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LOCAL GOVERNMENT ADMINISTRATION IN NIGERIA: AN EVALUATION

BY

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ABSTRACT
This paper evaluates the Local Government in Nigeria with the intent of examining its Administration. In achieve this, the paper examines the history of Local Government administration in Nigeria from the Colonial period till date, the functions of the local Government as well as some of its powers including the power to delegate authority, the power to establish committees and the power to make declarations and modifications on customary laws. The paper further examines factors plaguing the effective administration of Local Government including issues of corruption, overbearing control of the State Government as well as poor finance packaging. The paper makes several recommendation including amendment of the Constitution to include clearer provisions pertaining to the power and control of the Local Government in Nigeria.

INTRODUCTION

In Nigeria today, there are three tiers of government which are the Federal Government, (Government of the thirty six states and Abuja), and then the Local Government. There are currently seven hundred and seventy four local government councils in Nigeria.

One primary responsibility of the Local Government is the provision of essential social services, development of infrastructure, protestation of the dwellers of the locality from domestic violence and many others which shall be addressed in the body of this work. These functions have, by the provision of the Constitution of the Federal Republic of Nigeria 1999, delegated to local government councils. local government councils must be able to effectively identify and target the neediest communities, have systems in place to track expenditure on projects and be able to determine if the allocation of resources has had an impact. So, it is important that any work done within the social accountability arena should have a strong focus on service delivery within the local government council's environment. The most immediate need is to improve the ability of citizens to engage with the local government councils so that they may be empowered in gaining an understanding of where the priority areas are and what the local government councils are planning to do. It will also give citizens an opportunity to hold local government councils accountable for the delivery of social services.[1]

The Management, Control and effectiveness of the Local Government in Nigeria have been a challenge even before The country attained independence from Colonial rule.

One of the recurrent problems of the three-tier system in Nigeria is dwindling revenue generation as characterized by annual budget deficits and insufficient funds for meaningful growth and viable projects development. [2] Local governments are the nearest government to the people at the grassroots in Nigeria, they are strategically located to play a

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[1] S. K. Halim and S. A. Adelabu 'Modelling Local Government System In Nigeria' Kuwait Chapter of Arabian Journal of Business and Management Review Vol. 1, No.1; September 2011

[2] A. Adedokun Local Government Tax Mobilization and Utilization in Nigeria: Problems and Prospects 2004 visar.csustan.edu/aaba/Adedokun.pdf last accessed 10th June 2014

pivotal role in national development. Since they are responsible for the governance of about 70 percent of the population of Nigeria, they are in vantage position to articulate the needs of the majority of Nigerians and formulate strategies for their realization.[3]

Other problems such as substantially inadequate provisions of the Constitution as to the recognition of the autonomy of Local Government Administration in Nigeria has seen the birth of confusion and complexities. The primary problem with this confusion paints the Local government as a mare appendage of the state government in Nigeria.

Despite the seemingly endless hindrance and limitations faced by the Nigerian Local Government Administration, the Local Governments have proved to be a an effective and necessary institution. Despite their inadequate finances, local governments have been very useful in opening up and developing the rural areas through the provision of both earth and tarred roads in several part of Nigeria.

The Nigerian Local Government administration has also been actively involved in the provision of electricity, water, market stalls, health centres just to mention a few, in both the urban and rural areas in Nigeria.

A Brief History of The Nigerian Local Government

Local administration in Nigeria can be traced to the colonial period. Available record shows that the first local administration ordinance was the Native Administration Ordinance No. 4 of 1916 which was designed to evolve from Nigeria's old institutions the best suited form of rule based on the people's habits of thought, prestige and custom[4]. These local administrations were used in the north eastern and western parts of the country while the indirect rule was introduced in the rest of the north. Following the creation of Northern, Western and Eastern regions in 1946, a decentralized public revenue structure began to emerge. The first revenue commission was set up in 1946. During the colonial period, four revenue commissioners were created. The principles, criteria and allocation formulas recommended by the commissions are well documented[5]. Macpherson constitution of 1948 initiated some remarkable changes, the regions introduced some reforms in their local administrations in the 1950s which aimed at enhancing performance. Though, the reforms gave local administrations to collect rates and levy pools and income taxes to finance their activities, the regions had overall control of the taxes. Local administration lacked self-determination, hence their resource were inadequate. Though, the local authorities were partially successfully in the North but unsuccessfully in the Eastern and Western regions.[6]

