

State-Local Relations In Nigeria And Its Implication On Public Service Delivery At The Local Government Level

VAMBE, JEREMIAH TERSUR (Ph.D)

Department of Public Administration University of Abuja, Abuja-Nigeria

ABSTRACT: *The opinion of many scholars and practitioners is that public service delivery at the local government level in Nigeria has continued to dwindle since the return to democracy in 1999, despite federal allocations to the local government. Lack of finance, autonomy and qualified personnel are among many factors that have been identified as reasons for this situation. Using Gabriel Almond's Structural-Functionalism as a theoretical basis, and relying on secondary data and contextual analysis, the paper undertook a State-Local relations assessment and contends that local governments have not been able to maximize their potential as a third tier of government due to actions of state government in interpreting the ambiguous provisions of the 1999 Constitution leading to conflict in sources of revenue and general administration; dissolution of council and the whittling of the powers of the Chairmen. The paper concludes that the low level of development at the grassroots is essentially due to skewed State-Local relations. The paper recommends that Section 7 of the 1999 Constitution should be reviewed to precisely define the oversight powers of state over local government to prevent arbitrary dissolution of local government councils; local government Allocations should be contained in the "Consolidated Account" and be directly disbursed by the federal government under the supervision of the National Assembly; political actors at the state and local government levels should be willing to allow their actions to be guided by the letters and spirit of the 1999 Constitution.*

KEY WORDS: *Constitution, State Government, Local Government, Public Service, Relationship*

I. INTRODUCTION

The primary body established by the 1999 Constitution for the conduct of affairs of each Local Government Area in Nigeria is the Local Government Council. As creatures of a third tier of government, local governments are constitutionally mandated to perform basic functions: to provide machinery for the discussion of local needs and for the provisions of corresponding services within the competence and capability of the local area; to provide machinery for the execution at the local level of state and federal government policy; to provide a consensus mechanism for the resolution of conflicts of interest at the local level; and to provide training ground for political participation and articulation (Okoli, 2000). This implies that local governments in Nigeria are expected to render essential services that will promote socio-economic development of the people at the local level. The extent to which local governments have sufficiently carried out their mandated functions, since the return to democratic governance in 1999, has become a subject of national debate, among scholars and practitioners. To say the least, their operations have come under serious criticisms with some persons calling for the scrapping of the third tier of government. Local government service delivery has continued to dwindle despite financial allocations (Agba et-al, 2013). The question that readily comes to mind is why haven't local governments realized their potential to enhance public service delivery at the grassroots? How can the potential of local government in enhancing service delivery be unlocked?

A lot of literature exists on the causes of abysmal performance by the local governments in Nigeria. The reasons commonly adduced are inadequate finance, lack of accountability, dearth of skilled manpower; and lack of

autonomy etc. This paper tries to determine if abuse of supervisory powers of the state government over the local government under the 1999 Constitution retards service delivery at the local government level. Though it may be argued, and rightly so, that provision of a legal framework that will check such abuse if it exists will ultimately enhance the autonomy of local government, the focus of this paper is not on the measure of powers and functions the central or state government should grant to the local units within the Nigeria political system; or whether or not the local government should operate independent of both the state and federal government. The paper rather seeks to identify the areas in which state government abuse its supervisory powers over the local government; and determine the implication of the abuse on local government service delivery.

II Objectives

The aim of this paper is to achieve the following objectives:

- (i) To examine the relationship between State and Local Government in Nigeria under the 1999 Constitution;
- (ii) To assess the performance of Local governments in the area of public service delivery since the return to Constitutional Governance in Nigeria on May 29, 1999.
- (iii) To determine the extent to which undue interference in Local Government affairs by State Government affects public service delivery at the local level;
- (iv) To recommend measures that can be taken to position local government in Nigeria to render social services in a timely, effective, and satisfactory manner to justify their third tier status and huge financial allocations to them.

III. CONCEPTUAL CLARIFICATION

Local Government: Black Law Dictionary (1990) has defined the expression "Local Government to mean "City, County, or other governing body at a level smaller than State". Though this definition which highlights the status of local government in hierarchical structure of government is strictly applicable to a country with a federal system of government, this does not mean that unitary states do not have local government (Akintayo, 1997). Britain and France are examples of unitary states where the local government system thrives (Price, 1975). A functional definition of local government provided by Golding (1975) is "the management of their own affairs by the people of a locality. This definition underscores the democratic aspect of local government and its scope of operation; that is within a locality. The status of local governments varies from one country to another. In Nigeria they are intended as constitutional organs and not merely statutory operations (Angahar, 2013; Nchchuwe and Adejuwon, 2015).

