

## Critical Analysis of Local Government System in Nigeria

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### **Abstract**

*In scholarly writings on local government, three notable issues are dominant: the military intervention in politics, the 1976 local government reforms, and the need for local government financial autonomy. The legal framework that plunged the system into crisis in search of identity as a third tier of government needs to be given more attention. The method adopted for this study is purely descriptive and analytical by implication, relying majorly on documented facts from official records, provisions of the Constitution of the Federal Republic of Nigeria, and extant literature on this field. Over the years, local governments have needed more whims and caprices to operate without state interference. This inherent weakness has made the local governments appear inadequate in performing their functions. As such, the populace at the grassroots hardly feels the presence of government, which is the primary essence of their existence. This paper attempts to critically examine the Lacuna, weaknesses, and contradictions inherent in the constitution that provides for the creation, establishment, structure, composition, finance, and functions of the local government and also highlights how the states have exploited these inadequacies and contributed to the abysmal failure of the local government. The paper discovers that the problem is foundational; despite the various reforms, not much desired has been granted. The uncontrolled access of state governments to local government finances is warranted by the provisions of Section 7(1) of the 1999 CFRN. The local government has no legal status as a federating unit spelled out in the constitution like that of the Federal and State governments as contained in the General provisions, chapter 1, Part 1 Sub- Section 2 of the CFRN. Hence, it is recommended that section 7 (1) of the constitution should be amended to curb state control over the functions and finances of local government; the local government is granted legal recognition as a federating unit with its powers, functions, and responsibilities spelled out like that of the state and federal governments; local government should be granted financial autonomy with the removal and abolition of the SJLGA from the constitution.*

**Keywords:** Legal framework, Local Government, Administration, Constitution, Reform

### **Introduction**

The local government system is seen as a third tier of government in a Federal Setting. The fundamental essence of its creation is to bring the government closer to the people. It serves as a link between the other two tiers (Federal and State) and the people. That is why it is often referred to as grassroots government. It allows the local populace to participate in government programs and holds those in power and control of the helm of affairs accountable for their roles in governance. It also aims to accelerate development. Because the local government plays a prominent role, writers and scholars in this field have given it considerable scholarly attention. In the literature, researchers have identified various epochs in developing the local government

system in Nigeria: (i) The period of pre-colonial native administration (1861-1900), (ii) Colonial period (1900-1960), (iii) The period of the native authority system 1931-1949, (iv) The period of decline of local government (1960-1976) (v) The period of decline of local government (1960-1976) saw the advent of military rule, which replaced grassroots participatory democracy with a military governance structure centralization and a unity of command scheme; (vi) The 1976 local government reform which restored liberal participatory values (Ojong, 2002; Abdulhamid & Chima, 2016).

Several studies have also established the challenges and problems that bedevil the Nigerian local government system: poor financial base/ limited revenue, political interference, unqualified and inexperienced staff or paucity of human capital, corruption, and lack of basic social amenities. However, more attention must be given to the inherent deficiencies in the legal or constitutional framework for creating local government, which has shaped the operation and functioning of local government in Nigeria (Abdulhamid O.S and Chima, P. 2015). Section 7(1) of the 1999 Constitution of the Federal Republic of Nigeria, which provides the legal framework within which local government operations are determined, has far-reaching implications for the operation, structure, and functioning of the local government (Agbeyeke, 2020).

The main objective of this paper is to critically examine the legal framework for the creation of local government while highlighting the inadequacies of the constitutional framework. It specifically seeks to:

- Reveal the constitutional inadequacies that affect local government operations in Nigeria.
- Highlight how the states have exploited these inadequacies and contributed to the abysmal failure of the local government.
- Make recommendations on the constitutional arrangement that can help local governments assume a legal status like other tiers.