The ineffectiveness of local administration can be attributed to the following reasons;
(a) Lack of mission or lack of comprehensive functional role
(b) Lack of proper structure (i.e. the role of local governments in the development process was not known).
(c) Low quality of staff; and
(d) Low funding.[7]

According Adedeji[8], these problems led the local governments into a vicious circle of poverty because inadequate functions and powers lead to inadequate funding which result in the employment of low skilled and poorly paid staff. Local government administration in the country experienced fundamental changes in 1976. The 1976 local government reform created for the first time, a single-tier structure of local government in place of the different structure in the various states. Our interest in the 1976 reform hinges on the restructuring of the financial system. The reforms instituted statutory allocation of revenue from the federation account with the intention of giving local government fixed proportions of both the federation account and each states' revenue. This allocation to local government became mandatory and was entrenched in the recommendations of the Aboyade Revenue Commissions of 1977. The 1979 constitution empowered the national Assembly to determine what proportion of the federation account and revenue form a state to allocate

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[3] ibid
[4] Imam, I. B. 'Local government finance in Nigeria.' Ibadan: NISER, 1990. Pg44
[5] S. K. Halim and S. A. Adelabu 'Modelling Local Government System In Nigeria' Kuwait Chapter of Arabian Journal of Business and Management Review Vol. 1, No.1; September 2011
[6] ibid
[7] Adedeji, A. (1969). 'Nigerian Federal Finance' London: Hutchison.
[8] ibid

the local government. In 1931, the National Assembly fixed these proportions at 10percent of the federation account and 10 percent of the total revenue of a state. In 1985, the state's proportion was reduced to 10 percent of the internally-generated revenue, local governments' allocation from the federation account was later adjusted to 20 percent. It was further increased to 25 per cent with the arguments that local governments are expected to take on larger developmental responsibilities. The revenue allocation has continued to vary in proportion over time.

At present, local government receive 20 per cent of the federation account. In addition, proceed from the value added tax (VAT) are also allocated to them. Presently, VAT's allocation is 35 per cent based on equity of states (50 per cent), population (35 percent) and derivation (2 percent).[9]

There has been a significant increase in the number of Local Governments over the years. There were 96 divisions in 1967. By 1976, they had increased to 300. The number was increased to 774 after five years.[10] The rise in the number of Local Governments as implications on the assignment of public revenue responsibilities among the tiers of government.[11]

The Establishment of Local Government in Nigeria

The Constitution of The Federal Republic of Nigeria guarantees the system of local government by democratically elected local government[12]. The Constitution further charges every State Government to ensure their existence (Local Government Council) under a specific Law which shall provide for their establishment, structure, composition, finance and functions of such councils.[13]

The Creation of every local Government is further enjoined by the Constitution to the agencies charged with their establishment to define such area as clearly as practicable and also ensure, to the extent to which it may be reasonably justifiable that in defining such area.[14] Three factors are provided by the Constitution to be considered in the establishment of a Local Government area which are; the common interest of the community in the area, traditional association of the community and administrative convenience.[15]

The administration of A Local Government like at the State and Federal Level is required to be occupied democratically. Against this backdrop, the Government of every State is charged with the duty to ensure that every person who is entitled to vote or be voted for at an election to House of Assembly shall have the right to vote or be voted for at an election to a local government council.[16]

Revenue Allocation of Local Government

Like many other provisions of the Constitution on Local Government, the aspect of Revenue allocation is vague and states only as follows

> 'the National Assembly shall make provisions for statutory allocation of public revenue to local government councils in the Federation'[17]
> 'the House of Assembly of a State shall make provisions for statutory allocation of public revenue to local government councils within the State.'[18]

This is to a degree understandable as not every local Government have different income capabilities and since a bulk of their income will be based on how much money they make it might be hard to reach a unified degree of revenue allocation.