The Fourth Schedule of the Constitution exclusively reserved functions for local Government. These include (i) collection of rates, radio and television licenses (ii) establishment and maintenance of cemeteries, burial grounds and homes for the destitute or infirm (iii) licensing of bicycles, trucks (other than mechanically propelled trucks), canoes, wheel barrows and carts (iv) establishment, maintenance and regulation of slaughter houses, slaughter slabs, markets, motor parks and public conveniences (v) 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 etcetera (Constitution of the Federal Republic of Nigeria (CFRN), 1999).

The effect of the above provisions and granting of exclusive functions to Local Government Councils by the Constitution in the Fourth Schedule is that Local Government is recognized as a third tier level of government in Nigeria. However, the Local Government Areas have been invited by the Constitution to participate in the government of the state in areas such as the provision of primary, adult and vocational education; development of agriculture and natural resources, other than the exploitation of minerals; provision and maintenance of health services; and such other functions as may be conferred on a Local Government Council by the House of Assembly of the state (Yakubu, 2003).

IV. PUBLIC SERVICE AND SERVICE DELIVERY

Services relate both to the provision of tangible public goods and services. Service delivery forms the basis of all government activities. It involves the performance of work or duty by an official or an act of helping others, or power to control or make use of resources or an organization or system providing the public with something useful to meet their demands (Fox et-al, 1991). The act of delivery is defined as producing or performing, handing over, taking goods to the intended recipient, or producing results as promised or expected (Snellen et-al, 2002). Therefore, service delivery is concerned with the provision of a product or service by the government or government body to a

community that it was promised to, or which is expected by that community. Service delivery ultimately connotes the provision of public activities, benefits or satisfactions.

Nigeria operates a federal system of government with a Federal Capital Territory (Abuja), 36 States and 774 Local Governments. As component units of the federation, local governments were created in Nigeria as a third tier of government to ensure effective, reasonable and efficient service delivery to rural communities (Agba et-al, 2013). Some of the services expected from Local Governments Areas as identified earlier include housing, water, rural electricity, roads and transport; and health facilities (Okoli, 2000). This implies that Nigerian local governments are expected to render cutting edge services that will foster socio-economic development and the delivery of social services to the rural communities in their jurisdiction. How well Nigerian local governments have fulfilled their mandate has become a subject of national debate, among scholars and practitioners.

V. THEORETICAL FRAMEWORK

This paper adopted Gabriel Almond's model of structural functionalism as its framework. The theory contends that for a political system to survive it must perform certain functions and defines structures or agencies which can most efficiently perform such functions. Put differently, in every society there are certain demands that are made upon the political system by members of the society and in order to satisfy these demands certain structures need to be created to carry out those activities that lead to the satisfaction of the demands (Agba et-al, 2013). It is only when these structures are carrying out activities that satisfy the demands of members of the society that are said to be functional. They are said to be dysfunctional when they do not satisfy the demands of members of the society (Haralambos and Heald, 1980). Using structural functional theory as a basis for analysis in this paper suggests that local government are structures created in Nigeria to perform specific functions that will help bring government closer to the people. A historical study of local government from its traditional forms like the traditional political system, Native Authority and modern local government system has brought to fore some of the service delivery functions of local government in Nigeria.

Furthermore, the idea of dysfunctionality or disorderliness advanced by structural-functionalists could be used in explaining the incapacity of local governments to deliver services to the people in a timely, adequate and satisfactory manner. As a system consisting of interrelated parts or components, local governments cannot exist in isolation. In other words, Local Government Councils in Nigeria consist of departments like works; land; survey and housing; agricultural and natural resources; health, education and social services; administration; budget and statistics; and treasury (Agba et-al, 2013). Each of these departments must interact together to keep the local government moving and effective. Besides, the interactions within the local government milieu, interactions with bodies like the federal government, states, local service commissions, local government councils, rural communities and others must be sustained in an atmosphere of intergovernmental relations aimed at delivering quality service in a timely, satisfactory, honest, effective and transparent manner. These departments are inevitable as Almond and Powell (1965) aptly stated, whenever there are functions; there must be structures to perform them. To justify the reasons for creating local governments, local government spending functions performed by local government workers, interactions between and among its component parts, projects executed by local governments should be aimed at providing the basic services to which each citizen is entitled in a timely, fair, honest, effective and transparent manner. Nigerians have the right to be served right whether at the federal, state or local government levels. Thus dysfunctionality in the operations of local governments in Nigeria can be corrected if the factors that impede service delivery are identified and appropriate recommendations are made based of the findings of the study.

