LOCAL GOVERNMENT ADMINISTRATION IN NIGERIA: A CHRONOLOGICAL PERSPECTIVE FROM 1861 TO 2012

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Abstract

The work traced the evolution of Local Government administration in Nigeria from colonial era to 2012. Relying mainly on secondary data, the study outlined how series of events which include colonial intrusion and subsequent introduction of indirect rule system which made the system as an instrument mainly for maintaining colonial laws through Native Authorities. The work also argued that, the 1976 Local Government Reform accorded the Councils a third tier status and enshrined reform measures in the 1979 Constitution but were subjected to control by the state Governments. The work also opined that, this has significantly affected LG administration in the country and rendered them ineffective. This situation has accentuated another reform effort in 2003 in order to improve better administration of the people at the local level. Moreover, the study discovered that, the struggle for better LGs administration in the country in the year 2012 took a dramatic change as efforts are being made by the National Assembly to amend Sections 7,162; 7, 313 and Section 162 of the 1999 constitution and replace them with 'LG autonomy Act'.

Introduction

Local Government is an important institution that primarily evolved to perform essential functions at the grassroots level (Jamo, 2006:7).The institution has over the year undergone series of changes, since when the British Colonial Administration introduced Native Administration System. During the colonial era, LG system in Nigeria was basically an instrument used largely for maintaining law and order through the system known as 'Native

Authority' (NA) (FGN, 1998:1).In 1921, the system became more significant all over the country and sustained until fifties when Nigeria began to take part actively in legislative functions (Hassan, 2002:1).

However, the Native Authority System was abolished in the Eastern region partly due to the absence of centralized traditional authority. The system also failed despite the introduction of the warrant chiefs system. While in the western region, the 1952 Local Government Law adopted English malty-tier system which encouraged the participation of educated elites in the Local Government Administration.(Hassan, 2002:1). Whereas in the Northern Nigeria, the system recorded full success partly due to the presence of highly centralized traditional authority.

With the attainment of the Nigeria's independence from colonial government in 1960; the focus of the LGs gradually shifted to service delivery with some modifications on maintenance of law and order (Igbuzor, 2007:4). Not only that, there was decline in the status and responsibilities of local authorities 1960-1966(Ahmad, 2012:2). Again, the period witnessed gradual shift of LGs attention to service delivery with some modifications on maintenance of law and order (Igbuzor, 2007:4).

Nevertheless, as a result of the unsatisfactory and poor performance of local governments in the pre-1976 era, the federal government intended to reform the system so as to recognize and place them to occupy its rightful position (FGN: 1976 LG Reform). The reform recognized third tier status of LGs in the country and included the reform measures in the 1979 constitution. Yet in spite of the reform, LG Administration in the country did not differ much from the pre-reform era (Ngu, 2007:2). This situation led president Obasanjo in 2003 to have inaugurated a committee to review the structure of the Local Governments in the country. However, in 2012 the LGs in the country received greater attention when the National Assembly embarked on effort to make a "LG autonomy Act".

The paper is divided into three sections; the first is the introduction and followed by the historical evolution of LGs in Nigeria since from the colonial era up to the 2012. The third and the last section is the conclusion.

Evolution of Local Government in Nigeria

Governance itself emerged with the evolution of family as an institution, as society developed and become more complex, so does governance also developed and become

better organized so that we have division of responsibilities at various units. Local government therefore, has long been as old as mankind on earth. The institution evolved when the group of people came, and organized themselves for the purpose of law and order, and for the attainment of their goals. To this extent one can conclude that, local government as an institution is a dynamic, complex and universal phenomenon, which there is no society, which this form of institution does not exist (Jamo, 2006). Therefore, Local Government is one of the oldest human institutions on earth (Ahmad: 2012:1).

Pre-Colonial Local Government System in Nigeria (The Native Authority)

The perception of the western world is that, the contemporary local government system in Nigeria was first introduced by the colonialists when the pre-colonial Nigerian societies were in the state of anarchy (state of nature), living without any form of governance or leadership. On the contrast of this notion, the contemporary Nigerian formation is a conglomeration of many ethnic groups ranging from tribal commune, city states, village republics and kingdoms or empires which organized themselves in form of their own system of government, independent from one another.

