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**AFRICAN JOURNAL FOR THE PSYCHOLOGICAL STUDY OF  
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CONTENTS**

		<b>PAGE</b>
1.	AN ASSESSMENT OF ROLES OF SECURITY AGENCIES IN CHECKMATING INSURGENT MOVEMENTS IN NIGERIA (1999-2012) <i>Abolurin, Ade</i>	250
2.	KNOWLEDGE AND PERCEPTION ABOUT FAMILY PLANNING AMONG WOMEN IN SELECTED RURAL COMMUNITIES OF IBADAN, <i>Taiwo, Patricia Jerome</i>	271
3.	CULTURAL DIVERSITY AND THE CHALLENGE OF HEALTH PLANNING IN NIGERIA <i>Oluwadare C. T. and Dada A.</i>	292
4.	RELIGIOUS AND COMMUNICATIVE ENCUMBRANCES IN HIV AND AIDS DISCOURSE <i>Labeodan, Kunmbi</i>	304
5.	LOCAL GOVERNMENT ADMINISTRATION AND THE CHALLENGES OF DEVELOPMENT IN NIGERIA WITHIN THE PROVISIONS OF THE 1999 CONSTITUTION <i>Olaniyan, K.O</i>	315
6.	REFLECTIONS ON ARAB SPRING IN NIGERIA: CONSTRAINTS AND POSSIBILITIES. <i>Johnson, I</i>	345
7.	CHILDHOOD CONSTRUCTION, CHILD RIGHTS AND DEVELOPMENT IN NIGERIA: TRAJECTORIES FROM THE YORUBA OF THE SOUTH-WESTERN NIGERIA <i>Akanle, A</i>	359
8.	AN EMPIRICAL INVESTIGATION OF THE RELATIONSHIP BETWEEN COHABITATION AND MARITAL STABILITY IN LAGOS STATE, NIGERIA <i>Ariyo A.M.</i>	380
9.	MULTICULTURAL COMPETENCIES FOR COMMUNITY COUNSELLORS <i>Abdelfettah Elkchirid</i>	393
10.	THE LEGISLATURE AND RURAL DEVELOPMENT IN OSUN STATE, 1999-2011 <i>Lafenwa., SA</i>	411
11.	CHANGING SOCIETAL VALUES AND WORK ETHICS <i>Adenugba Binmpe</i>	434
12.	CONFORMITY AND DEVIANCE: A SOCIOLOGICAL EXAMINATION OF SOCIAL BOND THEORY <i>Ajayi J. O</i>	448
13.	THE DIETARY PROBLEMS OF CHILD-FEEDING SCHEMES IN GUTU DISTRICT OF MASVINGO, ZIMBABWE <i>Lokadhia Manwa, Gamuchirai Tsitsi Ndamba and Lilian Manwa</i>	459
14.	NUTRITIONAL STATUS AND COGNITIVE PERFORMANCE AMONG CHILDREN AGED 5-12 YEARS FROM URBAN AND RURAL AREAS OF ENUGU STATE, NIGERIA. <i>Ejekwu, A.D, Ene-Obong, H.N and Oguizu O.J</i>	481



# LOCAL GOVERNMENT ADMINISTRATION AND THE CHALLENGES OF DEVELOPMENT IN NIGERIA WITHIN THE PROVISIONS OF THE 1999 CONSTITUTION

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## **ABSTRACT**

*Rural and grassroots development is the concern of every responsible and responsive government in any political system. This is because political participation in the development process has continued to elude the people at the grassroots. Development remains insignificant if it does not positively affect the lives of those in the periphery of decision making arrangement. The Nigerian state therefore created local governments as the third tier of government with the objective of ensuring effective, measurable and efficient service delivery to the people. There is no gainsaying that local government administration in Nigeria is faced with numerous challenges. This paper will dwell majorly on these challenges and illuminate the factors responsible for them. To this end, this paper will rely on descriptive approach and well structured suggestions. It will identify the multifarious nature of problems and challenges facing local government administration, as well as proffer adequate and practical solutions to them in order to evolve viable and development oriented third tier of government.*

## **INTRODUCTION**

The expediency for the creation of local government administration anywhere in the world stems from the need to facilitate development in the grassroots. The importance of local government administration is as a result of its ability to generate a sense of belonging, safety and satisfaction among its populace. All forms of government, regimes or political systems have so far ensured the attainment of this goal. The strategy for ensuring a national administrative development and political participation can be found in the concept and practice of local government administration. Irrespective of what mode and system of government is in operation, local government administration has been essentially regarded as the path to, and guarantor of national integration, administrative efficiency and development. In Nigeria's socio-political context, with diversity of culture, multiplicity of language and differentiated needs and means, the relevance and importance of such an administration in fostering the much needed national consciousness, unity, relative uniformity as well as preservation of peculiar diversity cannot be

overemphasized. Central to the creation of local government administration, is its ability to facilitate an avenue through which the government and the people interface, relate and more quickly than any other means resolve issues that may have dire implications on local or national integration and wellbeing. Local government creation has been identified as the panacea to the frequent problems relating to mutual co-existence by diverse peoples with diverse cultures. As important as this tier of government has been, there seems to be some impediments that have been infringing on its performance and functions in recent times. These impediments range from political and undue interference of higher levels of government i.e federal and state governments, corruption and gross inadequacy of well trained personnel to mention but a few.