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[9] S. K. Halim and S. A. Adelabu 'Modelling Local Government System In Nigeria' Kuwait Chapter of Arabian Journal of Business and Management Review Vol. 1, No.1; September 2011

[10] A. Adedokun Local Government Tax Mobilization and Utilization in Nigeria: Problems and Prospects 2004 visar.csustan.edu/aaba/Adedokun.pdf last accessed 10th June 2014

[11] ibid

[12] Section 7(1) Constitution of the Federal Republic of Nigeria 1999 (as amended)

[13] ibid

[14] Section 7(2) Constitution of the Federal Republic of Nigeria 1999 (as amended)

[15] ibid

[16] Section 7(4) Constitution of the Federal Republic of Nigeria 1999 (as amended)

[17] Section 7(6) (a) Constitution of the Federal Republic of Nigeria 1999 (as amended)

[18] Section 7 (6) (b) Constitution of the Federal Republic of Nigeria 1999 (as amended)

The allocation of functions among the component units of the Nigerian federal system is set out in the Second Schedule of the 1999 Constitution of the Federal Republic of Nigeria. The schedule specifies three main categories of legislative functions which are, the exclusive legislative list, which contains 68 functions to the exclusivity of the Federal Government, The Concurrent legislative list, which consists of eight functions upon which both federal and state governments can legislate and some other residual legislative functions which. The Constitution also set out functions of the Local Government, these functions are classified into two categories. The first category consists of those functions to be solely performed by the local governments, while the second consists of those to be performed concurrently or in 'participation' with their respective state governments. The main issues surrounding the tax-raising powers of local government centre around the inadequacy, in terms of coverage, and the non-buoyancy/inelasticity of those tax or revenue heads that fall under the jurisdiction of local government[19]. In practice, only one tax source which is actually exploited by the Local Governments is the Market. What is more, even the property taxes and rating that is also a primary tax source for the Local Government is, in reality, under the legal jurisdiction of the state as evidenced from the 1999 Constitution[20] which provides that tenement rates or private property can be assessed by local governments but the levying of the rates will have to be prescribed by the state house of assembly.

Ergo, not surprisingly, revenues from these internal sources amount to a less than significant portion of local governments total recurrent revenue. The inability of local governments to raise substantial portions of their total recurrent revenue requirements from internal sources which, undermines the autonomy that is implicit in the idea of a third tier government, has, of course, become common-place knowledge.[21] The reasons for this have ranged from the very narrow revenue base imposed on local government by the statutory distribution of tax-raising powers to the continuous infringement of their revenue rights by state governments in particular[22].

Procedure for Creating a New Local Government

The State are given the power to create new Local Government Areas by the Constitution. A bill for a Law of a House of Assembly for the purpose of creating a new local government area shall only be passed if a request supported by at least two-thirds majority of members (representing the area demanding the creation of the new local government area) in each of; the House of Assembly in respect of the area, the local government councils in respect of the area. This request should be received and examined by the House of Assembly of the State where the Local Government Area is demanded.[23]

A proposal for the creation of the local government area is thereafter approved in a referendum by at least two-thirds majority of the people of the local government area where the demand for the proposed local government area originated. 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. The result of the referendum is then approved by a resolution passed by two-thirds majority of members of the House of Assembly.[24]

Functions of The Local Government In Nigeria

The Constitution set out the functions of the Local Government Council to include the following;

1. The consideration and the making of recommendations to a State commission on economic planning or any similar body on the economic development of the State, particularly in so far as the areas of authority of the council and of the State are affected, and proposals made by the said commission or body

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[19] Akindele S.T and Olaopa 'Fiscal federalism and local Government finance in Nigeria' unpan1.un.org/intradoc/groups/public/documents/CAFRAD/UNPAN008121.pdf last accessed 12th June 2014

[20] Second Schedule

[21] Akindele S.T and Olaopa 'Fiscal federalism and local Government finance in Nigeria' unpan1.un.org/intradoc/groups/public/documents/CAFRAD/UNPAN008121.pdf last accessed 12th June 2014

[22] ibid

[23] Section 8(3) Constitution of the Federal Republic of Nigeria 1999 (as amended)