VI. METHODOLOGY

This paper relied majorly on documentary sources of data obtained from textbooks, journal articles, official gazettes, conference papers and internet. Key policy and academic literature on local government, relationship between state and local government; and public service delivery at the local level in Nigeria was reviewed to examine the nature of evidence on the linkages between these issues and determine where there are gaps.

VII. PERFORMANCE OF LOCAL GOVERNMENT IN THE AREA OF SERVICE DELIVERY

Local Government service delivery across the country has come under serious and severe criticisms with some persons calling for scrapping of the third tier of government. In his analysis of the role of local government in

service delivery, Khemani (2001) described Nigerian local governments as ‘institutions that are characterized by weak capacity to implement their expenditure assignments’. It was Olusegun Obasanjo, the former President of the Federal Republic of Nigeria that vividly described the performance of Local Governments Councils in the country. In his words:

What we have witnessed is the abysmal failure of the local government system. It is on record that at no time in the history of the country has there been the current level of funding accruing to the local governments from the Federation Account: yet the hope for rapid and sustained development has been a mirage as successive councils have grossly under performed in their assigned responsibilities. Almost all the areas of their mandate ... yet the clamour for the creation of more Local Government Areas have not abated (Obasanjo, 2003).

Local governments as observed by Obasanjo have produced exactly the opposite, of the original objectives for their creation. Instead of bringing government and development closer to the people, local governments have produced absence; local government chairmen who are only seen at council headquarters when the monthly ‘Abuja Allocation’ arrives and vamoose with their standby jeeps and mobile police escorts after supervising over the sharing of the local government’s share of the national cake among the relevant stakeholders (Ukiwo, 2006). This position has been supported by Agba (2006) when he noted that, the provision of basic social services such as education and health, as well as maintenance of roads and public utilities within the jurisdictions of local government is both a myth and mirage. As a result of the failure of local governments in service delivery, the citizens are beginning to lose trust in government as an institution established to address the needs of the masses. Findings of a survey conducted by Afrobarometer in 2008 revealed that most Nigerians do not trust local government Areas (Afrobarometer, 2008). An earlier survey (2007) also revealed that majority (55%) of the respondents disapproved of the performance of the local government while 37% respondents who approved of the performance of local governments may have been government officials or political contractors who have benefited financially or in kind from the corrupt practices in local government councils (Agba et-al, 2013). Lewis and Alamika (2005) also discovered in their study that Nigerians are deeply dissatisfied with the performance of democracy and that trust in major institutions including local governments, has diminished.

It is the general agreement of most scholars and practitioners that local governments in Nigeria have not justified the reasons for their creation through the delivery of cutting edge services to the rural people (Agba et-al, 2013). There is need therefore, to find out the factors that are responsible for the poor performance of local government in service delivery. The knowledge of those factors will help in evolving strategies that will improve local government service delivery in Nigeria.

VIII. RELATIONSHIP BETWEEN STATE AND LOCAL GOVERNMENT

Having been recognized as a third tier of government by the 1999 Constitution, with distinct functions to accelerate development at the grassroots, one should expect that Local Government Councils would enjoy a relationship with the state government to such an extent necessary for the councils to be in a position to perform those functions which are earmarked for them. However, the nature of intergovernmental relations between state and local government does not reflect from the constitution. It’s more or less Master-Servant relations in which the local government subsists at the mercy of the state governments. Constitutionally, local government is not a servant. It is government like others with functions constitutionally set aside for it to perform. It has however been turned into the status of a servant of the state government through abuse of supervisory powers. As observed by Yakubu (1999):

The most appropriate description of the present local government-state relationship is that of servant and master... a lot of supervisory powers are given to the States over local governments. The present position of the local government councils is hopeless. They take directives from their State governments, in relation to social and economic matters. With the resuscitation of the Local Government Service Commission, the administration of the local government councils is now directed by the States. Directives and circulars come in daily to the local government Chairmen... The local governments are no longer sure of how much comes to them either from the Federation Account or from the States Allocation, less to talk of how the fund will be utilized.