### **THE CONCEPT OF LOCAL GOVERNMENT**

The concept of local government administration involves a philosophical commitment to democratic participation in the governing process at the grassroots level. This implies legal and administrative decentralization of authority, power and personnel by a higher level of government to the community with a will of its own, performing specific functions as within the wider national framework. A local government is a government at the grassroots level of administration meant for meeting peculiar grassroots need of the people (Agagu, 1997:18). It is defined as government by the popularly elected bodies charged with administrative and executive duties in matters concerning the inhabitants of a particular district or place (Appadorai, 1975:287). Looking at the existence, performance and relevance of local government, Lasky (1982:411) opines that we cannot realize the full benefit of democratic governance unless we begin by the admission that all problems are not central problems, and that the result of problems not central in their incidence requires decision at the place, and by the person, where and whom the decision is most deeply felt. Local government can also be felt as that tier of government closest to the people, which is vested with certain powers to exercise control over the affairs of people in its domain (Lawal, 2000:60). A local government is expected to play the role of promoting the democratic ideals of a society and coordinating development programmes at the local level. It is also expected to serve as the basis of socio-economic development in the locality. Observations have shown that local governments in Nigeria have



not performed to expectations. Keen observers have since adduced various propositions for explaining the reasons why the system has recorded abysmal level of inefficiency and ineffectiveness vis-à-vis justifications for its establishment. But before reading into the problems of local government, we shall first attempt to illuminate the historical background of local government in Nigeria in order to have adequate grasp of its feature and achieve deeper understanding of salient issues that will be raised in this paper.

## **HISTORY OF NIGERIA**

Between the 11<sup>th</sup> century and the European colonial conquest in the late 19<sup>th</sup> century, the area in and around Nigeria was home to a number of sophisticated and influential societies. Among the most important were the northern kingdom of Borno, the Hausa city-state/kingdom of Katsina, Kano, Zaria and Gobir in North-central Nigeria, the Yoruba city-states/kingdoms of Ife, Oyo and Ijebu in southwestern Nigeria, the Southern kingdom of Benin, and the Igbo communities of Eastern Nigeria. Extensive trading networks developed among these societies and Northwards across the Sahara. During the 19<sup>th</sup> century the abolition of the slave trade cleared the way for the expansion of trade in agricultural produce from Africa to Europe, particularly oil palm from the West African coastal areas. The coastal territory of Lagos became a British colony in 1861, a centre for expansion of British trade, missions and political influence. Late 19<sup>th</sup> century and early 20<sup>th</sup> century Lagos was also a centre for educated West African elites who were to play prominent roles in the evolving of Pan-Africanism as well as Nigerian nationalism. By the end of the 19<sup>th</sup> century, Britain began an aggressive military expansion in the region. A protectorate was declared over Northern Nigeria in 1900. Despite the loss of sovereignty, the strong political and cultural traditions of these societies initially enabled many to accommodate nominal British rule with little change in their way of life. Nigeria came under the colonial rule of the British (United Kingdom) during the second half of the 19<sup>th</sup> century and the first decade of the 20<sup>th</sup> century. The British conquered the territory of present day Nigeria, except for the section of German controlled Cameroun in several stages. The British dependencies of Northern and Southern Nigeria were merged into a single territory in 1914, and a legislative council, initially with limited African representation was created in 1922. Traditional native rulers,

however, administered various territories under the supervision of the colonial authorities. In 1947, a federal system of government was established under a new constitution by the British. The system was based on three regions: Eastern, Western and Northern. The idea was to reconcile the regional and religious tensions as well as accommodate the interests of diverse ethnic groups: mainly the Igbo (in the East), the Yoruba (in the West) and the Hausa and Fulani (in the North). Prior to independence, nationalists continued their demands for the extension of franchise and the holding of direct elections. This led to the abrogation of the 1947 constitution and the introduction of a ministerial government in 1951. The federation became self governing in 1954. Among the key instigators of independence in Nigeria were Dr. Nnamdi Azikiwe and Herbert Macaulay, leaders of the National Council of Nigeria and the Cameroons (NCNC), an Eastern region dominated party, Chief Obafemi Awolowo, leader of the Western based Action Group party (AG), and Sir Ahmadu Bello and Sir Abubakar Tafawa Balewa of the conservative Northern Peoples Congress (NPC). Conflicting demands for autonomy and central government by the various political groupings compelled the British in 1954 to establish a measure of compromise to accommodate the conflicting demands. In this arrangement, there was to be a federal government in conjunction with considerable regional autonomy. Specific powers were to be allocated to the federal government to cover such areas as defense, policing, terms of national trade, customs, currency and banking among others. Responsibility for other services in the area of health, agriculture, education and economic development was to be with regions. The Nigerian federation attained independence on the 1<sup>st</sup> of October 1960.

### **WHAT IS LOCAL GOVERNMENT?**

Local government which can be described simply as government at the local level has been defined by various scholars in different ways. The United Nations Office for Public Administration defines local government as:

A political subdivision of a nation or (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.



The 1976 local government reform defines local government 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 provisions of services and to determine and implement project so as to complement the activities of the state and federal government in their areas, and to ensure, through devolutions of these functions to these councils and through the active participation of the people and their traditional institutions, that local initiatives and response to local needs and conditions are maximized.

The definitions above bring out four key characteristics of local government. The first, local government officials are elected. Regular elections at specified periods of time are a feature of local government. In fact, the main distinguishing characteristic that differentiates a local government from a local administration is the fact that while the officials of the former are elected, those of the latter are appointees of the centre to implement policies of the centre. Secondly, the local government unit must have a legal personality distinct from the state and federal government. Thirdly, the local government must have specified powers to perform a range of functions and finally it must enjoy substantial autonomy. Local government autonomy means that the local government is elected at the local level and operates independently of the state and federal government. The local government is not an appendage or field office of the state government. The characteristics of local government autonomy includes among other things ability to make its own laws, rules and regulations; formulate, execute and evaluate its own plans and the right to recruit, promote, develop and discipline its own staffs. Scholars and practitioners of local government over the years have been confronted with the question of the desirability or otherwise of local government. Various arguments have been advanced for the need for local governments. It has been argued that local people will understand the problems confronting them more than other people and will be in a better position to address the problems. In addition, it is well established that people are prone to resisting impositions from above. Local government therefore provides opportunity for people to determine who should govern them at the local level. Finally, local government promotes personal liberties of people and participation of people in governance. This is

particularly important as it has been documented that participation by citizens is not only crucial for democracy and development but that when citizens participate in the planning, execution, utilization and assessment of social amenities of facilities designed to improve their welfare, success of those efforts are assured.

