

Repositioning Local Government System in Nigeria for Efficient Service Delivery: The Need for Constitutional Review

Solomon Ejike USULOR & Prof. Basil Chukwuemeka NWANKWO

Department of Public Administration, Nnamdi Azikiwe University, Awka, Anambra State.

Tell phone: +2348138269241

Email: usulorejike@gmail.com

ORCID ID: <https://orcid.org/0009-0001-3453-8451>

Abstract

A lot of powers were given to the States over Local Government Councils by the 1999 Constitution of the Federal Republic of Nigeria. States in exercise of these powers has reduced Local Governments from being a tier of national government to a mere administrative appendage of the states. This overbearing influence of State on Local Government has seriously undermined the efficiency of local government system in Nigeria. Efforts were made in this work to identify areas of constitutional controversies, upon which States exercise powers and manipulations over Local Government councils, and as well to understand the impacts a constitutional review would have on efficient local government system in Nigeria. To achieve this, the study formulated three hypotheses, and adopted descriptive survey using questionnaire to elicit information from over 168 respondents purposively selected among employees of local government system in Nigeria. The study is anchored on Efficiency Services Theory which postulates that the efficiency of local government system is measured by its ability to provide services to the local populace. Statistical analysis of data collected and testing of hypotheses revealed that; there are constitutional provisions about local government system in Nigeria, but, the constitution did not guarantee the independence of local government as a tier of national government. Also discovered is that States exercise powers over local government system in Nigeria, and these powers are derived from the constitution; and that a review of the constitution will guarantee efficient local government system in Nigeria. Base on the findings above, the study recommends among others; A review of the 1999 Constitution of the Federal Republic of Nigeria, complete autonomy of local government system to be enshrined in the constitution, and adequate measures to ensure that local government councils funds are tied properly to projects that are relevant to the rural populace.

Keywords: Constitution, Constitutional Review, Autonomy, Service Delivery, Efficiency, Local Government System.

Introduction

Local Government is a democratic institution through which the policies and programs of the national and state governments are stepped down to the grassroots level. It occupied a strategic position in the structure of government and governance, as its activities has a direct impact on the rural dwellers (Okpata and Nwali, 2012). As a tier of government, local government exist to fill the gap which the national/state governments are too remote to fill. This implies that local government exist as a creation of the state or national government hence, you cannot talk about the existence of local government without talking about the existence of superordinate levels of government -state and national government (Okoli, and Onah, 2002).

Since independence in 1960, Nigeria has experimented different models of local government administration. Following the first military intervention of 1966, and the subsequent restructuring of the country from four regions to twelve states in 1967, the country has witnessed several other restructurings, which have culminated into 36 states and 774 local government system in Nigeria. However, the military introduced a unified local government system in 1976, and officially declared local government as the third tier of government with specific functions.

The decree that declared local government as the third tier of government was included in the 1979 Constitution, and retained in the 1999 Constitution that anchored the transition from military to civilian rule in 1999, and can be found in the Fourth Schedule of the 1999 Constitution (Akpan and Ekanem, 2013). From empirical evidence in extant literature, the rationale behind the declaration of local government as third tier of government, principally, was to bring government closer to the people and thus ensure effective service delivery to the rural areas (Akinpelu, 2019). It is in connection with the aforementioned rationale amongst others that several local government reforms have been initiated by successive governments to ensure that they are achieved.

The Babangida's 1988 local government reform was the most remarkable of all the reforms. The reforms were remarkable for a number of reasons. First, it did not only introduce, but also amplified, the issue of local government financial autonomy by ensuring that local governments got their share of the "national cake" directly from the federation account. Second, it abrogated the Ministry of Local Government and third, introduced the legislative and executive arms of government to the local government system in Nigeria. The reform also tacitly freed the local governments financially from the apron string of the state governments. Unfortunately, rather than build on the gains of this reform, successive governments after the Babangida regime further stripped off both the administrative and financial autonomies of the local government (Akinpelu, 2019). Consequently, local governments have suffered similar fate, from 1999 when the country returned to civil governance till date.

In many occasions, the National Assembly has made several efforts to amend the 1999 constitution in favor of local government autonomy, but these efforts are often frustrated by the State governments who saw local government as their administrative appendage. In 2012, one major contentious issue in the amendment of the 1999 Constitution was autonomy to local governments. While the National Assembly saw a greater need to grant financial autonomy to the councils in order to make them more effective in bringing dividends of democracy closer to the people, the state governors argued that the proposed amendment of the 1999 Constitution should contain only the federal and state as tiers of government, while local governments should be regarded as an extension of the ministries in the states(Akpan and Ekanem, 2013). Currently, there is an ongoing constitutional review and amendment chiefly to accommodate state police, and address other national challenges which the issue of local government autonomy is part of, and we know that this aspect of constitution amendments if survive at the national assembly, will be difficult to survive at the states houses of Assembly.

Statement of Problem

Local Government System is a veritable instrument for effective national development. This is because local government is the government closest to the people. It is a system through which the people at the hinterland feel directly the impacts of government (Okpata and Nwali, 2012). Effective local government system has a veritable solution to most developmental challenges of Nigeria. For

instance, efficient local government system improves standard of living in the rural areas, provides social amenities such as electricity, drinkable water, good road network, and overall rural development which in turn solve the problems of rural-urban drift, housing problem and urban congestion, amongst others. Moreover, a functional local government system supports Agricultural activities and businesses of the rural dwellers, and thus increase food production and national capacity for self sustenance. Also, Local Government System is supposedly an instrument for harnessing local talents and resources needed for national development.

In Nigeria, local government exists as a third tier of government with an enormous constitutional functions and responsibilities (as contained in the fourth schedule of the constitution) that if effectively carried out will lead to rapid socio-economic development of all parts of Nigeria. It has a constitutional recognition of its existence with a statutory allocation from both state and national government, and tax jurisdiction for internal revenue generation. Going by this beautiful position of local government in the heart of the law as evident in some sections and schedule of the 1999 constitution of the federal republic of Nigeria, one would think that effective local government system exists in Nigeria. However, it is worrisome to note that operation and management of Local Government System in Nigeria has been abysmally poor, as service delivery by the local government system has continued to be at its lowest ebb. The worst of it all, is that local government system has been reduced to a mere administrative appendage of the state government, and thus live and operate at the mercy of the state governors. There is no local government system out of the 774 local government councils in Nigeria including the 6 Area Councils of the FCT, that can boast of having the wherewithal to effectively perform its functions without the interferences from the state or national government. And this informs the need for a closer look at, and a review of the constitutional provisions about local government system in Nigeria.