Much of the crisis of intergovernmental relations bedeviling the local government effectiveness is the aftermath of the inherent loopholes in the 1999 Constitution and the attendant actions of state Governors in interpreting the ambiguous provisions of the constitution. A critical analysis of some of the constitutional loopholes and actions of State Governors since May 29, 1999 will shade light on the challenges to public service delivery at the local government level in Nigeria. These are:

(i) **Existence of Local Government Councils:** Section 7(1) of the 1999 Constitution guaranteed a system of local government by democratically elected Local Government Council. Accordingly, the government of every state is required to ensure the existence, composition, finance and functions of Local Government Councils (CFRN, 1999). A simple interpretation of this provision is that the 1999 Constitution has invariably made Local Government a creature of the State Government, for the fact that it has to a large extent, established and subsumed the Local Government under the control and supervision of State Government. The ambiguous nature of this provision, which gives State Government almost absolute control over Local Government has severally been misinterpreted and abused by State Government. Consequently, Local Government Councils have in many instances been dissolved and replaced with caretaker committees by State Governors. Though the Governors have the power to dissolve Local Government Councils, under Section 7(1) of the 1999 Constitution, such power is required to be conferred on them by the Houses of Assembly. Since the return to democracy in 1999, there has been incidents where state Governors don't wait for the necessary constitutional empowerment by the State Houses of Assembly before dissolving councils.

On June 16, 2006, the then Governor of Abia State, Orji Uzo Kalu, for reasons best known to him dissolved the local governments and sacked the 148 Local Government Chairmen and Councilors elected by the people. This action led to a long legal battle which brought about the Supreme Court judgment of Friday, July 11, 2014, eight years after. Former Governor of Oyo State, Adebayo Alao-Akala as part of his first official assignment on assumption of office in 2008, sacked the local government Chairmen, claiming that he had filed a suit against the election that brought them into office. Governor Rochas Okorocha of Imo State had in 2011 sacked elected Local Council officials immediately he was sworn into office as Governor of the state in June 2011. He later appointed Transition Committee Chairmen to run the affairs of the 27 local councils. This led to court action instituted by the aggrieved officials. The court reinstated them but the Governor refused to obey the court order, saying that he had appealed the judgment (Abia, 2015). Former Governor of Rivers State, Rotimi Amaechi, in 2012 suspended 11 local council Chairmen indefinitely. Amaechi's action was predicated on the suspicion that the affected Local Government Chairmen rather than attend a meeting he called, chose to have a secret parley with the then Minister of State for Education and now Governor of the state, Barrister Nyesom Wike (Abia, 2015). In Delta State, former Governor Emmanuel Uduaghan had in December, 2014, sacked the Chairman of Burutu Local Government, barely five months to the end of his first term in office. In Ekiti and Bayelsa States 16 and five Local Government chairmen, in 2010 and in 2013 respectively, were sacked by their State Governors on excuses which were obviously political. Attempts by Local Government Councils to challenge arbitrariness of the State Governors in this regard have failed to yield significant results due to constitutional inhibitions and lack of cooperation from State Houses of Assembly.

(ii) **Sources of Revenue:** While it is a fact that sources of revenue earmarked for Local Government Councils in the 1999 Constitution are not effectively tapped to the advantage of the system, the situation is compounded by the actions of the state governments who have taken over most of the juicy sources of internally generated revenue including large markets, naming of street, and tenement rate among others (Alao et-al, 2015). There is also lack of transparency in the management of local government allocations by the state government. Section 149(4-5) provides for revenue allocation and disbursement to the local government in Nigeria. Within the context of the constitution, the National Assembly is required to make provision for statutory allocations of public revenue to Local Government Councils in the federation from the Federation Account (20%). The Houses of Assembly of the states are also required to make provisions for allocation of public revenue to Local Government Councils in the state from internally generated revenue (10%). Events over the years have shown that the 10 per cent of the internally generated revenue of the state government are seldom remitted to Local Government. These actions no doubt, dwarf the capacity of Local Government Councils to deliver effective service at the grassroots (Ojugbeli and Ojoh, 2014).

Meanwhile, Section 162(4-6) of the 1999 Constitution provides that the amount standing to the credit of Local Government Councils in the Federation Account shall be allocated to the state for the benefit of their Local Government Councils on such terms and in such a manner as may be prescribed by the Houses of Assembly of the state whose constitutional duty is to establish "State Joint Local Government Account" into which these allocations are paid. The implication of this constitutional provision is that after allocating the amount due Local Government Councils from the Federation Account what happens to the funds in the Joint Account is not the business of the constitution. This has been the basis for the arbitrariness associated with the management of Joint Account in Nigeria. In 2009, Mr. Igberu the then Chairman of the Association of Local Government of Nigeria (ALGON) in Ebonyi State, called for the amendment of the constitutional provision that legalizes the State Local Government Joint Account Committee (JAC) arguing that the structure hinders proper funding and autonomy for councils in the

country. He maintained further that “ the issue of Joint Account had facilitated all manner of deductions from councils allocation” (Sobechi, 2009).