Closely related to the above is the need to train people in the art of governance. It has also been argued that local government serves as training grounds for leaders who will subsequently move to state and federal levels. This is why local government has been described as "nurseries of democracy". This is particularly important in developing countries like Nigeria, which has been under long years of colonial and military rule with very limited experience in democratic governance.

Local government means different things in different countries. Even in the same country, what is referred to as local government at one time may be different from what it is at another time. In some countries, local government occupies a very important place in the governance of the nation. In other countries, local government may not be very important in the governance of the whole country. For example, local governments in Great Britain occupy a very important place in the governance of the nation. This is because more than one hundred and fifty years ago, what the central government did was limited to few things that concerned the whole country. Many local matters such as the supply of water and education and care of the poor were left for people elected to local councils, after the central government had passed the law. By performing these tasks overtime, local councils became very important in the welfare of the people. In countries where local councils have developed along this line, local government may be described as democracy at the local level, where the citizens elect from among them a small group of people with the purpose of providing important basic services.

Not all that is sometimes referred to as local government is democratic, i.e. elected by the citizens. In many parts of Nigeria, about one hundred and fifty years ago, the chiefs, obas, emirs, obis, etc, who were leaders at the local level, were not elected by the people. They inherited their positions from their fathers. Only those born into such families could become leaders. In such a situation, local government meant a group of people at the local level who, by virtue of their births were regarded as traditional leaders of the people simply to administer justice and not to provide social



services. Nowadays, this type of local government is being replaced in most parts of the world by more democratic ones. In addition, local government, wherever they are, provides certain services for the people.

Local government refers collectively to administrative authorities over areas that are smaller than a state. The term is used in contrast with offices at nation-state levels which are referred to as the central, national or federal government (where appropriate). "local government", generally act within powers delegated to it by legislations or directives of the higher levels of government and each country has some kind of local government which will differ from those of other countries. In primitive societies, the lowest level of local government is the village headman or tribal chief. Federal states such as the United States has two levels of government above the local level; the governments of the fifty states and the federal national government whose relations are governed by the constitution of the United States. Local governments in the United States originated in the colonial period and have been modified since then, the highest level of local government is at the country level.

In modern nations, local governments usually have some of the same kind of powers as the national government. They usually have some powers to raise taxes, though this may be limited by central legislation. The question of municipal autonomy- which the local government has or should have and why- is a key question of public administration and governance. The institution of local government vary greatly between countries, and even where similar arrangements exist, the terminology often varies. Common names for local entities include state, province, region, department, county, prefectorate, district, city, township, town, borough, parish, municipality, shire and village. However all these names are often used informally in different countries and the local government is the legal part of the central government.

## **SYSTEMS OF LOCAL GOVERNMENT**

### **The French system**

One important mark of the French system of local government is that it is closely linked to the central government. In France, local government is subordinate to the central government. It is part of the

central government. All services performed for the people are regarded as state services, and there is therefore no need to separate central from local services. This is not to say that services are not provided at the local level, but they are not defined as services of local character. The representative of the state at the local level is known as the prefect. He, and not the democratically elected local council, is responsible for providing local services. The mayor of the local council is under the supervision of the prefect.

### **The British system**

As earlier noted, local government in Britain occupy a very important place in the governance of the country. Local government councils are more than mere representative bodies; they are also strong, independent and democratic bodies.

Local government councils in Britain are made up of elected councilors and in some cases older citizens who are elected by the councilors. Council elects its chairman. There are many types of local authorities in Britain unlike in France where there is only one kind, the commune. These are the borough, county, municipal-borough, and urban or rural districts. This means that it is possible to have more than one local authority providing different services in one area at the same time. This is what is called a multi-tier system of local government. Apart from the councilors, each local government has permanent staffs who carry out the decisions of the council. These local government staffs are engineers, accountants, public health officers, administrators etc. There are sometimes as many as several hundreds of staffs in the big local authorities.

### **The Nigerian system**

Different systems of local governments have developed in Nigeria. Since 1914, the Northern, Eastern and Western parts of Nigeria have tried one form of indirect rule or the other. By the 1950's, when Nigerian political leaders were responsible for deciding what system of local government to adopt, the Eastern and Western regions had introduced a new system along the British type described above. In 1976, a new more uniformed system of local government was introduced throughout the country. Today in Nigeria, there is what is called a single tier system of local government. This means that only one local authority provides services and is in charge of a given area. In the past, more than one local authority provided different services



in the same area. Councilors are popularly elected to the local government councils. As from January 1988, it became possible for the chairman of a local government who had been elected by all the citizens of the area to be assisted by a vice chairman who had also been popularly elected with him. In each local government council, there is a mini-cabinet of supervisory councilors responsible for some key departments of the council, chiefs or traditional rulers are no longer members of local government councils as they used to be in the past. Furthermore, the local government in Nigeria today is expected to be more independent of state and federal government than before.

### **REASONS FOR THE CREATION OF LOCAL GOVERNMENT**

A lot of reasons have been given for the evolution and creation of local governments. These range from political, social and economic reasons. This has been captured by section 7(2) of the Constitution in the following words:

The person prescribed by law to prescribe the area over which a local

Government council may exercise authority shall

- (a) Define such area as clearly as practicable
- (b) Ensure, to the extent to which it may be reasonably justifiable, that in defining such area regard is paid to-
  - (i) The common interest of the community in the area
  - (ii) Traditional association of the community, and
  - (iii) Administrative convenience.

In summary, the following are the purpose for the creation of local governments:

#### **1. To bring governance closer to the people:**

Participation by the citizens in governance is one of the underlying precepts of democracy and modern day notion of government. Local governments serve as avenues through which the people participate in governance. This is done through participation in the electoral processes and decision making in the local communities. The local governments also serve as political incubators so to say for budding politicians. It affords future leaders the opportunity to undergo political training through participation in local elections either at party levels or in the local government as councilors, chairmen or honorable members of the State House of Assembly or House

of Representatives (see section 7 of the Constitution of the Federal Republic of Nigeria 1999). Due to the vastness of the country, the presence of the government whether at the Federal or State level may not be visible at the nook and cranny of the country. The resultant effects being apathy and distrust of government by the grassroots people due to perceived neglect by government. In a bid to bring the activities of government closer to the people, local governments were created to serve as conduits through which government policies are communicated to the people.