A look at the constitution reveals that the inefficiency of local government system in Nigeria is caused by some provisions of the same constitution which recognized its existence as a tier of government. On this note, it has been argued that the constitution only recognized the existence of democratically elected local government system with a clear-cut responsibilities but without a definite authority to carry out these responsibilities, and since no tier or organ of government can function well without authorities, local government system in Nigeria cannot function effectively. For instance, the constitution devoted a large number of pages and chapters to talk about the authorities of the legislative and executive arm of the state and national government, without devoting a page for the authorities of the legislative and executive arm of the local government (see schedule 5 & 6, part 1 and II each of the 1999 constitution). And the question is what make local government a tier of government? Also, the control exercise by State over local government were all created by the constitution, and if the constitution allows for the control of local government (a tier of government) by another tier of government (state), it means that local government is ordinarily not a tier of government but a mere administrative tool in the hand of state governments. However, the performance of local government system in Nigeria is generally poor due to little or no constitutional authority and autonomy to effectively carryout its functions without excessive interferences from the super ordinate government majorly the state government. The questions begging for answers are why would a tier of government suffer excessive control from another tier of government? What is the source of these control by a superordinate government over local government system? And how has the supreme law of the land helped in reducing this control to ensure efficient cum functional local government system in Nigeria?

Objectives of the Study

The research work has its broad objective as to study the relationship between constitutional provisions and efficient local government system in Nigeria. Specific objectives are:

1. To study the constitutional provisions about local government system in Nigeria
2. To examine how state governments exercise their powers over local government system in Nigeria
3. To find out whether a review/amendment of the constitution would guarantee efficient local government system in Nigeria

Research Questions

The following research questions are formulated to guide the study.

1. To what extent does the Nigeria constitution provides for the existence of local government system in Nigeria?
2. How does States exercise their powers over local government system in Nigeria
3. To what extent would a constitutional review/amendment guarantee efficient local government system in Nigeria.

Research Hypotheses

The following hypotheses are formulated to guide the study:

Ha1: there are constitutional provisions about local government system in Nigeria

Ho1: there are no constitutional provisions about local government system in Nigeria

Ha2: States exercise powers over local government system in Nigeria

Ho2: States do not exercise powers over local government system in

Ha3: constitutional review/amendment will guarantee efficient local government system in Nigeria

Ho3: constitutional review/amendment will not guarantee efficient local government system in Nigeria.

Conceptual Review

Local Government System

There are various definitions of local government by scholars and practitioners alike. These definitions according to Ezeani, (2023) have been subsumed under two broad approaches as reflected in the literature. The first approach regards all sub-national structures below the central government as local government (Ezeani, 2023). A major criticism of this approach is that not all sub national structures below the central government possess the essential features of local government. For instance, a subnational government might be state or regional government. Also, the above approach did not differentiate devolution and decentralization. Devolution involves a transfer of a substantial decision – making powers and responsibilities to a legally independent units outside the control of central, states or regional government; while Decentralization is the transfer of administrative responsibilities to the field administrative units of the central, state or regional government (Ezeani, 2006). This implies that devolution is the philosophical base upon which local government is established, while decentralization is the basis for local administration.

The second approach to the definition of Local Government identifies it by defining its characteristics. To this end, Olisa, et. al. (1990) in Ezeani (2012) defines local government as “a unit of government below the central, regional or state government established by law to exercise political authority, through a representative council within a defined area”. The United Nations office for public administration (1976) quoted in Ezeani (2012) 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 exert labour for prescribed purpose. The governing body of such an entity is elected or otherwise locally selected.

The 1976 Local Government Reform provides the definition of local government and the basic rudiments of local government autonomy. The 1976 Reform defines local government as: *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 ensure, through active participation of the people and their traditional institutions that local initiatives and response to local needs are maximized.*

The above definition brings out the key elements of local government autonomy: First, the local government unit should have a legal personality distinct from the state and federal governments. Second, the local government ought to have specified powers and functions distinct from the state and federal governments. Third, the local government has to operate independently of the state and federal governments. That means that the local government is not an appendage or field office of the state or federal government. Fourth, local government ought to have the ability to make its own laws, rules and regulations. Fifth, local government should have the ability to formulate and execute its own policies and the right to recruit, promote, develop and discipline its own staff. It is pertinent to note that there is never a time that local government in Nigeria has been granted the kind of autonomy expounded in the above definition (Akinpelu, 2019). To Ezeani (2012), this definition has the salient features of local government such as ;(i) Localness: Local government is the lowest tier of government; it is government at the grassroots or local level (ii) It has a legal existence enshrined in the constitution. This protects it from arbitrary actions of higher authority. As a legal entity, it can sue or be sued and has a perpetual succession (iii) It enjoys substantial autonomy. (iv) It exists within a defined territory. (v) Local government exercises its authority over a given population. (vi) It exercises specific powers and performs certain functions as enshrined in the constitution (as is the case in Nigeria) or statutes. (vii) The council is composed of “elected representatives of the local people (viii) Local government is usually divided into departments, divisions and units which facilitate the accomplishment of its goals, objectives and functions.

Control of Local Government System in Nigeria

There exists ample evidence of statutory policies introduced by successive state governments over the years to reduce local government autonomy in spite of the fact that the constitution officially recognizes local government as the third tier of government. These measures make it impossible for local government to operate independent of both federal and state governments. The policies are the institution of Ministry of Local Government, Local Government Service Commission, Caretaker Committee and appointment of a Sole Administrator to oversee the activities of local government (Akinpelu, 2019).