Acba (2008) while capturing the feelings of council executives in Abia State contended that “nothing seem to be working at the councils because they are either starved of funds or shortchanged by state governments through the Joint Account Allocation Committees. Most of the Council Chief Executives in the state decried deductions from their allocation by state government and described such an act as illegal”. In 2009, the Edo State Chapter of the Nigerian Union of Local Government Employees (NULGE) had backed the 18 council Chairmen’s decision to reject May, 2009 allocation from the Federation Account to protest an alleged over-deduction by the state government (Otabor, 2009). Other problems associated with the Joint Account include delay in the release of statutory allocation of the local government by the state government; and diversion of statutory allocations of the local government. In 2008, the Ondo State Commissioner for finance, Accountant General, Commissioner for Local Government and Chieftaincy Affairs were invited by the Independent Corrupt Practices and other related offences Commission (ICPC) in connection the alleged Diversion of 1.2billion Naira belonging to the 18 Local Government Councils in the state (Ojo, 2008). The petition had alleged that statutory allocations to the 18 Local Government Councils in the state for between six and nine months since 2005 were diverted to private pockets (Ojugbeli and Ojoh, 2014).

Hiding under Section 7 (1) and (6) of the 1999 Constitution, various systems are cynically developed by State Government to rub the Local Government of the benefit of appropriating its funds. In some states the Local Government operatives are cajoled to author and sign letters in support of this arrangement in order to remove the fear of litigation (Babatope and Egunjobi, 2016). To reflect that Local Government operatives participate in the process, they are requested to submit the list of projects intended for execution while the state government award the contracts. Added to this is the unrestrained demand for fund and overambitious expectations of the populace particularly the local political juggernauts by expecting the council official to meet their personal needs at the expense of developmental needs (Alao et-al, 2015). Such situations constitute distractions for the Local Government administration in balancing the Governor’s demands and community’s expectation. In effect, disproportionate fund are usually released by the state government to meet the needs of Local Governments which often fall short to pay staff salaries and for efficient administrative management. Consequently, salaries have remained unpaid for upward of 5 to 10 months to Local Government staff in most states of the federation necessitating a bail out from the federal government.

(iii) **Participatory Democracy:** The 1999 Constitution is unequivocal to the fact that no Local Government Council can said to be fully in existence except when it is democratically constituted as envisaged in Section 7(1) of the Constitution. However, since the return to democracy in 1999, Governors have continued to use the Local Government Councils as machinery for rewarding party stooges, who have supported them at one time or the other to come to power (Alao et-al, 2015). In some states, Local Government Council elections have not been conducted since the return to constitutional governance in Nigeria in 1999. In situations where elections are held, they are mostly charades, stage managed by ruling parties to ensure that only candidates of their choice emerged victorious and returned “elected” with unbelievable Margins (Ahmed, 2016). In Lagos State for example, the Action Congress (AC) which metamorphosed into the Action Congress of Nigeria (ACN) swept all the Chairmanship and Councillorship positions in the elections that was conducted in the state’s 20 Local Government Councils and 37 Local Council Development Areas (LCDA) in 2007 and 2011. In Oyo State the then ruling party, People’s Democratic Party (PDP) won the 33 Chairmanship seats in the elections conducted by Oyo State Independent Electoral Commission (OYSIEC) on December 15, 2007. In Enugu State, the ruling PDP won 15 out of 17 council Chairmanship seats and 245 of the 254 Councillorship seats leaving the All Nigeria People’s Party (ANPP) with 9 seats in 2007 Local Government election. In 2014, the Local Government Council elections conducted in Kano State saw the ruling party All Progressive Congress (APC) swept 98 percent of seats. The same was true in crisis ridden Yobe State when the APC won all the Chairmanship and Councillorship seats. It was the same story in Katsina State, where the ruling party, PDP won all the 34 Chairmanship and 361 Councillorship seats in the Local Government Council elections held on 11th April, 2014, despite been the very first time since 2008 that Local Government elections were held in Katsina. Yet majority of the opposition parties in the state boycotted the polls. Barely six days to leaving office, the then Governor of Rivers State Rotimi Chibike Amaechi stunned everyone when he announced his government’s willingness to conduct local government elections in the state. Despite agitations from the Peoples Democratic Party (PDP) and other political parties who complained that such exercise would be marred with irregularities in favour of the ruling party, the All Progressives Congress (APC), the election was conducted on May 23, 2015, as scheduled; and APC won Chairmanship seats in 22 out the 23 Local Government Areas (Abia, 2015). In the Local Government Council elections conducted in Ondo State on the 23rd of