**2. For administrative convenience:**

Local governments are created for administrative expediency. There are many functions that will be cumbersome for the state and federal governments to perform because of the logistical and bureaucratic distance separating them and the people. These functions can best be effectively performed by the local government. A few examples would suffice:

- (a) Collection of rates, radio and television licenses.
- (b) Registration of births, deaths and marriage registry.

As have been stated above, the local government is created to serve as the presence of the federal and state governments amongst the local people. It is a channel through which policies are communicated and implemented.

**3. To engender development:**

Local governments are created to bring about meaningful developments in the rural areas. As agents of rural development, local governments are to utilize funds made available to them by both federal and state governments as well as their internally generated revenue to improve on the lives of the people within their areas of operation through the following:

- a. Initiating and attracting developmental projects to the local government such as provision of access roads, water and rural electricity. (see the Fourth Schedule to the CFRN 1999).
- b. Sustaining people's livelihood through the provision of credit facilities for agriculture, arts, crafts and small scale business enterprises.



- c. Encouraging the formation of corporative societies and other economic groupings.
4. **To preserve heritage and common interest of the people:**  
The creation of local government is intended to bring people of common heritage or ancestry together as a political unit to further their interests and increase their participation in government business.

## **LOCAL GOVERNMENT ADMINISTRATION UNDER THE 1979 CONSTITUTION AND THE 1999 CONSTITUTION OF NIGERIA**

The history of local government in Nigeria dates back to the colonial days. Although contact with Europeans dates back to the fifteenth century, it was not until 1861 before the first steps were taken to establish an administration by Britain. The colonial administration that was established was based on indirect rule. This requires that the administration should be carried out through traditional rulers and institutions. This led to the establishment of native authorities in their most rudimentary forms from the 1890s to the 1930s. The main function of the native authorities was to maintain law and order. The first native authority ordinance recognized traditional rulers as native authorities. This was easily done in Northern Nigeria but there was a problem in identifying who those authorities were in Southern Nigeria. This necessitated the first reforms in the 1930s and 1940s culminating in the establishment of Chiefs-in-Council in the place of native authorities. The Chiefs-in-Council is made up of the chief and members of council. The chief presides at all meetings and acts in accordance with the majority of opinions in the council. But if he disagrees with the council, he would take whatever action he thought best and inform the governor of the region. Contrarily, in the Chief-and-Council, the chief has no power to act against the decision or advice of the council. Under this arrangement, people particularly representatives of the missionaries and the British trading interests were appointed into the native authorities. The process of appointment of nominated members by the colonial government meant that nationalists were not appointed to serve on the councils. This led to further agitations for reforms in the native authorities. In the years 1950-1955, the first largely elected local government council based on the British Whitehall model emerged in Lagos

and the former Eastern and Western regions. Traditional rulers constituted not more than 25 percent of most councils in the Western region and Lagos. However in Northern Nigeria, the changes were more gradual. The legal framework for local government at this period was provided by the Eastern Region Local Government Ordinance of 1950, the Western Region Local Government Law of 1952, and the 1954 Native Authority Law in Northern Nigeria. By this time, the councils were given a wider range of functions including primary education, health, police, judiciary, etc. This is in line with the implementation of the colonial government's 10-year welfare development plan (1946-1956).

The councils also enjoyed a great measure of autonomy in financial, personnel and general administrative matters. It can therefore be said that the 1950s was the era of pupillage for councils in modern local government governance in Nigeria. Between 1960 and 1966, there was a decline in the prestige and responsibilities of local authorities. In the former Western region, the Local Government (Amendment) Law of 1960 abolished the powers of councils to levy education and general rates on the basis of need. In Lagos there was a high level of default in the payment of property rates including government institutions, and this reduced the revenue base of the local councils. The situation in the East was similar to that of the West before the outbreak of civil war in 1967. In Northern Nigeria, there were gradual changes in the structure of the councils with increasing numbers of elected or appointed non-traditional office holders becoming members of local authorities. The result was that the local authorities had a stable administration, which enabled them to assume responsibilities, with some degree of success for more complex services like primary education among others. Between 1967 to 1971, some state governments introduced some changes in the structure of their councils. In 1976, the federal government in collaboration with the state government embarked on extensive reforms of local government. The objectives of the reform were outlined as follows:

- To make appropriate services and development activities responsive to local wishes and initiatives by devolving or delegating them to local representative bodies.
- To facilitate the exercise of democratic self-government close to the grassroots of the society and to encourage initiative and leadership potentials.



- Mobilization of human material resources through the involvement of members of the public in their local development, and
- To provide a two-way channel of communication between local communities and government (both state and federal)

For the first time in the history of local government administration in Nigeria, a uniform system was developed for the whole country. According to the then Chief of Staff Supreme Headquarters Brigadier General Shehu M. Yar'Adua in his forward to the Guidelines for Local Government Reform (1976), he observed thus:

"In embarking on these reforms the Federal Military Government was essentially motivated by the necessity to stabilize and rationalize government at the local level. This must of necessity entail the decentralization of some significant functions of state governments to the local levels in order to harness local resources for rapid development."

Unlike previous reform measures which are highly restricted in scope and range, the 1976 reforms conceptualized local government as the third tier of government operating within a common institutional framework with defined functions and responsibilities. As the third tier of government, the local government gets statutory grants from the federal and state governments and is expected to serve as agents of development especially in the rural areas. According to the 1976 reforms, 75 percent of members of council are to be elected through the secret ballot or a no-party basis under the direct and indirect systems of election. The remaining 25 percent are to be nominated by the state government. Following the reforms, the federal government in 1977, allocated 5 percent of federally collected revenues to the local government. The intentions of the 1976 reforms were debated by the Constitution Drafting Committee and Constituent Assembly in 1978. The result is that the 1979 Constitution reaffirmed this development function as provided for in section 7(3) thus:

It shall be the duty of every local government council within the state to participate in the economic planning and development of the area referred to in subsection (2) of this section and to this end an economic planning board shall be established by law enacted by the house of assembly of the state.