The State Legislature, being responsible for law-making for the Local Government, has overall supervisory power on the councils. The constitution that guarantees Local Government system vests the power of its supervision on the state Government. Section 7(1) of the 1999 Constitution provides: *The system of Local Government be democratically elected Local Government council is under this constitution guarantee; 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's structure, composition, finance and functions of such councils.*

The state supervisory role over Local Government council can be seen in the following areas: 1. The courts which operate at the Local Government are constituted and controlled by the state or its agent. Section 6 of the 1999 Constitution provides: The judicial powers of a state shall be vested in the courts to which the section relates, being courts established, subjects as provided by this constitution, for a state. (5) (k) This section related to ... such other courts as may be authorized with respect to which a House of Assembly may make laws. (6) (b) The judicial powers vested in accordance with the foregoing persons, or between Government or authority and to any person in determination of any question as to civil right and obligations of that person. 2. The State Government allocated funds to the Local Governments. Section 7(6) (b) of the 1999 constitution provides. The House of assembly of a state shall make provisions for statutory allocation of public revenue to Local Government councils within the state. In addition, section 162 of the Constitution provides: (5) The amount standing to the credit of Local Government councils in the Federation account shall be also be allocated to the state for the benefit their Local Government councils (though) on such terms and in such manner as may be prescribed by the National Assembly. (6) Each state shall maintain a special account to be called State Joint Local Government account" into which shall be paid all allocations to the Local Government councils of the state from the federation Account and from the credit of Local Government. (7) The amount standing to the credit of Local Government councils of a state shall be distributed among the Local Government councils of that state on such terms and in such manner as may be prescribed by the House of Assembly of the state."

It is true that the financial sources of Local Government are guaranteed in sections 7 (6) and 162 of the constitution. This does not take the Local Governments out of the supervision of the state. What has actually emerged is not a Local Government system free of state supervision and direction. The state still has to make the law which will not only establish them but also confer on them the function which they will perform and finance. 3. The Local Government services Commission has its role as, to appoint to any employment into the senior cadre (GL07 and above) of the Local Government service. 4. Section 7(5) of the Constitution empowers the state to prescribe functions to be performed by the Local Government councils in its jurisdiction, though such functions must include those outlined in the Fourth Schedule to the constitution. 5. The state prescribes rate and manner of collection of levies and control of social functions by the Local Government.

Other areas of control include, pensions of Local Government Official; institution of inquires; Appointment of Local Government Officers; Financial memoranda; Approval of annual estimate; Directives as to rating; Auditing of account; Appointment of auditor; rendering of account; Approval of bye-laws; Directives as to adoptive bye-laws; Report of joint Boards; Order as to acquisition of land; Collection of taxes; etc. In all of the above, and some more, the State Government gives directives as to what the Local Government should do. There is no opportunity for discretion by the Local Government. Therefore, the administration of the Local Government Council is now directed by the states. Directives and circulars come in daily to the Local Government Councils which must be obeyed no matter how inconvenient it may be. The Local Governments are no more sure of how

much comes to them from the state allocation, not to talk of how the fund will be utilized (Akinpelu, 2019).

The power of State Government over Local Government is, however, a subject of some important relations. 1. The Constitution guarantees the system of Local Government by democratically elected Local Government Council. 2. A state Government is under a duty to confer functions set out in the Fourth schedule of the constitution on the Local Government. The result is that no Local Government can assume any listed functions by right of constitutional grant, as they have to be conferred on it by "Law" which is defined to mean a Law enacted by a House of Assembly. 3. Closely following, are the hijacking of local government statutory allocations from the federation account by some state governors and none remittance of 10% internally generated revenues to local governments by some state governors as stipulated by section 162 of the 1999 constitution.

A recent survey by authors on the financial subversion of local governments by state governors shows that in some states, as a rule, the allocation from the federation account is controlled by the state governors such that in a local government where the monthly allocation is 80 million naira, the Chairman of the local government is given 4 million naira by the state governors and is required to spend out of pocket, and submit receipt for refund. (Akinpelu, 2019). These measures contribute significantly to the non-performance of local government and the erosion of local government autonomy in Nigeria.

The creation of the office of the state auditor-general for Local Government has draw the anger of certain scholars and practitioners in the field of Local Government. According to Mukoro (2000) "The continuous overbearing role being exercised by the state over Local Government causes ineffectiveness and inefficiency. A Government is only a government if it can command compliance of its rules and regulations and be seen to be capable of fulfilling its objective and promises to the electorate." The problem of autonomy has become very prevalent with the survival of Local governments. ".....but the historical relationship between the Local authorities and the higher levels of government as well as some confusion in the statutory/constitutional provisions have combined to blur the visions which were paramount in 1976" (Akpan and Ekanem, 2013).

The creation of the Local Government Service Commission for the personnel management functions of the councils severely undermines the authority of the councils. The Federal executive exercise supervisory role mainly through the Governors or the Commissions for Local Government. On many occasions, when the Federal executive exercises its supervisory role on the state Governments, the exercise, of course has incidental influence on the Local Governments. This emanated in the establishment of the Office of the Special Adviser to the President on local government matters, Office of the Special Adviser to the Governor on local government matters, the Senate and House of Representative Committees on local government matters, and the State Houses of Assembly Committee on local government matters (Akinpelu, 2019).

Justification for the Control of Local Government System in Nigeria

Scholar in a bid to justify the control of local government by superordinate levels of government has argued that Local government controls are occasioned by the important work of Local Governments in the public sectors of national economy and the resultant need to ensure that Local expenditure is consistent with the enabling law, (Akinpelu, 2019). Also, the control exercise by states over local government is a way of protecting tax payers against possible financial mismanagement

of public resources. The control system in the Local Government also serves as a safety valve against arbitrary dismissal of Local Government staff by the Council's boss. Another reason is that if Local Government takes grants from the Federal Government, it must be subjected to public accountability. All the three tiers of Government are subject to supervision. The state Government is under the control of the Federal Government. The Federal Government that seems to be "big-boss" has its own chains of checks and balances. President Olusegun Obasanjo, in a monthly national media chat said that he was being controlled by the National Assembly, the Constitution, the Court, the international bodies, his political party, and, in a lighter mood, "My Wife too controls me because she has to decide which food I am to eat".