### **Statement of the Problem**

The framers of the 1999 Constitution, specifically regarding section 7, contemplate grassroots development and transformation with Local government as the third tier of government and closer to the people. Several attempts to restructure the local government system to make it more viable and efficient have lasted over four decades, with milestone achievements recorded in the notorious 1976 reforms. Since then, development in all ramifications is still far from reality, as the condition of rural dwellers has become pitiable and intolerable. Furthermore, the dearth of development at the grassroots level is not unconnected with how the constitution provided for establishing, financing, structuring, and maintaining local government, as captured in section 7 of the 1999 CFRN as amended. The State has constantly abused the provision of that section, culminating in the financial starvation of local government through the instrumentality of the Joint Local Government State Account. The result is the impoverishment of rural dwellers and a colossal dearth of development at the grassroots and, by extension, Nigeria. It is this lugubrious and vexatious but pitiable scenario that propels the study to reverse the ugly trend through appropriate recommendations; hence, put Nigeria on the part of development.

### **Objectives of the Study**

The study's general objective is to x-ray the legal basis of the local government system in Nigeria and its effect on the development initiative. Specifically, the paper seeks to: Exposing the danger inherent in the provision of section 7 of the CFRN 1999 as amended. In a related vein, the paper also seeks to underscore in specific terms how the eroding of local government autonomy has affected Nigeria's quest for development and finally, the study seeks to underline categorically the problems of the local Government system in Nigeria, among others.

### **Research Questions**

The under-listed research questions were formulated to guide the interrogation:

- i. Does the provision of section 7 of the CFRN, as amended, constitute a clock in the wheel of progress in Nigeria?
- ii. Does the erosion of local government autonomy affect its very essence in Nigeria?
- iii. What are the other problems bedeviling local government in Nigeria?

### **Conceptual Discourse**

**Local government** is a unit of administration with defined territory, powers, and administrative authority with relative autonomy, and administrative authority can be elected or appointed exclusively by the people (Ojong, 2002). It is a local-level government that operates through a legally established representative council, which exercises specific powers within designated areas (Garba et al., 2018). Local government is a legally established political subdivision of a nation that possesses considerable authority over local matters, including the power to levy taxes and mandate labor for designated purposes. The governing body of this entity is either elected or locally appointed (Adedire, 2016).

The political unit performs the following functions, though not exhaustive:

- a) Economic growth and development of the region
- b) Collection of rates and licenses for radio and television
- c) Establishment and upkeep of cemeteries, burial sites, and shelters for the homeless
- d) Construction and maintenance of roads, streets, street lighting, drainage systems, and other public highways, as well as parks, gardens, open spaces, and other public facilities as directed periodically by the State House of Assembly
- e) Naming of roads and streets and numbering of buildings
- f) Provision and maintenance of public restrooms, sewage systems, and waste disposal services (Ibrahim, 2014; Saulawa et al., 2016).

According to White (2004), administration is the management of men and materials to accomplish the purpose of the State. The administration has to do with the execution of the policies of the State (Rutgers, 2017). It is a detailed and systematic execution of public law. Simon and Smithburg point out that when two or more men cooperate in rolling a stone, the rudiments of administration appear. First is the cooperative effort, and second is the purpose – to roll the stone.

### **Evolution of Local Government System in Nigeria and Services Delivery**

According to Akande (2014), the history of local government administration in Nigeria dates back to the 1890s when the colonial native authorities were established progressively in their rudimentary forms from the 1890s to the 1930s. Ojong also noted that the development of local government in Nigeria is traceable from pre-colonial times to the present. The first phase covers the pre-colonial and pre-independence era when Lord Frederick's. Lugard adopted the indirect rule system to govern Nigeria.

This early pre-colonial face covers the period 1900- 1960. The second phase is the post-independence period, covering the first civilian regime (1960-1965), while the third phase covers 1966-1992, with a mixture of military and civilian governments. Abdulhamid and Chima pointed out that the evolution of Nigeria's local government system can be attributed to the Native Authority Ordinance of 1916, enacted by the British Colonial Government to utilize the traditional administrative structures already in place across the regions of what is now Nigeria. This ordinance represented the initial legal basis for implementing a system of indirect rule (Abdulhamid & Chima, 2016).