In addition, section 7 of the 1979 Constitution, provided for

democratically elected local government councils for the country. Unfortunately, during the Alhaji Shehu Shagari regime (1979-1983), the Constitutional provision of was neglected. No elections were held and sole administrators were appointed. The Mohammadu Buhari regime (1983-1985) continued with the system of sole administrators. During Babangida regime (1985-1992) there were certain reforms aimed at ensuring local government autonomy. This 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 state government. The regime also increased local government statutory allocation from 20 percent to 15 percent with effect from 1992. It is important to point out that the intergovernmental relations between the federal, state and local government has been characterized by both cooperation and conflict; but it is conflict that has predominated state-local government relations. Some state governments have been known to have hijacked and diverted federal government's allocation to local governments. This is why one of the features of the reform during the Ibrahim Babangida's regime was to make allocations directly to local governments without going through the state government.

The Nigerian political history has been divided into four republics of civilian regime: 1960-1966 (first republic), 1979-1983 (second republic), 1990-1992 (third republic) and 1999 till date (fourth republic).

In preparation to the fourth republic, local government election was held on 5 December 1998. They did not assume office until six months later in May. The electoral law under which the official of the local government were elected (the Basic Constitutional and Transitional Provision Decree No. 36 of 1998) provided for a tenure of three years. This means that their tenure was supposed to end by May, 2002. But the local government officials desired to have their tenure extended by one year to be at par with all other political office holders in other tiers of government. They found ready support in the National Assembly where many of its leading officials were engaged in the struggle for political power with the State Governors. The National Assembly then extended the tenure of local government officials by legislation. In any case, the matter was settled by the supreme court which held that "no law by the National Assembly can alter or increase the tenure of local government." Meanwhile,



although election into local governments was to be conducted by the State Independent Election Commission (SIEC), the Independent National Electoral Commission had the responsibility of updating the voters register and making same available to the State Independent Electoral Commissions. The State Electoral Commissions fixed May 18, 2002 for elections into the local Councils but INEC failed to produce and make revised voters register available to the State Electoral Commissions. The governors then appointed care-taker to serve for three months. A new election date of August 10, 2002 was chosen. The new political parties were then registered and postponement of the elections was advanced to give the new parties time to prepare. A new date of December was agreed upon. By December 2002, INEC registered 24 additional political parties to bringing total number of registered political parties to 30. Attention was thereafter shifted to the national elections, which was slated for April and May 2003. After elections into the National Assembly, Presidential/gubernatorial and House of Assembly elections, the forum of the Forum of State Independent Electoral Commissions (FOSIECOM) agreed on 21 June, 2003 as the date to conduct local government elections. On the 17<sup>th</sup> of June, 2003 as the date to conduct local council elections. On 17 June 2003, the Governors Forum met and resolved to push for Constitutional amendments to empower State Governors to appoint council chairmen and councilors. A day later the governors met with the president at the Council of State meeting where they decided to set up a technical committee on the review of the structure of local government councils in Nigeria. The terms of reference of the committee are as follows:

- (i) To examine the problem of inefficiency and high cost of governance with a view to reducing the costs and wastages of the three tiers of government;
- (ii) Review the performance of local governments within the last four years and consider the desirability or otherwise of retaining the local government as the third tier of government.
- (iii) Examine the high costs of electioneering campaigns in the country and consider among other options, the desirability of whether political parties, rather than individual office seekers, should canvass for votes in elections, and
- (iv) Consider any other matter which in the opinion of the

technical committee is germane to the goal of efficient structure of governance in Nigeria.

The reasons given for the setting up of the committee include the non-performance or gross underperformance of the local governments; the high costs of governance and the near prohibitive costs of electioneering campaigns to individual political contestants in Nigeria and atomization and continual fragmentation of local government councils including impractical division of towns and cities into unworkable mini-local governments. An analysis of the above problems will show clearly that the problems are not unique to local government. On the charge of non-performance, many Nigerians will argue that most states of the federation and even the federal government are guilty of the same charge. In addition, there is the general misconception that the most corrupt tier of government. Nobody has carried out any empirical study to ascertain and compare the levels of corruption among the three tiers of government. In 1999, immediately president Olusegun Obasanjo assumed office, it was reported that a permanent secretary in the federal civil service stole the sum of four hundred million Naira in one single transaction. One cannot but wonder if that kind of fraud is possible in a local government. It is my considered view that because many of the officials in the local government are relatively poor before going into office, their transformation from embezzlement of public fund is more glaring. There is corruption in all the tiers of government. What is required is a comprehensive well focused concerted effort to fight the menace of corruption in Nigeria. Furthermore, the reason for the prohibitive cost of electioneering as the reason to single out the local government out for reform is laughable. Any person resident in Nigeria will know that the contestants to local government as councilors spend the least amount of money. The "big spenders" are the contestants to the offices of the governor or president. Reforms in the area of party financing and campaign financing in Nigeria, but the local government obviously is not the most problematic. There are three curious issues regarding the membership and terms of reference of the technical committee on the review of the structure of the local government councils in Nigeria. First, all over the world, participation of the ordinary people in governance is being promoted. This is in recognition of the fact that governance issues are not necessarily technical issues that people with relevant