Before the advent of colonial administration, Nigerian people have developed their indigenous form of administrative system across the different entities (political systems). (Ola, 1984:20; Gboyega, 1987:13)These forms of administrative systems were later developed and modified by colonial government in form of what is known as “indirect rule system” where native people were administered through their traditional rulers. It was through this form administration that local government system developed in Nigeria. During the colonial period, the British ruled the whole country with two form of administration. The first was the crown colony system (mainly in Lagos) and the protectorate system which

operated in the north and other parts of the south. Under the crown colony system, the British administered and exercised direct control over the territory, whereas protectorates were administered indirectly through their traditional authorities (Jamo, 2006).

The history of local government system in Nigeria can be traced to the colonial days. Whereas, contact with Europeans by the people of Nigerian area, according to Igbuzor (2007), dates back to the fifteenth century, it was not until 1861 before the first steps were taken to establish an administration by Britain. The British administered the area through indirect rule system. Under the system, native people were administered through their traditional authorities. This led to the establishment of Native Authority system between 1890s and 1930s. The main function of the native authorities was to maintain law and order.

The indirect rule system as opined by Ola (1986) was basically rested on the native authority system which comprised the following interested component:

a. The Resident officials which were appointed by the British.

b. The Native Authority, headed by the indigenous chief who enjoyed some legitimacy in indigenous political and administrative system.

c. The Native Treasury, and,

d. Native Court.

The colonial administration in Nigeria recorded different degree of successes. These differentials were largely due to the different systems of administration across different areas. For instance, the system recorded full success in northern Nigeria; this was due to the existence of highly centralized administrative system with well-established taxation system, which coincided with highly developed legal system, strengthened with written constitution (Jamo 2006).

At the center, was the *caliph*, resided at Sokoto the capital of the *Caliphate*. The *Caliph* enjoyed some form of legitimacy and control over the whole region. The Emir (*Sarki* in Hausa) was in-charge of the Emirate, (*Gari* in Hausa). However, the emirate was divided into districts for easy administration; each district was headed by district head (*Hakimi* in Hausa). Not only that, each district contained many villages which were headed by head or (*Dagaci* in Hausa), while the village was also divided into many words (*Anguwanni* in Hausa). Consequently, the Hausa-Fulani pre-colonial traditional administration was full of constitutional division of governmental powers between center and subordinate units (Jamo, 2006).

To utilize the advantage of this highly established system, the colonial governments make ordinances, to guide the activities of the native authorities. For instance, Owotokun (2005) pointed out that, ‘’the first local administration ordinance was the native administrative ordinance N0 4 of 1916 which was designed to evolved from Nigeria’s first institutions the best suited form of rule based on peoples habits of thought, prestige and custom” .These local administration according to him were used in the eastern and eastern part of the country while the indirect rule was introduced in the rest of the north.

There were Native Authorities’ Ordinance, Native Revenue Ordinance and the Native Courts ordinance. The ordinance empowered the Governor –General, Sir Fredrick Luggard to appoint NA for any area for local administration (FGN, 1998:1). The Native Authority system served as an instrument used by the Colonial Government through the Native council of traditional rulers in an advisory manner. Although the pre-colonial Nigerian states did not all have traditional institutions upon which native authorities could succeed on the same scale. The native authority ordinance makes the traditional ruler as the

sole guardian of his domain. So, where there were no traditional rulers, warrant chiefs were appointed to facilitate the indirect rule system. There was the judicial council which administered justice on a wide range of cases such as land disputes, offences against the state and other criminal offences. However, this was subject under the provincial court which was presided over by the provincial residents (Williams, 2003).

However, because of the absence of centralized traditional authorities in Southern Nigeria, it necessitated the first reforms in the 1930s and the 1940s which led to the establishment of chiefs-in-council and chiefs-and-council in place of sole native authorities. The Chief-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 opinion 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. On the other hand, in the Chief-and-Council, the chief has no power to act against the decision or advice of the council. Under this order, representatives of missionaries and British trading interest were selected to serve into the NAs. Non inclusion of the educated elites in the process of appointment of nominated members by the colonial government further aggravated agitation for reforms in the NAs.