It is important to note that whether it was in the 1890s or 1900 or in 1916 that the local government system is traceable to, it all started in pre-colonial times. The different periods these scholars gave marked the period one can officially trace it to. There was a system in place, though it was rudimentary, before the various stages of the development of the system listed by these authors. Nevertheless, efforts to centralize local government faced significant opposition from the Eastern and Western regions, largely due to its undemocratic nature and its incongruence

with the traditional administrative systems already in place there. Despite this resistance, the ordinance remained in effect until 1946, when the Richard Constitution established new regional assemblies (Adegboye, Adesina, & Akinyosoye, 2016).

Akande noted that in 1916, the new system of indirect rule introduced in Western Nigeria enlarged the powers of the Yoruba Obas as duties in addition to their existing traditional powers. She notes that before the arrival of this system, the Yoruba Obas had nothing to do with official duties, which were only meant for the educated (elite) in the administration (Akande, 2014). Due to the above, the need for change was soon felt owing to the widespread dissatisfaction with the workings of the native authorities from which the educated elements were virtually excluded (Akande, 2014). In answer to the general demand of the people to include the elites, the Western Nigeria Local Government Law of 1952 was passed and took effect on February 25, 1953. Thus, it was based on English local government and involved three tiers: Divisional, District, and Local Councils. Necessary adjustments were made to accommodate the elites (Akande, 2014).

By 1954, democratic principles had become integral to the local government systems across the Eastern, Western, and Northern regions of Nigeria (Nigeria was standing on a tripod by the introduction of regionalism by the 1945 Richardson Constitution with each having absolute (Adegboye, Adesina, & Akinyosoye, 2016). Abulhamid and Chima (2016) noted that, while the 1950 ordinance began to introduce democratic principles into local governance, it also signaled the onset of federal and regional supremacy over local government administration, a trend that persisted from colonial times into post-colonial Nigeria. Despite this historical context, Nigeria's contemporary local government system originated from reforms initiated in 1976. This step is a background to the constitutional recognition of local government as a third tier with constitutionally assigned functions - A national rather than a regional or State approach was 'adopted toward local government. The 1976 reform aimed to enhance local government administration and elevate it to a leading position in Africa. Its goals included extending the federal principle by decentralizing governance to the grassroots level and achieving consistency in local government administration throughout the federation (Abulhamid & Chima, 2016). As a result of the implementation of the 1976 reforms, all local governments throughout the country are now all-purpose local authorities.

Another notable reform occurred in 1988 when the federal military government implemented civil service reforms. This initiative aimed to professionalize the local government sector by establishing essential departments (such as personnel, finance, and supply) and positions (including councilors, secretaries, treasurers, and auditors-general for local government). The reform also delineated the responsibilities of the local government service commission, which oversees staffing and supervises local governments. These measures collectively aimed to establish accountable local governance within the Nigerian Federation. (Abulhamid & Chima, 2016).

### **Legal Framework for the Creation of Local Government in Nigeria.**

Local governments do not just exist independently, in a vacuum, or developed by natural exigencies. They are created by law, and their creation requires conscious steps that must be taken, as outlined in the Constitution of the Federal Republic of Nigeria. The constitutional requirements as provided in Section 7(1) are considered as follows: *The local government system, comprised of democratically elected local government councils, is under this constitution. Accordingly, the government of every State shall, subject to section 8 of this constitution, ensure their existence under a law that provides for the establishment, structure, composition, finance, and functions of such councils.*

Based on the above provision, the power to create a new local government is vested in the state government. Where the above provision reads in part "... and accordingly, the government of every state shall...". In pursuance of the above provision, section 7 (2) defines the parameters to be used by the state government for the creation of a new local government council as follows:

The person authorized by law to prescribe the area over which a local government may exercise authority shall: Define the area as clearly as practicable, and ensure to the extent to which it may be reasonably justifiable that in defining such area, regard is paid to the common interest of the community in the area, the traditional association of the community, and administrative convenience.