[24] ibid

2. Collection of rates, radio and television licences;
3. Establishment and maintenance of cemeteries, burial grounds and homes for the destitute or infirm;
4. Licensing of bicycles, trucks (other than mechanically propelled trucks), canoes, wheel barrows and carts
5. Establishment, maintenance and regulation of slaughter houses, slaughter slabs, markets, motor parks and public conveniences
6. Construction and maintenance of roads, streets, street lightings, drains and other public highways, parks, gardens, open spaces, or such public facilities as may be prescribed from time to time by the House of Assembly of a State
7. Naming of roads and streets and numbering of houses
8. Provision and maintenance of public conveniences, sewage and refuse disposal
9. Registration of all births, deaths and marriages
10. Assessment of privately owned houses or tenements for the purpose of levying such rates as may be prescribed by the House of Assembly of a State.
11. Control and regulation of -
    - out-door advertising and hoarding,
    - movement and keeping of pets of all description,
    - shops and kiosks,
    - restaurants, bakeries and other places for sale of food to the public,
    - laundries, and
    - licensing, regulation and control of the sale of liquor.
12. Participation in the Government of a State in matters such as;
    a. the provision and maintenance of primary, adult and vocational education
    b. the development of agriculture and natural resources, other than the exploitation of materials
    c. the provision and maintenance of health services

Examination of the Powers of Local Government Administration in Nigeria

Pursuant to the several duties conferred by the Constitution on the Local Government in Nigeria, the Local Government wield several powers defined particularly by state laws. Some of which shall now be examined considering examples from both Oyo and Kwara State Laws.

Delegation of Powers By Local Government

A Local government may delegate to a development Area Officer having authority over a part of the area of authority of the council, with or without restrictions and conditions, any of the power conferred on it under the Federal and State law to enforce any by –laws of its enactment.

A delegation shall not be made under this section except with the consent of the Commissioner and of the area authority to which the power is to be delegated .

In the exercise of powers delegated under this section, the area authority shall act as agent of the delegating Local Government.[25] These provisions as contained in the Kwara State Laws are also in *Pari material* with corresponding laws of Oyo State[26].

Power To Establish Emirate/ Traditional Councils

The Governor may by order establish for such Emirate or other traditional areas an Emirate Council or, as the case may require, a Traditional Council[27].

Each Council established shall consist of the following members-

a. The Emir, Oba or Principal Chief as President thereof and in appropriate cases, two or more such persons shall hold offices as President either successively or alternately .
b. Other traditional title holders

[25] Section 27 Local Government (Miscellaneous Provisions) Law CAP.L8 Laws of Kwara State, 2007
[26] Section 67 Local Government Law CAP 78 The Laws of Oyo State Of Nigeria, 2000
[27] Section 34 Local Government (Miscellaneous Provisions) Law CAP.L8 Laws of Kwara State, 2007

c. One of two members from the local government, or where there are more than one local governments within the area of an Emirate or Traditional Council, one or two members from each such local Government
d. Such other persons who may desire to make the Council as broadly representative of the major facets of life in the area as the Governor may nominate
e. The Chairman of the Local Government Council in attendance[28]

Declarations And Modifications Of Customary Law

A local Government in Nigeria has the power to make declaration and recommen modifications of customary law of its area of authority.

Where a Local Government chooses to exercise such power, it shall have the powe to;

a. Make a declaration stating the customary law which appears to it to apply in its are or any part of its area to any matter
b. Submit a recommendation that the customary law applying in its area or any part o its area to any matter be modified in the manner therein state.[29]

Establishment of Committee

The Local Government are empowered to establish Committees for the purpose o carrying out the functions charged on them. Some of such committees which have beer established are as follows;

1. Finance and General Purpose Committee[30]
2. Education Committee[31].
3. Local Government Peace and Security Committee[32].
4. Police Committee[33].
5. Disqualification of membership committee[34]

Good Governance and Accountability in Local Government Administration

Rule of Law

Rule of law as an essential feature of good governance implies the existence of fair legal frameworks that are enforced impartially, and constitutional procedural arrangements are adhered to consistently.[35] Nigeria is a developing democracy with a claim to constitutionalism. The truth of the matter is that having a constitution is one step of the game, and adhering to the constitution is another step of the game.[36]

Participation

It is best borne in mind that no government can survive in vacuum. There is the dire need for participation by both men and women is central to good governance it could be either direct or through legitimate intermediate institutions or representation. Good governance implies and requires that the processes of participation are guided by principles and standards of integrity, transparency and accountability. It is the function of local government administration to ensure that concerns of the most vulnerable in society are taken into consideration in decision making. It should be noted that the participation that will give rise to good governance is one that is devoid of manipulation through unethical and no transparent practice[37]. The mentality of the military regime which is unfortunately still being dragged into the new democratic era as was witnessed during the office of