The Richard Constitution that came in force in 1946 restructured the country into three regions; this has tremendous impact on LG system in Nigeria. The new structure gave the regions some level of autonomy over their LG. For instance, culminating from 1948, the Eastern Regional House of Assembly set up a committee to advise the regional government on the reform of the LG. This has led to the LG law which introduced three tier system of LG in the Eastern region. While, in the Northern region, the process of reforming LG system began. In 1952, a commission of enquiry into the NA system was made. Again, this

resulted in Native Authority law in 1954 which brought slight changes in the system of LG administration in the region. Similarly, the Western regional House of Assembly passed the law in 1952 that adopted representative LG system in the region. (FGN, 1998:2).

However, in the years 1950-55, 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 the councils in the then Western region and Lagos. However, in Northern Nigeria, there were gradual changes. The legal framework for local government at the 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. During the time, the councils were given a wider range of functions including primary education, health, police, and judiciary etc. This is in line with the implementation of the colonial government's ten-year welfare and development plan (1946-1956). The councils as Igbuzo (2007) posited 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 pupilage for councils in modern local government throughout Nigeria'.

Again, as part of the process of decolonization, the first elected local government council based on the British Whitehall model was first conducted in Lagos and the former Eastern and Western regions (1950-55). In this regard, and in line with the implementation of the colonial government's ten-year welfare and development plan from 1946-1956, the councils were given a wider range of functions that include primary education, health, police, judiciary, autonomy in financial, personnel and general administrative matters. (Ahmad, 2011:2).

Period between1960-1966

The military took over power in 1966 led to the radical changes in the system of LG administration in regions and the states that later replaced them. These changes did not enhance the guidance that the state governments had over LGs (Masoud,n.d4). The local constabulary, courts and prisons were integrated into the national police, judicial and prison services (FGN,1998:2). The states continued to determined power, structures and functions of the LGs. For instance, the existing type of LGs in the South-Eastern and East central were abolished and replaced by Development Administration. Under the new system, development councils were introduced in place of LGCs, but without executive and legislative authority. Not only that, local administration were established in the South-East in place of LGCs. While, in the western region, council manager was introduced in 1973(Masoud, n.d:4).

Between1960-1966, there was a decline in the status and responsibilities of local authorities. In the former Western region, the Local Government (Amendment) law 1960 abolished the powers of councils to levy education and general rates on the basis of need. In Lagos, there was a high rate of default in the payment of property rates including government institutions; this resulted in fall of local councils' revenue. The situation in Eastern Nigeria was similar to the West before the outbreak of the 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 responsibility, with some degree of success for more complex

services like primary education. Between 1969 and 71, some state governments introduced some changes in the structure of their councils (Igbuzo, 2007).

As a result of the nationalistic demands after the Second World War, the colonial authorities were forced to introduce reforms. The most important realization was the need to make the Native Authorities instruments of social development. Efforts were then made to widen its membership to accommodate representatives. It was the labor government in Britain that saw the need to introduce democratic reforms in its African territories so that major reforms which introduced election principle were crucial as it allocated certain percentage of native authority council membership to elected or selected representative.

Williams (2003:1), concluded that, all through the period of colonialism the indirect rule system encouraged native authorities to function as an instrument for grassroots development. With the introduction of elective principle, a more efficient administrative system was put in place, and educated elites became more active in the political and administrative arena even though traditional rulers functioned in the background.

This trend continued until 1976, when the military government made certain reform in the local administration. An advisory committee was set up to examine the boundaries of existing Native Authorities, their functions, powers and machinery and to advise on dissolution of authority from the provincial system of administration. The committee recommended the replacement of the term 'Native Authority' with that of Local Government and the splitting of and regrouping of former native authorities. Resident administrators were then appointed. This further reduced the status of the traditional rulers in the new local government system (Williams, 2003:1).

Local Government in Nigeria between1976-1985

As a result of the unsatisfactory and poor performance of Local Government in the pre-1976 era, the federal government in its effort to improve the LG administration in the country, embarked on reform to recognize Local Government so as to occupy its rightful position as a third tier of government in the federation. This was stated by Major General Shehu Musa Yar'adua:

> In embarking on these reforms, the federal Military government was essentially motivated by the necessity to stabilize and rationales government at the local. This most of the necessity entails the decentralization of some significant functions of the state government to local levels in order to harness local resources for rapid development. The federal military government has therefore decided to recognize local government as the third tier of governmental activity in the federation. Local government should be precisely what government implies i.e. government at the grassroots or local level (1976 Local Government Reforms).