Therefore, it is submitted here that the supervision of Local Government should be maintained to promoted discipline, justice, peace, accountability, efficiency and love throughout our nation. However, studies have shown that unless the other levels of Government give Local Government a breathing space, there can be no meaningful development at the local level (Adediran, in Akinpelu, 2019).

Constitutional Review and Efficient Local Government System in Nigeria

There are conflicting constitutional provisions about the existence of local government system in Nigeria. In some parts, it provides for efficient local government system giving it a status of a tier of government, and in the other parts it provides for state manipulation of local government system—thus making local government a mere tool in the hand of state governments. For instance, the decree 24 of 1998 that birthed the 1999 constitution stated clearly that the Independent National Electoral Commission (INEC) shall conduct elections into the elected offices including local government councils. *"Whereas: the federal military government of the federal republic of Nigeria in compliance with the transition to civil rule (political program) decree 1998 has through the Independent National Electoral Commission, INEC conduct elections to the office of the president and vice-president, Governors and Deputy – Governors, chairmen and vice – Chairmen of the national Assembly, State Houses of Assembly, and the Local Government Councils..."*

The mentioning of local government council here amongst other positions whose election were to be conducted directly by the INEC implies that local government ought to exist as an independent tier of the national government just like the state. But in the other hands, section 2(2) of the same constitution talked about the composition of Nigeria federation and recognized that "Nigeria shall be a federation consisting of states and capital territory..." This deliberate omission of local government as a sub-national government queried the existence of local government as a tier of national government. Conflictingly, section 3(6) of the constitution merely recognizes the existence of 774 local government council and 6 Area Councils of FCT in Nigeria. The question here is how can the existence of a system not recognized as part of sub-national government in section 2(2) that talked about the composition of federal republic of Nigeria, be recognized in another section 3(6) of the constitution as a structure of the federation? Could it be that the federal government created local government system on behalf of the state, or that state created local government system and present to the national government for constitutional recognition? Answer to any of the above question will beget another question. For instance, if federal government created local government on behalf of state, why then did it give her a status of an independent tier of government instead of allowing it purely under state? If the state created local government and present to national government for recognition, why did the federal government not recognized local government created by states and

present to her in 2002 which led to constitutional conflict between Lagos State and federal government in 2004 (see Lagos State Vs Attorney General of the Federation, 2004).

Section 7(1) of the constitution recognized the existence of democratically elected local government system, and at the same time entrust its establishment, structure, composition, finances, functions operation and management in the hand of the states, thereby marking another confusion in the authorities of local government system in Nigeria. Again, where is the authority of local government as a tier of the national government if states are to ensure its establishment and functions as stated in the above section? Also, where are the powers of federal government to reject local governments created by states in Nigeria as they did in 2002 making states to turn local government created by them into development centers? Section 7 (2b) of the constitution defined considerations for creating local government without considering the economic viability of the areas making up the local government, to operate and pursue her economic policies and plans without over dependency on states and national government. Section 7 (2b). *The person authorized by the law to prescribe the areas over which Local Government council may exercise authority shall a define such area as clearly as practicable; and b ensure the extent to which it may be reasonably justified, that in defining such area, regards is paid to – i the common interest of the communities in the area, ii traditional association of the community; and iii Administrative convenience.*

The above section defined areas of importance in the creation of local government system with no regards for the economic strength and viability. This implies that some local government cannot efficiently operate without allocation from state and national government, and since he who pays the piper calls the turn, it is safe to reason that the operation and management of local government will be at the mercy of the state and national governments who would exercise all manners of control local government system. Scholars have argued that if the constitution wanted local government to function efficiently as an independent tier of government, it would have taken into consideration the economic viability of areas that constitute a local government. This is because, a local government with a good source of internally generated revenue will function optimally than a local government waiting for the monthly blessings of state and/or national government as the only/major source of fund to the system. And all the local government system in Nigeria is over dependent hence, in section 7 (6a, b) provides for statutory allocation of public revenue to local government council by the national and state house if assembly. By the provisions of the constitution in section 8(3,4 & 6), local government is a creation of the States, while the National Government is to provide only for the names and headquarter. This is Because, the section gave the powers for creation of new local government, and adjustment of boundaries of existing local governments to the state government through the state house of assemblies.

Section 8(3,4,5&6) *“A bill for a law of a House of Assembly for the purpose of creating a new local government area shall...” (4) “ a bill for a law of a House of Assembly for the purpose of boundary adjustment of the existing local government area shall... (5) “an act of the National Assembly passed in accordance with this section shall make consequential provisions with respect to the names and headquarters of states and local government areas as provided in section 3 of the constitution and in part i and ii of the first schedule of this constitution” (6) for the purpose of enabling the National Assembly to exercise the power conferred upon it by subsection (5) of this section, each House of Assembly shall after the creation of more local government areas pursuant to subsection (3) of this section make adequate return to the house of National Assembly...”*

The clear and express use of the terms “after creation of more local government areas” implies that state government has the powers to create local government, while the national government only has the power as given by subsection (5) of this section to provide for the names and headquarters of the local government as they did in section 3 of the constitution. If the states government are empowered by the constitution as seen here to create more local government areas and adjust the boundaries of the existing local government areas, why then is local government a tier of government? Does a mere recognition of its existence by the constitution amount to a status of tier of government? Again, why did the national government not recognized the local government created by states, and provides only for the names and headquarters? The reason may be the conflicting provisions of this section 8 and the provisions of section 3 by which, issues of local government became a constitutional matter with Strict constitutional processes. For instance, accepting additional local government areas created by states as empowered by section 8 requires alterations of section 3 of the constitution (which has long process) to accommodate more local government names and headquarters. Also, the powers of states to create local government areas will lead to frequent alteration of the constitution as every successive government of the states would like to increase or reduce the number of local government areas in the state. Moreover, how can a state be empowered to create more local government areas when financial burdens of existing local governments are laying heavenly on the national government who provides 20% of its total revenue to the local governments? This implies that for the state to exercise fully the powers conferred upon them by the section 8 of the constitution, there is need for the amendment of some sections of the constitution (especially, section 3, 7,8(5) and all other sections and subsections) that made conflicting provisions about local government system in Nigeria.