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[28] ibid
[29] Section 73 Local Government (Miscellaneous Provisions) Law CAP.L8 Laws of Kwara State, 2007
[30] Section 5 Local Government (Miscellaneous Provisions) Law CAP.L8 Laws of Kwara State, 2007 in *pari materia* with Section 41 Local Government Law CAP 78 The Laws of Oyo State Of Nigeria, 2000
[31] Section 6 Local Government (Miscellaneous Provisions) Law CAP.L8 Laws of Kwara State, 2007 in *pari materia* with Section 42 Local Government Law CAP 78 The Laws of Oyo State Of Nigeria, 2000
[32] Section 11 Local Government (Miscellaneous Provisions) Law CAP.L8 Laws of Kwara State, 2007 in *pari materia* with Section 33 Section 50 Local Government Law CAP 78 The Laws of Oyo State Of Nigeria, 2000
[34] Section 47 Local Government Law CAP 78 The Laws of Oyo State Of Nigeria, 2000
[35] P. O. Oviasuyi, W. Idada & L Isiraojie 'Constraints of Local Government Administration in Nigeria' J Soc Sci, 24(2): 81-86 2010
[36] A. T Shehu 'The enforcement of Social and Economic Rights in Africa *Afe Babalola University: Journal of Sustainable Development Law and Policy* Vol. 2 Iss. 1 (2013), pp. 101-120
[37] Ojo S. 'Issues in Perspective'. In V.O Aghayere, F.E Iyoha 'Ethnics, Standard and Accountability in Governance'. Ekpoma: Institute for Governance and Development, Ambrose Alli University. 2009

Obasanjo[38] must be done away with so as to ensure true and valuable participation in Governance.

Transparency

Where there is good governance, all that is at stake is public interest and there will be nothing to hide. The reason for good governance has continued to be problematic in Local Government Administration in Nigeria. This is as a result of lack of transparency in dealing with critical political, economic and administrative issues. The handling of issues, such as service delivery, appointments to public positions are not done in a transparent manner. It should be clear that, government presence and access to resources would remain less satisfactory to the people unless it is based on transparency.[39]

Responsiveness

It means that public policy decisions and implementation represent adequate responses to popular needs and expectations good governance requires that the fundamental interest and ultimate purpose that defines policies and actions of government must represent adequate response to the genuine and legitimate needs of the people. In other words, good governance requires that institutions and processes of government try to serve all stakeholders within a reasonable timeframe.[40] The constitution, as the contractual instrument between the organs and the people, clearly expresses the desire and will of the people as to the powers granted the organs[41].

Government Appointments

There is no gain saying the fact that appointment of people into Local Government and its Commission adopts unfair and unethical patronage practices based on considerations and criteria devoid of merit. This is a common phenomenon in local government administration in Nigeria. The Local Government is perceived as a failed system of government by majority of Nigerians and as such aspiring government workers with apposite qualifications steer clear of the Local Government Councils.

It should be noted that good governance cannot be ensured under such perception. Youths should be educated on the Rights and Capabilities of the Local Government and encouraged to implement them by contributions from various fields of studies. Skills and competence related criteria should be used for all local government appointments in order to get the best hands on the job. From the above perspective of local government administration, it is clear that for good governance and accountability to exist in a local government arrangement, the above characteristics need to be taken into serious consideration.[42]

Effectiveness and Efficiency

Good governance in Local Government administration makes possible that adequate value and benefits are derived from government resources committed to programmes and projects of government. Good governance in this regards means that processes and institutions produce results that meet the needs of society, while making the best use of available resources at their disposal.[43]

Accountability

Accountability means that people will be able to hold local government authorities responsible for public issues as it is affecting them. In order words, accountability involves an obligation to explain or justify specific actions[44]. This is a key requirement for good

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[38] Shehu, A.T "Constitutional Crises between the Executive and the Legislature 1999-2003", Unpublished 2009

[39] P. O. Oviasuyi, W. Idada & L Isiraojie 'Constraints of Local Government Administration in Nigeria' J Soc Sci, 24(2): 81-86 2010

[40] Ojo S. 'Issues in Perspective'. In V.O Aghayere, F.E Iyoha 'Ethnics, Standard and Accountability in Governance'. Ekpoma: Institute for Governance and Development, Ambrose Alli University. 2009

[41] Shehu, A. T. & Akanbi M. M " Modeling Separation For Constitutionalism: The Nigerian Approach" Journal of Law, Policy and Globalization ISSN 2224-3240 (Paper) ISSN 2224-3259 (Online) Vol 3, 2012