experience cannot handle. The fixation for technical committees in Nigeria is the difficulty of overcoming elitist approach and arrogance. **Secondly**, a traditional ruler, the Etsu Nupe heads the committee. As shown earlier, the reforms that have been made in the local government system over the years consistently decreased the role and importance of traditional rulers. Thirdly, the terms of reference clearly states that the committee should consider among other options, the adoption of a modified version of the pre-1976 local government system of government. There are two main features of the pre-1976 system that is relevant here. First, there is dominance and unrestrained powers of traditional rulers. Second, the state appoints the officials of the local government. Meanwhile, even before the committee was formed, the chairman of the governors forum, Alhaji Abdullahi Adamu told a press conference that the governors are calling for an amendment of the councils to allow governors to appoint leaders of the local councils. Local government and review 5 of the 1999 Constitution provided for a democratically elected local government councils in section 7 of the Constitution. But while the Constitution made provisions for the tenure of federal and state political office holders to be four years, it did not make provisions for the tenure of local government office holders. However, the Constitution in the concurrent legislative list gave the National Assembly the powers to make laws "with respect to the registration of voters and the procedure regulating elections to local government councils." The same Constitution gave the powers to State Houses of Assembly to make "laws with respect to election to local government councils..." The confusion created by the government later became a source of controversy between the National Assembly and State Governors, which subsequently became a subject of litigation at the Supreme Court mentioned earlier. The confusion caused by the 1999 Constitution on local government is just one of the many problems of the 1999 Constitution. It has been documented that there are problems with the 1999 Constitution with regards to the structure of all tiers of government, women, independent commission, revenue allocation and the security sector just to mention a few. It is in recognition of this that the federal government set up a Presidential Technical Committee on the Review of the 1999 Constitution in October 1999. The committee submitted its report to the president in February 2001. That process appears to be stalled. It would be recalled that

the federal government had also set up two other committees (the presidential committee on the provisions for and practice of citizenship and rights in Nigeria and the presidential committee on national security) whose terms of reference included review of sections of the Constitution. The move by the federal government to single out the local government is therefore diversionary, retrogressive and a democratic reversal on the gains that have been made over the years on local governance.

The controversies and confusion trailing the local government system in Nigeria is avoidable. Although many problems have only recently come to the fore, the genesis of the problem dates back several decades. In my view the standardization and uniformity of the local government system throughout Nigeria in 1976 was a fundamental error of serious and almost irreversible magnitude totally unrelated to and not deriving from the historical context of colonial and post-colonial local government administration in Nigeria. Under the parliamentary system of first republic, local government was strictly a matter within the exclusive purview of the regional governments and each regional House of Assembly promulgated local government laws, which they modified from time to time in the light of experience, gained in their implementation. The main idea was that local government should be truly local and be tailored to meet local conditions and the social, cultural and other peculiarities of the area. Happily, in spite of the uniform local government system introduced in 1976, the 1979 Constitution gave "the Government of every state" responsibility to ensure the existence of democratically elected local councils under a law enacted by the State House of Assembly providing for the establishment, structure, composition, finance and functions of such Councils (S. 7 1979 Constitution). Section 7 of the 1999 Constitution is in identical terms.

### **IMPEDIMENTS TO THE DEVELOPMENT OF THE LOCAL GOVERNMENT AS THIRD TIER OF GOVERNMENT**

One area of immediate attention is the structure of government at the third tier level, which requires urgent review to incorporate an efficient and participatory framework that should maximize the utilization of scarce resources available to government. The need for review of the present structure of governance at the local government level is informed by three disturbing trends, among others,



which has been identified with the recent inception of democratic dispensation in the country:

- (i) The non performance or gross underperformance of local governments,
- (ii) The high cost of government and near prohibitive costs of electioneering campaigns to individual political contestants in Nigeria, and
- (iii) Fragmentation and continual fragmentation of local government councils including impractical division of towns and cities into unworkable mini-local governments.

1. Non-performance/Gross Underperformance by Local Governments:

Based on the local government reform of 1979, the local government became the third tier of government under our current democratic dispensation. The expectation was that the third tier of government would act as a catalyst and aid rapid and sustained development at the grassroots level.

However, what has been witnessed has been the abysmal failure of the local government system. It is on record that at no time in the history of this 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 underperformed in almost all the areas of their mandate.

The number of local government areas (LGAs) has also risen steadily from 301 in 1979 to 774 currently listed in the first schedule, part 1 of the 1999 Constitution of the Federal Republic of Nigeria, yet the clamor for creation of more LGAs has not abated. Presently, the number of states has tripled from twelve to thirty six since January 1976 without any addition of the country's land area.

Apart from the palpable mismanagement and misapplication of funds currently witnessed in most local governments in the country, all the proposed new LGAs, when created, will share from the same revenue base available to the existing LGAs in each state. The resources available which otherwise should be used for development programmes at the grassroots level are being used to service bloated bureaucracies and duplicity in government.

## 2. High costs of Electioneering Campaigns

The costs of electioneering campaigns have attained disturbing proportions, judging from our recent experiences during the last general elections. Available reports indicate that public office holders and those canvassing for elective offices become victims of predatory financial pressures from the electorates and various interest groups. Financial inducement to secure votes is against the anti-corruption stance of this administration, especially in view of its corrupting influence on public office holders and/or elected officers who would invariably use their appointment or election to recoup their financial outlays during electioneering. There is a need to source for other alternative systems of funding electioneering campaigns such as an arrangement where the political parties rather than the individuals canvass for votes in elections. Aside from insulating the individual from predatory pressures of the electorate and pressure groups, within and between the political parties, such a system would make the administration of the guidelines for the control and monitoring of campaign funds easier.

My understanding of the structure of the Nigerian polity has been that it is a federation of three levels of government: federal, state and local. That of course, does not mean a rejection of K.C. Wheare's classical statement of the federal principle, with its implied two level structure. The federal principle being advanced by Wheare is the "method of dividing powers so that the general and the regional governments are each within a sphere, co-ordinate and independent." I am acutely aware that implicit in the Constitutions of the best known federal states and embodied in their political practices, is a two level governmental structure. Nigerian federalism may after all, not be an exception. In fact this is what the first paragraph of section 7 of the Nigerian Constitution says.