Away from the sections of the constitution which provides for the manipulation of local government by the state, the introduction of single tier all purpose local government system in a diverse society like Nigeria is in conflict with the purpose of local government creation – to provide services which the national and state governments are too remote to fill. The remote needs of the rural aspect of Nigeria are too diverse and thus requires diversely structured local government system to efficiently operate in the diverse Nigeria socio-cultural setting. Moreover, a uniformed single tier local government system is in conflict with section 14(4) of the 1999 constitution which recognized the diversity of Nigeria in the composition and management of the activities of states and local governments. Section 14(4) “*The composition of government of states and local government councils and the conduct of the affairs of the government and council...shall be carried out in such a manner as to recognize the diversity of the people within its areas of authority...*” How then did the uniform single tier local government system across Nigeria account for the diversity of people making up the federal?

This implies that instead of creating a uniformed single tier local government system in a diverse society as Nigeria, states should be allowed to completely create and manage local government system in line with the peculiarities of the areas making up the states, while the constitution should only recognize the powers of states to create local government. This is in line with section 2(2) of the constitution that recognized only state and capital territory as the composition of Nigeria as a federation.

Interestingly, section 24 (a) of the constitution made it a duty for all citizens to; “abide by the constitution, respect its ideas and its institutions... and legitimate authorities”. Why then are the state and national government not abiding by the constitution in their relationship with the local government? For instance, why is that the federal government are not allowing the state to perform its functions as contained in section 8 of the constitution, and why is the state not providing the 10%

of its revenue to the local government as stated in section 162 of the 1999 constitution of the Federal Republic of Nigeria? Could it be that the constitution didn't clearly define local government system as a tier of national government – thereby removed its control entirely from the state government, or that the creation and control of local government are by some sections of the constitution the legitimate right of the state? These questions informed the need for constitutional review to clearly define the existence, operation and management of local government system in Nigeria.

This call for review has triggered a call for whether local government should be allowed to exist as a true tier of government, or be allowed entirely in the hands of state government as existed in Nigeria prior to 1976 reform, and as seen in advanced countries of the world where local government exist in multiple structures and layers, and differ from state to state or region to region. Allowing local government system in the hands of states will bring out the essence of local government creation which is to meet the peculiar needs and aspiration of the divergent rural dwellers. This will also recognize the diversity of Nigeria population as respected by the provisions of section 14(4) of the Nigeria constitution.

Chapter V & VI of the constitution clearly spelt out the powers, establishment, and the requirements of the legislative and the executive arms of all tiers of National government(federal and States) except the local government (see chapter V Part 1, section 47 - 79, and Part II, section 90 – 119, for the legislative authorities and composition of federal and States legislatures, and Chapter VI part I section 130 –161, and part II section 176 – 212 of the constitution for the executive authorities and composition of the federal and States executives). Now, if local government is a tier of government truly recognized by the constitution, why did it not devote any of its parts to the definition of powers, authorities and operations of the legislative and executive arm of local government council as were the case of the legislative and executive arms of Federal and State governments?

The questions calling for concern here is why the constitution should assign functions to local government as seen in the fourth schedule without assigning a corresponding authorities to carryout these responsibilities as a tier of national government? Section 124(4) recognized the remuneration of States Independent Electoral Commission SIEC. And where local government exist as a tier of national government, elections to the local government councils are conducted by the Independent National Electoral Commission INEC –as was the case of Nigeria in 1986 local government reform. What's the constitutional functions of SIEC that warrant the constitutional recognition of her remuneration other than the conduct of local government elections? And why would the constitution allow the election of a tier of national government in the hands of another tier of government? This account for the messes we experience today in Nigeria local government system. Therefore, if local government should exist as an independent tier of government, the decree 24 of 1988 should be applied to the local government thus INEC should be allowed to conduct elections into local government system, and if this is to stand, the existence of SIEC and the remuneration thereto should be withdrawn from the constitution.

On the financial front, the constitution remains the major problem of local government financial autonomy, not because it doesn't provide adequate finance for the councils but because it did not give them the independent powers to manage its finances. For instance, section 162 (5, 6 & 8) clearly stated that; *The amount standing to the credit of local government councils in the Federation Account shall also be allocated to the states for the benefits of their local government Councils... , (6) each state shall maintain special account to be called "State Joint Local Government Account" into which shall be paid all allocation to the local government councils of the state from Federation Account*

and from the government of the state, (8) the amount standing to the credit of local government council shall be distributed among the local government councils of the state on such terms and in such manner as may be prescribed by the House of Assembly of the state.

It therefore, call for concern on why allocation to a statutory tier of government (local government) be paid to another tier of government (state), and be distributed to the owners (local government) on term and in manner as determined by the state? How does the constitution wanted local government to function as a tier of government? What's the reason behind this financial attachment of local government to state? If the reason is to ensure a watch over the use of local government fund, what then is the work of local government legislative council as an oversight institution? It's also important to note that section 307 that provides immunity clause for the chief executive officers and deputies of all tiers of government didn't include the chairmen and vice-Chairmen of local government councils.

This implies that even the constitution did not treat local government as a tier of national government. What then is the need for calling local government a tier of government without treating her as such? In the second schedule of the constitution that talked about the exclusive legislative list, Local Government Councils are the only tier of the national government whose elections were removed from exclusive legislative list. The exclusive legislative list no.22 read thus; *"Election to the offices of the president and Vice-president or Governor and Deputy Governor, and any other office to which a person may be elected under this constitution, excluding election to a local government council or any office in such council"*

What then is the reason for this exclusion if local government is to function as a tier of national government? Is the constitution not aware that by being a tier of government, local government is supposedly enjoying a substantial autonomy? And how would the autonomy function where the constitution removed all legal opportunities for the exercise of the autonomy? From the analysis so far, it is clear that the constitution is the problem of local government system in Nigeria, as there is no clear definition of authorities of local government as an independent tier of government. The constitution merely recognized the existence of local government council, but as an appendage of the state government. This calls for a review of the constitutional provisions about local government councils in Nigeria in order to redefine their constitutional status and authorities, and thus ensure efficient local government system in Nigeria.