[42] P. O. Oviasuyi, W. Idada & L Isiraojie 'Constraints of Local Government Administration in Nigeria' J Soc Sci, 24(2): 81-86 2010

[43] ibid

[44] FE Iyoha 'Local Government and Rural Development: A Bottom- Up Perspective. Lagos' Sylva Publications Limited. 1999

governance in local government administration in general, and a system or an institution is accountable to those who will be affected by its decisions or actions. It should be noted, therefore, that accountability cannot be enforced without transparency, the rule of law and constitutionality.[45]

Factors Plaguing the Effective Management of Local Government Administration in Nigeria

Ambiguous Constitutional Provisions

A primary problem that plagues the effectiveness of Local Government in Nigeria is the apparent constitutional inadequacies, confusion and complexities, such as that which statutorily see local authorities as an appendage of the state and further that of the Federal government. There is no doubt that not enough details to guarantee Local Government Autonomy are contained in the Constitution. States of the Federation exploit this inadequacies at the expense of the Local Governments. However, recent judicial decisions will reveal the attitude of the Court on the overbearing nature of the other tiers of Government. The Supreme court in 2006[46] held that the National Assembly cannot validly make a law permitting direct allocation to Local Government Councils. Rather such money must be allocated direct to the state, which shall in turn pay same into the State Joint Local Government Account vide section 162 of the Constitution

Inadequate Finances

The Local Government lacks the financial and human capacity to deliver on the statutory and shared responsibilities between it and the other tiers of government. This is largely due to the incommensurate allocation that they receive from the Federal and State Government. This is due to the fact that Local Governments make minimal input into the decisions on resource allocations at both the federal and state levels

Poor Leadership Qualities

Another factor hindering local governments' performance has to do with the recruitment of persons who do not possess the requisite leadership and managerial skills to deliver the gains of governance to the people. The Constitution of the Federal Republic of Nigeria makes provision that the qualification for election into offices of the Chairman and the Councillors shall be the same as that of the election into the House of Assembly of a state. Section 106 of the Constitution[47] puts the minimum educational qualification for election into the House of Assembly of a state as post primary school certificate. This entails that the average political office holder in the local government is not expected to be skill-qualified or one vested in any discipline. The has made the local government councils dumping ground for semi-literates or a starting point for political toddlers

Corruption

Like every other sector, another issue that bridles the local governments' performance is corruption. Corruption eats at the fabric of any society. It is a statement of fact that in the local government system, corruption has become all pervading, unabashed, uncontrolled and persistent.[48] This explains the inefficiency and ineffectiveness in local government administration in Nigeria. The system has virtually become superfluous and redundant[49]. Some of the areas where corruption thrives in local government include the following:

(a) Inflation of prices of bought items;
(b) Over-estimation of cost of projects;
(c) The ghost workers syndrome;
(d) Award of contracts and subsequent abandonment; and

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[45] P. O. Oviasuyi, W. Idada & L Isiraojie 'Constraints of Local Government Administration in Nigeria' J Soc Sci, 24(2): 81-86 2010

[46] A.G. Abia State and 2 others V. A.G. Federation and 33 others (2006) 16 NWLR (pt.1005) 372-373 paras H-A

[4747] Federal Republic of Nigeria, 1999 (as amended)

[48] P. O. Oviasuyi, W. Idada & L Isiraojie 'Constraints of Local Government Administration in Nigeria' J Soc Sci, 24(2): 81-86 2010

[49] ibid

(e) Outright payment of huge sums of money to political godfathers, etc. It is important t state at this point that the high rate of corrupt practices in the local government cannot b overemphasized, as it has over the years rendered the local government administratio inactive and devoid of concrete developmental activities[50]

State Influence

The overbearing influence of the States and States Houses of Assembly on Local Government Administration in Nigeria is also a hindering factor for effective performance. The question that readily comes to our minds at this point is how do we remove the local government administration from the strong hold of state governments? What happens to the Joint State Local Government Account?[51]. These are questions that demand immediate attention. Oviasuyi is of the opinion that one essential manner local authorities could be removed from the strong-hold of the state government is the constitutional discontinuation of the under developmental practice of Joint State/Local Government Account such that local authorities can have direct and unfettered access to their allocations.[52] What is more, the Local Government across the country have the same structure, this would not allow for coordination, efficient and effective revenue allocation and structural uniformity that is essential in Federalism[53]