The constitutional conditions above must be fulfilled before creating a new local government. In creating the local government proper, specific requirements and procedures are spelled out in section 8(3) of the constitution of the Federal Republic of Nigeria as follows: A bill for a law of the House of Assembly to create a new local government area shall only be passed if:

- (a) A request supported by at least 2/3 majority of members (representing the area demanding the creation of the new local government area in each of the following:
  - (i) The House of Assembly in respect of the area, and
  - (ii) The House of Assembly receives the local government councils concerning the area.
- (b) a proposal for the creation of the local government area is approved in a referendum by at least 2/3 majority of the people of the local government area where the demand for the proposed local government area originated;
- (c) the result of the referendum is then approved by a simple majority of the members in each local government council in a majority of all the local government councils in the State and
- (d) The result of the referendum is then approved by a resolution passed by two-thirds of the majority of the members of the House of Assembly.

Having satisfied the conditions/ requirements of the provisions of section 8 (3) (a) – (d) above, a new local government is deemed to be created (Nigeria 1999 Constitution as Amended).

From the preceding, it is clear that sections 7 (1) and section 8 (3) explicitly vest the State Houses of Assembly with the power to pass a bill creating a new local government area. After fulfilling the above, a return is to be made by the House of Assembly to the National Assembly to enable the latter exercise its powers under section 8 (1-5) of the constitution-The power entails the making of consequential provisions concerning the name(s) and headquarter(s) of the local government area provided in section 4 and part 1 of the first schedule to the constitution, and to that effect, including the name and headquarter of the newly created local government council.

Other factors to be considered for creating a new local government, as identified by Akande (2014) in her book, "Local Government Law and Policy in Nigeria," include:

### **Acquisition of a land mass**

A community requiring a local government must have an identified territorial base or domain designated with a name as it wishes to be known and called. A territorial base is essential for exercising jurisdiction (power) within a delineated area to avoid conflicts with the jurisdiction of other local government areas. However, having an aterritorial base does not mean it should be defined clearly. In this sense, there could be instances where some claimed areas might be subject to litigation regarding ownership with other existing local government areas, yet that cannot be sufficient enough to deprive the new local government of coming into existence.

### **Economic Viability**

A community seeking approval from the local government area must effectively manage and administer its material resources. Modern practice requires that economic viability includes not only the promotion and encouragement of the arts of material resources and graces of life but also the teaching of the efficient use of material resources, which is, after all, perhaps the finest and best part of the needed human character to be able to preserve the economy for continuous use of community from time to time. Also, such an economy may be regulated by the merger of internal economic policies and foreign policies, as the case may be.

### **Adequate Revenue**

A community seeking the approval of a local government area must have a reliable income, yield, or return from any source consistently as desired by the community. Such income will be used to manage and administer the community expenses so that it can function as an independent entity separate from that of the State under which it exists in a geographical area. Examples of such expenses include payment of remuneration to workers within the local government domain, construction of bridges (for access to areas within the domain of the local government, schools, and market, provision of medical health services, and the settlement of other miscellaneous (liabilities in the form of expenses) incurred within the local government domain.

### **Adequate Population**

A community seeking local government approval must be furnished with inhabitants. In other words, it must be numerously inhabited by people for it to merit the grant of a government capable of existing independently from the already existing local government areas within the exact geographical location. However, variations in the population number from time to time, whether by increase or decrease, will not affect the status of a proposed local government area.

### **Political continuity**

A community seeking local government approval must unanimously agree on noted principles, aims, and methods of governance to suit the generality of persons found within the domain of the proposed local government area. By so doing, there is bound to be continuity because most of the populace will be *ad idem* (having one mind and speaking with one voice). Eventually, almost every member of the community will be carried along. In this manner, dissent on issues that are likely to disintegrate the community will not arise; otherwise, such a proposed local government will have a bleak future.