April, 2015, the candidates of the PDP won all the eighteen Chairmanship seats (Radio Nigeria, 2015). It was the same in Sokoto State where the APC made a clean sweep of the Chairmanship and Councillorship seats in the Local Government elections conducted on March 13, 2016 (Rimaye, 2016).

The foregoing analysis clearly shows that adherence to Section 7(1) of the 1999 Constitution by State Government since 29th May, 1999 has been held only in breach. Every attempt to ensure strict adherence to the provisions of the Constitution on democratic composition of Local Governments across the states of the federation has continued to suffer as Governors and sometimes in collaboration with state Houses of Assembly violate the basis of Local Government. Chief among which is to ensure that Local Government enhances local participation of the people of the grassroots in determining through their own elected representatives solutions to problems of development peculiar to their locality within resources available to them whether internally generated or externally sourced (Abia, 2015).

In his comments on the pattern of Local Government Council elections in Nigeria, a former Secretary to the Government of the Federation, Alhaji Mahmud Yayale Ahmed had advocated the abolition of Local Government elections across the federation because ‘‘they have failed to produce the desired political leadership at that level of government (Ahmed, 2016)’’. It has since become a rule rather than exception for opposition parties in most of the states to boycott Local Government elections or go to court to challenge the outcome of such election. This is a clear indication of the undemocratic process of constituting Local Government Councils in Nigeria in flagrant violation of Section 7(1) of the 1999 Constitution (amended 2011) and a negation of the envisaged purpose of local government by which the framers of the 1976 Local Government Reforms had in mind.

Implication of state-local relations on Local Government Service Delivery

In this paper attempts have been made to show that the primary reason for the failure of local government in area of service delivery is the role of the State Governors in the affairs of local government. The Governors are found of taking over their financial allocation, taxes, counterpart funding and refuse to conduct Local Government elections, but instead ruling local governments with appointed administrators, most of whom are party loyalist and their friends and relations turning the entire process of local governments into irrelevant schemes of things. The implication of this according to Ajibulu (2012) is that local government is now considered as an extension of state’s ministry. The inherent nature of this problem has caused subservience, a situation where local government waits for the next directives from states government before embarking on any developmental projects. This has made local government an object of control and directives. There is no room for discretion. This does not augur well for effective public service delivery at the local level; hence Local Government Councils await directives from the State government instead of using initiatives and striving hard to improve the local communities. Unless State government allows the local government’s mandate as contained in the 1976 Local Government Reform and the spirit of 1999 Constitution to be implemented to the letter without unnecessary intervention there can be no development at the grassroots.

X. CONCLUSION

The inclusion of Local Government as a separate tier of government distinct from the Federal and State Governments in the 1999 Constitution by the framers of the Constitution was to ensure strict adherence to the fulfillment of the conceived purpose which this tier of government was anticipated to serve. However moments after May 29, 1999 every attempt to ensure that Local Government carryout its constitutional functions as a third tier of government has continued to suffer as State Governors often abuse their supervisory powers over Local Government Councils in their states. The State Houses of Assembly saddled with the responsibility for making laws for the democratic existence of local governments, their structure, finance and general administration have failed to check the abuse of constitutional provisions in this regard. This practice has rendered local government ineffectual in carrying out its assigned mandate of triggering development from below.

RECOMMENDATIONS

The above analysis has shown that effective public service delivery at the local level in Nigeria cannot be achieved unless State governments allows the local government’s mandate as contained in the 1976 Local Government Reform and the spirit of 1999 Constitution to be implemented to the letter without unnecessary intervention. Therefore, the paper makes the following recommendations:

(i) The provision of section 162(6-7) of the 1999 Constitution which created the Joint Account Allocation Committee (JAAC) system operated by the State and Local Governments in Nigeria should be amended to stop

arbitrary deductions from Local Government allocations and manipulation of members of the Joint Account Committee by State Government. This will enable Local Government to be more responsible to rural developments. Other State Governments should emulate Kaduna State Governor Mallam Nasir El-Rufai, who on assumption of office in May, 2015 scrapped Joint Allocation Account to allow LG to have direct access to their statutory allocation. In addition, the state governments should hand off from constitutional internally revenue sources of Local Government Councils as practiced in United States of America (USA), Britain and France.

