local government finance through the establishment of the State Local Government Joint Account (SLGJA). The issue of State Local Government Joint Account has been a thorny issue in Local Government and State relationship in the Fourth Republic. This situation also brought to the fore the question of Local Government autonomy. The experience with many Local Government Areas was that their States starved them of the statutory grant, thus denying them the ability of rendering essential services as required.

As asserted by Dalhatu (2006), *“the issue of autonomy has to do with the Local Government, beyond mere constitutional provision that would be organized as the third tier of government, with power to regulate, to spend and powers to provide services.”*

However, experience and empirical evidences have shown that financial autonomy of the local government is non-existent in Nigeria. Former President, Olusegun Obasanjo in a meeting with the 774 Local Government Council Chairmen in Nigeria, broadcast live on Radio and Television, acknowledged the thwarting of local government revenue by some State governments. He promised that the then proposed Technical Committee would look into the matter (Radio Nigeria, 2004). Through the Local Government State Joint Account, some States apart from arbitrary deduction also forced the local governments to embark on ridiculous projects that are not in congruence with the needs of the local people under the pretext of ensuring uniformity in development.

## **Role of Local Governments in Nigeria**

Local Governments are created for among other purposes, bringing government closer to the people, to enhance grassroots development, decentralization of power and provision of certain peculiar needs (Abe and Omotoso, 2015:184). As a result, they perform the following functions:

- Assist the central and state governments to carry out certain functions like rural development.
  - Bring government closer or nearer to the people.
  - Maintain and improve the culture and tradition of the people.
  - Serve as a link between the central, state and the local people.
  - Assist to educate or enlighten the local people about the policies and programmes of government.
  - Help the federal and the state governments to collect taxes and revenues.
  - Act as a training ground for future leaders.
  - Provide and maintain services like water supply, street-light, markets, parks, public toilets, and banks.
  - Help the law enforcement agents to maintain law and order.
  - Construct and maintain feeder roads and bridges.
  - Provide environmental sanitation and sewage disposal.
- (Nwankwo: 2002, 172-173)

Enemuo (2008:318) asserts that Local Government serves as '*an invaluable sociopolitical laboratory.*' By this, he means that a policy can be tested at the level of local government. If it succeeds, it

can be replicated at the federal level, but if it fails, such policy would not continue or be improved upon. The 1999 Nigerian Constitution also ascribes certain functions to the Local Government, which include the following:

- Provision and maintenance of primary, adult, and vocational education.
- Development of agriculture and natural resources other than the exploration of minerals.
- Provision and maintenance of health services.
- Such other functions as may be conferred on a local government by the House of Assembly of the state.

The above and other functions of the local government make it an important tier of government in a federal state like Nigeria. Its importance is however, dependent on its ability to perform these functions. As it will be shown later in this book, local governments in Nigeria have not lived up to expectation in terms of their performance because of certain problems that this book identifies.