### **Issues and Challenges**

The constitutional provision, legal framework, and reforms have far-reaching implications for local government administration. In a multi-ethnic federation like Nigeria, the Local Government System is important because it is a system that brings a sense of belonging to the people because even the constitutional provisions read in part that particular attention must be paid to Common interest, traditional association, and administrative convenience. This means it is a system that draws together people of like- minds. It is responsible for local affairs and designed to meet local needs. The local government reforms and constitutional provisions aim to give the local governments their essence. However, these attempts have created a wide gap, only a little to be desired, as we shall soon explore.

The controversy revolves around how the status of these three tiers is constitutionally recognized. The constitutional status of the federal and State governments is unambiguous. In sections 47-69 of the Constitution of the Federal Republic of Nigeria (CFRN), adequate provision is made for the legislative arm of government and is also made in respect of the executive powers and functions of the federal level in Section 130-152. These assigned powers and responsibilities clearly automatically grant the federal and State governments the constitutional autonomy and legal framework needed for their operations. However, the functions listed in the fourth schedule of the 1999 constitution are only for local governments.

Moreover, in the second schedule of the 1999 constitution, where legislative powers are categorized- vis-a-vis – Exclusive, concurrent, and residual legislative lists, no mention of local government is made. These situations weaken and undermine the consideration and guarantee that the local government is a third-tier because it is not recognized from the constitutional and legal point of view. In this vein, the local governments are treated merely as administrative units of the State because it states other functions that may be conferred on local government councils by the House of Assembly of the State.

Furthermore, the weakness or deficiency inherent in the 1999 constitution section 7 (1) that provides for the establishment, structure, composition, finance, and functions of the local governments further exposed the local governments. It allowed the states to manipulate this 'third tier' of government. Section 7 (1) of the 1999 constitution reads: *The local government system, comprised of democratically elected local government councils, is under this constitution. Accordingly, the government of every State shall, subject to section 8 of this constitution, ensure their existence under a law that provides for the establishment, structure, composition, finance, and functions of such councils.*

From the preceding, the legal framework does not see the local government as a third tier of government but merely as appendages and administrative units. This is because the constitution allocates the law and power for the creation of local government to the State Houses of Assembly; this grants them the overwhelming discretion to decide what happens to local governments within their State. This has made some writers/scholars like Abdulhamid and Chima argue that the inclusion/listing of local government councils in the constitution should be expunged. Hence, they become sub-units under the sole control of the State. The states decide the number of local governments they want to have, scrap, or merge. This submission would instead increase the problem of expanding the State's unfettered control already granted them by the Lacuna in the constitution rather than bring a solution.

The foundational problem of local government is section 7 (1). Section 162 (5), (6), and every other section would fall into place if section 7 (1) is amended. The introduction of the State Joint Local Government Account (SJLGA) undermines all efforts to grant the local governments financial autonomy. It posed a challenge because as a third tier of government that brings the government closer to the people and mobilizes them for participation, there should be a relative degree of financial autonomy recognized by the constitution. Against the backdrop of the weaknesses, deficiencies, and Lacuna inherent in the 1999 constitution about the third tier of government, this study is undertaken.

Section 7 (1) of the 1999 constitution empowers the state governments to enact legislation regarding the establishment, structure, composition, finance, and functions of democratically elected local government councils. Sections 7 (2) and 8 (3) also define the parameters and spelled out requirements for creating new local governments by the State and empower them to perform this task. This means where and when the State deems fit, it can create (or even dissolve, cancel) a local government. Conversely, does this mean the State has the power to dissolve an existing local government? Can the State reduce the number of local governments within its bounds? If the states are empowered to create, they should also be empowered to determine the number of local governments within their bounds. However, this is the case; instead, the 774 local governments are included in the constitution, making it difficult to add and subtract. That is why Suku and Anyio (2018) couched them as 'federal local governments.' According to them, the local governments are in the fourth schedule of the Nigerian constitution and not on the residual list under state control. Thus, the State does not even have absolute control over the local governments.