Theoretical Framework

The study adopted Efficiency Services Theory which justifies the existence of local government on the ground that it is an efficient agent for providing services that are local in character. According to Mackenzie (1954: 14) in Ezeani (2023) "local government exists to provide service and it must be judged by its success in providing these services up to a standard measured by a national inspectorate". It is argued that because of its closeness to the grassroots, local government can provide certain services far more efficiently than the central or state governments (Ezeani, 2006). Sharpe (1970) cited in Ezeani (2012) was of the view that the efficient performance of these services is so compelling that if local government did not exist, something else would have to be created in its place. Efficiency Services Theory recognized the role of local government as an agency for providing services, and insists that local government has more often than not attacked for its deficiencies in the sphere of efficient service delivery (Sharpe, 1970).

Theory Application

This theory is suitable for this study as its major concern that local government is a veritable instrument for efficient service delivery at the grassroots level, is in tandem with the purpose of the study which is to ensure efficient local government system in Nigeria. Also, the efficiency of local government system is measured in terms of its efficiency in providing quality services to rural dwellers which the theory advocates. Finally, for the people to feel the impact of government at the remote areas, local government must be viable enough to meet their local needs and aspirations. The viability for local government system can be encouraged through the review of the constitution to give more authorities and autonomy to local government councils in Nigeria. Efficiency Services Theory holds an important view of local government system because, every local government is judged by her efficiency in providing services to the people, and the efficiency of local government in service delivery brings rural development which in turn encourages political participation of the rural dwellers in the democratic processes of the State.

Methodology

This study adopted descriptive quantitative survey to generate data from primary sources using well framed questionnaire, and statistically analyze the data to produce result. The population of this study consist of 200 employees of Nigeria local government system, purposively selected for administrative convenience. The choice of purposive sampling technique is based on the existence of a uniform single tier local government system across the nation, which implies that the constitutional provisions about local government system has uniform effects on all local government councils in Nigeria. Secondary data were obtained largely from the 1999 constitution of the Federal Republic of Nigeria, journal publications (online and print) and local government related topics in text books, magazines and government official gazette, etc. In the analysis of the data collected, the researcher used frequency distribution tables, simple percentage, and chi-square for testing of hypotheses formulated for this study.

Data Presentation and Analysis

Out of 200 (100%) questionnaires distributed for this study, 168 (84%) questionnaires were successfully completed and returned, while 32 (16%) questionnaires were not returned. This implies that only the successfully completed and returned questionnaire will be used for data presentation and analysis.

TABLE 1: Responses on Constitutional Provisions about Local Government System in Nigeria

| S/N | Item | Agree | Disagree | Not sure | Total |
|-----|---|----------------|----------------|-------------|---------------|
| 1 | Did the 1999 constitution of Nigeria provides for the existence of local government councils | 144 (85.7%) | 20 (11.9%) | 4 (2.4%) | 168 (100%) |
| 2 | Do you think that the provisions of the constitution guaranteed local government as an independent tier of government | 3 (1.8%) | 165 (98.2%) | 0 (0%) | 168 (100%) |
| 3 | Does the constitution provide for the financial autonomy of local government system | 23 (13.7%) | 143 (85.1%) | 2 (1.2%) | 168 (100%) |
| 4 | Did the constitution provides for the administrative autonomy of local government | 8 (4.8%) | 155 (92.3%) | 5 (2.9%) | 168 (100%) |

| | | | | | |
|---|--|-------------------|---------------|------------|---------------|
| 5 | Do you think that the constitution provides for efficient local government system in Nigeria | 0 (0%) | 168 (100%) | 0 (0%) | 168 (100%) |
| | X | 35.6 | 130.2 | 2.2 | 168 |

Source: field work, 2024

From the table above, it is clear that though the constitution provides for the existence of local government, it did not guarantee its independence as a tier of National Government. This is because larger percentage (85.7%) of the respondents agreed that the 1999 constitution provides for the existence of local government, while 98.2% opined that the constitution did not guarantee the independence of local government as a tier of National Government. It is also seen from the table that 85.1%, 92.3% and 100% of the respondents believed that the constitution didn't provides for administrative cum financial autonomy of local government and thus didn't provide for efficient local government system in Nigeria.

TABLE 2: Response on how States Exercise their Powers over Local Governments

| S/N | Item | Agree | Disagree | Not sure | Total |
|-----|---|------------------------|------------------------|---------------------|---------------|
| 6 | Did the constitution provides for State and Local Government Relationship | 150 (89.3%) | 15 (8.9%) | 3 (1.8%) | 168 (100%) |
| 7 | Does State – Local Government Relations allow for Efficient local government system in Nigeria | 15 (8.9%) | 150 (89.3%) | 3 (1.8%) | 168 (100%) |
| 8 | Does State government encroach on the revenue base of local government | 160 (95.2%) | 5 (2.9%) | 3 (1.8%) | 168 (100%) |
| 9 | Does State allow for financial independence of local government within its area | 2 (1.2%) | 165 (98.2%) | 1 (0.6%) | 168 (100%) |
| 10 | Does state independent electoral commission conduct free fair and credible elections into Local Government system | 25 (14.9%) | 141 (83.9%) | 2 (1.2%) | 168 (100%) |
| | X | 70.4 | 95.2 | 2.4 | 168 |

Source: field work, 2024

Table two above discussed States control over Local Government System in Nigeria. It shows that equal percentage of 89.3% of the respondents agreed that relationship exist between State and local government, and that State Local Relations didn't guarantee efficient local government system in Nigeria.