(ii) Section 7 of the 1999 Constitution should be reviewed to expunge Sub Section (6b), that is: ‘‘The House of Assembly of a State shall make provisions for statutory allocation of public revenue to local Government within the state’’. Local Government allocations should be contained in the Consolidated Account and be directly disbursed by the federal government under the supervision of the National Assembly.

(iii) The immunity granted the Governor in the 1999 Constitution has significantly been abused and the paper recommends a constitutional amendment to withdraw it. Governors should be made accountable while still in office and this may checkmate their excesses. The current arrangement where Governors are prosecuted after leaving the office amounts to medicine after death as the damage had already been done and the judicial system is equally challenged.

(iv) Other sub sections under which the State Governor hide to divert the resources of the Local Government should be expunged while a provision with penalty be included in the constitution for diversion of Local Government fund and non release of the 10 per cent of State’s internally generated revenue.

(v) The Third Schedule, Part II of the 1999 Constitution, which provides for the establishment of State Independent Electoral Commission should be expunged from the Constitution and the functions be transferred to Independent National Electoral Commission (INEC) to make Local Government Council election to be credible. This does not imply that INEC has evolved as a credible institution but it shall minimize Governors’ imposition of Local Government political operatives.

(vi) Political actors at the state and local government levels should be willing to allow their actions to be guided by the letters and spirit of the 1999 Constitution.

REFERENCES

- [1]. Abia, D. (2015); ‘‘Nigeria: Another Look At Council Dissolution in Rivers’’. *Daily Independent*, Friday June 18. <http://independentnig.com/another-look-council-dissolution-rivers/>. Accessed, 05/08/2016.
- [2]. Acba, E, (2008); ‘‘Vision 2020 and Local Government Autonomy’’. *The Pointer*, Friday August 15. Vol.9, No.2406.
- [3]. Afrobarometer (2008); ‘‘Opinion and Local Government in Nigeria’’. <http://www.afrobarometer.org>. Accessed, 21/08/2016.
- [4]. Agba, M.S. (2006); Human Resources Management and Effective Service Delivery in Sophia. *An African Journal of Philosophy*. Vol.8, No.2 (7-13).
- [5]. Agba, M.S; Akwara, A.F; and Idu, A.Y. (2013); Local Government and Social Services Delivery in Nigeria: A Content Analysis. *Academic Journal of Interdisciplinary Studies*. Vol.2, No.2 (1-8). <http://www.mcser.org/journal/index.php/ajis/article/view/410/427>. Accessed, 18/07/2016.
- [6]. Ahmed, Y.M. (2016); ‘‘Local Government Elections: A Waste of Time and Resources’’. Information Nigeria, February 12. <http://www.informationng.com/2016/04/lg-elections-a-waste-of-time-resources-ex-sgf-yayale-Ahmed.html>. Accessed, 04/06/2015.
- [7]. Ajigbulu, E. (2011); Local Authority: Plausible Panacea to Grassroots Challenges. <http://www.thenigerianvoice.com/news/69833/lg-autonomy-plausible-panacea-to-grassroots-Challenges.html>. Accessed, 12/03/2016.
- [8]. Akintayo, J.O.A. (1996); ‘‘Constitutional Framework for Sustaining Effective Legislature-Executive Relations at the Local Government Level’’. A Lecture Delivered at the Conference Organized for Local Government Councilors by Canaan Associates Held at the Conference Centre, University of Ibadan, Ibadan.
- [9]. Alao, O.D; Osakede, O. and Owolabi, T.Y. (2015); Challenges of Local Government Administration in Nigeria: Lessons from Comparative Analysis. *International Journal of Development and Economic Sustainability*. Vol.3, No.4 (61-79).<http://www.eajournals.org/wp-content/uploads/Challenges-of-Local-Goverment-Administration-in-Nigeria.pdf>. Accessed, 28/03/2016.
- [10]. Almond, G. and Powel, B. (1955); *Structural Functionalism*. <http://en.wekapedia.org>. Accessed, 02/07/2016.