In fact, the period 1976-1979, under the military administration of Murtala/Obasanjo, marked a watershed in the Nigeria local government administration. The period accorded Local Government special position in the Nigerian body polity and brought uniform system as single tier structure all over the country. This uniformity can be conceptualized according to Owotokun, (2005). in terms of:

a. The function of Local Governments.

b. The structure of the Local Governments.

c. The financial resources of the Local Governments.

d. The places of the traditional institutions in the Local Governments.

e. The relationships with the State Government and

f. Law enforcement.

In terms of functions, Local Government all over the country experienced uniform responsibilities all over the country, later enshrined in the 1979 constitution. Apart from that, Local Governments all over the federation country also experienced uniformity in term of their structure. For the first time local governments in the country were departmentalized and headed by chairman while administrative wing of the council was headed by carrier administrator styled secretary to the Local Governments.

Not only that, the reform made that, all the states edicts on LG had to conform to the guidelines. Therefore, a national system of LG administration was restored (FGN, 1998:3). In a nutshell, the 1976 Local Government reform granted them autonomy in the area of funding, administration are of inter-governmental relation and above all brought a uniform local government system in the country. To make the reform successful, the LG were placed on a stable financial equilibrium (FGN, 1998:4)

The democratic period of 1979-1983 that followed the constitution according to Masoud (n.d:8) did not witness Local Government election; rather sole administrators were maintained till 1984. However, the second republic (1979-1983) witnessed violation of many guidelines of the 1976 LG reforms due to the pressure of politics in the following respects:

(i) Suspension of the elected LG officials that were already in office

(ii) Creation of the new LGs without following the due process of the law

(iii) Irregular transfer of ten percent of states revenues to LGs

(iv) Interference in the LGs revenues by the states

In view of the above, the Federal Military Government appointed a 20-man committee headed by Alhaji Ibrahim Dasuki to review the system of LG administration, after abolition of all the newly created LGs by the civilian administration. The committee in its recommendations suggested the endorsement of the main functions assigned to LGs in the 1976; LGs should concentrate their effort on limited service delivery; the committee also insisted the states governments on their statutory contributions to LGs and desist from encroachment over the LGs revenues.

Period between 1985and 1991

This period according to Odoh (2004), represents the era of massive state control over local government councils in Nigeria. The control was usually in terms of finding and functions. The period (1984) witnessed the inauguration of the Dasuki committee to examine the reasons behind difficulties in the implementation of the 1976 Local Government reforms. However, the committee came out with the following report and recommendations.

i. Evidence of existence more operational problems.

ii. Recommended multipurpose structure.

iii Improvement of the internal sources of revenue.

When General Ibrahim Babangida came into power in 1985 he inherited Dasuki report, which recommended the caretaker committee system for Local Government and reducing the numbers of councilors with the view to reduce the cost of governance at the local level and the improvement of the internal sources of revenue of the councils. Again, during the time, local government elections were

conducted in 1987 and 1989 and were according to him accorded some innovations which include the following:

- Abolition for the Ministry for Local Governments and replacement by the department of Local Government.
- Budgetary restrictions and delays were minimized.
- Direct funding of Local Government from the federation account or abolition of State Local Government joint account.
- Local Government statutory allocation was increased from 10%to 15% and later 20%.
- Transferring responsibility of primary education to primary education Board.
- Transfer of some primary health care functions together with institutions, personnel and funds to Local Governments.
- Special take up allocation to Local Government.
- Special provision for protection of Local Governments in the section 7 of the 1999 constitution.
- Adoption of presidential system of government at the Local Government level which accorded local government some autonomy.
- Complementing rural development effort of Local Government and partitions of Directorate of Foods, Roads and Rural Infrastructure (DFRRI) and Directorate for Social Mobilization (MAMSER).

With the inception of the administration of General Sani Abacha, the state joint account for Local Government was discontinued in 1990, and the system of direct allocation from the federation account began. In addition, Local Government revenue percentage from the federation account was increased from 19-15 and 20%. Nevertheless, despite these achievements, the then federal government continued to interfere in the activities of the local government council by directing the council to support governmental programs, other form of interventions by the state according to Odoh (2005) include freezing of accounts of some Local Government councils and sacking of Chairmen of some Local Governments.