Lack of Continuity

Another major problem in local government administration in Nigeria is the lack of continuity by succeeding governments. This has become a major problem plaguing local government administration in Nigeria, as succeeding government fails to continue with the programmes and projects that are left behind by a past administration. This has over the years led to economic and financial wastage as well hindrance of development[54]

CONCLUSION AND RECOMMENDATION

The paper sought to evaluate the administration of Local Government in Nigeria. It is indisputable that the powers, duties and obligations of the Local Government in Nigeria is enshrined in the constitution. The issues however are in the recognition and implementation of the rights accorded to the Local Government as well as the performance of duties required of the Local Government by their administrators. The rule of law is a necessity in achieving a valuable and effective Local Government Administration in Nigeria. A.T. Shehu opines on rule of law that whilst the idea of the rule of law might not have a stable meaning or content, however its one abiding principle is regularity of law, the idea that man is governed by law and regulations and not by the caprices of the rulers. It demands equality before the law, the law is no respecter of anyone or institution, that governance must be in accordance with the law and not by the whims of any person, for the law is supreme and governs even the governors whose powers and functions are only creations of the law itself, be it national, regional, continental or international in character.[55] There is then little doubt that a genuine and liberal reading of the Constitutional Provisions on Local Government and State Laws as well as appropriate interpretation of such laws will see the Local Government in Nigeria thrive to the purpose for which it was established.

Also, though judicial review as a constitutional theory and the bedrock of separation of powers, remains an object of persistent and rigorous attack[56] it remains necessary the primary source of checking the powers of State and Federal Government over the Local Government in Nigeria. Admittedly, review of the provisions of law pertaining to Local

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[50] Aghayere VO 'Dominant Issues in the Nigerian Local Government System: A Contemporary focus. Lagos' Imprint Services, pp. 5-6, 195. 1999

[51] Chizea B, Ubhenin O. 'Current Perspectives on Local Government in Nigeria. Benin City: DOS-Nitas Global.'

[52] P. O. Oviasuyi, W. Idada & L Isiraojie 'Constraints of Local Government Administration in Nigeria' J Soc Sci, 24(2): 81-86 2010

[53] A.T. Shehu, 'Corruption and Challenges to Revenue Generation by Local Government' cited in M.H. Adeniran 'An Appraisal of the Kwara State Local Government Law' (A seminar paper presented at an LL.M class Faculty of Law, Unilorin, Ilorin, Kwara State) 2014

[54] ibid

[55] A. T. Shehu 'Rule of Law in Nigeria' Journal of Law, Policy and Globalization ISSN 2224-3240 (Paper) ISSN 2224-3259 Vol 3, 2012

[56] Shehu, A.T. (2010) "The Foundation of Judicial Review: A View from Nigeria", *Jindal Global Law Review* 2(1), 217-236.

Government will be made tedious by several ambiguous and abstract provisions of th constitution. This phenomena affects other provisions of the constitution for instance th constitution fails to define the executive powers of the president defining them only a 'executive powers of the federation[57] there is however the need to interpret the Constitutio liberally.

It is against the backdrop of the several factors plaguing the effective administratio of the Local Government in Nigeria that the following recommendations are drawn.

- Additional areas of tax and licensing to be added to the Local Government legislativ list, Police and Judiciary at local Government level as well as the establishment o the office of an Attorney-General of Local Government.
- Extensive amendments of the Constitution to define clearly, the powers and duties of the Local Government so as to aid in its effective administration.
- The addition of taxable as well as licensing areas to the legislative list of the Local Government in order to increase the finance for better administration,
- The Creation of Local Government police to better help the Local Government enforce their policies and By-laws as well as the protection of the residents of rural areas in their jurisdiction.
- Making the appointments, legislation and jurisdiction of the Customary Court to be in the jurisdiction of the Local Government. This will further give the Local Government some autonomy over issues within their jurisdiction.

There should be established, the Office of Attorney-General in each Local Government this will, among other things, help with matters between Local Government and the State Government or even the Federal Government. The office prosecute matters where State or Federal Government encroach on the jurisdiction of the Local Government.

[57] Constitution of the Federal Republic of Nigeria 1999", *Kogi State University Bi-Annual journal of Public Law*, 124-134.