- [11]. Angahar, P.A. (January, 2013); The Impact of Existing Intergovernmental Financial Relations on Effective Service Delivery at the Grassroots in Nigeria. *International Academic Research Journal of Accounting, Finance and Management Sciences*. Vol.3, No.1 (112-118). <http://www.hrmas.com/admin/pics/1440.pdf>. Accessed, 30/07/2016.
- [12]. Babatope, O.A and Egunjobi, A.A. (May, 2016); "State Governors as Impediment Towards Democratic Composition of Local Government Councils in Nigeria. *International Journal of Advanced Academic Research, Social and Management Sciences*. Vol.2, No.5 (75-83). http://www.ijaar.org/articles/volume_2-number5/social-management-sciences/ijaar-sms-v2n5-may16-p6.pdf. Accessed, 11/08/2016.
- [13]. Black Law Dictionary (1990); 6th Edition. St. Paul, Minnesota West, CFRN (1999); Constitution of the Federal Republic of Nigeria, 1999 (amended 2011).
- [14]. Fox, W.; Schwella, E. and Wilsink, H. (1991); *Public Management*. Kenwyn. Juta and Co. Ltd. Golding, L. (1975); *Local Government (Teach Yourself)*. London. Hodder and Stoughtons. Haralambos, M. and Heald, R.M. (1980); *Sociology: Themes and Perspectives*. New York. Oxford University Press.
- [15]. Khemani, S. (2001); "Fiscal Federalism and Service Delivery in Nigeria: The Role of States and Local Governments. Milmeo, Development Research Group, the World Bank, Washington D.C. www.Bank.org/publicsector/decentralization/March2003seminar.
- [16]. Lewis, P. and Alamika, E. (2005); Seeking the Democratic Dividends: Public Attitude and Attempted Reforms in Nigeria. <https://www.files.ethz.ch/isn/92613/AfropaperNo52> SEEK NG%20TH%20DEMOCRATIC.pdf. Accessed 27/04/2014
- [17]. Nchuchuwe, F.F. and Adejuwon, K.D, (October, 2015); Intergovernmental Fiscal Relations and Local Government in Nigeria: Issues and Prospects. *Scientific Research Journal (SCRJ)*. Vol.3, No. 10 (31-37). <http://www.sciri.org/papers-1015/sciri-p1015295.pdf>. Accessed 10/08/2016
- [18]. Obasanjo, O. (2003); Address presented at the inauguration of the Technical Committee on the Review of the Structure of Local Government Councils in Abuja. June, 25. <http://www.nigeriafirst.org/speeches/html>. Accessed, 14/03/2011.
- [19]. Ojo, D. (2008); "ICPC Summons Commissioners, Two Others". *The Nation*. Wednesday, August 20. Vol.3, No.0761, p6.
- [20]. Ojugbeli, F.A. and Ojoh, J. (November, 2014); "The Joint Account System in Nigeria: Problems and Prospects. *Journal of Policy and Development Studies*. Vol.9, No.1 (292-300). <http://www.arabianjbm.com/pdfs/JPDS VOL 9 1/21.pdf>. Accessed, 11/06/2016.
- [21]. Okoli, F.C. (2000); *Theory and Practice of Local Government. A Nigerian Perspective*. Enugu. John Jacobs Classic Publishers Ltd.
- [22]. Otabor, O. (2009); "Edo NULGE Blocks Council Chiefs for Rejecting Allocation". *The Nation*, Thursday, June 11. Vol.3, No.1056.
- [23]. Price, J.H. (1970); *Comparative Government*. London. Hutchinson. Radio Nigeria (2015); "PDP Sweeps Council Polls in Ondo State". <http://www.radionigeriaibadan.com/news/2513>. Accessed, 21/03/2016.
- [24]. Rimaye, M.A. (2016); "Praise Singers and Katsina State Local Government Elections". <http://www.gamji.com/article6000/news7895.htm>. Accessed, 17/08/2016.
- [25]. Snallen, I.T.M and Van de Donk, W.BHJ. (2002); *Public Administration in an Information Age*. Amsterdam. IOS Press.
- [26]. Sobechi, L. (2009); "Ebonyi Council Chief Faults Joint Account". *The Guardian*. Thursday, May 7.
- [27]. Ukiwo, U. (2006) "Creation of Local Government Areas and Ethnic Conflicts in Nigeria: The Case of Warri, Delta State". www.crise.ac.uk/copy/decentralization%20conference/ukiwo.pdf. Accessed, 12/11/2015.
- [28]. Yakubu, J.A. (1999) (eds); *Legal Issues in Local Government Administration in Nigeria*. Ibadan. Oyo State Printing Corporation.
- [29]. Yakubu, J.A. (2003) (eds); *Socio-Legal Essays in Local Government Administration in Nigeria*. Ibadan. Demyaxs Law Books.