However, going by the way we talk about our "three tiers of government," and have talked about it since the local government reforms of 1979, I would consider it normal that a Nigerian regards Nigerian federalism as a three-tier structure which has been distorted. Essentially, however, the Nigerian federalism is today a two-tier structure. The so-called "third-tier", the local government is no more than a smaller department of the second tier. My question: is a situation where a Governor or House of Assembly can with a



stroke of the pen or on a whim dissolve a local government council or dismiss its executive authority a desirable one? My answer is no. It is contrary to what Nigerians believe a true federalism should be, namely a federal system which satisfies K.C. Wheare's definition, except that instead of two tiers, we have three. In such a system, adopting Wheare's postulation, the three tiers will be "autonomous and co-ordinate." The basis of my judgment is the national political debate conducted in 1986 by the political bureau of which I was an active member and the current dominant political sentiments in Nigeria. Many contributors to the debate underscored their perception of the importance of local government by suggesting the abolition of the states, that is, a two-tier arrangement consisting of the federal government and local governments! Quite ironically however, it is the local governments that are being undermined and labeled as centres of graft, mismanagement and unconscionable self-appropriations.

The popular vision of local government as an autonomous and vibrant grassroots government is however attainable. The first thing that has to be done in this direction is to remove the power to make laws for the establishment and functioning of the local government from the state government and to place the matter in the level of constitutional provisions just like the provisions dealing with the functioning of federal and state governments. If you argue that political office holders and public servants at the local level are inexperienced and unskilled, I would argue that relative to the local government area, the local politicians and public servants are as inexperienced and unskilled as their counterparts at the federal and state levels. And if you protest that local politicians and public servants are corrupt, I would laugh and argue that their counterparts at the state and federal levels are not any better, if not more corrupt. This may sound anarchistic and nihilist and it is not. We are dealing here with a political and public service culture that is not segmented or restricted but national, from the base to the top. So, let the principle of learning process be applied to all the three tiers of government. The "anarchistic" problems that are envisaged can be taken care of by strengthening democratic institutions and law enforcement agencies. The 1999 Constitution makes it clear that under no circumstance can a state government be removed by federal authorities, not even where a state of emergency is declared. Why should a different stroke be applied to the third tier?

The functions of the local government listed in section 7, fourth schedule of the Constitution are separated into two parts: the functions that the local government performs alone and those that it performs in conjunction with the state government. This is similar, except in form to the separation between the exclusive legislative list (reserved for the federal government) and concurrent legislative list (a joint domain of the federal and state governments). What is required here is the raising of the status of the functions of local governments to that of a legislative list, demarcating those functions that are exclusive from those that are concurrent between the federal, state and local governments. The functions of the local government as contained in the 1999 Constitution when pulled together are well articulated and adequate for our circumstances. What is required here is a thorough discussion, in a national confab or sovereign national conference of the mode of financing items in the concurrent list, such as education, or rather the mode of deducting at source the local government's contribution to the execution of items in the concurrent list.

Also well articulated in the process of creating new local government areas or adjusting local government boundaries as stipulated in section 8 of the Constitution. What is required is the conscious recognition that the final act in this exercise belongs to the National Assembly and of course the president whose assent is constitutionally required for all bills of the National Assembly to become law. It is however expected that once the process has passed through the community, local government and state levels, the National Assembly and president will merely act as approving agencies. The approval of these latter institutions is required because the creation of a new local government area is an amendment of the Constitution. And the Constitution cannot be amended without the nod of the National Assembly and the president. The current controversy on the location of powers to create new local government areas should really not have arisen. What I have said above notwithstanding (and here I am adopting the language of the Constitution), I think the adoption of the presidential system at the local government level should be reviewed. I strongly



feel that councilors should be fully involved in the running of local government, performing both legislative and executive and executive functions, as was the case before the present political dispensation. The local government is simply too small for the separation of powers and functions inherent in the presidential system. It is wasteful in money and time. It will also be a development of "grassroots democracy" if local governments constitute democratically elected neighborhood or community committees at ward levels to execute community work. Only a small fraction of local government revenue will be required to "empower" such committees. The "dividends" in social development, socio-political consciousness and poverty reduction will be immense. For this, we may need to study the experiment of the Calabar Municipal Government between 1988 and 1989 under the chairmanship of Bassey Ekpo Bassey.

### **REVENUE ALLOCATION TO LOCAL GOVERNMENT COUNCILS**

The Constitution is the supreme law of the land and "if any other law is consistent with the provisions of the Constitution, the Constitution shall prevail and that other law shall to the extent of the inconsistency be void" (Section 1(1) and (3) of the 1999 Constitution. Section 162 of the 1999 Constitution sets out very clearly the manner of handling the distributable pool account. This can be summarized as follows:

- (1) All revenues collected by the government of the federation shall be paid into the federation account. The National Assembly by an Act prescribes the formula for allocation (distribution) of money in this account to (a) the federal government (b) the States, and (c) the Local Governments- Section 162(3). It follows that the money in the Federation Account belongs to the Federal Government alone to disburse as it deems fit.
- (2) The National Assembly also prescribes the manner of sharing any amount standing to the credit of the States among the States s.162(4).
- (3) In the same way, the National Assembly also prescribes a formula for sharing the amount standing to the credit of local government councils among the states for the benefit of their local government councils s. 162(5).