The constitutional provisions empower the state governments to see their creation and establishment alone and their structure, composition, finance, and functions. Based on this loophole, the State exploits to weaken the local government financially. The State Joint Local Government Account (SJLGA) was established in section 162 (6) to make matters worse. Allocations are remitted to this account to be redistributed to the local governments by the State. Moreover, the states, based on available evidence, often fail to release the funds to the local governments but spend the same on behalf of the local governments. Abdulhamid and Chima (2016) have pointed out that the state governments have taken over most local government functions to justify spending funds earmarked for councils in the joint revenue account.

The Kaduna State government, in a bid to fulfill the constitutional mandate of enacting law for the local governments, enacted the Codification and Consolidation Law that has tactically

side-line the local governments within the State from collecting revenues, based on the interpretation that the constitution does not provide for 'custody' by the local governments but 'collection.' As such, all revenues collected are remitted to the State Account. The state Revenue Service has taken over the duty. This aligns with Abdulhamid and Chima's (2016) argument, as highlighted above.

The states often determine the tenure of elected members in the local governments. Akande pointed out a case between the Governments of Akwa Ibom State and Hon. Peter John Umah, Chairman of Ini Local Government Council in the State State, in 2000. The Governors unduly terminated the tenure of the elected chairman in the State State; this generated much controversy and was settled in court - the court ruling against the state government. Wilson (2013) also pointed to cases in states like Edo, Imo, Ondo, and Rivers. He observed that they truncated the tenure of the democratically elected councils and replaced them with members of the ruling political party in the states as caretaker committees. In most cases, the state governments decide not to conduct elections for the local councils. It is observed that some states still need to put a caretaker committee in place.

It is in Cross River State under Governor Ben Ayade, who, in his first term in office (2015-2019), never inaugurated any caretaker committee but used the Heads of Local Government Administration (HOLGAs) to run the council for over four years and only giving them peasants as security vote till May 25, 2020, chairpersons election. According to Abdulkamid and Chima (2015), this assaults the principle of popular participation in grassroots democracy. Suku and Anyio (2018) argue that the control of the local government should be made the sole responsibility of the State because they are in a better position to do so. This can be obtainable only if institutional mechanisms can check the operation and activities of the State. This is because the 1999 constitution has already given the states broad powers to manage local government issues. The states have exploited the Lacuna in the constitution (especially where the constitution is silent, like in the area of custody of revenues) to weaken the local government further even though there is a degree of central control; how much more is left to the states alone? The over-bloated control from the states on the local governments has affected and will continue to affect the performance of local governments in Nigeria and Kaduna State.

### **General Problems of Local Government in Nigeria**

The provisions of section 7 CFRN1999 conferred elaborate functions to local government to transform the rural communities and put Nigeria on the part of development. Regrettably, since the 1976 reform, local governments in Nigeria have remained shadows and only decorated rural communities with little or no meaningful contribution toward lifting the rural areas of Nigeria. This is not unconnected to the myriads of problems this system is facing, including but not limited to;

1. Inadequate public support: Most local governments do not enjoy the support of their constituents. People are only sometimes willing to pay local taxes and user fees for services the local governments provide. This is not unconnected with the behaviors of the leadership and other officials of the local government, which alienate the people at the grassroots.
2. Poor funding: Most local governments are frustrated by the lack of finance to discharge their legitimated responsibilities as a result of section 162 (6), which provides for joint allocation and other sharp practices by state governors in conjunction with the local government leadership
3. Unskilled Workers: Arising from limited funds, the local government finds it challenging to recruit and retain a highly qualified professional workforce to enable them to undertake specific developmental projects
4. Lack of Autonomy: According to the section, local government needs more independence regarding original jurisdiction and financial autonomy. Section 162 (6) provided for joint account, which negates fundamental principles of federalism