TABLE 3: Responses on Whether Review/Amendment of the Constitution will guarantee Efficient Local Government System in Nigeria

| S/N | Item | Agree | Disagree | Not sure | Total |
|-----|--|----------------|----------------|-------------|---------------|
| 11 | From your experience, do you think that review of the 1999 constitution will guarantee efficient local government system in Nigeria | 165 (98.2%) | 2 (1.2%) | 1 (0.6%) | 168 (100%) |
| 12 | From your response to no. 12 above would you support a review of our constitution | 165 (98.2%) | 2 (1.2%) | 1 (0.6%) | 168 (100%) |
| 13 | Would you like the review to allow local government matters purely in the hands of the state | 15 (8.9%) | 148 (88.1%) | 5 (2.9%) | 168 (100%) |
| 14 | Would you support removal of all state's instruments for the control of local government (State joint local government account, local government service commission, State ministry of local government affairs, State House Committee on local government etc.) | 160 (95.2%) | 5 (2.9%) | 3 (1.8%) | 168 (100%) |
| 15 | Do you support complete autonomy of local government as an independent tier of national government | 165 (98.2%) | 2 (1.2%) | 1 (0.6%) | 168 (100%) |
| | X | 134 | 31.8 | 2.2 | 168 |

Source: field work, 2024

Table 3 above shows that 98.2% of the population agreed that review of the constitution would guarantee efficient local government system in Nigeria, and thus supports a review of the 1999 constitution of the federal republic of Nigeria. It equally shows that 88.1% of the constitution support that local government matters should be removed entirely from the State Government, 95.2% of the population support the removal of all instruments of States control over Local Governments, while 98.2% support complete autonomy of local government as an independent tier of national government.

Test of Hypotheses

Research Hypothesis one

Ha: there are constitutional provisions about local government system in Nigeria

Ho: there are no constitutional provisions about local government system in Nigeria

The above hypothesis as a tentative statement was constructed in both positive and negative voice (Alternate & Null hypothesis)

The above hypothesis will be tested using the data analyzed in table one.

Chi-square formular.

$$X^2 = \sum \frac{(O-E)^2}{E}$$

Chi-square Calculation Table

| Response | Observed Frequency | Expected Frequency | O-E | (O-E) ² | $\frac{(O-E)^2}{E}$ |
|--------------|--------------------|--------------------|-------|--------------------|---------------------|
| Agreed | 35.6 | 56 | -20.4 | 416.16 | 7.43 |
| Disagreed | 130.2 | 56 | 74.2 | 5505.64 | 98.32 |
| Not Sure | 2.2 | 56 | -53.8 | 2894.45 | 51.67 |
| Total | 168 | 168 | | | 157.42 |

Source: field work, 2024

$$X^2 = 157.42$$

$$df = 2$$

The critical value of chi-square at a df (2) and margin of error 0.05 is 5.99. It shows that the calculated chi-square value of 157.42 is greater than the table value. That is to say, that $157.42 > 5.99$.

Decision Rule: Since the calculated chi-square value is greater than the table value, we accept the alternate hypothesis, and reject the null. This implies that there are constitutional provisions about local government system in Nigeria.

Research Hypothesis two

Ha: States exercise powers and control over local government system in Nigeria

Ho: States do not exercise powers and control over local government system in Nigeria

The above hypothesis will be tested using table two above

Chi-square formular.

$$X^2 = \sum \frac{(O-E)^2}{E}$$

Chi-square Calculation Table

| Response | Observed Frequency | Expected Frequency | O-E | (O-E) ² | $\frac{(O-E)^2}{E}$ |
|--------------|--------------------|--------------------|-------|--------------------|---------------------|
| Agreed | 70.4 | 56 | 14.4 | 207.36 | 3.7 |
| Disagreed | 95.2 | 56 | 39.2 | 1536.64 | 98.32 |
| Not Sure | 2.4 | 56 | -53.6 | 2872.96 | 51.3 |
| Total | 168 | 168 | | | 82.4 |

Source: field work, 2024

$$X^2 = 82.4$$

$$df = 2$$

The critical value of chi-square at a df (2) and margin of error 0.05 is 5.99. It shows that the calculated chi-square value of 82.4 is greater than the table value. This implies that $82.4 > 5.99$.

Decision Rule: Since the calculated chi-square value is greater than the table value, we accept the alternate hypothesis, and reject the null. This implies that States exercise powers over local government system in Nigeria.

Research Hypothesis three

Ha: constitutional review/amendment will guarantee efficient local government system in Nigeria

Ho: constitutional review/amendment will not guarantee efficient local government system in Nigeria.

This hypothesis will be tested using information analyzed in table three.

Chi-square formular.

$$X^2 = \sum \frac{(O-E)^2}{E}$$

Chi-square Calculation Table

| Response | Observed Frequency | Expected Frequency | O-E | (O-E) ² | $\frac{(O-E)^2}{E}$ |
|--------------|--------------------|--------------------|-------|--------------------|---------------------|
| Agreed | 134 | 56 | 78 | 6084 | 108.64 |
| Disagreed | 31.8 | 56 | 24.2 | 585.64 | 10.46 |
| Not Sure | 2.2 | 56 | -53.8 | 2894.44 | 51.69 |
| Total | 168 | 168 | | | 170.79 |

Source: field work, 2024

$$X^2 = 170.79$$

$$df = 2$$

The critical value of chi-square at a df (2) and margin of error 0.05 is 5.99. It shows that the calculated chi-square value of 170.79 is greater than the table value. That is to say, that $170.79 > 5.99$.

Decision Rule: Since the calculated chi-square value is greater than the table value, we accept the alternate hypothesis, and reject the null. This implies that constitutional review/amendment will guarantee efficient local government system in Nigeria.

DUSCUSSION OF FINDINGS

1. **There are constitutional provisions about local government system in Nigeria.** The analysis of data done in table 1 above shows that there are constitutional provisions about local government system in Nigeria, just that the constitution did not guarantee the independence of local government as a tier of national government. 85.7% of the population agreed that there are constitutional provisions about the existence of local government councils, and 98.2% of the respondents insists that the constitution did not guarantee the independence of local government as a tier of national government. It is also from the analysis in table 1 that the all the respondents agreed that constitution did not provide for efficient local government system in Nigeria. This is supported by 85.1%, and 92.5% of the respondents who respectively agreed that the constitution did not provide for financial and administrative autonomy of local government system in Nigeria. The above finding corresponds with the provisions of section 7(1) of the constitution which guarantee the existence of democratically elected local government councils, and entrust its establishment, operation and management in the hands of the States. Corroborating the above finding, Mukoro (2000) opined that "...a government is only a government if it can command compliance of its rules and regulations, and be seen to be capable of fulfilling its objectives and promises to the electorate". Going by this definition, one cannot boldly say that local government is a government since it has no capacity to fulfill its objectives as contained in the fourth schedule of the constitution due principally to the continuous overbearing influences if the State on local government.
2. **States exercise powers over local government system in Nigeria.** The statistical analysis of data in table two shows that States exercise all manners of control over Local Government Councils, and this power of States over Local Government Councils are all derived from the constitution. For instance, about 89.3% of the respondents agreed that the constitution provides for State – Local Relations, but insists that State –Local relations does not allow for efficient local government system in Nigeria. Adding to the above appoint, 95.2% of the respondents agree in strong term that States encroach on the revenue base of local government, 98.2% of the respondents agreed firmly that states didn't allow for financial independence if local government, while 83.9% believed that states independent electoral commission SIEC doesn't conduct free fair and credible elections into local government system. The excessive manipulation of local government by the State are the major reasons behind the inefficiency of local government system in Nigeria. For instance, elections into local government are base on "**patronage**" which allows for the use of local government posts and positions for the settlement of the cronies and allies of State government. Also, the federal allocation for local governments is by the constitution handed down to the States to share to the local government in terms and on manners determine by the State. This implies that the State and not the local government councils decide which financial obligations are fulfilled by the local government. Summarily, local government system in Nigeria to function efficiently, there is need to remove/reduce the constitutional powers of the State