It follows that the Constitution does not envisage the direct allocation of revenue from the federation account to individual local governments the money must be paid to the States "for the benefit of their local government councils". This money coming from the federation account to the States for the benefit of their local government councils must be paid into a "special account" called "State Joint Local Government Account". The National Assembly shall also prescribe what proportion of its total revenue the States shall pay into the aforesaid "State Joint Local Government Account" s. 162(6) and (7). The State House of Assembly shall prescribe the formula for sharing the amount standing to the credit of the local government councils of the State among the local government councils in the State. Since it is the same House of Assembly that has created new or additional local government councils, it is in the best position to know how many councils the state has and how the funds should be shared among them. The Federal Government under the Constitution has absolutely nothing to do with it, and any law that prescribes to the contrary is void for inconsistency with the Constitution. Any attempt therefore by the Federal Government or any of its agencies to tamper in any way with or withhold funds due to local governments in a State can only be described as an act of executive rascality and unconstitutionality. For the Federal Government to withhold funds due to local governments in a State for any reason whatsoever, particularly for the reason that the State has created new local governments which it is empowered to do under the Constitution is a violent derogation from the basic and fundamental substratum of our federal polity and is an invitation to anarchy and chaos. It is hoped that the federal government will immediately go into reverse gear and give all States the amount due to the local government councils in their States, including interests at CBN approved rate for the period the funds were withheld. Our democratic dispensation has taken enough avoidable battering in the last five years as a result of non-adherence to the strict provisions of our Constitution, and it is about time a stop is put to this "overheating of the polity" to use a now popular cliché.

### **FUNCTIONS OF LOCAL GOVERNMENT**

Local authorities are responsible for the provision of an extensive range of public services in your area. In addition, local authorities promote the interests of your local community, including the social, economic, environmental, recreational, cultural, community or general development of your area.



## **Responsibilities of local authorities**

These are typically broken down into eight broad categories:

- Housing
- Planning
- Roads
- Water supply and sewage
- Development incentives and controls
- Environmental protection including rivers, lakes, air and noise
- Recreation facilities and amenities
- Agriculture, education and health

In addition to the functions outlined above, a fundamental role of democratically elected local governments is the representation of local communities, voicing local concerns and responding to local needs.

### **Local authorities and housing**

Local authorities provide and maintain housing in their area. They assess the housing needs for the area and build, buy and lease dwellings. They also provide loans for the repair and improvement of dwellings within the area.

### **Local authorities and recreation facilities and amenities**

Local authorities provide amenities, facilities and services related to artistic and cultural activities, sports and games, general recreational and leisure facilities such as provision of libraries, civic improvements such as monuments, environmental and heritage protection, relaxation and amusement parks and public use of amenities.

### **Local authorities and planning**

Your local authority is the planning authority. It decides whether to grant or refuse planning permission for buildings and development in your area. It also creates a development plan every 6 years which sets out its planning policies.

### **Local authorities and water supply/sewage**

Local authorities provide essential services like roads and bridges, fire services, water and sewage services and drainage. They also control dangerous places and buildings, abattoirs and knackeries and provide and maintain graveyards and cemeteries.

### **Local authorities and environmental protection**

The local authority has an important function in relation to pollution

control and animal control. It issues licenses for waste disposal and for emissions into the air from plants. It collects domestic and other waste and it monitors the environment for signs of pollution. It also issues for keeping dogs and licenses for horses within the area. The local authority grants licenses to street traders to allow them sell goods at casual trading areas designated by the city, county, town or borough council.

### **Local authorities and health and welfare**

Local authorities also play an important role in relation to health services in their area. Public health services are delivered at a local level by your Health Service Executive (HSE) Area. These HSE Areas provide and maintain hospitals, sanatoriums, homes, laboratories, clinics and health centres in their area.

### **PROBLEMS OF LOCAL GOVERNMENT**

- (a) Lack of continuity by succeeding governments:  
The major problems facing local government seem to be common nationwide, and one of these is lack of continuity of the programmes and one government by many succeeding governments. This leads to economic and mental wastage as well as the retrogression of development.
- (b) Unemployment:  
Unemployment is another general problem confronting the local government as well as the entire country in general. In fact this has led to general underfeeding by a majority of our population, because the working population is fewer than the consuming population. And an underfed population will contribute little or nothing to development.
- (c) Financial constraints:  
As much as the local government may have rich programmes for execution, the financial means of executing them may not be there. Its revenue is by far lower to what is required. The federal government should make funds available for the execution of projects embarked by the local government.

### **SUGGESTIONS**

1. For a considerable length of time, the number of local government councils should remain same. This will prevent a waste of energy and resources usually caused by the



- struggle between communities which want to be chosen as the local government headquarters.
2. More qualified citizens should render their services to the local governments as councilors and chairmen. Furthermore, local governments should be given the prestige they deserve.
  3. Participation in local government activities should be seen as service to the community and not as reward for winning elections.
  4. State governments should allow local governments to make and be responsible for their own decisions. Supervision, not the outright takeover of control of the local government gives room for initiative.
  5. Local government have more sources of revenue which must be tapped e.g. tenement rates and they should evolve better means of collection of taxes and rates.
  6. The burden of primary school education needs to be shared by other levels of government.

## **CONCLUSION**

The history of local governments in Nigeria shows that there are problems of governance issues. Over the years efforts have been made to reform the local government system and increase the participation of the people. Despite these reforms, there are problems with the local government system. However, these problems are not unique to the local government. They are also prevalent at the State and Federal levels.

The present effort to single out the local government for reform with predetermined terms of reference smacks of military hangover and may actually lead to democratic reversal in local governance. In order to consolidate the gains made in local governance over the years and reposition the local government for greater performance, there is the need to reform local government along certain lines. First, local government as a third tier of government should not be scrapped or changed to local administration. Rather, it should be strengthened and democratized. Officials of the local government should always be elected and not appointed. Secondly, there is the need to put mechanism in place to promote transparency and accountability at all levels of governance. In this regard it will be crucial to strengthen institutions of horizontal

accountability and anti-corruption bodies. In addition, civil society organizations particularly at the local level should be reoriented and empowered to hold local elected officers accountable. Moreover, there is great need to restructure government at all levels (federal, state and local governments). All these would require a comprehensive review of the 1999 Constitution. The Executive and Legislature should display the commitment and political will to reform the 1999 Constitution that has been criticized by almost all strata of the society. The reform of the 1999 Constitution will address all other issues that are germane to good governance such as party financing, campaigns, financing and proper electoral system just to mention but a few. Finally, government should place a premium on the participation of people in all governance and development issues. If all these recommendations are implemented, not only the local government system but also other tiers of government will be in a better footing to deliver what Nigerians have termed dividends of democracy.

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