5. Leadership problem: The politicization of local government and the consequent deployments of thugs and other party loyalists who could not get anything from State and national for want of experience, knowledge, and qualification to local government as their settlement breeds bad leadership poor policy direction and objectives
6. Administrative Inefficiency: Using local government as settlement grounds for the party faithfully with little or no formal education, which aligns with the notion that "you cannot give what you don't have," results in poor administrative and general inefficiency.
7. Inadequate and Poor Budgetary Allocation. Coupled with the alienation of the people at the grassroots from the affairs of local government, corruption, and embezzlement of public funds, as well as the effect of section 162 (6), local government has shown malnourished and financially starved for the time being
8. Corruption: In the words of Alex Gboyega (1991), this is the bane of Nigeria's local government funds being embezzled by its officials and diverted to acquiring more wives and multiple boys' and girls' friends. Most of the officials lived in state capital cities and showed up only at the end of the month, among others.

### **Findings**

Undoubtedly, the Nigerian local government system needs to perform better. Being one of the most prominent world federal states, one expects that it should have performed above what has been observed, considering how the federal union evolved and the political restructuring it has undergone to realize true federalism like many other federal unions. Nigeria operates a federal system with a three-tier structure: the federal, State, and local governments.

1. The uncontrolled access of state governments to local government finances is warranted by the provisions of Section 7(1) of the CFRN.
2. The same provision is occasioned by the unfettered control of the state governments over the local governments regarding their establishment, structure, and existence.
3. The local government has no legal status as a federating unit spelled out in the constitution like that of the Federal and State governments as contained in the General provisions, chapter 1, Part 1 Sub- Section 2 of the CFRN.
4. efforts to grant local governments autonomy are undermined by Section 162 (5), (6) of the 1999 Constitution, which established the JSLGA.

### **Conclusion**

The evolution of Nigeria's local government system from the native authority system to a modified system under the three-state structure, now 36 states with the Federal Capital Territory and 774 local governments, proves the point that the system is evolving. The various reforms aimed at making the local government a third-tier system are plausible. However, the local administrative system, which forms the nucleus of the administrative capacity of Nigeria, needs to be more robust and supported. The local government faces political and administrative turbulence and a constitutional assault, given its place in the constitution. Despite the assault and downgrade, the local government system still survived, given its role in democratization, grassroots participation, and democratic inclusiveness. It remains the most efficient and veritable instrument for the mobilization of the local people to inculcate in them democratic principles and values. This is why particular attention must be paid to this administration unit to give it the required legal status and proper place that guarantees its existence for grassroots mobilization. On this note, a constitutional framework that guarantees its powers, structure, finances, and functions should be adopted or enacted, as this will help lend a hand to the neglected rural populace.

## Recommendations

Having discussed the issues raised in this work, the findings discovered, and the conclusions drawn, the following recommendations are envisaged:

1. To reduce/ curb state control over the functions and finances of the local government, section 7 (1) should be amended while section 162 (6) be expunged from the CFRN1999 as amended.
2. The local government should be granted legal status as a third tier of government, which is what actual- federalism requires. This status can be achieved if it is spelled out and established in the General Provisions, chapter 1, Part 1 Sub-Section 2, the same way that of the states and the federal government is established in the Constitution of the Federal Republic of Nigeria.
3. Financial autonomy should be granted to the Local Governments. This entails removing SJLGA from the constitution and a fiscal arrangement where local government councils will be accountable for the funds they allocate directly.
4. Institutional mechanisms should be put in place to serve as checks on the activities and operations of the local governments as they are known in the past as corrupt tier of government.
5. The State should stop undue interference in the internal affairs of local government.
6. Sound and efficient management policies and programs should be instituted to facilitate probity and accountability in using public funds at that level.

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