over local government councils, and thus can only be done through a constitutional review process.

3. **Review/amendment of the constitution will guarantee efficient local government system in Nigeria.** It is a common view of all, that a review of the constitution would guarantee efficient local government system in Nigeria. This is because the powers with which state manipulate local government are all drawn from the constitution. Consequently, a review of the constitution will remove/reduce the powers of states over local government, increase the autonomy and financial independence of local government system which will in turn enhance efficiency of local government system in Nigeria. From the analysis of primary data in table three, it is clear that a significant number amounting to 98.2% of the respondents agreed for the review of the 1999 Constitution of the Federal Republic of Nigeria, with the believe that the review would guarantee efficient local government system in Nigeria. 88.1% of the respondents supports complete removal of local government affairs in the hands of the States government, 95.2% suggests total removal of all State's instruments for the control of local government, while 98.2% of the respondents believe in the complete constitutional autonomy of local government as an independent tier of national government.

Summary of Findings

From the research conducted and analysis of data generated, the following findings were made

1. There are constitutional provisions about the existence of local government system in Nigeria, but the provisions of the constitution did not guarantee the existence of efficient local government system in Nigeria
2. States exercise powers over local government, and these powers of states over local government are all drawn from the constitution
3. A review of the 1999 constitution of the Federal Republic of Nigeria would guarantee efficient local government system in Nigeria

Recommendations

From the findings above, the study made the following recommendations

1. A review of the 1999 constitution of the Federal Republic of Nigeria. This review will provide the opportunities to amend some sections of the constitution about local government system to enhance the financial and administrative independence of the local government to operate optimally with little or no control from the state government
2. Complete autonomy of local government system to be enshrined in the constitution. If local government should exist as third tier of national government, the constitution should grant powers of autonomy to the local government to exist as an independent but cooperative entity.
3. Removal of all State's instruments for the control of local government. There should be complete abolition of State ministry of local government, State joint local government account, local government services Commission, state local government pension board, state auditor general to the local government, among others. This recommendation stemmed from the fact that local government performed excellently well during the time of Ibrahim B. Babangida whose reform abolished some of these instruments and granted some level of autonomy to the local government system (see 1986 local government reform).
4. Measures should also be put in place to ensure that local government councils funds are tied properly to projects that are relevant to the rural populace. This is because, local government is the government closest to the people, and thus a government through which the impacts

of governments are felt by the people at the grassroots. Therefore, only when the policies and projects of local government has local relevance (by meeting the peculiar needs and aspiration of the local dweller) that the local government can be adjudged as efficient.

Conclusion

For effective local government system in Nigeria, the Nigerian constitution should be reviewed such that the excess powers bestowed on the state governments in their relationship with local governments, should be reduced or completely removed. Also, local government funds should be tied properly to projects that are relevant to the rural populace, in order to achieve the essence of the existence of local government system.

References

- Abiodun, R. O., and Ibrahim K. H. (2022). Improving Local Government Performance through Financial Autonomy and Accountability at Nigerian State. *Journal of Public Administration, Finance and Law* 23(1) 222 – 235 <https://doi.org/10.47743/jopaf1-2022-23-19>
- Akinpelu, A. S. (2019). *Autonomy of Local Government und Under Nigerian Law*. Adeleke University, Ede: Osun State, Nigeria.
- Akpan, F. & Ekanem, O. (2013). The Politics Of Local Government Autonomy In Nigeria *Reloaded. European Scientific Journal* December 9(35).
- Constitution of the Federal Republic of Nigeria 1999, as amended.
- Ezeani, E. O. (2006). *Fundamentals of Public Administration*. Enugu: Snap Press Ltd.
- Ezeani E. O. (2012). Delivering the goods: Repositioning Local Government in Nigeria to achieve the millennium Development Goals (MDGS). The 66th inaugural lecture series of University of Nigeria, Nsukka.
- Ezeani, E. O. (2023). *Local Government Administration*. Abakaliki: WillyRose & Appleseed Publishing Coy.
- Mukoro, A. (2002). (ed). *Institutional Administration Malthouse*, Ikeja.
- Ogbetter, A. S., Idam, M. O., Karen, A. O. (2018). Local Government Administration and Rural Development in Enugu State Nigeria (2007 – 2015). *Journal of Public Administration and Governance* 8(3) 185 – 210.
- Okoli, F. C. and Onah, F. O. (2002). *Public Administration in Nigeria: Nature, principles and Application*. Enugu: John Jacob's Classic Publishers ltd.
- Okpata, F. O. and Nwali, T. B. (2012). *Public Sector Administration in Nigeria: Approaches in Labour Management and Inter-governmental Relations*. Abakaliki: De Oasis Communication and Publishers.
- Udunze, U. M. (2013). Local Government as an agent of transportation in nation building. *Review of Public Administration and Mgt* 2(3) 251–261.
- Uloko, F., Fatai, A. O., Ochedi, M. A., Mutari, S. A. & Muhammed, U., (2023), local government reform and effective governance in Nigeria. *International Journal of Public Administration and Mgt research* 8(5) 103– 111