



# Nigeria: Engendering the Local Government System

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Local governments in Nigeria have acquired an indelible reputation for operating a political system that is blatantly corrupt, composed of officials who have little concern for accountability, probity or transparency. Although local government revenue sources have strengthened with time, concomitant socio-economic development remains sadly lacking. Many local governments continue to be characterized by their limited provision of safe water, health services and facilities to a population suffering from inadequate housing, limited income and wealth, severe material and social deprivation, bad roads and a poor road network as well as limited access to agricultural support facilities and utilities. The result is serious poverty. Local governments, it seems, hardly feel the pulse and the heartbeat of Nigerians comprising the country's vital grassroots: people feel alienated from government.

Nigeria is a federation of 36 states with a Federal Capital Territory (FCT). There are 768 local governments within these states, plus six area councils in the FCT itself, totaling 774. These local governments operate

political and administrative structures. The political structure consists of an executive with a Chair, Supervisory Councilors and Secretary, and a legislature or the Council. In some states, the Chair is part of the Council. The administrative structure consists of six departments: Personnel Management; Finance and Supplies; Works; Agriculture and Natural Resources; Primary Health Care; and Social Services or Social Development.

The foundation for the local government system began after the British conquest of a vast area of Africa, known today as Nigeria, under the leadership of Lord Lugard, the first Governor General. The British system of indirect rule depended on indigenous traditional rulers and institutions for administration. Native authorities were established under colonial rule to maintain law and order.

The process of decolonization, especially after 1950, engendered a number of reforms aimed at democratizing the local government administration, chiefly to make it more participatory. These reforms gradually transferred local government authority from traditional rulers to elected representatives. Councils were given a wider range of functions and a great measure of autonomy in financial, personnel and general administrative matters. In 1954, the Lyttleton Constitution ushered in Nigeria's political re-organization as a federation.

In 1976, the federal military government collaborated with state governments to begin extensive local government reform with the aim of decentralization. These reforms clearly articulated the idea of a three-tiered federation in Nigeria. It ushered in a uniform, national system of local government which defined their function, structure, and financial resources; as well as the place of traditional institutions in the local governments; their relationships with state government; and law enforcement. The reform, which gave prominence to local governments, also made them functional legal entities and insulated traditional rulers from partisan politics.

The functions of local governments were outlined in the 1976 Guidelines for Local Government Reforms as well as the Fourth Schedules of the 1979, 1989, 1995 and 1999 Constitutions. These functions are classified into two categories: 1) functions to be solely performed by the local governments, and 2) functions to be performed concurrently or in "participation" with their respective state governments.

The main provision of the 1999 Constitution dealing with local government provides states with the authority to ensure the continued existence of local government as democratic institutions by means of legislation that provides for the establishment, structure, composition, finance and functions of local governments, empowering them to employ and discipline junior staff of the council. They may also enact bylaws which include fixing of rates, levies and other statutory charges for the economic development of the local government area; and for the good governance of the local government.

The constitution further provides for local governments to receive a share of the federation account – the shared revenue account of the Nigerian orders of government – on terms decided by the National Assembly. The names of existing local governments are annexed to the constitution, so although in principle the states are empowered to create new local governments, the process is complete only when the National Assembly amends the schedule containing the names of local governments to include the newly created ones.

Local governments in Nigeria face quite a number of challenges, including intergovernmental conflicts, structural organizational problems, financial difficulties and shortages of qualified human resources, the place of traditional authority in local government and corruption with impunity. According to Transparency International's 2006 Corruption Perception Index, Nigeria is rated among the top 21 countries, out of 163, in terms of its perceived level of corruption. Without a doubt, the most serious and recurrent problems derive from corruption: uncertainties concerning the flow of financial resources to local governments coupled with constraints on their tax-raising powers or fiscal jurisdictions. The inability of local governments to raise substantial portions of their total recurrent revenue requirements from internal sources undermines the autonomy implicit in the idea of a three-tier government.

The overall problem is the accountability of local governments. Uncertainty about resources actually available to local governments exists, particularly since local government fiscal transfers are sometimes treated as the personal property of governors and some local politicians. Excessive interference with the functioning of the local governments by political elites compromises their autonomy. This has led to calls for an amendment of Section 162 (5) of the Constitution to allow for direct disbursements of statutory allocations from the federation account in order to enhance the financial autonomy of local governments.

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There is also need for a balanced, fair, transparent, and consensus-based framework for intergovernmental fiscal relations to minimize corruption. Local governments must also be given some degree of financial autonomy through the restructuring of taxation powers.