Period between1999-2012

This trend continued till 1999 when the country returned to another civil administration. With his inception in office, president Obasanjo in 2003 intended to review the present structure of the Local Government in the country. According to him, 'the need to review the present structure of governance at local level has been informed by three disturbing trends, which had been identified with the recent inception of democratic dispensation in the country'. These trends according to him include:

1. The nonperformance or gross under performance of Local Governments.
2. The high cost of governments and near prohibitive costs of electioneering campaigns to individual political contestants in Nigeria.
3. Atomization and continual fragmentation of local councils including impractical divisions of towns and cities into unworkable mini Local Governments.

The president further announced the setting up of technical committee with the following term of reference:

a. Examine the problem of efficiency and high cost f governance with a view to reducing costs and wastages at the three tiers of government.
b. Review performance of Local Government within the last four years and consider the disability or otherwise retaining the local government as a third tier of government. In that regards considering among other options the adoption of modified version of the pre-1976 local government system of government.

c. Examine the high cost of electioneering campaign in the country and consider, among other option, the desirability of weather political parties rather than individual office seekers should canvas for votes in election, and

d. Consider any other matter, which in the opinion of the technical committee are germane to the goal of efficient structure of governance in Nigeria (Igbuzo, 2009:6).

The 1999 constitution of the Federal Republic of Nigeria granted Local Government a third tier status and also a part of the state government. The state creates provision for state-local government joint account system where the funds from the federation account were paid. The constitution also clearly outlined the functions of the Local Government in the paragraph of the first schedule. Paragraph two of the same constitution also listed some functions to be performed by the local government concurrently with the state. Although, the constitution clearly spelt out jurisdictions for each federating units, however, Local Governments in the country especially under this dispensation are subjected to serious state control which rendered them in-effective and lacks performance.

Again, on Monday March 3rd 2006, the federal government announced the deliberation of the National Assembly Committee report on the review of the 1999 constitution. However, the committees after collating public views found that, majority of the Nigerians were in favor of an independent system of local government. However, it is important to note that, one of the important problems for effective LG administration in the country is lack of autonomy. Though Local Governments constitute the third tier of government as enshrined in the 1999 Constitution, they have largely operated as appendages

of the State Governments. This is usually framed through the so called joint account and joint project system which make it very difficult for LGs to expend expenditure on priority interest unless it fall on the interest of their respective State Governments.

To address this, three bills seeking Local Governments' autonomy. The bills proposed to amend Section 7,162, of the 1999 Constitution and provision of political and financial independence for local government administration in the country, and also to amend Section 7, 313 and Section 162 of the 1999 Constitution so as to ensure effective and efficient operations of the Local Government councils in Nigeria for social, economic and political development and for other matters connected. The bills basically aim at correcting the ambiguity in certain sections of the Constitution, and clearly establishing four-year tenure for Local Government chairmen (Shedrack,2012;Ekpo,2012).

Conclusion

From the foregoing it can be seen that, the trends of Local Governments administration in Nigeria is a trends of different events. The paper argued that, Local Government evolved since the existence of human species on earth. It started from a family as an institution and continued to develop to a society. As society developed and became more complex, so does governance of such institutions developed so that we have division of functions or responsibilities. These institutions developed in different forms across different areas of the Nigerian federation. In the northern part of the country, the most dominant local administration was the Hausa Fulani traditional political system, Yoruba semi centralized in the west, and decentralized political system in the eastern Nigeria. These systems of administration developed and flourished in different levels. With the coming British colonial masters, they introduced Native Authority system so as to maintain law and

order and perpetuate their dominance across the entity. The trend continued up to post independence days with some modifications until 1976 when the then military administration launched reform measures that placed Local Government a third tier status in the Nigerian federalism , the reform also introduced uniform Local Government structures, functions and made them to receive direct allocation from the federation account. This trend persisted up to 2012 despite attempt to scrap the system in 2003 following the setting up of Ciroma/Ndayako committee to review Local Government structure and performance across the country. However, the struggle for Local Government autonomy for effective administration in the year 2012 took a dramatic position when the 'Local Government Autonomy bill scaled second reading and referred to the House Special ad hoc Committee on Constitution Review for further action. This has clearly illustrated that; Local Government system in Nigeria is likely to have a better future after long years of struggle for autonomy and effective administration.

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